

W
For John Crowder - please forward

5/15/79

Dear John,

In one of my many FOIA suits the Times has never mentioned I obtained all the FBIHQ records from these files: 62-109050, on the assassination investigation; 62-109090, on Commission relations, etc; and 105-92555, on Oswald. Two records from the first are enclosed.

Of course I've obtained many other records, probably about a quarter of a million pages by now. Some of their internal records relating to your conduct with them would not make you proud. But I guess that is a price to be paid. Many did.

Ke tzenbach's role throughout that period and later as a Congressional witness is despicable. He is a master of untruth, rivaling some FBISA's I know in faulty recollection. Here he was kissing the ass of the FBI that continues to detest him. And untruthful.

Also untruthful are the Commission files you checked with, except for Ball, who was less than fully truthful.

The bugging of the hotel was the Willard, where Marina was registered under the name of the then Secret Service Inspector Tom Alley, later Assistant Director, Protective research, since retired. The FBI did do it and they caught her laying her then business manager, Martin. This gave the FBI much blackmail, against the Secret Service, which made the deal to involve Marina with Martin when he managed the Inn of the Six Flags, and against Marina. I have a completely separate and quite explicit case of the FBI's immediate blackmailing of Marina, almost before her tears stopped flowing. (If you want this stop off next time you are in Washington.)

The actual surveillances of Marina were pretty complete. In addition to bugs and tapes they had her under physical surveillance and kept tabs on her through informants who have to have been her few friends/associates. My first recollections of the post-Willard surveillances have then beginning once she got arraigned to relieve her from Secret Service custody, which was about early February 1964.

Aside from blackmailing her into changing her story completely, which they did through threat of deportation, the FBI had treated Marina pretty badly. I have records of theirs in which they report her sexual dreams and fantasies, her explanation of her relationship with Martin (justified because she though he was sterile and she'd not conceive), even her request of a woman friend for a drug that would repress her dreams or desires. I've used some of these in court records, FOIA cases, without attracting any attention to them. (As you know reporters rarely read court records. They prefer sources.) All of this was the fruit of surveillances.

First the FBI froze the Secret Service out of its interviews with Marina, while she was in Secret Service custody. About first week. They used INS. My encapsulation of this in my first (1965) book is entirely accurate but greatly understated. It continues to be understated in my second (1966).

The Secret Service used the carrot - they'd make her rich. The FBI used the stick. Actually she was milked heavily, a total of 35% off the top, with a 10% to her brother-in-law Robert to keep her content and to help freeze Ruth Fine out. Ruth was Marina's only possible outside contact. She tried to reach Marina through the ACLU but by then it was too late.

There may be some truth to the effort to blame the safely-dead Warren, but if there is any it is greatly exaggerated. Rankin, who was close to the FBI and was worked in over Warren's choice of Warren Olney, testified the Commission. I got this also through FOIA, when I got the executive session transcripts. I have all but one now and am back in district court on remand on that one, which will make a scolded Gerald Ford story if I get it. Rankin coaxed the old gossamer and the compliant Ford into believing that if they did not keep close watch on Martin she'd cross the border into Mexico. Really?

However, the FBI had the notion that the Russians would be using her or that she might have some connection with them. Please excuse the haste and the typos. Sincerely,

MM-

November 21, 1975

Honorable Nicholas DeB. Katzenbach
IBM Corporation
Armonk, New York 10504

Dear Mr. Katzenbach:

I have been informed that you recently called Deputy Attorney General Harold Tyler to express your concern about an article written by John Crewdson in the New York Times concerning taps and/or bugs on Marina Oswald. I understand that you said this article may be unfair to us and certainly it may also have been unfair to you. The fact that you took the time and trouble to inform Judge Tyler is most appreciated, and I am hopeful that this matter will be straightened out in order that we might prevent even further misunderstandings.

Sincerely,

1/s/ Clarence Kelley

MA

REC &

62-109060-7425

REC'D - ADMINT. SEC.

5 DEC 3 1975

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6
Assassination of President John F. Kennedy

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TO : Director, FBI

DATE: October 31, 1975

FROM : Harold R. Tyler, Jr. *HRT*
Deputy Attorney General

SUBJECT: New York Times Article, — *copy attached*
October 30, 1975, (page 34) *adm*

Assassination of President John F. Kennedy
gov letter to Mr. K.

On the morning of October 30th, I received a telephone call from Nicholas Katzenbach. Mr. Katzenbach was concerned about the article by John Crewdson in the Times concerning taps and/or bugs of the home or apartment of Marina Oswald. Specifically, according to the Crewdson article, the FBI is said to have made a statement that it had conducted "an electronic surveillance" of Mrs. Oswald's residence for a period in February and March, 1964 "based upon written approval of the Attorney General of the United States."

EX-103

According to Katzenbach, this article may be erroneous and unfair, both to the FBI and former Attorney General Robert Kennedy. Further, according to Katzenbach, he recalls that the tap was placed on Mrs. Oswald's residence pursuant to a request from Chief Justice Earl Warren. Katzenbach is of the opinion that Mr. Kennedy did not attach the letter which he received from the Chief Justice in order to protect the privacy or reputation of the latter. *MA*

Finally, according to Mr. Katzenbach, it is his recollection that no bug or other form of electronic surveillance of Mrs. Oswald was ever authorized. Indeed, he is inclined to the belief that the FBI did nothing but the phone tap as heretofore described.

cc: The Attorney General

REC-EX-103

62-109060-7426

Let. to Mr. Katzenbach
11-21-75
cm

K
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Tap on Marina Oswald's Room Reported by Ex-F.B.I. Official

He Says Warren Commission
Was Not Told of Action
After Kennedy Death

By JOHN M. CREWDSON
Special to The New York Times

WASHINGTON, Oct. 29—The Federal Bureau of Investigation tapped the telephones and bugged the living quarters used by Marina Oswald after the assassination of President Kennedy, it failed to report either the fact of the surveillance or its product to investigators for the Warren Commission, according to a former F.B.I. official.

The official, who was closely involved with the investigation conducted by the bureau in the wake of the assassination, said that the electronic surveillance was instituted on the Russian-born Mrs. Oswald shortly after her husband, Lee Harvey Oswald, was identified as the principal suspect in Mr. Kennedy's murder.

The surveillance, the former official said, continued for "some months" after the death of Mr. Kennedy on Nov. 22, 1963, and the killing of Oswald himself two days later by Jack Ruby, a Dallas nightclub operator.

But the former official said that, to the best of his recollection the surveillance never produced any information that apparently bore directly on Oswald's motives or that supported the suspicions held by some F.B.I. officials that he had been involved in a conspiracy against the President's life. It was those suspicions, the former official said that prompted the bureau to initiate its electronic "coverage" of Mrs. Oswald.

The F.B.I. said in a statement this afternoon that it had "conducted an electronic surveillance of Marina Oswald's residence from Feb. 29, 1964, to March 12, 1964, based upon written approval of the Attorney General of the United States."

The Government contended then that in "national security" cases court permission was not required. This late Robert F. Kennedy was Attorney General at that time.

The bureau did not deal with its reported failure to inform the Warren Commission of the eavesdropping effort, and a spokesman said he would be unable to go beyond the statement.

Not in Testimony

None of the volumes of testimony or evidence published by the Warren Commission contain any hint that commission lawyers were told by the F.B.I. of its surveillance of Mrs. Oswald, which the former official said took place in and around the Dallas area where she and her husband lived.

The former official's assertion was supported by key commission counsel and investigators, who said in telephone interviews that they could not remember having been told that Mrs. Oswald's conversations had been monitored.

David W. Belin, a lawyer from Des Moines, Iowa, who served as an assistant counsel to the commission, said that if the former official's account was accurate, "it strikes me as horrible" that the commission was left uninformed.

His sentiments were shared by Albert E. Jenner Jr., also a former assistant commission counsel and now a Chicago lawyer, who said that whether the surveillance of Mrs. Oswald had come out "positive or negative," the panel should have been allowed to weigh whatever information was gleaned.

The commission, named for Earl Warren, the late Chief Justice who acted as its chairman, was set up by President Johnson within a week of Mr. Kennedy's death with instructions to determine the circumstances that surrounded the assassination.

The commission's report was initially heralded and subsequently defended by most of those who prepared it as a definitive assessment of all of the evidence then in the hands of Federal agencies and others that related in any conceivable way to Mr. Kennedy's death.

The former F.B.I. official's account of the withholding of the wiretap and bugging data on Mrs. Oswald, however, is but the most recent indication that the evidence made available to the commission was less than complete.

Last week, for example, the F.B.I. acknowledged that one of its agents had destroyed, within hours of Oswald's death, an allegedly threatening letter he had received from Oswald less than a month before Mr. Kennedy was shot.

Joseph A. Ball, a third lawyer who served as an assistant counsel to the Warren Commission, said today in a telephone interview from his Long Beach, Calif., office that he, too, was certain he never had been told about the electronic surveillance of Mrs. Oswald.

If he had been, Mr. Ball said, he "would never have permitted" the F.B.I. to use such techniques in its investigation on behalf of the commission.

Mr. Ball added, however, that he did recall having been told that the bureau had bugged the hotel room that Mrs. Oswald occupied on her visit to Washington to testify before the commission.

That bugging was also confirmed by the former official, who said that it had produced nothing apparently related to the investigation at hand.

The bureau denied in its statement this afternoon that it had conducted electronic eavesdropping on Mrs. Oswald at her Washington hotel.

The disclosure that the surveillance of Mrs. Oswald continued at least through February, 1964, the month in which she testified before the commission, raised questions about the locations where the F.B.I. placed bugging devices and tapped the telephones referred to by the former official.

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- _____ Journal
- _____ Observer
- _____ The Los Angeles Times

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