

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY AIR MAIL (S) OF DATE 7-26-73 DS

1 - Mr. Foster

FEDERAL GOVERNMENT

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September 15, 1978

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

Former Inspector James R. Malley advised he had been contacted by Mike Ewing on Friday, September 8, 1978, and a tentative date of Friday, September 15, was set for a deposition to be taken from Malley by the HSCA.

On September 11, Ewing again called and advised Friday would not be a convenient date for the Committee and set a date of September 13 at 2 P.M. for a deposition. When arriving for this interview, Ewing stated the plans had been changed and no deposition would be taken and, at that time, there would merely be an interview between Mike Ewing and Malley.

ST-130 REC-89 62-117290-7210

Ewing requested Malley to relate, as near as possible from memory, all circumstances surrounding his being assigned to handle the Kennedy assassination matter. He wanted information at the time the actual assassination occurred until Malley had been sent to Dallas; what occurred in Dallas; and any special instructions given before he arrived there, after he arrived in Dallas and after he returned to Washington, D. C. He asked numerous questions concerning what action was taken by Malley immediately upon arrival in Dallas. Information was furnished to him concerning instructions received from former Assistant Director Allan Belmont regarding interviews with former District Attorney Henry Wade, Chief of Police Jesse Curry and Sheriff Decker. Ewing wanted details as to what approach Malley used in talking to these three individuals relative to seeking their cooperation in not making rash statements concerning the assassination. Ewing was advised that, not having been acquainted with any of these individuals and never having talked to them on the phone, an approach was made solely on the basis that Malley, as a representative of the Bureau, had been instructed to seek their cooperation and that these instructions were issued to the Bureau by then President Lyndon Johnson. He had just been sworn in three days before.

MAILED 13
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- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
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- Spec. Inv. _____
- Tech. Serv. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

JRM:mel
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Original and 3/1/83

Classified by 403 d/scl
Declassify on: OADR 5/3/83
#24,726

SAC, Criminal Division,
by 0-70, 9/26/78

0-70(G)
original access to
Crim. Div. (enc)
1-CIU (enc)
DTC:PFM
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

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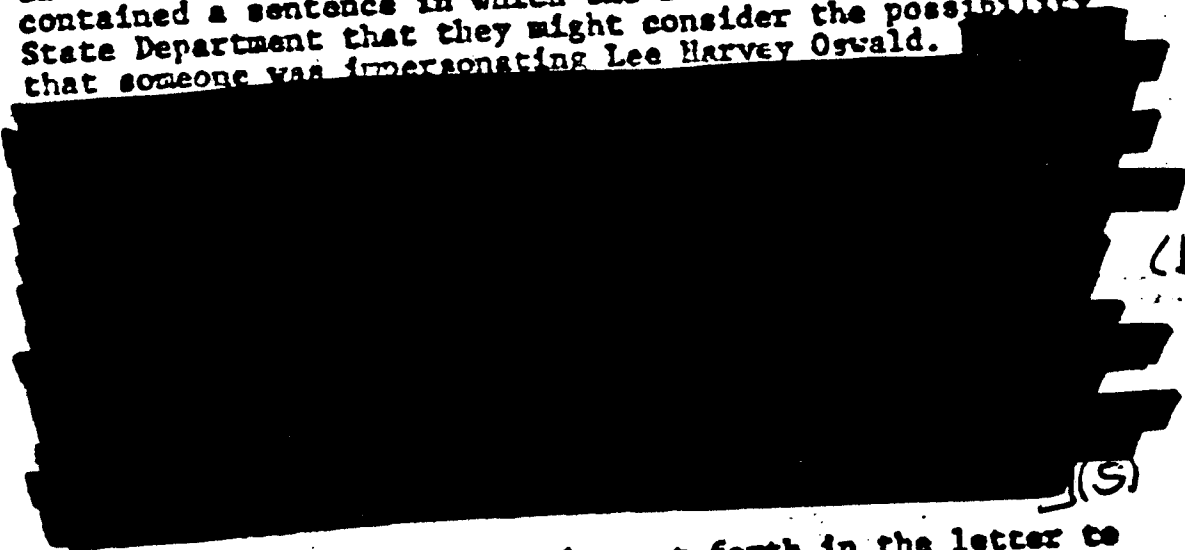
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Following a recital of the above, Ewing produced a letter, which was sent to the State Department by the Bureau in 1960, referring to a report of former Special Agent John Fain, which contained information relating to an interview with Lee Harvey Oswald's mother. This letter contained a sentence in which the Bureau suggested to the State Department that they might consider the possibility that someone was impersonating Lee Harvey Oswald.



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Based on information set forth in the letter to the State Department in 1960, plus the fact that the information furnished to the Bureau by a source, Ewing again raised the question that there did seem to be some positive indication of an impostor using Oswald's name. The above matters were discussed in great detail by Ewing, attempting to have Malley say that the Bureau was deficient in handling this in that they apparently, from a review of the Bureau material, had not considered and fully explored in more detail the possibility of an impostor, which could have brought about a possible conspirator with Oswald. Malley made no comments whether he agreed or disagreed, but merely stated the fact that Bureau personnel were under the instructions from Director Hoover to fully explore every possibility of a conspiracy and fully investigate every matter that came to their attention. There was also considerable discussion of what appeared to be a letterhead memorandum dated November 23, 1963, which covered in considerable detail, approximately five

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pages, a summary of the information that had been gathered by the Bureau from the time of the assassination on November 22 up to the time this memorandum was prepared. In examining this memorandum, it was noted that there were no initials identifying the individual who prepared the memorandum (this could possibly indicate that the memorandum was prepared for dissemination). During this discussion, Malley mentioned to Mr. Ewing that when he had been previously interviewed by the Church Committee relative to the Kennedy assassination, he recalled a letter dated November 23 that he had been shown, which was sent to the White House and possibly, according to Malley's memory, the Attorney General. Ewing was told that the letter he had recalled seeing contained similar information to that which was in the memorandum of November 23, but was in much less detail. In connection with this memorandum, Ewing again indicated there was some information that there was a possibility there was an impostor using Oswald's name.

In the discussions with Ewing, he referred frequently to the fact that it was most difficult for the Committee to fully understand the manner in which the Bureau handled the assassination case in that criminal matters were handled by the General Investigative Division and the security aspects by the Domestic Intelligence Division, and the investigation relating to Oswald being killed by Jack Ruby handled by the Civil Rights Section of the General Investigative Division. He questioned Malley whether it would not have been better for the murder of Oswald by Jack Ruby to have been handled by the Special Investigative Division, which handled organized crime matters. Ewing's comments then dealt with the fact that this investigation brought out information showing that Jack Ruby had made a number of telephone calls to various well-known hoodlums that have since become much better known as being affiliated with the Mafia. He mentioned Sam Giancana and Santo Trafficante. Ewing commented that with such contacts as these on several occasions, it certainly appeared to the Committee that Ruby did have contacts that were more significant than the Bureau attached to them and the Committee did not feel there was a sufficient amount of investigative attention

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ordered to the possibility that these individuals could have had some connection not only in the slaying of Oswald but also of the President. It was pointed out to Ewing that at the time Oswald was killed by Ruby, there was no information available then to show that Ruby had any close connections with any one crime figure outside the Dallas area or any Mafia connections anywhere. It was also pointed out that from a practical standpoint, the Bureau had little jurisdiction to enter this murder investigation of Oswald as it was a state murder case. We did have instructions from President Johnson to handle all aspects of the Kennedy assassination and we did enter the case involving Oswald's death on that basis, plus using the Federal statute relating to civil rights. Ewing, nevertheless, persisted in comments to the effect that if the Bureau supervisors handling organized crime matters had supervised the Oswald killing, there would have been more investigative attention afforded to Ruby's connection with Mafia and other crime figures.

Moving away from the actual investigations relating to the assassination of Kennedy and the killing of Oswald, Ewing went into some detail on several administrative matters which are as follows:

He referred to the inquiry that was made by former Assistant Director James H. Gale, which he made at the Director's instructions relative to the handling of this case in various Field Offices and at the Seat of Government. Gale's memorandum reflects, according to Ewing, that a total of 17 individuals, who worked at one time or another on this case, were criticized or reprimanded in some manner. He questioned Malley concerning his familiarity with this memorandum and why it had not been made available to the Warren Commission. Malley advised Ewing that he knew that Gale had been instructed to make such an inquiry, that he had talked to him at one time on the phone and that he did not necessarily agree in full with Gale's comments relative to possible action that should be taken concerning Bureau personnel. He also told Ewing that he was not involved, to the best of his recollection, in any decisions that were made at the Seat of Government relating to whether this information would or would not be passed on to the

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Warren Commission. Ewing indicated that the Committee had been in touch with J. Lee Rankin, who headed up the Warren Commission inquiry, and several other people connected with the Warren Commission relative to this administrative memorandum of Gale and all of these individuals that were contacted felt that the Bureau had held out vital information that should have been made available to them. He indicated these individuals felt that Bureau personnel who had been reprimanded were continuing to handle matters on the assassination case after being criticized for their previous actions on the matter and that this seemed to the Committee to be a definite shortcoming of the Bureau. Ewing attempted to have Malley make some comments which would indicate that he agreed that this had been a shortcoming. Malley answered Ewing by saying that this was an administrative matter relating to Bureau personnel and that, as he recalled, not having participated in the discussion as to whether it would or would not go to the Warren Commission, he was not in a position to answer. He also commented to Ewing that while someone might be accused of handling one matter incorrectly, it did not mean the man was incapable of performing adequately in other aspects of this investigation. He also commented that he did not feel there would be many individuals who had worked, over a period of years, on investigative matters and had not made a slight slip and this did not mean they were incapable.

Ewing questioned Malley as to whether he was aware that dossiers had been compiled by members of the Bureau on the Warren Commission and personnel that worked for the Warren Commission. Malley said he could not recall any direct knowledge, but would not be surprised that an investigation would have been made relative to all individuals assigned to this matter. Ewing then questioned Malley as to whether he was aware that instructions had been issued for Bureau personnel to conduct surveillances and obtain photographs, if possible, that would show derogatory activities on the part of Warren Commission personnel. Ewing was advised that Malley had no such information.

He then questioned Malley as to whether he was aware of any such activities of a derogatory nature relating to critics of the Warren Commission. Malley advised him,

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without indicating the name, that he did know of one individual that was a lawyer and an author that had allegedly engaged in activities that would be considered by many people to be derogatory. (This refers to attorney and author Mark Lane.) Ewing, without naming anyone, commented the Committee was well aware of this individual's abnormal behavior, of his troublesome activities and that he had been a constant source of trouble to the Committee since the day they started their operation. Ewing then questioned Malley as to whether he was familiar with instructions that had been issued by the Seat of Government to attempt to obtain derogatory information on any of the critics the Bureau had relative to the Kennedy case and he insisted that specific instructions were given and that they were handled at a rather high level in the Bureau. Malley told Ewing that to the best of his recollection, he could not recall any information setting forth such instructions or setting forth any requests as a result thereof.

Ewing then directed his conversation toward activities of the Central Intelligence Agency (CIA) and questioned Malley as to whether he had knowledge of CIA activities dealing with individual Mafia members in trying to set up activities against various world-known leaders. He was advised that Malley had never been aware of any such activities being made known to the Bureau. He stated, however, that he did recall seeing information, but did not know if it was in Bureau files or in a newspaper since he left the Bureau, concerning CIA contacts with Robert Mahon, a former Bureau Agent who was subsequently an aide to Howard Hughes. Mahon, supposedly, had contacted Roselli, the hoodlum figure that was supposed to arrange for the killing of Fidel Castro.

The above lasted 4 hours and 15 minutes, and, at the conclusion, Mr. Ewing indicated that, undoubtedly, the Committee would request Malley to appear at a public session of the Committee, possibly on September 20, 21 or 22, and he would advise later of the correct date.

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