

# The Federal Bureau of Investigation and the Assassination of President Kennedy

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The President's Commission on the Assassination of President John F. Kennedy, popularly known as the "Warren Commission", was appointed by President Lyndon B. Johnson on November 29, 1963. Less than a year later the Warren Commission submitted its report to President Johnson.

## Reliance on Other Agencies for Investigation

Although the Warren Commission had a substantial staff of lawyers, it had no true investigative staff of its own. Consequently, the Commission relied upon other agencies -- the FBI, Central Intelligence Agency, Secret Service, etc. -- for field investigations and laboratory work. Of these agencies, the FBI acted as the principal investigative arm of the Warren Commission.

Theoretically, at least, the FBI was the agent of the Warren Commission and did what the Commission instructed it to do. In actual fact, the relationship between the two was not that simple. But whatever the complexities of the relationship, the role played by the FBI was key to the Commission's working processes and its ultimate product -- the Warren Report.

This article focuses upon some aspects of the FBI's role in the investigation into President Kennedy's assassination. It concludes that the FBI did not properly perform its duties. The article charges, among other things, that:

- the FBI withheld much pertinent information from the Warren Commission;
- the FBI flooded the Commission with reams of irrelevant data;
- the FBI altered some items of evidence, and
- in some instances the FBI procrastinated in investigating and reporting relevant information.

## A. The FBI Dominated the Investigation: Did It Do Its Job Well?

1. Assigned by President Johnson to conduct a "full and thorough" investigation of the assassination [1], the FBI produced a Summary Report [2], complete with embossed cover and plastic binder, barely two weeks after the murder of President Kennedy and before the Warren Commission could even organize its staff or appoint its Chief Counsel [3]. That report, and a similarly glossy FBI Supplementary Report [4] date January 13, 1964, contained allegations of medical findings and other basic evidence which are in irreconcilable conflict with the Commission's own findings on the same evidence.

### Premature Commitment

In addition, these reports prematurely committed the FBI -- and probably the Commission as well -- to the thesis that Oswald and Oswald alone was guilty of having assassinated President Kennedy. The FBI's errors on the evidence -- if that is what they were -- were so embarrassing to the Commission that these FBI reports were suppressed in the Commission's own Report and in its 26 volumes of Hearings and Exhibits as well [5]. The contents of these two FBI reports, which seriously conflicted with the Warren Commission thesis, were not disclosed until 1966 [6].

### Bullet Fragments and Data

2. The FBI withheld much pertinent information from the Warren Commission. For example, the FBI did not supply to the Commission the essential details of the spectrographic analyses of the bullet and bullet fragments.

Yet this was absolutely crucial evidence, as it could have shown whether all the projectiles and the bullet were identifiable with a single batch of ammunition. Instead, the FBI reported only that

the composition of these items was "similar" [7]. Parenthetically, it should be stated that the Warren Commission did not demand the details of the spectrographic analyses, though it should have. On the other hand, when members of the Commission staff made inquiries about neutron activation analysis of the areas surrounding the alleged bullet hole in the President's shirt collar and the nick on his necktie, FBI Director J. Edgar Hoover personally shunted aside any effort in this direction by throwing cold water on the usefulness of such tests as an aid in understanding the origin of the hole and the nick [8]. Yet neutron activation analysis is a test several times more refined than spectrographic analysis and might have resolved conclusively certain questions about the origin of the hole in the President's shirt collar and the frayed area on his necktie. As a consequence, these tests could have answered questions as to whether a single bullet did in fact inflict all seven wounds on both President Kennedy and Governor Connally, a claim which the Commission made and which was essential to its contention that the President was assassinated by a lone rifleman.

#### Oswald's Records of FBI Agent Hosty

3. In a different form of dereliction, the FBI sometimes procrastinated in reporting to the Commission the results of its investigations. Thus, in one instance the FBI delayed seven weeks in reporting the contents of selected pages from Oswald's notebook. These are the pages which contained the name, address, phone number, and other data about FBI Agent James P. Hosty, and which suggested a possible informant-agent relationship between the two men [9].

#### Dental Charts of Jack Ruby's Mother

4. Meanwhile, the FBI did not hesitate to swamp the Commission with time-consuming irrelevancies. These included the dental charts of Jack Ruby's mother [10] and the subtle distinctions between the Caucasian, Negroid, and Mongoloid hairs [11]. Recently it has come to light that the FBI sent to the Commission two copies of a 48 page compilation it made of Marina Oswald's medical records for the period of her pregnancy [12].

5. The FBI also meddled with evidence on occasion.

Thus, a camera said to have been used by Oswald to have his picture taken holding the alleged assassination weapon was mended by the FBI prior to duplicating the photographs [13]. The original Oswald-with-rifle photographs themselves were belatedly examined for fingerprints by the FBI in 1968, while in the possession of the National Archives, and they are no longer in recognizable condition [14].

#### Lack of Identification of at Least 7 Persons

6. The FBI never interviewed or even identified some of the persons who were employed at the Texas School Book Depository (TSBD) at the time of the murder.

Yet certain of these persons might have been among the most important witnesses in the entire investigation. A letter from J. Edgar Hoover to the Commission, date April 3, 1964, purported to forward statements "from each person known to have been in the Texas School Book Depository on November 22, 1963." The number of statements forwarded

is 73, and 3 other employees are named as being absent from work that day [15]. Yet the Secret Service had previously identified 80 employees on December 7, 1963 [16]. Another employee, Gordon Wayne Smith, who did work on November 22, 1963 and was in the same group as Oswald, had been interviewed superficially by the FBI on November 27, 1963 [17]. There is no record of a subsequent report on him by either the Secret Service or the FBI. Scattered references in the testimony and various Commission exhibits establish that several other persons are known to have been in the TSBD on the morning of November 22, 1963, but some of these have not been identified to this day [18].

#### B. Oswald Took the Rap: But Was He an FBI "Subject"? an FBI "Informant"? or Both?

1. Texas Attorney General Waggoner Carr, based on information supplied to him by Dallas District Attorney (and former FBI agent) Henry Wade and others, informed the Warren Commission in January, 1964, that there was evidence that Oswald had been an FBI informant [19].

#### The Emergency Meeting of the Warren Commission That Was Unreported

This information occasioned an emergency meeting of the Warren Commission on January 22, 1964. The stenographic record of this meeting was confiscated and never written up [20]. Carr and Wade were among those then invited to Washington to discuss this allegation with the Commission. The meeting was held in total secrecy on January 24; even the stenographic reporters were excluded [21]. The proceedings have never been published.

The Commission resolved the dilemma which this allegation posed by asking J. Edgar Hoover if Oswald was an FBI informant. The FBI Director responded that Oswald was not an FBI informant, after which the Commission dropped the matter.

#### Oswald Sought an FBI Interview When Jailed in New Orleans

2. On August 9, 1963 Oswald was arrested in New Orleans for disturbing the peace. This charge arose out of an altercation which occurred when Oswald distributed leaflets on behalf of a purported New Orleans chapter of the Fair Play For Cuba Committee (FPCC), a national organization suspected as subversive by the FBI. Strangely, Oswald asked for and promptly got an interview with an FBI agent [22]. Would a "true" subversive seek an FBI interview upon being jailed? The FBI later explained to the Commission that it was apparent from the interview that Oswald "was making a self-serving statement" [23] but the FBI also charged that Oswald had told the agent numerous lies during the interview and they neglected to show how any of this served Oswald's supposed purposes.

#### Seven FBI Agents Associated with Oswald

3. At least seven different FBI agents are known to have been associated with Oswald during the year and a half after his return from Russia and before the assassination, several of them through personal interview of Oswald [24].

One agent, Warren DeBrueys, prepared a report dated October 25, 1963, concerning the "Fair Play For Cuba Committee — New Orleans Division" [25]. Published references to this report seem to indicate that it is entirely or almost entirely about

Oswald [26], although by this date Oswald had departed New Orleans at least a month previously and the FBI later stated that its investigations during the Summer of 1963 "disclosed no existence of organized FPCC activities in the New Orleans area" and, in fact, "the only activities in behalf of the FPCC appeared to be those efforts made by Oswald" [27]. The DeBruycs report, while apparently made available to the Warren Commission, is not printed in the Commission volumes and has never been released to the public by the FBI.

4. FBI Director J. Edgar Hoover, in a letter to the Commission on May 4, 1964, submitted an itemized list of "the contents of the FBI headquarters file concerning Lee Harvey Oswald up to the time of the assassination ..." [28]. The list contains no fewer than 69 items, but despite its length there are at least two known FBI reports concerning Oswald, prepared prior to the assassination, which are not included [29]. Hoover's letter offered no explanation for such omissions.

5. FBI Director J. Edgar Hoover submitted a letter and affidavit to the Commission in February, 1964, in which he stated "categorically" that Oswald had never been an informant for the FBI [30]. Taken in context, Hoover's statement is a response to the allegation that Oswald had been a paid informant for the FBI. Consequently, the refutation of this allegation overshadowed other ticklish questions about the nature of Oswald's contacts with the FBI. The Commission itself published FBI reports of interviews of Oswald on June 26 and August 16, 1962 [31], which state that Oswald had promised to cooperate with the FBI by reporting "any contacts, or attempted contacts, by the Soviets under suspicious circumstances or otherwise." On its face, it seems rather strange that an alleged Marxist who defected to Russia should agree to cooperate with the FBI to the detriment of the Soviet Union.

#### C. Unanswered Questions About the FBI's Knowledge of Oswald Prior to the President's Assassination

Convincing evidence exists that Oswald could not have been the lone assassin of President Kennedy. Close examination of the available evidence suggests extensive fabrication and cover-up, and also suggests the clear possibility that Oswald was framed for a crime with which he had no connection, particularly not as a rifleman [32].

But assuming for the sake of argument that, although contrary to the evidence, the Warren Commission thesis about Oswald is true, there remain embarrassing but unanswered questions.

1. Dallas FBI Agent James P. Hosty was assigned to investigate Oswald prior to the assassination of President Kennedy. Hosty is reported to have asserted to a Dallas Police Detective on the afternoon of the assassination that the FBI was aware of Oswald and that they had information that Oswald "was capable of committing the assassination of President Kennedy" [33]. Hosty later denied making any such statement, contrary to convincing evidence that he had [34].

2. FBI Director J. Edgar Hoover defended Hosty and claimed that the FBI did not have "any indication that this man was a dangerous character ..." and that there had been no information to justify referral to the Secret Service [35]. The Commission disagreed, and after recounting Oswald's history of hostile and erratic behavior, all of which was well known to the FBI, observed: "All this does seem to

amount to enough to have induced an alert agency, such as the FBI, possessed of this information, to list Oswald as a potential threat to the safety of the President" [36].

3. Marina Oswald lived at the residence of Ruth and Michael Paine in Irving, Texas, for some weeks prior to the assassination and Lee Oswald frequently stayed there. For reasons said to have been related to Oswald, the FBI initiated a full field investigation of the Paines in late October, 1963, actually visiting the Paine residence on November 1 and 5, 1963 [37]. FBI Agent Hosty claims that he learned of the Oswalds' living with the Paines only after learning of a change of address filed by Oswald in New Orleans [38].

#### FBI Interception of Oswald's Mail

4. Numerous FBI reports, some only recently declassified, establish conclusively that Oswald's correspondence with certain organizations was being intercepted and supplied by confidential informers to the FBI. One such report cites the contents of an Oswald letter to the FPCC in April, 1963, the source being described as "Dallas confidential informant T-2" [39]. A New York informer reported an Oswald letter to The Worker in June, 1963 [40]. Another FBI report shows awareness of Oswald's correspondence with the Soviet Embassy in Washington in August, 1962 [41]. The FBI neither admitted nor denied operating a mail cover on Oswald, although this would have been a simple and logical extension of the FBI's investigation of him. The existence of a mail cover on Oswald is, however, a legitimate question, for if such a mail cover was placed on Oswald prior to March, 1963, then the FBI may have known of Oswald's receipt by mail of the rifle which he allegedly used to assassinate President Kennedy. Knowledge of Oswald's receipt of this weapon would clearly have signalled his "capability" for violence which the FBI claimed was unknown.

5. The FBI possessed a massive dossier on Oswald and his activities for several years [42]. FBI Agent James P. Hosty, who knew intimately of Oswald's past and his place of employment at the TSBD, claimed to have been totally unconcerned about Oswald as a threat to the President [43]. Yet this same Hosty said he took it upon himself on November 21, 1963, to inform the Secret Service of certain right-wing activities and threats to the President in Dallas [44], proving that there was no lack of opportunity for the FBI to have warned about Oswald.

#### D. Does the FBI Mislead Its Bosses?

1. The day after District Attorney Jim Garrison arrested New Orleans businessman Clay Shaw and charged him with having conspired to murder President Kennedy, Ramsey Clark, who was in the midst of Senate proceedings to confirm him as Attorney General, asserted that the FBI had included Shaw in an investigation into the assassination it made in November and December of 1963. Clark then claimed: "On the evidence that the FBI has, there was no connection found" [45].

2. Three months later the Justice Department issued another statement which proclaimed that Clark's earlier statements were in error and admitted that the FBI did not investigate Shaw during its probe of President Kennedy's assassination [46].

3. J. Edgar Hoover has recently asserted that Ramsey Clark was a "jellyfish" — the worst Attorney General he had ever served under. "He was worse than Bobby," Hoover said [47].

However, the incidents related above raise a serious question about Hoover. Did Hoover's FBI mislead Attorney General Clark as to whether the FBI had ever investigated Clay Shaw during its probe of President Kennedy's assassination?

#### CITATIONS

Following is the explanation of abbreviations used in the citations below:

WR — Warren Report

CE — Commission Exhibit (Printed in one or another of the 26 volumes of Hearings and Exhibits; these can be located by exhibit number.)

CD — Commission Document (These are not printed but are available for examination at the National Archives, provided they are not still classified.)

Certain exhibits, e.g. Gallagher Exhibit 1, are referred to by the name of the person testifying at the time they were introduced; these are printed in the 26 volumes and can be located by name and number in the appropriate volume as identified by the binder.

Testimony is cited by volume and page number, followed in parenthesis by the name of the person testifying, e.g., "5H100 (J. Edgar Hoover)" means volume 5, page 100, testimony of J. Edgar Hoover. In a few instances involving references to lengthy exhibits, this same notation is used to specify a particular volume and page number to facilitate the location of the information being cited.

1. 5H100 (J. Edgar Hoover)

2. CD 1

3. WR, pp. x-xi

4. CD 107 and 107.1\*

5. No part of CD 1, 107, or 107.1 is printed in the Report or Volumes. Neither J. Edgar Hoover nor Alan Belmont (Asst. to Hoover) refer to them in testimony.

6. "List of Basic Source Materials," National Archives, released to public in 1966. See also Sylvia Meagher, Accessories After the Fact, Bobbs-Merrill, 1967, pp. 147-148.

7. 5H67 (Frazier)

8. Gallagher Exhibit 1

9. CD 833, p. 15; 5H112 (Hoover); the actual entries may be seen in CE 18 (16H64)

10. CE 1281

11. CE 668 through 670

12. CD 884

13. 4H284

14. Information from the National Archives

15. CE 1381

16. CD 87, Secret Service #491

17. CD 5, p. 375; see also CE 1949 (23H751)

18. For example, see 6H366-367 (Danny Arce); Decker Exhibit 5323 (19H511 re a "Joe Loraine"); CD 897, pp. 35-36 (re a Mr. & Mrs. Hawkins).

19. Congressman Gerald R. Ford, Portrait of the Assassin, pp. 13-25

20. Records of Ward & Paul, Court Reporters, Washington, D.C., 1964

21. Ibid. (no entry); the meeting itself is described by Ford, op Cit., pp. 13-14.

22. WR, pp. 436-437; CE 833, p. 7

23. CE 833, p. 10; see also 5H11 (Alan Belmont)

24. CD 821 through 824, 826, 829, and 833

25. CE 833, pp. 7 & 9

26. Ibid.

27. Ibid.

28. CE 834

29. Known to be in existence but not included in Hoover's list are the Fain report of 5/12/60 (see CE 821) and the DeBrueys report of 10/25/63 (see CE 833, p. 7-9). See also 5H26 (Alan Belmont) re certain Hosty notes or reports in October-November, 1963.

30. CE 825 and 835

31. CE 823, p. 13; CE 824, pp. 1 & 6

32. See particularly the works by Sylvia Meagher (Accessories After the Fact) and Harold Weisberg (Whitewash II: The FBI-Secret Service Cover-Up and Photographic Whitewash).

33. WR, p. 441

34. WR, pp. 441-442; CE 709 & 711

35. WR, pp. 442-443; CE 833, p. 2 of cover letter

36. WR, p. 443

37. CE 830; CE 833, pp. 12 & 13; 4H446-448 (James P. Hosty); 5H26 (Alan Belmont)

38. 4H447 (Hosty); CE 833, p. 13

39. CE 829, p. 2; CE 833, p. 5

40. CE 833, p. 6; see also CD 28, pp. 3-4; CD75, pp. 672-673 (declassified in 1970)

41. CE 824, pp. 1 & 4

42. WR, pp. 433-440

43. 4H460 (Hosty)

44. Ibid.

45. New York Times, March 2, 1967, p. 22

46. Ibid., June 3, 1967, p. 64

47. Washington Post, November 17, 1970, p. 1