

January 2, 1978

Dear Jim [cc: Mary, Sylvia]:

After I wrote you this morning, I started in on the documents which CBS sent me. One of the most interesting ones is 62-109060-167, which you selected and listed but had not yet sent me. (Of course, I was going to ask for it.) So, I guess I can send you my notes. (Also, to MEF & SM, a copy of the document.) [I'm sending only part of page 3, and all of page 4, of the notes. After I work things out with CBS, I'll send the rest, of course.]

I think it would be good to push CBS to use this; and (unless and until they decide not to) not give it to anyone else. While getting the document to me a week or so before you would have doesn't really give them that much right to an exclusive on my analysis, I think the fact that they picked this document out themselves and were interested in the Hosty entry a couple of years ago makes it more likely that they will use it. (Of course, I have the rights to what I wrote in 1974, so I have some influence over what they can use, I guess.) I'm sending a copy of my comments to Jim McManus, as well as to Jane Bartels (who sent me the documents). It might be worth getting back to McManus on this.

I hope we can get something out of this item.

Best,

Paul

PLH

*** 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.

Memorandum

TO : MR. TOLSON

DATE: June 2, 1964

FROM : MR. BELMONT

SUBJECT: THE PRESIDENT'S COMMISSION

Tolson ✓
 DeLoach ✓
 Mohr ✓
 Casper ✓
 Callahan ✓
 Conrad ✓
 Felt ✓
 Gale ✓
 Rosen ✓
 Sullivan ✓
 Tavel ✓
 Trotter ✓
 Tele. Room ✓
 Holmes ✓
 Gandy ✓
 [Handwritten initials and marks]

On the afternoon of June 2, 1964, Mr. Malley and I discussed the Director's testimony before the President's Commission with Mr. Rankin. You will recall we went over the transcript and clarified some typographical errors, etc., and thereafter left a copy with Mr. Rankin.

Mr. Rankin had only three points which he felt required further attention:

1. Page 6514. In connection with the Director's testimony on persons connected with front organizations, the Director stated that merely because a man belongs to a subversive organization does not mean he is black-listed and is a menace to his country for life. If he belongs to 20 of them, it shows he is either very gullible, or dumb or he is a menace. "That has been my attitude in regard to Government service where you find a Government employee who belonged to one or two, maybe in his early days. I think then there is a grave doubt as to whether he is a security risk."

Mr. Rankin felt this could be clarified to make the point the Director intended. He suggested possibly this be revised to read: "That has been my attitude in regard to Government service where you find a Government employee who belonged to one or two, maybe in his early days; I don't believe this makes him a security risk." Mr. Rankin made it clear, however, that he was not trying to put words in the Director's mouth; that this testimony would be made public and consequently it should state just what the Director means it to state.

To avoid questions from the public, I suggest the following wording would be preferable: "That has been my attitude in regard to Government service where you find a Government employee who belonged to one or two, maybe in his early days. I don't believe this necessarily makes him a security risk. Rather, this would be dependent on the degree of his activity in the front group and his purpose and intent in associating himself with it."

- AHB: [Handwritten initials]
- (6)
 - 1 - Belmont
 - 1 - Mohr
 - 1 - DeLoach
 - 1 - Sullivan

memo 6/5/64

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MEMO TO: MR. TOLSON
RE: PRESIDENT'S COMMISSION

2. Page 6544. Mr. Rankin noted that at the beginning of the testimony (Page 6493) the Chief Justice outlines the areas in which the Director will be asked to testify. One of them is the failure to include the name and information concerning Special Agent Hosty in the initial report of the Oswald address book. However, Mr. Rankin never got around to asking the Director about this during the testimony. Mr. Rankin thought we should include the Director's comment on page 6544, where the Director is discussing the fact that Hosty's name, office telephone number and license number were in Oswald's memorandum book.

We suggest that the following be inserted as a paragraph after the second line on page 6545: "Incidentally, those items in Oswald's notebook requiring investigative attention were first set out in an investigative report of our Dallas Office dated December 23, 1963. This report was not prepared for this Commission but rather for investigative purposes and, therefore, the information concerning Hosty's name, telephone number and license number was not included in the report. This information was reported in another investigative report of our Dallas Office dated February 11, 1964, in order that there would be a complete reporting of all items in Oswald's memorandum book. Both of these investigative reports were furnished to this Commission."

cc memo 1/15/64 with [unclear] R

3. Page 6568 to 6571. Mr. Rankin agreed with the changes we had made in the testimony concerning wording in our appropriation bill relative to a provision for the protection of the President. However, Mr. Rankin noted that on page 6570 we had eliminated one brief question by Representative Ford and the Director's answer as not being pertinent. He agreed with this. He did say he would go over this with Representative Ford to make sure Mr. Ford also agreed, although he had no doubt that Mr. Ford would be in agreement.

Mr. Rankin again stressed that the testimony of witnesses before the Commission will be made public and both the Director's and Belmont's testimony will be regarded as policy statements of the Bureau. He said that he had no questions as to the policy enunciated in the testimony and as a matter of fact he felt that the testimony would do the Bureau a great deal of good in the eyes of the public because it presented the Bureau's sensitivity to the rights of the individual and to the necessity of operating strictly within the law, which was an area of Bureau policy that

MEMO TO: MR. TOLSON
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had not previously been publicized. He reiterated that this testimony presented the Bureau in a light that would be new to many persons.

I told Mr. Rankin that the Bureau followed the policy that our actions spoke louder than our words.

Mr. Rankin said that he thought the Director was opposed to the FBI taking over the functions of Secret Service. I told him that this was correct, that the FBI had enough to do without taking over such responsibilities. Rankin said that some of the members of the Commission were of the opinion that Secret Service should be transferred over to the FBI and, as a matter of fact, he had noticed publicity to the effect that once the elections were over in November, the White House intends to transfer the functions of Secret Service to the FBI. I reiterated that I was sure that the Director would be opposed to such a move and I asked Rankin whether he had any solid basis beyond newspaper publicity that the White House intended such a move. He said he did not have but that he knew the respect with which the President regarded the Director and he thought it was probably the basis for the newspaper comments, although he had no facts on which to base his opinion.

ACTION:

If you agree, we will make the above changes in the testimony and furnish them to Mr. Rankin informally.

2. It is suggested that Mr. DeLoach be alert to insure that the views of the Bureau on any possible transfer of Secret Service functions to the FBI are known in proper quarters.