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March 13, 1976

Note: I am sending this material in its present rather rough form to a small number of people who might be able to use it. Peter Scott, Russ Stetler, and I feel that there is much material in our just-published anthology (The Assassinations: Dallas and Beyond; Random House/Vintage; \$15.00/\$5.95) which is relevant to current developments in the JFK case; we hope to have some of the new information in this memo available for a wider audience soon.*

SECRET FOR TWELVE YEARS: FIRST FBI SUMMARY OF CASE AGAINST OSWALD RELEASED

Within five days of the assassination of President Kennedy, the FBI in Dallas completed a working paper claiming that "all evidence points to the fact that" Oswald was the assassin. This report (CD 1084A), which has just been released, was suppressed from the Warren Commission until June 1964. It was classified Secret and withheld from the public for 12 years, even though it apparently contains no properly classifiable information. Deletions from the cover letter have even now been made, in an apparent attempt to hide the original use of this paper - although some of the deleted information is in a letter which was released to me a year ago.

In April 1964, several Warren Commission staff members went to Mexico City in connection with the FBI and CIA investigations relating to Oswald's visit there. (Among the unresolved mysteries of the case is a photograph of an unidentified visitor to the Soviet Embassy in Mexico whose description was attributed to Oswald by the CIA before the assassination; see the Fensterwald-O'Toole article in our book.) The staff apparently heard about an FBI briefing which had been given shortly after the assassination to the Ambassador. In a followup letter dated April 24, Commission Counsel J. Lee Rankin wrote to J. Edgar Hoover: "We would like a copy of the 'dossier' on Lee Harvey Oswald furnished by the Bureau to Ambassador Thomas Mann shortly after the assassination."

This letter was made available in March 1975, as a result of my request under the Freedom of Information Act; it had previously been classified Secret and withheld. Nevertheless, in the cover letter of June 10 (a full 6 weeks later) to CD 1084, as now released by the FBI, Hoover's reference to this letter appears as follows:

"Reference is made to your letter dated April 24, 1964, in which you requested, in part, a copy of the dossier on Lee Harvey Oswald furnished by this Bureau (deletion) shortly after the assassination."

The FBI evidently feels that their dissemination of this report to Ambassador Mann somehow involved national security, and that even now Mann's name must be deleted. Under some of the more extreme proposals being made to stop leaks of classified information, it might become a criminal offense to publish this information (if my source were not a previously cleared document, that is.)

Other previously released information has been improperly deleted. From the cover letter, the FBI has withheld the name of an alleged acquaintance of Jack Ruby, and the name and alias of the subject of another report; this information is in parts B and C of CD 1084, which were released in full in 1970. In the text of the 11-page FBI summary report itself, the only evident deletion is the name of Vincent "Ted" Lee, head of the Fair Play for Cuba Committee, which appears in a characterization of the FPCC on page 4. That same characterization was published in full by the Warren Commission in 1964. (17H765-6)

I suggest that the decade-long suppression of CD 1084A was required by the sensitivity of the political position drawn by the FBI from the conclusion that Oswald was guilty, and the implications of the dissemination of this conclusion to Mann, reportedly a close friend of President Johnson. The Dallas FBI's original "working paper" (CD 1084A) tied Oswald quite directly to the Cuban government; this was promptly toned down.

* Enclosed is the cover letter, as released and with as many deletions as possible filled in, and p. 1 of CD 1084A. The rest of this CD, and related documents, are available from the Archives, or from me. (I am sending all of CD 1084A to Bud F.)

The change is best seen by comparing the conclusion on the first page of CD 1084A with the corresponding paragraph on page 2 of the FBI's Summary Report of December 9, 1963 (CD 1, which was prepared for public release but in fact not released for over two years). In CD 1084A, within 5 days of the assassination, the FBI wrote:

"All evidence points to the fact that the life of our beloved president was taken by LEE HARVEY OSWALD, avowed Marxist, a former defector, to the Soviet Union and an active member of the Fair Play for Cuba Committee, which has been financed by the Cuban Government."

In the report of December 9, however, the FBI stated:

"Nevertheless (that is, although Oswald denied his guilt - PLH), evidence developed in the investigation points conclusively to the assassination of President Kennedy by Lee Harvey Oswald, avowed Marxist, a former defector to the Soviet Union and the self-appointed Secretary of the New Orleans Chapter of the Fair Play for Cuba Committee, a pro-Castro organization."

The point is not only that the latter version of Oswald's FPCC activities is more accurate than the former. The downplaying of the link to the Cuban government reflects the major tension which was causing concern at the top levels of the U.S. government: that is, the possibility of a Cuban plot and the implications of the allegations which were promptly made. (This is discussed at some length in our book, especially p. 354 ff.) In this respect, as in many others, the FBI Summary Report (CD 1) foreshadowed the Warren Commission's own report of 9 months later. Oswald was painted as a loner whose political leanings and contacts were not crucial to his actions. (This was a sensitive point, of course. Commissioner Gerald Ford insisted on at least a passing reference to Oswald's Marxism as a motivation; many observers, including I.F. Stone, were relieved that the Commission had not taken the opportunity to criticize the left.)

Pending new investigation, the motivation of this minimization of Oswald's links to Castro through the FPCC must remain a matter for speculation. One factor was presumably a genuine fear that a thorough investigation of the assassination would lead to demands for retaliation against Castro. Another may have been a recognition by the FBI or the CIA that a close examination of Oswald's activities might expose them as phony - those of an informer or agent. The FBI no doubt also realized that a study of their files on Oswald would probably lead to an exposure of the COINTELPRO efforts against the SWP and the CPUSA; in any case, the FBI turned back the Commission's half-hearted efforts to examine their relationship with Oswald in detail.

President Johnson discreetly referred to his concerns in his memoirs, where he explained the need to establish the Warren Commission. He wrote that "... we were aware of stories that Castro, still smarting over the Bay of Pigs, and only lately accusing us of sending CIA agents into the country to assassinate him, was the perpetrator of the Oswald assassination plot. These rumors (my emphasis) were another compelling reason that a thorough study had to be made of the Dallas tragedy at once...." ("The Assassinations," p. 11) Referring to the number of people who would be killed in a nuclear war, Johnson drafted a reluctant Warren to head the Commission. We have learned in the last year that Castro's accusations about CIA plots were justified. With the release of CD 1084, we know that Johnson had more to be concerned about than rumors: the FBI declared Oswald an assassin who was "an active member" of a group "which has been financed by the Cuban government."

Shortly after the assassination, Mann was involved in an exchange of messages with the State Department in Washington which apparently at least discussed the possibility of Castro's involvement in the assassination. (See the testimony of Dean Rusk, 5H365-6, 370, and CD 442.) From the extreme sensitivity accorded these exchanges in the references known to me, it appears that someone was doing more than just raising questions about Castro's involvement, but making accusations. It may well be that Mann was representing Johnson's view about the need to avoid such unfounded accusations. (Johnson soon promoted Mann - I think to become

Assistant Secretary of State for Latin American Affairs, within a month of the assassination.) We do know that at some undefined time the FBI's position was given to Mann, and that it was eventually toned down. The exchanges between Mann and Washington (CD 442), and the rest of the cover letter of CD 1084, might shed some light on this crucial dispute. (Crucial, because from it emerged the impossible ambiguity in the job Johnson gave to Warren: to stop the dangerous rumors, and to find the truth about the assassination.)

We do not know who else saw CD 1084A; that information may be in the deleted information in the cover letter. It would be surprising if Mann did not keep Johnson fully informed. By June of 1964, Hoover was clearly very sensitive about this document. He said that it (and a parallel report on the shooting of Oswald by Ruby) "were not prepared for dissemination and are not to be considered as official reports of this Bureau." They had not been given to the Commission spontaneously and promptly (e.g., in response to the Commission's request of December 17, 1963 for the 'raw materials' on which CD 1 was based; this document was clearly used as a draft). (Of course, there were many other relevant records which Hoover did not volunteer to the Commission.) Hoover even asked to have these reports back! He said that "As the numerous official reports and memoranda which have, to date, been submitted to you ... supersede the data in the ... work papers, you may find, after perusal of same, that you have no further need for them. If such be the case, we would appreciate their return to us." (A most unusual request - would they have gone to the "do-not-file" file?) Evidently, Commission Counsel David Slawson (to his credit) recommended against their return.

Incidentally, the date of the briefing of Mann is not known. The documents are undated, which is unusual for an FBI document. (The Secret classification is also unusual - only 19 CD's from the FBI were classified this highly.) Internal evidence suggests that CD 1084A was finished on or before November 27, and the first pages (including the conclusion about Oswald's guilt) may have been done well before that. Hoover's cover letter says only that it was prepared in Dallas "in late November 1963." The November 27 date can be inferred from the reference on page 10 to the fact that three cartridge cases were found, and two were matched to Oswald's rifle. The FBI called Captain Fritz of the Dallas Police at his home around 1 a.m. on November 27, asking for the third cartridge and other evidence; this material was flown to Washington, and the conclusion that the third shell also matched was reported on November 27. It is very unlikely that this update would have been omitted from a briefing paper prepared after the 27th.

The most striking aspect of the factual case against Oswald presented in CD 1084 is that there is no expression of doubt about the case against Oswald, even in the Tippit killing, no questions about the DPD's reactions, no discussion of the FBI's previous contacts with Oswald, no reference to the Mexico trip, etc. There are strong factual problems in the case, some of which were corrected in CD 1; the invariance of the conclusion confirms what we have known for years: that Oswald's guilt was established before a solid case was made. For example, the FBI originally mentioned that Oswald had not been arraigned for the Kennedy killing, since that was not thought necessary (CD 1084A, p. 11); I think there is no mention at all of the arraignment problem in CD 1, and the Warren Report erroneously stated that he had been arraigned in the JFK case. (See Meagher's book, p. xv, 304 ff.) CD 1084 uses James Jarman's statement that Oswald went to the sixth floor after 11:30 a.m. (p. 6), whereas the Warren Report drops this in favor of Charles Givens, whose testimony about Oswald's movements has been thoroughly discredited.

Among the other points of interest in CD 1084 is Hoover's erroneous statement (in the cover letter) that the contents of part D were reported to the Commission in CD 78; in fact, the most sensitive information (about the CIA taps or bugs at the Mexico Embassies) was left out, replaced by a suggestion that the Commission contact the CIA for more information. I suspect that the release of CD 1084D in full in 1970 was related to the breakdown of FBI-CIA liaison; the CIA did not release its communications with the Commission on this matter in 1970, and I am quite sure that they were not candid with the Commission.

CD 1084A was overclassified in 1963, kept from the Commission in 1964, withheld through reviews in 1965 and 1970, and denied to me under the FOIA as late as August 1973. It may be released now, but the coverup continues!