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*FBI Counterattack on
"U.S."*

KENNEDY

011221

SELECT COMMITTEE ON ASSASSINATIONS

Name Samuel Stern Date 8/22/78 Time _____
 Address Wilmer, Cutler, & Pickering Place his law office
D.C.

Interview:

Former Warren Commission counsel Sam Stern was interviewed in his Washington law office on August 22, 1978. Mr. Stern stated that his duties on the Commission involved handling the investigation into Lee Oswald's background, specifically, the intelligence agencies awareness of Oswald prior to the assassination. Secondly, Stern stated that he had been in charge of evaluating "the efficacy of Presidential protection," as well as preparing a history of American Presidential assassinations.

Mr. Stern stated that "at the outset we realized that there was no possible way to penetrate any official involvement in a cover-up or conspiracy if there was such complicity." Stern stated that he and several of his Commission colleagues discussed what they regarded as "the fact that the agencies - the FBI and CIA - could formulate and maintain a cover-up which no one would ever penetrate. We of course did not believe that was so. And I still don't. But we realized what we were dealing with, in the power of these agencies. Fortunately, we believed they were on our side."

Mr. Stern stated that on one occasion he believed that the Commission was influenced in its investigation by what he regarded as "some type of pressure or fear of the FBI." Stern stated that this came about when he prepared a detailed letter to be sent to the FBI setting forth detailed questions about their past investigation and contacts with Lee Oswald. Stern stated that Earl Warren told him that the letter was too demanding and that it would cause problems vis a vis the Commission's relationship with Hoover. Stern stated that upon being told that the letter was "unacceptable" by Warren, he (Stern) met with John McCloy and explained the situation to him, hoping to gain his support. While McCloy did express agreement with Stern that the letter was necessary, Stern was once again told by Warren that "the letter went further than was desirable." Stern thereupon sent a less detailed request.

In connection with this episode, Stern stated that "one of my problems, a real difficulty, was having such limited contact with the Members of the Commission. It was all done through Rankin. And you never really knew if your viewpoint or arguments or whatever were being communicated

*Hoover's "Threat"
Stern's +
Reputation
for "pay-
back"*

Reference copy, JFK Collection: ESCA (RG 233)

Interviewer Signature *Mike Ewing*

Typed Signature Mike Ewing

Date transcribed _____

as strongly as you felt was necessary. We didn't have direct access."

Stern stated that his evaluation of the Secret Service showed that "the Secret Service was not a modern, demonstrably reliable, body at that time. It was, plain and simply, primitive. Both in operations and structure." Stern stated however that he could see (and still does) that "with the Secret Service you quickly get into your basic problems of civil liberties. How many people or potential threats are you going to put on your watch list? How many of these people do you round up when the President comes to that state? How do you determine who's on the list, and what are the final criteria?" Stern stated that "very quickly you can get into a very unmanageable list" of people who should be watched.

Speaking of the friction he observed between the FBI and SS during his work on the Commission, Stern stated that "the friction was expressed more by the Secret Service than by the FBI."

Stern stated that he and various other staffers had not had a very high regard for James Malley, the FBI's liaison with the Commission. "We knew he was there hustling us. That was his job. He was the big jovial insurance salesman, without any great intelligence."

Speaking of the FBI in general, Stern stated that "I had a very limited regard for their ability. They had almost a crazy impotent system of headquarters control. The Oswald case would shift to new offices when Oswald traveled. There would then be lapses in the coverage of him. This was just a very bad system of internal management. I thought the level of competence in headquarters was very poor." Stern stated that on the other hand he regard the CIA as "very professional compared with the Bureau. They had great technology. Compared with the CIA, the FBI was like a bunch of clerks on roller skates."

Stern stated that had he been told of FBI Agent Hosty's allegedly threatening note received from Lee Oswald shortly before the assassination, he "would have regarded it as greater identification of the possibility of potential danger in Oswald - of violence." Stern stated that if the staff of the Commission had discovered that the Hosty note had existed and had been destroyed by the FBI in Dallas, that "If we had found out that happened, we would have gone to a full Commission meeting immediately, and would have made the big decision regarding any future relationship between the Commission and the FBI. It just would have gone to the heart of the whole relationships and the Bureau's motivation. The destruction of that note would have resulted in the ultimate brouhaha."

Stern stated that had the Commission learned of the CIA-Mafia conspiracies to assassinate Fidel Castro, "we would have gone much more into Cuba, the CIA, and the Mafia. We would have had a whole host of new avenues calling for investigation. And we would have obviously had to develop some new sources of information - other than the agency."

Stern stated that he developed close relationships with other staff members in that they usually had at least two meals together, shared small cramped offices, and were away from their families. He stated that some senior counsel did not work as much as the juniors, and noted that "William Coleman, in particular, wasn't ever around that much." Stern stated that in conducting the investigation and writing the Report "I didn't feel rushed, though others did. And I never felt any outside pressure during that period."

Stern stated that he "felt that I knew the Oswald personality. I was comfortable with him acting alone. Oswald was incompatible with society - I think he was really striking down the king in his own mind. I also felt comfortable with the assumption that no foreign power would utilize Oswald; that any group would readily realize that Oswald was ineffective and unreliable, especially for something like that."

Speaking of the Dallas Police Department, Stern stated that "I had no problem believing the Dallas Police would let someone down in the basement. Not as a conspiracy, but as an incompetent operation in guarding Oswald. I had a very low opinion of them. They turned in a horrible performance with the actual motorcade, and then things like no tapes of Oswald's interrogation, and on and on."

Stern stated that "if there were a conspiracy, that would mean that Oswald was a consummate actor. I felt that one of the most significant signs that there was in fact no conspiracy was the absence of any early effort to take him out. Of other conspirators trying to kill him before he could really be interrogated at length."

Stern briefly mentioned that he had been surprised, along with other Commission staffers, to learn that "Marina Oswald was sleeping with some guy within weeks of the assassination, when we were questioning her."

When shown the CIA memorandum of November 1963 in which a CIA officer wrote that the Agency had once considered using Oswald for intelligence purposes, Stern stated that "I have never seen this. I was never given this, and we had asked for and were supposed to be given anything of relevance like this." In reading the memo, Stern stated that "that would have definitely been relevant. If they (the CIA) were taking him that seriously, then you might think that others could or did also. If we found that had been withheld, that would have been a major explosion also."

When shown a copy of the 1960-1961 memos regarding "the possibility of an Oswald imposter," Stern stated that he had never seen those three memos either, despite the fact that "they would have certainly been relevant. I was supposed to have been given all relevant Bureau information and files on Oswald in the pre-assassination period. They said I had everything."

What about SSA FBI - no heard?

best interrogations either

Reference copy, JFK Collection, HSCA (RG 233)

act... Oswald... But omitted

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Speaking of the possibility of various Members of the Commission leaking information to the agencies or other people, Stern stated that "I always assumed Dulles was doing that - to the CIA. But I had no hard information." Stern stated that the FBI had a "pretty good idea" of what the Commission was doing "because Malley was there to ingratiate himself as much as possible with each of us."

*no
suspect
Ford
evidently*

Stern stated that among his closest colleagues on the staff, they were convinced that Albert Jenner was frequently leaking material to the press. Stern stated that at one point Jenner was more or less "caught" leaking something, and made "a partial confession." Stern stated that he and some of his colleagues made up a song about Jenner leaking information to the press when he would have lunch with various reporters. Stern stated that he can remember that it started out as follows: "Down at the tables of Hogate's where old Jenner dwells."

Stern stated that he had no knowledge that the FBI prepared secret dossiers on the members of the Commission, and stated that "I'll have to put in an FOI request for mine and see what they had on me."

Stern stated that he had been seriously misquoted by Edward Epstein in his book, "Inquest", and that he had complained to Epstein's editor that Epstein had misrepresented his credentials during the preparation of the book.

In response to the question as to how he now feels about the conclusions of the Warren Commission, Stern stated, "I am less certain now than at the time we wrote the Report. Less certain that Oswald acted alone. Actually, I wasn't all that certain at the time. I thought the best evidence supported the final findings, and I agreed with them, but I wasn't tremendously firm or immovable in that, in my own mind. I just thought there were a lot of straws left."

Stern stated that "I accepted the forensics, the rifle, the bullets, Tippit, and everything, but I hadn't been involved in the hard physical evidence at all." Stern also stated that he would have liked to see "a new head of the Secret Service when the Report came out. I just didn't think Rowley was up to the job at all." Stern further noted that "after the assassination, the coffers really opened up for the Secret Service and they finally got the money they wanted."

Stern concluded by stating that he has become "more skeptical about the Warren Commission findings and everything else that is a part of official life, I suppose. Everything has become discredited over the years since 1963. You don't really believe in things the way you did back then. You've seen the Vice President of the United States taking cash bribes in his office and on and on and on. You couldn't help but rely on government officials more than you would now."

Reference copy, JFK Collection: BSCA (RG 233)