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**NO OBJECTION
NATIONAL SECURITY COUNCIL**
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The Department of State has no objection to the
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No TCS objections.
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*Rer FBI memo dated 6/18/98,
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THE WHITE HOUSE
WASHINGTON

ACTION
June 10, 1976

MEMORANDUM FOR:

WILLIAM HYLAND

FROM:

JOHN MATHENY *JM*

SUBJECT:

SSC "Warren Commission" Report

1. ok

I have just completed a review of the Committee's final report on intelligence agency performance relating to the assassination of President Kennedy. This report is the last of a series which includes seven volumes of published testimony, two interim reports (assassinations and covert action) and five volumes of final reports and recommendations -- 13 publications in all, totaling some 5,100 pages.

This particular effort runs about 180 pages in draft form and is focused on the performance of the CIA and the FBI over the past twelve years regarding the investigation of President Kennedy's assassination. The Committee maintains that "because this investigation was never closed" (and cites testimony before the Warren Commission by both Hoover and Helms to the effect that their files will remain open) these two agencies have had a continuing obligation to pursue any new leads that may have appeared over time. The Committee then asserts that not only have these two agencies been guilty of not pursuing such leads, but that they failed at the outset to explore leads which could have, at the least, contributed to the completeness of the investigation of the Warren Commission. In making these assertions, the Committee is quick to point out that "[the Committee] has not found evidence that the assassination was the result of a conspiracy;" however, the Committee goes on to say that "this failure [of CIA and FBI] has contributed to the festering issue of conspiracy," and recommends that the newly formed Senate Intelligence Committee continue the investigation.

The FBI

The Committee alleges that the FBI failed in its initial investigation to bring into play the sum total of its institutional knowledge concerning Oswald and his association with both pro-Castro and anti-Castro Cuban groups, and that the Bureau neglected to investigate leads which could have shed light on the

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activities of Oswald regarding such groups. The Committee alleges that the reasons the Bureau structured its investigation of the assassination the way it did "are unclear" but that they probably included the fact that high FBI officials realized early on that the Bureau's handling of the Oswald case prior to the assassination was at best careless and at worst grossly negligent. The Committee supports this allegation with copious amounts of quotes from internal memoranda (mostly Hoover's) and testimony of FBI officials to this effect, and includes appendices detailing the Bureau's handling in general of Oswald's preassassination activities, as well as the specific episode concerning the threatening note Oswald is alleged to have left at the Dallas FBI office some two weeks prior to the assassination. The Committee then goes on to say that because of these boners the Bureau's leadership sought to carry out its investigation in such a way as to preclude its own culpability regarding the pre-assassination period, e.g., efforts were concentrated almost exclusively on confirming Oswald as the assassin and in removing suspicions of USSR involvement. The Committee specifically cites the failure of Bureau officials to vigorously pursue leads concerning Oswald's activities in Mexico City and to fully explore FBI connections with anti-Castro groups with regard to their knowledge of possible Oswald ties to Cuban revolutionaries (of either pro- or anti-Castro persuasion). The Committee asserts that Hoover conducted his own internal purge of the Bureau in this regard, a purge which resulted in the censure and/or transfer of 17 agents and one assistant director. This action was never revealed to the Warren Commission, however, and the Committee alleges that it was not until its investigation of the FBI that this fact was made known outside the Bureau. The Committee asserts that even when "new information" was revealed, first in 1965 and then 1967, which may have had a bearing on the Oswald case, the Bureau failed to follow up and sought instead to whitewash the whole affair -- in the latter case even though President Johnson had a personal interest in the investigation.

The report quotes excerpts from internal FBI memoranda which tell a story of an almost paranoid distrust by Hoover of Warren Commission motives vis-a-vis the FBI, together with an extremely defensive and reactionary FBI assessment of the Commission findings regarding the FBI investigation (the Commission gave the Bureau mixed reviews). The 1965 episode has to do with the Bureau being made aware of several developments concerning a long-standing CIA relationship with a high level Cuban agent (CIA code name AM/LASH) and this agent's possible relationship to Oswald (as evidenced by several AM/LASH associates whose names were the same as individuals who were known to have had contact with Oswald in 1963). The conclusion reached is that had the Bureau correlated earlier data it possessed on this matter with this new information, then there would have been cause to renew active investigation of the Oswald case.

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The 1967 episode deals with an allegation of a prominent Washington attorney (identified as "Morgan" in the draft), as relayed first through a newspaperman (Drew Pearson) to Chief Justice Warren and subsequently through Pearson's column, that certain of the attorney's clients (obviously Mafia) had information that Oswald did not act alone and that he was in fact part-and-parcel of a Castro plot to "retaliate" for earlier CIA plots against him (Castro). The Chief Justice passed the information to the Secret Service who in turn passed it to the FBI, who -- for reasons unexplained in the report -- sat on it. When Pearson's column hit the streets a month or two later, President Johnson demanded that the FBI investigate the Attorney's allegations. The FBI interviewed the Attorney and corroborated the story as told to the Chief Justice. They then reported this to the President, who immediately summoned Helms and told him to check it out. Helms generated the now famous 1967 IG report which elaborated the various schemes and episodes (including AM/LASH as well as earlier Rosselli/Giancana/Maheu plots) involving schemes against Castro that existed between 1959 and 1965. The Committee says that the FBI did not follow up on all of this even though they knew about the earlier CIA/Mafia connections as well as about AM/LASH, perhaps even as early as October of 1963, but certainly by July of 1964.

Comment

Aside from the last episode involving Drew Pearson -- in which the Committee fails to mention that jailed Mafia leader John Rosselli probably "leaked" this story (together with suitable embellishments) through Morgan (his attorney) as retaliation for the CIA's not interceding on his behalf with the Justice Department concerning his 1966 conviction for an unrelated matter -- most of the Committee's assertions have an uncomfortable ring of validity to them. There is no doubt that the Committee staff was selective in their use of quoted materials and that there was much "between the lines" information which was either ignored or disregarded. The political target is obviously Hoover, however, and to the extent that he is depicted as having the dominant and in some cases sole responsibility within the Bureau for decisions affecting both the form and substance of the FBI investigation re Oswald, the Bureau will probably take their lumps and hope to cut their losses by not contesting the report in substance. FYI: I took the position that the characterization of the Pearson episode without mention of Rosselli's suspected duplicity (mentioned in detail in the 1967 CIA IG report) is grossly unfair; for the rest I deferred to the Bureau's judgment. I have also been informed by the SSC staff that the FBI has in fact cleared the report as written with the exception of commenting on the fact that their knowledge of the Cuban agent recruited by CIA was not in the context of his cryptonym (AM/LASH). They knew him only as one Rolando Cubela and did not make the connection until only recently in terms of this specific CIA project.

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The CIA

The Committee's treatment of the Agency is somewhat more circum-spect, but even more damning in its implications. The allegations, however, are based solely on one highly disputable contention: that Rolando Cubela (AM/LASH) a high-level Cuban functionary and somewhat mercurial personality was recruited by CIA to, among other things, assassinate Fidel Castro; that the Agency fully expected him to carry out such an act; and that in pursuit of this expectation gave specific assurances to AM/LASH that the Attorney General (Robert Kennedy) personally approved his doing so. The relevance of all this is that CIA representatives (including at one point Desmond Fitzgerald, a close friend of the Kennedy's) did meet with Cubela during September, October and November of 1963 to, the Committee alleges, specifically plot Castro's assassination. The Committee states that there is some evidence that Cuban intelligence knew about these meetings and thus Castro would have had an excuse to retaliate, had he wished to do so. Castro also issued a warning shortly after CIA's September 1963 meeting with Cubela (using the device of an unannounced interview with the AP correspondent in Havana) which could be interpreted as applying to this meeting. There is also some evidence that individuals who were part of Cubela's circle of contacts were also reported to have been seen with Oswald, although there has been nothing firm developed by the Committee to date on this point. Where the Committee's analysis breaks down is in their interpretation of the total record of CIA contacts with AM/LASH and his own pattern of behavior over several years,--both of which would tend to rule him out as a reliable operative in the eyes of his American case officers. The gist of the AM/LASH case files is that CIA viewed Cubela as (1) a useful source of intelligence, (2) most likely to be a high official in any post-Castro government (and therefore of potential use in the future). Therefore they sought to placate Cubela's vociferous urgings for constant reassurance that the U.S. Government supported his "plans" to foment a coup in Cuba (and to eliminate Castro in the process).

The fact that such plans never came to fruition -- Cubela was arrested in Cuba, tried, and imprisoned in 1967 for planning the overthrow of Fidel Castro -- tend to support CIA's views at the time of his chances of success. The possibility that he may have been a double agent or that he was an unknowing pawn manipulated by Cuban intelligence to ascertain CIA plans against Castro are supported only by how one chooses to interpret certain events. For instance, there was no mention of the 1963 plot at Cubela's trial (which could be interpreted several ways),

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also, the list Castro recently gave to Senator McGovern containing "known" U.S. assassination plots against him (Castro) does not mention the 1963 plot -- or earlier mafia-related plots for that matter. There is also evidence which appeared in 1965 that CIA's contacts with Cubela during the fall of 1963 were compromised to the extent that "too many people" knew the details of these contacts--details which apparently did not come from CIA leaks.

The Agency subsequently terminated their relationship with Cubela in 1965 upon learning that the relationship had been compromised, probably for some time. The Committee maintains that this fact should have been enough to re-examine the AM/LASH file re Oswald but that this was not done. Therefore, the Committee points out, the Warren Commission was not apprised of AM/LASH, the FBI (who had prime responsibility for investigating Oswald's assassination) was not told of AM/LASH, and even when CIA learned (through an FBI report) that the Cubela relationship was known to Cuban intelligence they failed to make a connection with Oswald and the Kennedy assassination case.

The inferences, although not by any means supported with hard evidence, are obvious: either CIA knowingly withheld information on AM/LASH (in which case the integrity of the Warren Commission investigation was compromised) or the Agency could not see the obvious (and thus failed to fulfill their obligation through inexcusable oversights). It was not until the insistence of President Johnson in 1967 (based on the Drew Pearson incident) that CIA took a look at all their materials and produced the 1967 IG report -- a report which according to the Committee, still fails to explain some of the "coincidental" connections between Oswald's act and CIA meetings with Cubela, or the known associations with Oswald of Cubans who later turned out to be probable associates of Cubela and/or Cuban intelligence. The Committee fails to document these allegations, however, and views them as being worthy of pursuit by the follow-on Senate Intelligence Committee.

Comment

The Agency plans to take the authors on over their characterization of Cubela as a viable assassin and as a possible link to Oswald's appointment in Dallas. They are somewhat vulnerable in doing so given that there is some case to be made for the applicability of the AM/LASH file (which was contained in highly compartmented Agency

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files dealing exclusively with Cuba) to CIA inquiries in support of the Warren Commission. It is also true that the CIA personnel assigned by Helms (then the DDO) to assist the Commission were not -- as a matter of record -- apprised of, nor did they request, AM/LASH files, although Helms knew about the project at the time.

The message the Committee seems to be sending is that "someone" should reopen the investigation into Oswald's connection with Cuba or Cuban groups of whatever political persuasion. Both the CIA and the FBI appear as recalcitrant, reactionary organizations greatly fearful of probes by even the most worthy (Warren Commission) investigative bodies. The Committee, by using 20-20 hindsight, also implies that neither agency could see the forest for the trees, and truly should have been coordinating at least with each other more openly and more thoroughly. There is also the more ominous hint of a long standing culpability on the part of the CIA (in my opinion, wholly unsubstantiated in the report). It appears to the reader, however, as if the Committee is "willing to overlook this" in the interests of pursuing the greater goal of tying up what seem to be many loose ends in the investigation into the assassination of John F. Kennedy.

Given that (1) the President was a member of the Warren Commission, (2) Senator Schweiker is on the hook because he has titillated the press about forthcoming revelations, and (3) it is an election year and Senator Church hasn't found a home yet, my considered reaction is that we work quietly to modify the exposé nature of the report as best we can (I have already taken a cut at the current draft) and then prepare the appropriate press guidance in response to the inevitable inquiries. Since the President no doubt has a personal interest in this subject I suggest that we also forward an information memorandum outlining the Report's main contentions and conclusions. Alternatively, we could ask Director Bush to inform the President orally of the report and of his views on the matter (since any re-investigation along the lines the Committee suggests would have to start with CIA). I intend to review the final draft either this weekend or on Monday.

RECOMMENDATION

That I prepare an information memorandum from General Scowcroft to the President outlining the basic thrust of the report.

APPROVE

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That you ask Director Bush if he would apprise the President of the report and of his opinions, if any, on our reaction.

APPROVE _____

Other: