

In my opinion, the Report is seriously flawed, in that it does not adequately reflect consideration of an alternative course of action. It is at least arguable that the Committee need not have a massive staff and budget, and that it should not essentially start from scratch.

Unfortunately, the Report does not indicate any fallback position in case the full budget is not approved. I do not think the arguments presented justify the rigidity about the budget expressed on page 18.

Without knowing what strategic considerations may have determined what was included or left out of the Report, I feel constrained to evaluate it as it was released. The case for this large-scale investigative approach is not convincing to me. For example, as a computer professional I was struck by the request for about \$100,000 in analyst salaries, and another \$100,000 for computer services, including \$57,600 for terminals. Having put some thought into the possibility of using computers on the JFK assassination evidence, I am curious about what the Committee's plans are. There is no explanation of what would be done with this rather large sum, and certainly no reason to believe it could not be cut in half.

If the Committee's expected result is to lay doubts to rest, the overall approach outlined in the Report would be quite appropriate (although maybe still not necessary). If, however, there is any expectation of solving the case or even breaking it wide open, there are certainly alternatives.

It might be best to start with a small staff and a few of the best leads which have been developed over the past thirteen years. If a small staff came up with a new lead as significant as the destroyed note from Oswald to FBI Agent Hosty, it would probably be able to get expanded funding without much problem.

It is not clear how the Committee would proceed if indictable conspirators are discovered. Surely a Congressional Committee can not develop a criminal case, but would have to turn the evidence over to the Justice Department or reconstitute itself as a Special Prosecutor's office. The absence of such considerations in the Report leaves me particularly uncomfortable with the idea that the investigation may as well be abandoned if the full budget is not approved, as Sprague suggested on December 9.

Despite Gonzalez' protestation, I don't see how a decision not to rely on the executive agencies fails to reflect on their integrity and efficiency. (See page 3 of Gonzalez' views.) The question is whether this decision is necessary. I would have argued that what was required was careful oversight of the agencies' cooperation with the Committee, with the staff stepping in to do all the work only when a problem or a potential conflict of interest appeared. The Committee will have to rely on the agencies to some degree anyhow - e.g., in turning over complete files. One reason the FBI and the CIA withheld so much from the Warren Commission is that the Commission allowed them to do so - a fact which Dodd, for one, seems to understand clearly. In short, I think that a successful investigation without a full investigative staff would be difficult but possible.

The Committee's game plan seems most clearly set forth on page 2 of Gonzalez' supplemental views: the Committee does not intend to prove or disprove any theory, but to conduct a new and independent study, beginning with the events and the available evidence. I have doubts in principle about that approach; for example, I would note that it seems to relegate to a minor role the leads and expertise developed over the years by the critics. (There seems to be nothing in the budget for consultation with the critics, and the Report conspicuously omits acknowledgment of prior work on the case by other than official investigations.) While it is certainly difficult to evaluate the work of the critics, and to decide how to deal with them, much of that difficulty arises from real ambiguities and problems in the evidence, which the Committee will encounter sooner or later.

Leaving that general argument aside, the one specific JFK lead discussed in the Report does not reflect the systematic approach described by Gonzalez. The Committee's investigation of the CIA's reporting of Oswald's Mexico trip was evidently prompted by a front-page story in the Washington Post on November 26 by Ron Kessler. The existence and substance of this story are not mentioned in the

Report. Judging from Sprague's press conference, the Committee's interest is now in a secondary issue of CIA reporting, not the ones raised by Kessler. (The Warren Commission - CIA explanation of this secondary issue was inadequate, but so were many other explanations about the Mexico trip.) When the Kessler article appeared, I expressed the opinion that it would be a mistake if this story (and its sources, primarily ex-CIA people) served to define the Committee's interest in the Government's response to Oswald and his Mexico trip, given the many other questions which have been around for years. The handling of this matter in the Committee Report does not relieve my concern at all. (See Appendix A for more details on the Mexico question.)

As explained in Appendix B, the claim that the Warren Commission investigation involved 83 people for 10 months (p. 16) is an overestimate by at least a factor of two. This is a minor point, but the error is unfortunate and might, if not corrected, cause problems when the Committee argues for its budget.

#### APPENDIX A - THE "NEW" MEXICO LEAD

This part of the Report, and the comments made by Sprague and members of the Committee, must be evaluated in light of Ron Kessler's article of November 26, 1976, in the Washington Post. The HSC Report does not mention either this story or its key allegations: (a) that Oswald offered, while he was in Mexico, to exchange information for a trip to Russia; (b) that the CIA in Mexico was very interested in this offer before the assassination; and (c) that the CIA gave the Warren Commission a transcript of an intercepted phone call by Oswald from which this offer was omitted.

David Phillips, a prominent ex-CIA official, was named by Kessler as a source for the first allegation, and his subsequent appearance before the Committee was widely reported. The HSC Report does not give Phillips' name or indicate whether he repeated what he told Kessler. There is no indication whether the "new" witnesses located by the staff in Mexico are in fact those previously located by Kessler. Whether or not the original Kessler allegations have been verified, I do not see why the nature of this widely reprinted story should have been hidden in the Report. (If the investigation is still in progress, there was no need to mention it at all.)

The Report claims that one of the "new issues" is whether the CIA "deliberately avoid[ed] furnishing critical information to the [FBI] which would have resulted in the surveillance of Lee Harvey Oswald prior to the assassination..." (P. 1) No further details are given, but press coverage of the release of the Report indicates that the subject matter is not the Kessler allegations, but something of rather less obvious importance. The only explanation by Sprague which I heard verbatim was as follows: "He indicated - 'he' being Oswald - certain interest with regard to going to Cuba and Russia." (ABC-TV News) While this may be consistent with the Kessler charges, or deliberately ambiguous, an article by Norm Kempster in the L.A. Times specified that Sprague was talking about a lesser charge - that the CIA had withheld Oswald's travel intentions: "Sprague said that the Committee staff had learned that a CIA message describing Oswald's activities in Mexico to federal agencies had been rewritten to eliminate any mention of his request for Cuban and Soviet visas."

Thus the Committee may have gotten sidetracked to a quite different question - one which was, in fact, dealt with by the Warren Commission (in the form of CIA dissemination of information about the contacts in which Oswald's desires to travel were discussed.) Commenting on a draft of the Warren Report, Commission Counsel Coleman asked (in a letter of August 6, 1964) "Why did the message which came back from Mexico indicate that Oswald was visiting only one of the two embassies and not both embassies." In the margin, Slawson replied "I can explain." Presumably the explanation is based on the claim that the fact of Oswald's visit to the Cuban Embassy "was not known until after the assassination." (WR 777) That is, although the CIA had intercepts of various phone calls involving (but maybe not naming) Oswald,

they were not linked to him until after the assassination. Similarly, a CIA statement in September 1975 alleged that after the assassination CIA records "revealed" Oswald's contact with the Cuban Embassy to get a transit visa for use en route to Russia.

As is the case with so many aspects of the coverage of the Mexico trip, the explanation is not adequate. Most striking is the claim made in an internal CIA memo about a meeting on March 12, 1964 with members of the Warren Commission staff. The CIA wrote that "it was the combination of visits to both Cuban and Soviet Embassies which caused the Mexico City Station to report this to Headquarters...." (CIA-256, p. 4.) Oddly, Slawson's memo of this same discussion does not quite raise this same problem with the CIA's story. Other aspects of this and other internal CIA memos are clearly imprecise or deceptive in intent, so they are hard to evaluate, but there is certainly something odd about the CIA's pre-assassination non-reporting of Oswald's travel plans.

However, this is not nearly as strong as the Kessler-Phillips story. For example, the implications about the FBI's reaction are different: it appears to me that what the FBI did know (that Oswald had contacted the Soviet Embassy and inquired about a telegram sent to Washington on his behalf, and that the CIA did not know the nature of the request in this telegram [CIA-5]) should have provoked at least as much reaction as what the CIA supposedly withheld (that Oswald wanted to travel to Cuba and Russia). What less sinister reason could there be for a contact with the Soviet and Cuban Embassies? In contrast, Kessler reported what would appear to be possible espionage (similar to Oswald's offer to the Russians when he defected in 1959, an offer to which the U.S. government's apparent lack of response has raised questions.) In any case, this story should be evaluated systematically along with the many other questions raised by CIA coverage of the Mexico trip, and CIA non-cooperation with the Warren Commission. (Some of these questions are discussed, on the basis of the then-available documents, in my 1975 chronology. Incidentally, I am not aware of any reference to a draft outgoing message as described by Sprague; there was a message from Mexico to CIA Headquarters which does generally resemble the message that later went to the FBI.)

I am disturbed by the way the Mexico question is presented on page 2 of the Report. First, this reference to unspecified (and presumably new) critical information apparently withheld from the FBI distracts attention from the fact that the information which was provided is most peculiar (i.e., the description of the mystery man which was erroneously attributed to Oswald before the assassination), and the responses of the FBI and the Navy to the information they were given is already most peculiar. (Why, for example, did the CIA later ask the Navy for a photo of Oswald, when the post-defection press photo in the CIA files was predictably more recent than anything the Navy had? Why didn't the Navy respond to this request? Just what was the degree of the CIA's concern (and the Warren Commission's) that the "Oswald" in Mexico was, if not the mystery man in the photo, somehow an impostor? As Warren Commission counsel Stern asked, why was the FBI's concern about Oswald (e.g., as a potential Russian spy) not greater? Why did the FBI later indicate that it had received indefinite indications that Oswald had at some time had an intelligence assignment? All of these unanswered questions are not referred to in the Report.)

Secondly, the unsupported speculation that more information from the CIA would have led to FBI surveillance of Oswald, and, as the press put it, might have made a difference in what happened in Dallas, serves to distract from the possibility that Oswald was in fact the innocent (or partly innocent) victim of a frameup.

I take some consolation in Dodd's mention of the CIA-Mexico matter not as a new issue, but as a continuing concern. A narrow focus on the questions raised by the Mexico trip could have serious consequences for the direction of the entire investigation.

## APPENDIX B. - WARREN COMMISSION MANPOWER

On page 16 of the Select Committee Report, the Warren Commission is described as follows: "Staff: 83, Duration: 10 months." This is wrong.

Pages 476-482 of the Warren Report do indeed list 84 people. However, the 57 names in the last part of this list include a number of lawyers who were brought in for a short time to help in preparation of the final Report, mainly by footnote checking and similar tasks.

Other people on that list, and under "Staff" on pages 479-481, remained on the payroll of their parent agencies and thus appear to be counted twice in the Select Committee Report. In fact, only 25 people were on the Commission's own payroll.

The following figures are from the Commission's administrative records in the Archives:

Classification	Number of People	Total Hours	Total Person-months	Average months per person
Senior counsel	7 of 7	7874	45.4	6.5
Junior counsel	7 of 8	9956	57.4	8.2
Regular staff	4 of 12	2712	15.7	3.9
Other	7 of 57	8300.5	47.9	6.8
	25 of 84	28842.5	166.4	6.7

Many of the 59 people who were not on the Commission's own payroll - i.e., the extra help brought in at the end - undoubtedly worked much less than this 6.7-month average. Thus, the estimate of Warren Commission staff strength and duration, which is used to justify the proposed Select Committee budget, is high by at least a factor of two.

Since there are so few hard facts in the Report, it is unfortunate that such an error - readily apparent to those familiar with the workings of the Warren Commission - was not corrected.

(Incidentally, the HSC figure of 83, rather than 84, presumably comes from the omission of Adams (who did essentially no work), Weinreb (who is listed in the Warren Report but not at the front of each volume of the Hearings), or Rankin (by mistake). The junior counsel not on the Commission's own payroll was Howard Willens, their liaison with the Justice Department; evidently he remained on the Justice Department payroll.)

## POSTSCRIPT:

Page 3 of the HSC Report states that "Over the years repeated disclosures of agency misconduct, foreign assassination attempts, concealed information, destruction of evidence and possible deliberate misinformation have fostered among our citizens an ensuing lack of confidence in Government agencies. As a result, there has been a growing sense of national concern about the adequacy and integrity of the original [assassination] investigations." That is true enough as far as public opinion goes, but I would suggest that this growing concern is, fundamentally, the result of the inadequacy and lack of integrity of the original investigations. This point is worth making because certain supporters of a new investigation seem primarily motivated by a desire to restore public faith in the integrity of the government. Whether an independent, thorough, and open investigation (to use Dodd's criteria) is possible under these circumstances is by no means obvious.