

JFK ASSASSINATION SYSTEM

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Collection Act of 1992 (44 USC 2107 Note). Case#:NW 68262
Date: 09-22-2022

[R] - ITEM IS RESTRICTED

- 1 - Mr. J. B. Adams
- 2 - Mr. J. A. Mintz
 - (1 - Mr. P. V. Daly)
- 1 - Mr. R. J. Gallagher
 - (Attn: D. T. Perrine)

August 9, 1976

The Attorney General

Director, FBI

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

- 1 - Mr. F. C. Fehl
 - (Attn: G. R. Steel)
- 1 - Mr. T. W. Leavitt
- 1 - Mr. R. L. Shackelford
 - (Attn: K. A. Mendenhall)
- 1 - Mr. J. G. Deegan
 - (Attn: D. Ryan)
- 1 - Mr. F. J. Cassidy
 - (Attn: H. W. Porter)
- 2 - Mr. S. F. Phillips

As you are aware, the SSC permitted representatives of this Bureau to review drafts of its reports concerning the FBI prior to their printing and public release. In some instances we furnished to you a memorandum, with a copy for forwarding to the White House, which reported our observations concerning the drafts. Specifically, we furnished you a letter and memorandum dated March 15, 1976, commenting on the SSC's draft concerning COINTELPRO; a letter and memorandum dated April 8, 1976, relating to the SSC's draft concerning the Martin Luther King, Jr., investigation; and a letter and memorandum dated April 15, 1976, relating to the SSC's Findings concerning the King investigation, COINTELPRO, and some miscellaneous matters.

We have now completed our review of the various SSC reports in their final form which have been released to the public. Our review has disclosed matters to which the Executive Branch, and particularly the Department of Justice and the FBI, could take exception. Some of our criticism duplicates that expressed in the earlier memoranda cited above where the objectionable material noted in the drafts was repeated in the final form of the reports. Other criticism relates to material in the reports which was not in the drafts.

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ENCLOSURE

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The Attorney General

Enclosed is the original of a memorandum relating to our review of the SSC reports. Also enclosed is a copy of the memorandum for forwarding to the appropriate official at the White House.

Enclosures (2)

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

NOTE:

S. F. Phillips to Mr. T. W. Leavitt memorandum, 5/28/76, "Senstudy 75" recommended, and the Director approved, that upon completion of the reviews of all SSC reports, detailed analysis would be submitted by memorandum to the Department, with copy for forwarding to White House. For information, it was also recommended that the Bureau make no public response to the SSC reports. To this latter recommendation, the Director commented: "I agree except where our failure to speak out would be costly. We can choose our time however."

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| Adm. Serv..... | Intell..... | Training..... |

[Handwritten initials: RM, JCF, MJE, and a circled B]

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August 30, 1976

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62-116395

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U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Introduction:

FBI review of the drafts of SSC reports concerning the FBI revealed certain objectionable material and presentations, the more significant of which were recorded in FBI memoranda dated March 15, April 8 and 15, 1976, same title as above. The SSC has completed its public release of all reports resulting from its investigation. Three of these reports contain the material most significant to the FBI. They are as follows:

- (1) "Intelligence Activities and the Rights of Americans" - Book II.
- (2) "Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans" - Book III. This Book includes 13 separate detailed reports or case studies, of specific areas of SSC interest, eight of which concentrate on the FBI, the other five having only peripheral FBI interest.
- (3) "Performance of the Intelligence Agencies With Respect to the Assassination of President Kennedy" - Book V.

The purpose of this memorandum, as for those cited above, is to record what we believe to be objectionable material and presentations contained in the SSC reports.

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ENCLOSURE

SEE NOTE PAGE TWENTY-SIX

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FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

16

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explain this deletion (these deletions).

- Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."
 - Subsection 1A (intelligence agent's identity)
 - Subsection 1B (intelligence source or method)
 - Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
 - Subsection 2 (living person who provided confidential information)
 - Subsection 3 (unwarranted invasion of privacy)
 - Subsection 4 (cooperating individual or foreign government, currently requiring protection)
 - Subsection 5 (security or protective procedure, currently or expected to be utilized)
- Information pertained to a matter unrelated to the JFK Assassination investigation.
- For your information: _____

- The following number is to be used for reference regarding this page (these pages):

62-116395-1695 pg 2 - pg 17

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SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

Investigation of the Assassination of President John F. Kennedy:

Referring to Book V, "Performance of the Intelligence Agencies With Respect to the Assassination of President Kennedy," in the Summary, page 2, Findings, page 6, and at several other points, comment is made that the SSC discussion of investigative deficiencies and failure of intelligence agencies to inform the Warren Commission of certain information does not lead to a conclusion that there was a conspiracy to assassinate President Kennedy. The majority of the report deals with speculation that other information which may have been pertinent as an indication of a conspiracy was not furnished to the Warren Commission. The statement is made on page 4 that the FBI investigation focused narrowly on Lee Harvey Oswald.

Observations: It is true that the initial investigation focused on Oswald. There were compelling indications from the inception of the investigation that Oswald had assassinated the President. As the SSC report states on page 32, the FBI investigation was a massive effort. This investigation logically focused on Oswald and thoroughly covered all aspects of his life. By his Order of November 29, 1963, establishing the Warren Commission, President Lyndon B. Johnson sought to avoid parallel investigation and to concentrate fact-findings in a body having the broadest national mandate. The FBI furnished the Warren Commission voluminous information in the early weeks of the investigation, including information regarding Oswald's contacts with the Cuban community. The Warren Commission used this FBI information and reports from other agencies as a starting point for its inquiry. Based on these initial reports, the Warren Commission thereafter requested additional investigation by the FBI in numerous areas. The seed was present for the Commission to request investigation in the areas now alleged by the SSC to have been overlooked. The FBI was, by virtue of the original procedures set up, not in a position of actually directing the course of the investigation, a matter which was the responsibility of the Warren Commission. The old adage of "hindsight is better than foresight," would appear applicable in this instance. At the time of the Warren Commission inquiry, the areas now alleged to have been unexplored apparently did not seem worth pursuing due to the compelling evidence that Oswald had acted alone. There have been no indications found that there was an attempt to cover up any of the new areas suggested by the SSC. Had the Warren Commission requested the FBI to conduct investigation and furnish information in those areas, it most certainly would have been done.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

Pages 39 and 102 set forth information concerning two teletypes dispatched by FBI Headquarters. The first, on November 22, 1963, instructed all field offices to immediately contact all informants, security, racial, and criminal, as well as other sources, for information bearing on the assassination of President Kennedy. The second teletype, on November 23, 1963, also dispatched to all field offices, stated that all offices should resume normal contacts with informants and other sources with respect to bombing suspects, hate group members, and known racial extremists. From these two teletypes the SSC draws the conclusion that instructions to interview security informants were "rescinded."

Observations: A careful review of the wording of the teletypes reveals that the first teletype instructed all offices to immediately contact all informants, including security informants. The second teletype does not rescind any of the instructions. It merely lowers the time priorities for contacts with respect to designated types of individuals; namely, bombing suspects, hate group members, and known racial extremists. For these types of individuals, the instructions were modified to call for normal contacts with them rather than immediate contacts. As Oswald was not believed associated with such types of people, it would be logical to modify the instructions. Most significantly, the second teletype does not comment in any way concerning the required immediate contacts with the other types of sources which would include security informants.

On page 17 it is indicated that the FBI learned that Rolando Cubela, in October, 1963, was in contact with the Central Intelligence Agency (CIA). The SSC claims that the FBI should have told CIA and that the CIA would then have aborted its plot to assassinate Cuban Premier Fidel Castro through the use of Cubela because the plot was insecure. However, the SSC further indicates from testimony of CIA officials that at the time CIA already had grave doubts about the security of this plot (commonly referred to as the AMLASH plot) and reasonably could have aborted it without having benefit of the FBI information. (AMLASH was the code name used by CIA for Cubela).

Observations: The reason that the FBI did not advise CIA when it learned that Cubela was in contact with CIA is that the source for the information made a specific request that the FBI not disseminate the information in order to protect the physical

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

well-being of the source and possibly of others. The SSC is aware of this factor. The SSC, therefore, put undue stress upon the FBI's declining to advise CIA of its information when, according to CIA testimony, the security of the plot had long since been doubted by CIA.

On page 38 it is stated that the FBI had sources in the Cuban field who might have been able to provide relevant information on possible Cuban involvement in the assassination but that these sources were never utilized.

Observations: This statement reveals an unrecognition of procedures concerning the FBI's handling of its sources. It is common knowledge within the FBI, and learned by the SSC in its study of FBI informant matters, that all FBI informants are contacted on a frequent basis. Even if contacting agents did not ask such sources specific questions regarding the assassination, certainly there was sufficient publicity regarding FBI responsibilities in the assassination investigation to prompt any source with knowledge of a Cuban involvement to volunteer such information to his handling agent. Therefore, the SSC statement is misleading in that it implies that FBI sources respond only to specific questions by contacting agents and do not volunteer any other information. This is quite the contrary in the case of informants and should have been recognized by the SSC.

On page 95, paragraph 2, it states, "Later that day Director Kelley held a conference with"

Observations: The foregoing statement is not correct. Director Kelley did not attend the conference referred to. The memorandum dated July 29, 1975, from Director Kelley to the Attorney General, which is quoted as the source for the information in the sentence preceding that portion quoted above states as follows: "Upon my instructions a conference was held on July 8, 1975, in Mr. Adams' office." There is then set out the names of individuals present at the conference and Director Kelley is not named as an attendee.

On page 95, paragraph 2, last line, it is stated, "... the FBI inquiry of the circumstances surrounding the delivery and duplication of the note."

Observations: The word "duplication" is incorrect; it should have read "destruction."

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

On page 96 appears a statement attributed to FBI Special Agent James Hosty. The information is attributed to an affidavit of Hosty of July 17, 1975.

Observations: The affidavit date is incorrect. The correct date is September 22, 1975.

Footnote number 15 on page 97 refers to a Staff interview of William C. Sullivan (former FBI Assistant to the Director) on April 21, 1975.

Observations: As the date of the interview appeared to the FBI to be incorrect, SSC Staff Member James Johnston was contacted by an FBI representative on June 24, 1976, concerning the accuracy of this date. Johnston advised, after checking SSC records, that the correct date for the interview should have been shown as April 21, 1976.

On page 40 there is stated the claim of the SSC that it "found that FBI Headquarters never instructed field agents to contact informants or sources familiar with Cuban matters to determine whether they had any information concerning Cuban involvement in the assassination."

Observations: The above is not a completely accurate statement as revealed through information earlier set out in this memorandum concerning the FBI's contacts with its informants.

On page 40, under a heading entitled The FBI Investigation in Mexico City, it is stated that the FBI Legal Attache in Mexico stated that while conducting the investigation he proceeded under the "impression" conveyed to him by Bureau Headquarters that Oswald was the lone assassin. The Legal Attache is then quoted as stating, "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."

Observations: In quoting directly from the Legal Attache it is clear that the FBI was concerned with establishing whether or not Oswald may have had some confederate or confederates. Thus, it is not accurate to imply that the FBI was concerned only with determining that Oswald was a "lone assassin."

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC

On page 36 information is attributed to a Soviet Section supervisor at FBI Headquarters who was extensively involved in the investigation. It is reported that in late 1963, this supervisor had been assigned the "responsibility of going through every file in the FBI to see whether any lead had been overlooked in the case."

Observations: On its face, the claim that an FBI supervisor was charged with going through every file in the FBI is ludicrous. Consequently, this supervisor, now retired, was consulted by a representative of the FBI. It is his contention that the information attributed to him in the above quotation is out of context. He observed that it would have been ridiculous to have been assigned to review every file in the FBI. He recalls, and he so told the SSC upon interview of April 27, 1976, that at some date considerably after the assassination he had been charged with going through all relevant files on the matter, but that he had never been charged with a responsibility for reviewing all FBI files; nor did he perform such a function. Significantly, this former supervisor also advised that he had never been given the opportunity by the SSC to review his testimony for accuracy, although same was recorded by the SSC at the time of the interview.

FEDERAL BUREAU OF INVESTIGATION
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