

[These documents, PLH #87-137 (114 pp.), were sent by Jane Bartels on 12/27/77 and received on 12/29. See separate listing for identification of each item, and a summary description.]

First, some comments on the items I have rated \*\*\*. (Caution: my rating system is very subjective and not always internally consistent.)

\*\*\* Item #101, Sullivan memo of 4/17. This document reports the FBI's reaction to information furnished by Rankin, to the effect that the Secret Service had said they would have had Oswald under surveillance if they had been told about him. With The Director's approval, the FBI talked to Rowley, who was reportedly "shocked and indignant." He said that the Secret Service would not have taken action against Oswald, even if they had checked the TSBD, since he was employed there. The author of the memo (apparently OHB ~~on~~ ~~SS~~, presumably Mr. Bartlett, the liaison supervisor) concluded that Rankin's information was apparently in error.

Rowley told the FBI that only he and PRS head Bouck could speak for the SS in this matter. He said that Bouck had not yet testified, and that he would be thoroughly briefed in advance.

The fact is that Rankin wasn't wrong at all. Sam Stern of the Warren Commission staff interviewed Bouck on March 20, 1964. His memo on this interview was withheld until 1976. (Item #101 on the list of documents released by the Archives; 5 pp.) Stern wrote:

"If they [PRS] had learned everything [about Oswald] except employment at TSBD, but knew of his return to Dallas, they would have attempted to locate him.... As soon as they learned about his employment at TSBD they would have arranged to keep him under surveillance, either by a Secret Service agent or a Dallas policeman, during the President's stay in Dallas."

Worse yet for the FBI, "Both Bouck and [Inspector Tom] Kelly [Kelley] said that they would have expected to have been informed about Oswald.... How do they explain the FBI's failure to advise of Oswald? They say only that the FBI must not have regarded him as presenting any danger to the President." (Stern memo of 3/20/64, p. 4)

Bouck did testify on April 23, 1964. (4H294; see especially pp. 311-314.) His testimony is cited on page 440 of the Warren Report. The Commission said, very delicately, that the information known to the "Federal Government" would, if known to PRS, have made Oswald a subject of concern. The Report noted Bouck's testimony that "he had no reason to believe that any one Federal agency had access to all this information, including the significant fact that Oswald was employed in" the TSBD. The Commission carefully avoided any comment on whether in fact any agency (i.e., the FBI) did have access to all this information. Bouck mentioned some things in his testimony which, I think, the FBI had not known; however, I think that everything he mentioned in his earlier conversation with Stern was in fact known to the FBI.

Bouck backed off a bit from his statement that Oswald would have been under surveillance if his TSBD employment had been known. He said they would have "looked at" the situation, but that he could not predict what actions the Dallas office would have taken. (4H312)

It has been known since 1964 that Hoover was very upset by the conclusion in this section of the Warren Report, that the FBI "took an unduly restrictive view of its responsibilities in preventive intelligence work prior to the assassination." (WR 443) As I recall, Hoover called this "Monday morning quarterbacking" in an interview with the Star. Although I have argued (in my manuscript) that the focus on the question of FBI notification of the SS led to an unduly restrictive view of the evidence on Oswald's peculiar relationship with the FBI, it certainly was considered to be an important question. What this memo of April 17 proves is that the position of the knowledgeable SS agent was softened, after it was given to the FBI by Rankin, as a result of actions taken by Hoover and Rowley. (And it confirms that it wasn't easy to push Hoover around!)

I am enclosing items 101 and 102 from the 1976 Archives release. (Item 102

includes comments from Sorrels to Griffin about the FBI's less than perfect relationships with the SS and the DPD (p. 2). (I also have a memo, which I think is still officially withheld, of a WC staff interview of Frank Ellsworth of the ATF in which he says negative things about SA Hosty.)

I would like to see Rosen's memos of 4/14 and 4/15, with Hoover's comments. (Those documents are likely to be serialized in the second 62 file (62-109090), which has not been released yet, but copies may be in 62-109060.)

One of many questions I would like to ask Rankin: why was he telling the FBI what the SS people were saying? Isn't that undercutting his own staff? It is clear from other documents that Rankin was very careful not to offend Hoover.

\*\*\* Items #103-5, memos of 2/4, 2/3, and 2/13 re false reports of an FBI agent being decked by the SS at Parkland - which turned out to be true.

These memos basically speak for themselves. It is amazing that the FBI would lean on a UPI vice-president for something like this. (Item 104) It is more amazing that DeLoach would assure The Director that "there was no frictional differences between the FBI and Secret Service" at Parkland, even while admitting that one FBI agent was "stopped" by the SS but not "slugged." (#103) It is doubly amazing to learn that the agent was in fact "knocked to the floor," and that Rowley personally had to apologize to Hoover.

I would like to see Rosen's 2/13 memo to Belmont (referred to in #105), and (if readily locatable) the teletype of 2/6 reporting the interviews of the doctors. (I don't recall any of this in the CD's.)

Some general observations: we've known for years how Hoover intimidated his own top people. Seeing it in writing, even in such a relatively minor incident, certainly fleshes out the picture. The author of the DeLoach memo of 2/4 (REW) must have realized that he was giving Hoover a misleading picture. (Presumably the Director's insistence on having the doctors interviewed led to the later admission that SA Williams had been knocked to the floor; I can't tell until I see the interview reports.)

The question, in general, is to what extent this kind of attitude, filtering down from Hoover, affected not just procedures but the substance of the investigation. I don't think that, ultimately, this incident between the FBI and the SS meant anything. The previously discussed item, about how the SS would have reacted to knowing of Oswald, is much more substantive. It looks like Oswald's note to Hosty was suppressed at lower levels of the FBI, presumably to avoid Hoover's wrath. As noted below, I suspect that the story of the suppressed Hosty notebook entry never got to the top of the FBI, for similar reasons.

We should also look for Lyle Wilson's letter of 1/29/64 to the FBI, and any earlier FBI communications mentioned there.

\*\*\* Item 108, Brennan to Sullivan, 12/5. This memo indicates that the FBI didn't want Huntley & Brinkley interviewing Marina. This was considered not only by Hoover and Rowley, but by Jenkins and Moyers at the White House, who were going to get LBJ's reaction.

From the Warren Report, p. 667: "Speculation - The Secret Service incarcerated Marina Oswald immediately after the assassination. Commission finding - Marina Oswald was given protection by the Secret Service for a period of time after the assassination. She had freedom to communicate with others at anytime (sic) she desired, to go where she pleased, or to terminate the protection at any time." The footnote refers to the testimony of none other than Marina Oswald! (See next page at @

Peter Dale Scott has studied in detail the handling of Marina, and the possible sinister implications. (For example, a translator whose connections with Army Intelligence are particularly intriguing because of the other odd things Army Intelligence was doing apparently put words into Marina's mouth on a small but (according to Peter) quite important point.) I would like to defer to Peter for a detailed analysis of the new documents relating to Marina's interrogation. I have seen several others, indicating (among other things) that Marina was not thought to be cooperative at first, and that the FBI wanted to know where she was shortly after Oswald's death - when the Dallas SS had her and SS headquarters didn't

know exactly where she was.

It isn't clear from this document how the FBI got involved with the Huntley-Brinkley request at all. I wonder if the interview ever took place; and, if not, what explanation NBC was given.

The language in this memo which should be compared with the Warren Report finding quoted above is "Mrs. Oswald remains in the Secret Service Protective Custody and [that] the Secret Service Office at Dallas is under the instructions that no interviews are to be had with Mrs. Oswald without approval from his [Rowley's] office."

\*\*\* Item 117, Belmont memo of 11/24. (I got this earlier, in Vol. 1-3.) The importance of this one is obvious. November 24 is extremely early for Belmont to be saying what the FBI report will show, and that it is "clear that Oswald is the man who killed the President."

I don't know why the FBI would object to the issuance of the proposed Katzenbach statement, which appears to accurately represent the FBI's position. Perhaps the FBI just didn't like other people putting out the conclusions.

Katzenbach's intention to keep Curry and Fritz off TV has not, as far as I know, been set out so openly before. The content of Shanklin's call to Curry on 11/23 was the subject of controversy in 1964 (see the NYT, 10/8, p. 60, and 10/15, p. 35) and again in September 1975. Shanklin said, in essence, that he only had asked Curry to retract the statement that the FBI had Oswald under surveillance, and had interviewed him in Dallas.

\*\*\* Item 124, Belmont memo of 6/2, re "corrections" to Hoover's testimony. (Also see Item 123.)

Procedurally, of course, these changes to the testimony were irregular. As I recall, a standard procedure was set up, where changes other than actual corrections of the reporter's transcriptions were to be indicated by brackets. In fact, I have seen several instances where the WC staff lawyer cleaned up the grammar of his questions; I don't think the witness was allowed to make such changes in his answers. I have one instance where Belin made a substantive change in a question.

I'm not ready to assume that the changes described under "1" and "3" are as minor as this memo implies. The original testimony might be worth checking. (Item 123 says it is filed under 62-109090-169, which should be in the second half of the FBI release. It also should be available at the Archives.)

What gives this item a rating of \*\*\*, however, is section 2, dealing with the Hosty entry in Oswald's notebook. Chapter 5 of my 1974 manuscript deals with this topic in detail, presenting evidence that the entry was in fact deleted from the initial FBI report, and not just omitted. I felt that the FBI's arguments for the omission were internally inconsistent, and that the FBI's explanation was not at all good enough to resolve the doubts of the WC staff.

Among other things, I pointed out some problems with Hoover's testimony on this point. (See pp. 5.15-16, also pp. 5.9, 5.11.) I noted that "Hoover brought up the subject himself, obviously having prepared a careful statement." I commented that "not a single question was asked - Hoover got away unscathed with this totally inadequate explanation." It turns out there is a simple explanation - Hoover never gave that testimony! As this memo reveals, it was added more than two weeks later.

Procedurally, this is of course outrageous. There was no need for such falsification of the record. Hoover could have submitted a supplementary affidavit, as other witnesses did. And why on earth would Rankin go along with this? Judging from this memo, he may have even suggested it!

The substantive problems with Hoover's statement are discussed in my manuscript. This memo contains an earlier version of the inserted testimony, which is somewhat less glaringly inadequate than the final version, but which completely fails to respond to the issues. It is essentially a chronological narrative of the two-phase reporting of the contents of the notebook; the closest thing to an explanation is the statement that the initial report "was not

prepared for this Commission but rather for investigative purposes." That's hardly the thing to say, since the Commission was supposed to be investigating! The final version was expanded to "investigative purposes of the FBI," which is more polite but quite misleading.

There is a marginal note which appears to be "See memo 6/5/64 for further change," with an initial which I can't decipher but which I think is Belmont's. That memo should be looked at. (If it isn't in the 62-109060 file, it will qualify as a newly released document when the 62-109090 file is released.)

This memo should indicate that the explanation was enlarged to include the claim that the Hosty entry did not appear in the first listing "as the circumstances under which" the data "appeared in Oswald's notebook were fully known to the FBI." As I noted, that is not correct and the affidavits of the two reporting agents involved had not included that claim.

I think that this document has potential as a news story. (It may even be usable on television, since the page of the original report with the page number in the "wrong" place could be made into a visual.) SA Gemberling, who signed one of the affidavits, has been speaking in public; he repeated his explanation recently on the Susskind show. As far as I know, he has never been confronted with the kind of evidence I included in my manuscript. For example, I would like to hear him justify the distinction between "lead material" (in the first report) and "non-lead material" (in the second one), which appears in his affidavit. My conclusion (pp. 5.8-9) was that "the Hosty entry is the only legible and clearly nontrivial entry which was intentionally omitted from CD 205," the first report. Also, "Although it was supposedly 'non-lead' information, the Hosty entry was the only material from the notebook important enough to be mentioned in the synopsis for CD 385," the second report.

For all I know, either the Schweiker Committee or the House Committee may have questioned Gemberling on this matter. They should have done so.

I would be on the alert for any communications relating to the reporting of the Hosty entry in either 62 file.

\*\*\* Item 127 (62-2367), Rosen to Belmont, 1/29.

What most impresses me is Hoover's extremely negative attitude towards the really minimal kind of analysis of the physical evidence that the Warren Commission insisted on, in order to get a reconstruction of the assassination. I have always been skeptical of the claims of people like Belin and Specter, to the effect that they would have been delighted to find evidence of a conspiracy - it would have made them famous, etc. But, compared to the FBI, they do seem like hotshot investigators!

The AIB has sent me a couple of other memos along the same lines - one where Hoover refers to a suggestion as "poppycock." The most striking item is a memo in which Shaneyfelt (the agent who did much of the work in this area for the Commission) indicates that he doesn't see what the Commission hopes to learn from their study of the time interval between the shots. I find it hard to believe that he didn't understand that 2 shots within 2.3 seconds conclusively proved a conspiracy - but maybe he hadn't thought about it. It is certainly true that the kind of reconstruction and analysis done (half-heartedly) by the WC can never prove there was just one assassin, but could have disproved that hypothesis in a number of independent ways. So, in that sense - if you were already sure that Oswald did it alone - there really was nothing to be gained.

One general comment along these lines: when I went through the Commission's files at the Archives in 1973, I selected a couple of hundred pages of internal memos and put them in a file called "Good points." Certain members of the staff were really quite good at spotting some of the problems with the evidence which were to keep the critics going later. (The fact that they failed to resolve all of these difficulties is, of course, another story.) But the staff was able to recognize these problems, and, from time to time, take them very seriously. That isn't really surprising, considering that they were pretty sharp lawyers. Now I am wondering if the FBI ever generated such criticism. Is there any indication that they ever questioned the basic case against Oswald? If there are such memos, I would like to see a few.