

11:36 a.m.

December 12, 1963

MEMORANDUM FOR MR. TOLSON
 MR. BELMONT
 MR. MOHR
 MR. CONRAD
 MR. DE LOACH
 MR. EVANS
 MR. ROSEN
 MR. SULLIVAN

WARREN
 Commission

D.C.

Mr. Lee Rankin called from New York to check in with me on the matter of the Commission. He wanted to work out an arrangement with me which he thought might be satisfactory. He said he understood Mr. Belmont handled the investigation.

I told Mr. Rankin that Mr. Belmont, Mr. Rosen and I handled the preparation of the report and will handle additional leads as they come in.

Mr. Rankin asked how he should handle anything that comes up, things the Commission will want developed further, in regard to the FBI - whether they should be handled directly with me or somebody I would designate.

I replied that I will designate someone. I explained that I sent Mr. Malley down to Dallas to handle all of our angles down there; that he was on the ground there; and that I think he probably would be the man who would be more familiar with things Mr. Rankin should further explore. I stated Mr. Malley is in Dallas at the present time but will be ordered back tomorrow; that he will be available; and that we will be glad to run out any additional matters he may want.

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I advised Mr. Rankin of the difficulty I have had about the Department's desire to issue certain conclusions; that they wanted to issue a statement before the report went to the Commission reaching conclusions Oswald was the assassin, no foreign or subversive element involved, and Rubenstein and Oswald had no connection; that I flatly disagreed; they took

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Section 1

Memorandum for Messrs. Tolson, Belmont, Mohr, December 12, 1963
Conrad, DeLoach, Evans, Rosen, Sullivan

It up with the White House and the President agreed with me that we should reach no conclusion; nevertheless the report does reach two conclusions in substance.

I said I personally believe Oswald was the assassin; that the second aspect as to whether he was the only man gives me great concern; that we have several letters, not in the report because we were not able to prove it, written to him from Cuba referring to the job he was going to do, his good marksmanship, and stating when it was all over he would be brought back to Cuba and presented to the chief; that we do not know if the chief was Castro and cannot make an investigation because we have no intelligence operation in Cuba; that I did not put this in the report because we did not have proof of it and didn't want to put speculation in the report; that this was the reason I urged strongly that we not reach conclusion Oswald was the only man.

As to Rubenstein, I said I did not want a statement about Rubenstein and Oswald; that we have no proof they were ever together. I stated Rubenstein is a shady character from the hoodlum element of Chicago, has a poor background, runs a nightclub in Dallas, and is what would be called a police buff; that the police officers in that precinct have been able to get food and liquor from him at any time they drop in; that while I think there was no connection between him and Oswald, I did not want the report to be 100% sure on that.

Fourth, I stated I did not believe any conclusions concerning Rubenstein should be reached at this time because he has not been tried; that was why I suggested to the Attorney General of Texas - and understood the Chief Justice did too - that his court of special inquiry be held in abeyance until after the Commission makes its findings. I said I thought they would go ahead with the Rubenstein trial in February; that was why I felt our report should name merely the facts we have established.

I further stated there may be some aspects Mr. Rankin will want to have run out further; that there may be letters written to members of the Commission; that we have letters from people who claim to have seen Oswald; that up to the time we submitted the report we had cleared up all these angles except the Cuban thing which I discussed generally and explained that the informer recanted and blew that angle out of the window; that sort of thing may be popping up all the time. I advised Mr. Rankin if he wanted any leads followed out or any implementation of what we have already done we will give him 100% cooperation.

Mr. Rankin stated he knew we would; that he just wanted to establish liaison; that he does not want to bother me until properly.

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Conrad, DeLoach, Evans, Rosen, Sullivan

establishing it as a matter I should know. I told him not to hesitate to call me; that I will designate Mr. Malley and he will advise me at once of anything. Mr. Rankin then said he would get in touch with me if he thinks there is anything which should be taken up on that level.

I mentioned to him the actions of the Soviet Embassy, the Communist Party in New York, and John [redacted] in making available to us their information on Oswald.

I also discussed the operations of the Dallas Police Department in the case which led to the murder of Oswald.

Edwin *TEXAS* *NY C.P. allocation* *TEXAS*
I told Mr. Rankin the Department held the report about five days and then began to leak items from the Department on it, items such as the shooting of General Walker, things not known in Dallas; that I kept pressing them to get the report to the Commission; that a debate was going on between the Department and me; that I did not want any conclusion drawn but I thought a conclusion had been made in the letter of transmission to the Commission; that there would have been no purpose in appointing a Presidential Commission except to evaluate the facts; that it was the duty of the FBI to get the facts and let the Commission reach a conclusion.

I told Mr. Rankin we would want to do anything we can here to make his job easier. He said he has always had complete confidence in that and in me.

Mr. Rankin inquired if anything had been done about seeing that the films would be preserved and available for the Commission. I answered that we have them ourselves; that we have films taken by private individuals; that the President was not being covered by a car with television people as they do here in Washington; that there was not a professional photographer where this took place; that the Secret Service car immediately in back had already passed the building, which was at an angle, with the result they couldn't tell where the shots were coming from. I mentioned the comment by former Chief of Secret Service Baughman that he could not understand why the Secret Service men did not open fire with machine guns at the window. I said the Secret Service men did not see where the shots came from and would have killed a lot of innocent people if they had done

so.
In connection with stories indicating Oswald could not have done this alone, I stated he was a marksman and it wasn't anything he

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could not do; that we have tested it on our rifle range and were able to get shots off even faster than he did; that there is no question in my mind about it; that we also found the fingerprints and the bullets so conclusively fired from the gun; that we have all this and we have all the photographs.

Mr. Rankin inquired if we also have the television film run off of the shooting of Oswald, and I told him we have this.

Mr. Rankin said Mr. Malone delivered to him a copy of the report and also offered to help in any way possible; this was very kind of Malone; but he will not deal with Malone in anything unless it is some emergency and he has to handle it locally. I told Mr. Rankin this was all right and if he should need to call upon Malone, Malone would be available.

I also told Mr. Rankin there is a direct wire between the New York Office and here; that he can always place any calls to here over our wire; and that I will arrange for this.

I told Mr. Rankin to let us know if there is anything we can do.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SENT FROM D. O.
TIME 12:45 PM
DATE 12-13-63
BY <i>Rif</i>

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Evans _____
Rosen _____
Sullivan _____
Malone _____
Casper _____
Callahan _____
Conrad _____
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Gale _____
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Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM TELETYPE UNIT

December 9, 1963

The Chief Justice
The Supreme Court
Washington, D. C.

VIA AIR MAIL (101)

Dear Mr. Chief Justice:

At the direction of President Johnson, I am transmitting herewith to you and to the other members of the Commission copies of the report of the Federal Bureau of Investigation on the assassination of President Kennedy and on the subsequent shooting of Lee Harvey Oswald. You will note that in some aspects the investigation is continuing and further information will be made available to the Commission as it develops. The Secret Service and the Department of State have also prepared reports with respect to the preparations made to guard the President and certain background information in the hands of the State Department with respect to Oswald. You will have these promptly.

This report is not a classified document since it does not contain defense information. However, we have been treating it as a highly classified document and I trust that you and the other members of the Commission will do likewise until such time as you determine to release matters contained within it. Within the Government it is being read by a very limited number of people on a "need to know" basis.

You will recall that at the time of announcing the Federal Bureau of Investigation investigation, and prior to the appointment of the Commission, President Johnson announced that the FBI report would be made public. I have

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however, informed him of your request that this report not be released until the Commission has had time to review all of the facts and evaluate them. At the same time I am sure you are aware that there is much public speculation and rumor in this connection which would be desirable to allay as quickly as possible. For example, the latest Gallup poll shows that over half the American people believe that Oswald acted as part of a conspiracy in shooting President Kennedy, and there is considerable rumor in this country and abroad to the effect that Fuby acted as part of the same or a related conspiracy.

I think, therefore, the Commission should consider releasing--or allowing the Department of Justice to release--a short press statement which would briefly state the following points:

(1) The FBI report through scientific examination of evidence, testimony and intensive investigation, establishes beyond a reasonable doubt that Lee Harvey Oswald shot President Kennedy on November 22, 1963. The evidence includes ballistic tests, fingerprints and palm prints, clothing fibers and other technical data which place Oswald at the scene of the crime and establishes that he fired the shots which killed President Kennedy and wounded Governor Connally of Texas.

(2) The FBI has made an exhaustive investigation into whether Oswald may have conspired with or been assisted by any organization, group or person, foreign or domestic, in carrying out this cowardly act. In this regard, the FBI has questioned hundreds of persons and checked out numerous rumors and reports. To date this aspect of the investigation has been negative. No evidence has been uncovered indicating that any organization, group or person, including Dallas night club owner, Jack Ruby, was involved with Oswald in the assassination of President Kennedy, or that the subsequent shooting of Oswald was part of a conspiracy.

I would be happy to discuss any of the matters contained in this letter or in the report with you or other members of the Commission at any time you should desire. I am, of course, always at your service.

Sincerely yours,

Nicholas deB. Katzenbach

Nicholas deB. Katzenbach
Deputy Attorney General

Memorandum

TO : MR. MOHR

DATE: 12/9/63

FROM : C. D. DE LOACH

SUBJECT: ASSASSINATION OF THE PRESIDENT

Tolson	_____
DeLoach	_____
Mohr	_____
Bishop	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
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Tele. Room	_____
Holmes	_____
Gandy	_____

W. F. ...

Nick Katzenbach, the Deputy Attorney General, called me at 11:00 A.M., this morning, and asked that I come around to his office.

Upon seeing Katzenbach, he made reference to the proposed press release which the White House had originally planned to issue over the weekend in connection with the captioned matter. (The Director instructed we advise Katzenbach that we strongly felt that only the first paragraph of this release should be issued, or the first three paragraphs of the revised release which Mr. Belmont read to the Director on Saturday.) Katzenbach told me that there was a stalemate at the White House in connection with this release. Abe Fortas strongly felt that the entire release should be given to the press. Ted Sorenson agreed with us that only the first three paragraphs of the revised release prepared Saturday should be given out. Fortas believed that speculation, rumors and gossip should be dissipated right now. He claimed it made no difference that the Presidential Commission would present findings to the President and the general public. He felt rumors concerning collusion between Ruby and Oswald, also those concerning international conspiracy, should be hit hard now.

As a result of the disagreement between Fortas and Sorenson, there will be no press release from the White House. To get his point across, however, Katzenbach has prepared a letter to Chief Justice Warren and each Commission member transmitting a copy of the report. The report will be delivered today. In his letter, Katzenbach states that the report is being delivered at the instructions of the President. He also calls upon the Commission to quickly issue a statement concerning its findings so that rumors, gossip and speculation can be eliminated. He goes on to point out that investigation thus far has nailed down the point that Oswald assassinated the President and had no assistance. He further mentions that Ruby operated strictly as an individual and had no assistance. He points out there is no evidence of collusion or international intrigue.

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Katzenbach asked me if the FBI could deliver these reports. I told him we could not, that it was our position that the reports are now out of our hands and delivery

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. M. A. Jones

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SAR
CAROL R...

Memorandum Mr. DeLoach to Mr. Mohr
Re: ASSASSINATION OF THE PRESIDENT

Presidential Commission

should be handled by the Department. He asked if we could package them for him inasmuch as he had no facilities for doing this. I told him I thought our Mail Room could handle this chore for him. He then stated that he had no way in which to deliver the report to John J. McCloy, the Commission member in New York. He wondered if the FBI could handle this for him. He added that each report would, of course, have his letter transmitting the report as an attachment to the package; therefore, the package actually would be coming from him and not the FBI. I told him I would check on this angle and let him know.

Katzenbach has requested 11 copies of the report from us. Seven of these copies will go to Presidential Commission members, as he promised last Friday, 12/6/63. One copy of the report will go to the Chief Counsel of the Commission, presumably Lee Rankin. The Department desires two copies and Katzenbach wants to give Secret Service one copy, making a total of 11 copies needed.

ACTION:

(1) That we package the copies for Katzenbach and have them delivered to his office. (Mr. Belmont advises there are sufficient copies.)

OK
Done 12/9

(2) That we turn over to Katzenbach ten copies of the report, it being noted that the Department already has one copy.

OK
Done 12/9
@ 4:55 p.m.

(3) That we tell Katzenbach that we are charging him with the safety and handling of these reports inasmuch as we have discharged our duties, other than the continuing investigation. It is further suggested we tell him that we have no objections to the Secret Service receiving a copy of the report; however, this, of course, is up to Katzenbach inasmuch as he is charged with the safety of a specific number of reports.

OK
Done 12/9
↓
(CONTINUED)

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Memorandum Mr. DeLoach to Mr. Mohr
Re: ASSASSINATION OF THE PRESIDENT

ACTION (continued):

(4) That we tell Katzenbach that under the circumstances we will have our New York Office deliver a copy of the report to John J. McCloy.

*1
Done 1/19 -
[Signature]*

*[Signature] 1/19
[Signature]*

[Signature]

[Signature]