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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D. C.

February 6, 1964

Honorable J. Lee Rankin
General Counsel
The President's Commission
200 Maryland Avenue, Northeast
Washington, D. C.

Dear Mr. Rankin:

Reference is made to our conversation of January 23, 1964, concerning testimony furnished the Commission by Mr. Henry M. Wade, the District Attorney of Dallas County, Texas. You advised that Mr. Wade testified he had heard that Lee Harvey Oswald had been an informant of the FBI, had been assigned symbol number "179" and had been paid \$200 monthly in this capacity. You further advised that Mr. Wade also indicated that FBI headquarters was not in a position to know in all instances whether an individual was an informant of this Bureau.

At the time, I advised you that Lee Harvey Oswald had never been an informant of the FBI and that this Bureau's procedure in regard to handling informants is such as to insure that FBI headquarters would have all necessary facts concerning the development and control of any and every informant.

Enclosed for your information and use in this regard is an affidavit in which I have categorically stated that Lee Harvey Oswald was never an informant of the FBI and have outlined our administrative procedures for the handling and the payment of confidential informants.

Sincerely yours,

Enclosure

CE 835

CAI FBI

MEMORANDUM

February 26^{1/2}, 1964

FOR: Mr. J. Lee Rankin
General Counsel

FROM: Leon D. Hubert, Jr.

SUBJECT: Comments on J. Edgar Hoover's letter of February 12, 1964,
with enclosed affidavits.

Aside from what any of us think of the rumor which these documents attempt to refute, the documents do not constitute a complete refutation. They purport to blackout the rumor, insofar as Dallas, New Orleans and San Francisco are concerned. (I assume that Howe is with the Dallas office; all others are identified as to their offices.)

Of course, Mr. Hoover's affidavit of February 6 covers his knowledge, but it can only do that. What about an affidavit of the head of the Security Division at headquarters FBI, Washington? He should know who is or is not an informant; and also who was paid. Besides, let it be noted that payment in money is not the only way to engage an informant. I do not think there is any chicanery here; but for the sake of a perfect record refuting the rumor, I make these comments. I would think the FBI would be interested in a refutation record, impervious even to my comments.

AFFIDAVIT

CITY OF WASHINGTON)
DISTRICT OF COLUMBIA)

ss:

J. Edgar Hoover, Director, Federal Bureau of Investigation, Department of Justice, being first duly sworn, deposes and says:

That he has caused a search to be made of the records of the Federal Bureau of Investigation, United States Department of Justice, by employees of the said Federal Bureau of Investigation acting under his direction, and that said search discloses that Lee Harvey Oswald was never an informant of the FBI, was never assigned a symbol number in that capacity, and was never paid any amount of money by the FBI in any regard.

Such a statement can be made authoritatively and without equivocation because of the close supervision FBI headquarters affords its security informant program and because of the safeguards established to insure against any abuse or misuse of the program.

FBI field offices cannot proceed to develop anyone as a security informant without authorization from FBI headquarters. An informant is assigned a permanent symbol number and code name to afford him security. The informant never knows the symbol number assigned to him. It is a number permanently assigned to him, and the same number cannot be used again by the field office under any circumstances for any other individual. The individual also is given a fictitious or cover name by the field office which he, of course, is made aware of, and he affixes it to his communications with the office. Every symbol number and code name is indexed at FBI headquarters.

If the services of an informant warrant payment on a regular basis, the field offices must also obtain authorization from FBI headquarters to make such payments.

Special Agents in Charge (SACs) of FBI field offices are authorized to make payments to individuals not utilized on

a regular basis as informants, but here too FBI headquarters controls this by limiting the amount an SAC can pay to any one individual in this category. FBI headquarters maintains control of such payments since they must be accounted for by the field offices at the end of each month through the submission of a detailed accounting to headquarters.

Had any of the FBI field offices made payments to Lee Harvey Oswald under the SAC's authority, these would have been shown in the receipts and vouchers submitted by each office. These records have been checked and no such payment was ever made. Had Oswald been assigned a symbol number, this would be a matter of record not only by number but also by name. As a matter of fact, the FBI can identify every symbol number used, past or present. Oswald could not have been assigned such a symbol number without approval by FBI headquarters. There is no record of any such request by any field office and no record of any such approval.

The only contacts FBI Agents had with Oswald prior to the assassination of President Kennedy involved three interviews FBI Agents had with him. The first was on June 26, 1962, at Fort Worth, Texas, shortly after his return home from the Soviet Union. The purpose was to assess the possibility of his having been given intelligence assignments by the Soviets. The second, on August 16, 1962, was in the same connection. The third was at his specific request on August 10, 1963, following his arrest in New Orleans the preceding day on a charge of disturbing the peace and creating a scene. At that time, he described some of his activities in connection with the Fair Play for Cuba Committee, the pro-Castro organization.

Oswald was again interviewed by FBI Agents at the Dallas Police Department following his arrest after the assassination of the President. This interview was aimed at eliciting any admissions he might make in connection with the assassination, as well as to obtain any information he might have been able to furnish of a security nature.

FBI headquarters has obtained affidavits from every Special Agent who was in contact with Oswald, as well as affidavits from their respective SACs. These affidavits show that none of these FBI Agents developed Oswald as an informant.

Mr. Henry M. Wade, a former Special Agent of the FBI and currently the District Attorney of Dallas County, Texas, reportedly testified previously to the Commission that he had

heard that Lee Harvey Oswald was an FBI informant with the symbol number "179" and was being paid \$200 monthly. As the facts clearly show, this is not true.

Furthermore, the facts refute Mr. Wade's reported statement to the Commission that there is no record maintained in the FBI of informant funds expended or the purposes for which used by the FBI employee to whom they were furnished.

Mr. Wade reportedly stated that he had worked in the FBI's Special Intelligence Service (SIS) and that he was supplied from time to time with various sums of money for which he did not have to account and for which he did not have to obtain any receipts from the persons to whom he disbursed the money.

The emergency conditions that prevailed during World War II when the FBI conducted its SIS program did not permit the tight supervision that prevails currently in the FBI's informant operations. But this is true only in regard to the fact that SIS men necessarily were given the latitude to develop and pay informants on the spot without prior approval from FBI headquarters. Nevertheless, SIS men operated under a control system and adhered to it by advising FBI headquarters of payments made and the identity of the individuals paid. Such payments were supported by receipts in nearly every instance.

Mr. Wade, for example, entered on duty with the FBI on December 4, 1939. On July 6, 1942, he was advanced the sum of \$1,075 in connection with an SIS assignment. This was for subsistence and travel in connection with his assignment in Ecuador as well as to provide him with some money with which to establish himself. His passage from New Orleans to Guayaquil, Ecuador, cost over \$500 alone. In addition, he was required to make full restitution of the total amount which had been advanced him and subsequently did so. All of his expenditures of the total amount furnished him were substantiated by vouchers he submitted.

Mr. Wade arrived in Ecuador on August 16, 1942. He operated in an undercover capacity with a symbol number, specifically Number 345, and used the code name "James" in signing communications. Within Ecuador, he was referred to as Confidential Informant Number 6.

Although in an undercover capacity, Mr. Wade was required to submit vouchers twice monthly through the Legal Attache's Office in Quito, Ecuador. They were reviewed there and forwarded to FBI headquarters where they were checked prior to approval and the transmittal of funds to Mr. Wade's account.

In his operations, Mr. Wade handled a total of 11 informants. His vouchers clearly identify each expenditure made by him in connection with payments to any one of these informants. In all, Mr. Wade expended a total of \$1,438.21 in payments to informants. In addition to identifying each informant paid and indicating the amount paid to each, he complied with the regulations to furnish separately summary data on all informants he was using and an evaluation of their services.

Five of the informants Mr. Wade was operating were the most productive. These five received a total of \$1,284.94 in 52 separate payments made by Mr. Wade. Each of these payments was supported by a receipt. Six other payments unsupported by receipts were accounted for by Mr. Wade in vouchers submitted by him.

Mr. Wade left Ecuador on May 2, 1943, and in a letter dated May 25, 1943, submitted his resignation from the FBI. By letter dated June 13, 1943, Mr. Wade sought reinstatement, stating that he had made a mistake in resigning. However, this request for reinstatement was refused since the FBI's request for his deferment under the Selective Service Act already had been withdrawn.

Signed this 6th day of February, 1964, at
Washington, District of Columbia


J. Edgar Hoover

Subscribed and Sworn to before
me this 6th day of February,
1964. Louise D. Walter, Notary
Public, District of Columbia.
My commission expires August 14,
1968.


Louise D. Walter