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LTC WILLIAM J. HERLIHY

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29 October 1969

SUBJECT: LTC William J. Herlihy, 558-36-6175

THRU: Captain Juan D. Keller
Headquarters First U. S. Army
Office of the Staff Judge Advocate
Fort George G. Meade, Md 20755

TO: Major General Melville B. Coburn
Commanding General
1st Region, ARADCOM
Stewart Air Force Base, New York 12550

1. It is requested that the following witnesses be made available for appearance before the Board in addition to those requested on 2 October 69.

a. Miss Alta Fowler, Consul, American Embassy, Brussels.

(1) It is expected that Miss Fowler would testify that she requested LTC Herlihy to inform any American military personnel who had become involved with the Woodward brothers, that their activities were under investigation; and, therefore, association with these individuals was likely to cause serious embarrassment to the U. S. Embassy and to SHAPE.

(2) Miss Fowler would further testify as to the manner in which she was interviewed in conjunction with LTC Herlihy's background investigation. Her testimony would substantiate the fact that this investigation had been conducted in an improper and unprofessional manner with a view toward placing LTC Herlihy in an unfavorable light.

b. ~~(S)~~ Mr. Peter Bagley, Chief of CIA, Brussels, Belgium.

(1) It is expected that Mr. Bagley would testify to the effect that he was interviewed concerning LTC Herlihy.

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(2) He would testify that he was questioned in an improper manner.

(3) He would further testify that he told the investigators that LTC Herlihy never represented himself as a member of the CIA.

c. Sgt Ortey, Office of the U. S. Military Representative, Belgium.

(1) It is expected that Sgt Ortey will testify as to his relationship with Mrs. Walton and the fact that during the period of this relationship he held a highly sensitive position at SHAPE.

(2) Sgt Ortey's testimony is relevant in that it would have a direct bearing on Mrs. Walton's reputation for truth and veracity.

2. It is requested that the following documents be made available to the defense in addition to those requested on 8 October 69.

a. The complete files of all investigations conducted with reference to the Woodward brothers. This includes counter-intelligence as well as criminal investigations conducted in Belgium and Germany and any other locations.

(1) The defense has reason to believe that individuals involved in the Woodward case exerted pressure to influence the actions taken against LTC Herlihy.

b. The dossier of LTC Herlihy retained at the U. S. Army Intelligence Command, Ft. Holabird, Maryland.

c. The dossiers and results of any investigations of Mrs. Isabelle Walton retained by the 650th MI Detachment and the 513th MI Group.

(1) These reports are relevant in that they would have a direct bearing upon Mrs. Walton's motives for making untruthful statements concerning LTC Herlihy.

d. Record of electronic telephone intercept of conversation allegedly between Mrs. Walton in Brussels and LTC Herlihy in Stuttgart, Germany, in Oct 1967.

3. This additional request for witnesses and documents should not be considered final. A request has been submitted to Department of the Army for assistant counsel who had investigated this case on behalf of LTC Herlihy at SHAPE. Until the defense has had an opportunity to consult with these individuals, we are not able to determine whether all possible witnesses and documents have been requested.

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4. On 15 Sep 69, the defense requested that it be provided with a transcript of an interview of LTC Herlihy conducted by agents of the 902nd MI Group. This request was submitted to the Commanding Officer, 902nd MI Group. On 11 Sep 69, the defense requested that the statements of Col Pratt and Col Watson be made available. This request was submitted to the Assistant Chief of Staff, Intelligence, Department of the Army. Having received no reply or acknowledgment of the foregoing requests, the defense on 24 Sep 69 made identical requests to the Recorder, additionally requesting the statements of Mr. Peter Bagley and Sgt Ortey. On 2 Oct 69, the defense submitted a list of requested witnesses and documents. As of this date, the defense has only been orally informed by the Recorder that requests for the availability of requested witnesses have been sent to their respective Commanding Officers and that attempts are being made to make the requested documents available. No attempt has been made to answer the various questions asked by the defense in earlier correspondence, with reference to the omission of statements and other irregularities which permeates the records of this case. The lack of answers corroborates the already apparent conclusion that the investigation and subsequent proceedings were not conducted in conformity with regulations and accepted procedures. It is therefore requested that the defense be informed in writing as to the present status of all requests made to this date.

5. It has been brought to the attention of the defense that Brigadier General William H. Blakefield has disqualified himself as a member of the Board of Inquiry. The defense objects to the disqualification of General Blakefield on his own motion. The question of General Blakefield's prior knowledge of this case should be determined at the time of the hearing. If at that time it appears that such knowledge would result in prejudice to the Respondent, a challenge may be made. It is therefore requested that General Blakefield not be relieved as a member of the Board. It is further requested that the defense be provided with the reasons for General Blakefield's action, any and all information, to include the source thereof, which accounts for his prior knowledge of this case and information as to any official actions which he had taken with respect to the allegations against LTC Herlihy.

JEROLD ALLEN
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Counsel for Respondent

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