

September 2, 1964

BY L. J. ROSEN

Mr. Belmont
Mr. Sullivan
Mr. Rosen
Mr. DeLoach

Honorable Walter W. Jenkins
Special Assistant to the President
The White House
Washington, D. C.

Dear Mr. Jenkins:

After careful consideration of the findings of the Warren Commission on the assassination of President Kennedy, we have concluded that the report is seriously inaccurate in so far as its treatment of the FBI is concerned.

For example, on Page 440 of the report, the Commission states "The Secret Service and the FBI differ as to whether Oswald fell within the category of 'threats against the President' which should be referred to the Service." The report then proceeds to quote a small portion of Mr. Robert Bouck's testimony as evidence that Secret Service disagreed with the FBI.

Clearly, this singling out of this portion of Bouck's testimony does not give a complete picture of the conclusions of Secret Service. Stress is placed on the point that knowledge that Oswald had a vantage point covering the procession was highly significant, and yet it is not made clear that the FBI did not have the responsibility of checking the route of the Presidential party to ascertain the identity of persons who were on the route and thus determine that one of the persons had a record in our files. In the event a check was made by Secret Service of our files, regarding persons employed along the route, we would have, of course, tied in Oswald with the route of the President.

As a matter of fact, we checked with Mr. James Rowley, the head of Secret Service, on April 17, 1964, to determine whether Secret Service would have taken action against Oswald if his name had been furnished to Secret Service. Mr. Rowley advised us that Oswald would not have been placed under surveillance as there was no information indicating possible violence on his part, and that had Secret Service checked the building, it would have taken no action concerning Oswald inasmuch as he was employed in the building.

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In his testimony, Mr. Douck states that Secret Service would not take action on the basis that Oswald was a defector, but over the course of some ten pages of testimony he finally concludes that if all the information had been furnished which was available concerning Oswald, in the hands of various government agencies, which information was "spread from Moscow to Mexico," and this information was coupled with Oswald's location in this building, Secret Service would have taken action.

The Commission deals summarily with the essential position of the FBI, on Page 462, when it quotes "Director Hoover and Belmont" as expressing concern, shared by Secret Service, that referrals of information under "the new criteria" might result in some degree of interference with personal liberty of those involved. The Commission does not take into account the traditional position of the FBI that in security investigations we limit the investigation to that which is essential and we avoid harassment or infringement on the rights of the individual. It is most unfortunate that the detailed testimony of FBI representatives was not publicly released, concurrent with the report, so that the reader would not be forced to rely solely on the portions selected by the Commission.

The Commission states that the FBI took an unduly restrictive view of its responsibilities in preventive intelligence work prior to the assassination, and states that "There was much material in the hands of the FBI about Oswald: The knowledge of his defection; his arrogance and hostility to the United States; his pro-Castro tendencies; his lies when interrogated by the FBI; his trip to Mexico where he was in contact with Soviet authorities; his presence in the School Book Depository job, and its location along the route of the motorcade." The Commission points out that this should have induced the FBI to list Oswald as a potential threat to the safety of the President.

Here again, the Commission is taking the position that, despite lack of evidence of potential violence on the part of Oswald, the FBI was constantly evaluating him as a possible threat to the President, and had checked the route of the Presidential procession to determine that Oswald was on that route. The Commission states that this conclusion may be tinged with hindsight, and with this statement I could not agree more.

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It would appear that the Warren Commission made up its mind to avoid criticism of its findings by drawing these conclusions concerning the FBI, and in order to support these conclusions selected only the portions of the testimony of witnesses which would support them.

I can only conclude from this approach that, instead of adopting a realistic and objective attitude, the Commission was more interested in avoiding possible criticism. The net result, of course, is to place the FBI in the completely untenable position that if a similar tragedy or event occurs in the future, and this Bureau has any information at all in its files concerning the assassin, the same gift of hindsight will permit a conclusion to be reached that somehow, some way, this information should have been transmitted to the Secret Service and other appropriate authorities.

The new criteria under which we are presently operating have resulted in funneling approximately 18,000 names to Secret Service since the assassination. Yet, I venture to say that there are 10,000,000 names in our files, with varying degrees of derogatory information. On the basis of the Warren Commission approach, with its transparent hindsight, this Bureau is in the unenviable position of being held responsible for the actions of such persons, regardless of the fact that there is no indication of potential violence against top Government officials.

Sincerely yours,

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