WITNESS LIST

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

H E A R I N G

In Re: FBI Oversight

Tuesday, October 21, 1975
9:30 a.m.
Room 2226 Rayburn House Office Building

Department of Justice

and

Federal Bureau of Investigation

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

FOR RELEASE
9:30 a.m., EDT
TUESDAY, OCTOBER 21, 1975

STATEMENT OF

DEPUTY ASSOCIATE DIRECTOR

JAMES B. ADAMS

FEDERAL BUREAU OF INVESTIGATION

BEFORE THE

SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

OF THE

HOUSE COMMITTEE ON THE JUDICIARY

OCTOBER 21, 1975

I genuinely appreciate this opportunity to appear before your Committee.

My purpose in being here is to be as helpful as I can in your efforts to resolve serious questions that have been raised about the FBI -- questions arising from one of the gravest tragedies of our time, the assassination of President John F. Kennedy at Dallas, Texas, on November 22, 1963.

We welcome this opportunity because we sincerely believe in the integrity of the FBI, and that integrity requires an honest and complete statement of the facts for the American people.

We hope, as well, that these proceedings will help assuage at least some of the rumors and conjecture and doubts that have multiplied and spread so rapidly in this 12th year following President Kennedy's death.

The first area in which you have expressed interest is that involving the alleged visit of Lee Harvey Oswald to the Dallas FBI Office prior to the assassination of President Kennedy.

We have just completed an exhaustive internal inquiry which leaves no doubt that Lee Harvey Oswald visited our Dallas Field Office some days prior to the assassination of President Kennedy and that he left a handwritten note there for the Special Agent who was conducting our subversive activities investigation of him.

Director Kelley and I first learned of these occurrences on July 7, 1975, when an official of the "Dallas Times-Herald" met with us here in Washington. This newspaper official advised that an individual, whose identity he could 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 our investigation of him; and that neither Oswald's visit nor the note was reported prior to or following the assassination of President Kennedy.

Having no knowledge of this event, the newspaperman was advised that we would inquire into the matter and furnish him an official response.

Mr. Kelley immediately personally informed Attorney General Edward Levi of these allegations. He also told the Attorney General that we were initiating an

inquiry to determine the truth of these allegations; and he ordered the Assistant Director of our Inspection Division to personally take charge of this matter.

The first step in our inquiry was to conduct an extensive review of all file references to Oswald at our Washington Headquarters and in the Dallas Field Office to determine if they contained any information concerning the alleged visit by Oswald and/or the threatening note.

They did not.

The second step was to identify. locate, and interview those persons within and without the FBI who logically might be able to shed light on this matter.

Since July, 1975, nearly 80 interviews, including reinterviews of some persons, have been conducted.

The purpose and the thrust of those interviews was to determine the answers to these important questions:

(1) Did Lee Harvey Oswald in fact visit the Dallas FBI Office prior to the assassination?

(2) If so, did he leave a note -- and what were its contents?

(3) What action was taken regarding the note?

(4) Was the note destroyed; and if so, by whom and at whose instruction?

(5) What were the motives behind the note's destruction?

The results of our inquiry convince us that the answer to the first question is an unequivocal "yes." We don't know the exact date or time, but we are confident that Lee Harvey Oswald did visit our Dallas Field Office in November, 1963.

The testimony of Marina Oswald and Ruth Hyde Paine before the Warren Commission refers to the possibility of this visit. In response to a question concerning the FBI, Mrs. Oswald testified as follows: "Lee had told me that supposedly he had visited their office or their building. But I didn't believe him."

Mrs. Paine told the Warren Commission that Oswald "told me that he had stopped at the downtown office of the FBI and tried to see the agents and left a note. And my impression of it is that this notice irritated....that he left the note saying what he thought."

Mrs. Paine also testified that she "learned only a few weeks ago that he never did go into the FBI office."

Interviews that we have conducted in our Dallas Office support the conclusion that Oswald visited the office prior to the assassination.

The employee who was serving as receptionist in that office in November, 1963, stated that to her recollection

about a week or 10 days before the assassination an individual appeared at the reception desk and asked to see one specific Agent by name. Upon being told that the Agent was out of the office, this individual left an envelope for the Agent.

According to the receptionist, the envelope contained a note which she read and believed was signed "Lee Harvey Oswald."

She stated that she recognized the person who had called at the office as Oswald when she saw pictures of Oswald in the newspapers following the assassination.

Another person who was employed at the Dallas FBI Office in November, 1963, recalled that while entering the office about midday sometime before the assassination she saw a slender, dark-haired young man whom she later could assume was Oswald with the receptionist.

A third employee was alleged to have seen Oswald at the office, however, upon interview, denied that she did.

As to the wording of the note that was left at the Dallas Office, accounts vary. The receptionist recalled its contents to be somewhat 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."

She recalls taking the note to the Assistant Special Agent in Charge. It was her recollection that he

also read the note, commented that it was from a "nut," and told her to give it to the Agent to whom it was addressed.

The Assistant Special Agent in Charge to whom the receptionist said she handed the note denied having any knowledge of it.

In addition, she expressed the belief that she also showed the note to three other employees of the Dallas Office. These three employees were interviewed, and each denied having seen it.

The Agent for whom the note was intended recalled its 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."

This Agent's Supervisor, who claimed to have seen the note, said that he seemed to recall it contained some kind of threat but could not remember specifics.

Aside from these three persons -- the receptionist, the Agent, and the Agent's Supervisor -- no one else who was interviewed 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.

All who saw or heard of the note agree there was no mention of President Kennedy or anything which would have forewarned of the assassination of the President.

In attempting to determine what action was taken regarding the note, we learned that the Agent for whom the note was intended took no action other than to place it in his workbox -- where it continued to reside on the day of the assassination.

This Agent said that he 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, where he went to the office of the Special Agent in Charge.

He said that his Supervisor was in the office with the Special Agent in Charge. According to the Agent, one of them displayed the threatening note and asked him to explain its contents.

By his 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 that day at the Dallas Police Department, Oswald, upon learning the Agent's name, commented that he was the 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.

At this point, the Agent claims, the Special Agent in Charge 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 the Special Agent in Charge on the evening of November 22, 1963.

The secretary to whom the Agent said he dictated this memorandum was interviewed. She said she had no recollection of the memorandum.

The Agent's Supervisor said that it was he who found the note in the Agent's workbox very soon after the assassination of President Kennedy. He stated that he took the note to the office of the Special Agent in Charge but had no recollection where the note may have gone or who may have had it thereafter.

The Agent involved, however, stated that approximately two hours after Oswald had been pronounced dead on November 24, his Supervisor told him that the Special Agent in Charge wanted to see them. He claimed that upon arriving in the Special Agent in Charge's Office, he was instructed by the Special Agent in Charge to destroy both the note and the memorandum regarding it that he had given the Special Agent in Charge on the night of November 22.

The Agent has told us that he complied with these instructions and destroyed the note and the memorandum.

The Supervisor has told us that he had no knowledge of the disposition of the note.

The Special Agent in Charge, who retired prior to the receipt of the allegations in this matter, has denied 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 claimed to have had no knowledge of this entire matter until July, 1975.

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

One employee did state, however, that she heard from an unrecalled source that a meeting was held one evening to decide what to do with the Oswald note. She named the purported participants, including an Inspector from Washington. She qualified this information by saying that she had no firsthand information, that it was hearsay, and that she did not desire it included in her sworn statement. That Inspector, now retired, as well as the other alleged

participants in this meeting, unequivocally denied having any knowledge of the Oswald visit, including the note and its destruction.

One former FBI official, who was an Assistant Director at the time of the assassination, has stated that he discussed the Oswald case many times with the Special Agent in Charge of the Dallas Office. According to this former official, the Special Agent in Charge 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.

The former official maintains that the Special Agent in Charge seemed disinclined to discuss the matter other than to say he was handling it as a personnel problem with another individual who then held the rank of Assistant to the Director. This latter individual has denied under oath any such knowledge or action.

The same former Assistant Director said he thought it was common knowledge at FBI Headquarters that a threatening message had been received from Oswald. When asked specifically who at our Headquarters might have knowledge regarding this, he stated it probably would be people who were concerned with the supervision of the Lee Harvey Oswald case and the assassination.

After searching his memory for the identities of Agents who had such supervisory responsibilities, he named two such Agents -- both being in the Headquarters Division which he had headed at the time of the assassination. He commented that he had no direct knowledge that these Agent-Supervisors did, in fact, have this information, but felt it was possible they might because of their intimate involvement with the supervision of the ramifications involving Oswald.

Both of these Agent-Supervisors have been interviewed and denied such knowledge.

Our inquiry into this matter has included interviews with a large number of present and former FBI officials, including the entire still-living chain of command of the two investigative Divisions at our Headquarters which supervised the Kennedy assassination case. With the exception of the above-mentioned former Assistant Director, all have furnished statements denying any knowledge of this matter.

Whatever thoughts or fears may have motivated the concealment of Lee Harvey Oswald's visit to our Dallas Office, as well as the concealment and subsequent destruction of the note he left there, the action was wrong. It was, in fact, a violation of firm rules that continue to exist in the FBI today -- rules which required that the fact of Oswald's visit and the text of his note be recorded in the files of

the Dallas Office and that they be reported to our Headquarters to be furnished thereafter to the Warren Commission.

The facts disclosed by our inquiry have been reported in full to the Department of Justice. The Department has concluded that this is not an appropriate case for criminal prosecution at this time.

We are at this very moment making our own assessment of the facts with a view toward instituting appropriate administrative action.

The Committee has also expressed interest in allegations indicating that Jack Ruby was a paid informant of the FBI.

The best answer to such assertions is to quote from letters which Director Hoover sent to the Honorable J. Lee Rankin, the General Counsel of the Warren Commission in 1964.

In one such letter, dated February 27, 1964, Mr. Hoover called attention to background information contained on pages 155 through 159 of a report dated November 30, 1963, prepared by our Dallas Office in the Kennedy assassination case. This information, he told Mr. Rankin, "was obtained through a search of all files in the Dallas Office wherein references to Jack L. Ruby appeared. All available information concerning Jack Ruby contained in the Dallas files is set forth in the report."

Mr. Hoover's letter continued, "For your information, Ruby was contacted by an Agent of the Dallas Office on

March 11, 1959, in view of his position as a night club operator who might have knowledge of the criminal element in Dallas. He was advised of the Bureau's jurisdiction in criminal matters, and he expressed a willingness to furnish information along these lines. He was subsequently contacted on eight occasions between March 11, 1959, and October 2, 1959, but he furnished no information whatever and further contacts with him were discontinued. Ruby was never paid any money, and he was never at any time an informant of this Bureau."

In another letter to Mr. Rankin dated April 7, 1964, Mr. Hoover again called attention to the fact that information on Jack Ruby had been furnished the Commission in the Dallas Office's report of November 30, 1963. This letter stated, "Copies of all of the records located wherein mention is made of Ruby prior to November 23, 1963, have been prepared and are being forwarded to you."

There was nothing in these Bureau records indicating that Ruby furnished information to the FBI as an informant or was ever paid any money.

As you can tell, this question was thoroughly explored by the Commission, and nothing to the contrary was developed.

You have also inquired concerning reports that Jack Ruby was involved in a union killing in 1939, which fact allegedly had not been furnished the Warren Commission.

Contrary to a misconception that has arisen, there is no evidence that Jack Ruby was involved as a participant in the shooting of a union official in Chicago, Illinois, in December, 1939. Nor did the FBI attempt to conceal information concerning Ruby's alleged involvement in this crime from the Warren Commission.

The truth of the matter is that the facts of this shooting incident were not known to the FBI at the time of the assassination of President Kennedy.

A check of the records of the Chicago Police Department disclosed no information concerning this shooting. However, on November 25, 1963 -- three days after the assassination -- our Chicago Office found in the morgue of the "Chicago Tribune" information pertaining to the fatal shooting of a union official in 1939 in which mention of Jack Ruby, as "Jack Rubenstein," was made. Ruby was an employee of the union. He was a friend of the deceased union official, and according to the news account, was in no way implicated in the shooting.

This information was, in fact, furnished to the Warren Commission. It appears in the Commission's published report.

In addition, you have inquired about the much-publicized report concerning an alleged teletype message

from FBI Headquarters that was allegedly received at our New Orleans Office on November 17, 1963. The teletype purportedly warned that a militant revolutionary group might attempt to assassinate President Kennedy during his November 22nd visit in Dallas.

This story emanates from a former FBI clerical employee. He worked in our New Orleans Field Office for about four and one-half years ending in 1966. During November, 1963, he was assigned to the early morning shift -- 12:15 to 8:15 a.m. -- in that office as a security patrol clerk.

His story about the teletype first came to light early in 1968 when the then-District Attorney of New Orleans stated on a television program that the former FBI clerk had been interviewed by an attorney and had told the attorney of the teletype.

On February 1, 1968, the former clerk, who then was in Jacksonville, Florida, contacted our office there to deny this televised story. He admitted having been in contact with the attorney involved; stated that the attorney wanted him to furnish information concerning a teletype from FBI Headquarters on November 17, 1963, reporting a threat to President Kennedy in Dallas; and told the Special Agent in Charge of our Jacksonville Office that he had never received or seen

a teletype or other message containing the information which the attorney sought.

The following day, the former clerical employee also contacted our New Orleans Office to advise of an additional contact he had had with the attorney involved. Our former employee claimed that he told the attorney he did not approve of what the attorney and his associates were doing -- and that the information attributed to him on the television program was totally false.

The following month, however, he contacted the United States Attorney in New Orleans and told him and two associates that there was, in fact, such a teletype message. The teletype, he maintained, was received while he was on duty as a security patrol clerk in the New Orleans Office on November 17, 1963 -- and that he called the Special Agent in Charge of the office to advise him of its contents. This, the former employee claimed, caused the Special Agent in Charge to instruct that he call certain Agents and tell them to maintain contact with various informants.

At this point -- in March, 1968 -- an extensive inquiry was launched. It included a thorough check of the files at our Headquarters and in the New Orleans and Dallas Field Offices. No record of a teletype or any other kind

of communication reporting that there would be an attempt to assassinate President Kennedy in Texas could be found.

We additionally determined that only one communication was dispatched from FBI Headquarters to the New Orleans Office on November 17, 1963 -- which was a Sunday. This was a letter enclosing a translation of a document in conjunction with a trial in a totally unrelated Fraud Against the Government case. Since the former clerk had worked the 12:15 to 8:15 a.m. shift on November 17, 1963, a check was also made of communications dispatched to the New Orleans Office on Saturday, November 16, 1963. There were only three, those being: (1) a teletype in a fugitive case, (2) a communication in a stolen motor vehicle investigation, and (3) a communication concerning a military deserter. None of these communications made mention of President Kennedy.

More than 50 employees of the New Orleans Office were interviewed -- employees who had been assigned to that office since at least November of 1963. All stated that they had no knowledge of any such teletype.

The Special Agent in Charge whom the former clerical employee said he telephoned on the morning of November 17, 1963, also said he knew nothing whatever about the alleged teletype.

We also interviewed the former clerical employee involved. This time, he insisted that a teletype reporting a possible assassination attempt on the President was, in fact, received at the New Orleans Office while he was on duty there November 17, 1963. He claimed that other clerical employees of the New Orleans Office knew of the receipt of this teletype, but he refused to furnish their names.

When specifically questioned as to whether he had a copy of this or any other Government documents, he gave an emphatic denial and also denied ever having made copies of Government documents.

At the time -- in 1968 -- we fully advised the Department of Justice of the allegations which the former clerical employee had made, and of the results of our extensive inquiry regarding them.

Now, more than seven years later, the story of the "phantom teletype" has surfaced again. This time it has a new twist.

One of the newsmen who contacted us last month stated that our former clerical employee made available to him the text of the alleged teletype, claiming that he had an actual copy of the teletype but was afraid to furnish it for fear of being prosecuted.

In an effort to obtain the document which this former employee claims to have so that it can be examined for authenticity, the Department of Justice granted him immunity from prosecution for purloining, possessing, or not having produced the alleged document. The former employee was advised of this action on September 23, 1975. Even under a grant of immunity, he would not agree to make any such document available to us, stating that he was not claiming he had any such document.

The following day we contacted the former employee's attorney. He informed us that his client had typed a precise copy of the alleged teletype when he had access to it in our New Orleans Field Office.

Other sources have furnished us the text of the alleged replica that our former employee possesses. It has been carefully reviewed and compared with the format and wording of investigative and communications procedures in existence in 1963. Several variances have been detected.

This individual's story has caused newsmen and others to ask whether such a teletype was, in fact, sent from our Headquarters on November 17, 1963, and whether all copies of it subsequently were destroyed.

Since the information regarding the "phantom teletype" has now been expanded to include the text of

the teletype, as well as its purported transmission to all FBI Field Offices -- which incidentally was not the initial allegation of the former clerk in 1968 -- we contacted all 59 of our Field Offices and instructed that each conduct a thorough and detailed search of records and files in an effort to determine if such a teletype had in fact existed. Each of our 59 Field Offices uniformly advised based on the penetrative searches made that there was no evidence to indicate or corroborate the existence of such a teletype.

There is no doubt in my mind regarding the answer to this allegation. A teletype or other message of this nature sent to all of our offices simply could not and would not disappear. In the first place, FBI rules and regulations would prohibit its destruction. In the second place, the fact of its existence could not be wiped from the minds of the many employees at our Headquarters and in each of our Field Offices who would have been involved in its preparation, approval, transmission, receipt, and the action taken thereafter.

These then are the facts developed concerning recent charges that have been made about the FBI's performance of duty in the John F. Kennedy assassination case.

In some instances, the facts are explicit and answer the allegations. In others, the passage of time and inconsistencies in the interviews prevent a more definite statement of the truth.