

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

- 1 - Mr. J. J. McDermott
- 1 - Mr. H. A. Boynton
- 1 - Mr. W. O. Cregar

DATE: 6/20/79

TO : Mr. Bailey *WJ* **CONFIDENTIAL**

FROM : D. Ryan *DR*

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

- 1 - Mr. D. W. Moore, Jr
- 1 - Mr. B. P. Herndon
- 1 - Mr. W. A. Bayse
- 1 - Mr. J. A. Mintz
- 1 - Mr. N. F. Stames
- 1 - Mr. D. Ryan
- 1 - Mr. D. J. Clark
- 1 - Mr. J. T. Aldhizer

Asst. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.: _____
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Lab. _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

PURPOSE: To record details of the FBI's review of material furnished by captioned Committee in accordance with the 10/5/77 Memorandum of Understanding (MU) between the Department of Justice and the HSCA.

SYNOPSIS: The HSCA material (approximately 4,463 pages) was received by the FBI on 6/12/79 and reviewed in accordance with the 10/5/77 MU. Review by FBI Headquarters (FBIHQ) Records Management Division (RMD), Intelligence Division (INTD), Criminal Investigative Division (CID), Laboratory Division (Lab), Technical Services Division (TSD), and Legal Counsel Division (LCD) was completed on 6/15/79. Items of information to be disclosed which constituted permissible objections under the MU or factual errors were discussed with HSCA former Chief Counsel G. Robert Blakey on 6/15/79. Blakey resolved the matters raised by accepting certain alternative language. Any objections or suggestions rejected by Blakey did not go to the merit of a permissible objection under the MU. Details of the matters discussed with Blakey are set forth. Certain matters were coordinated with the Central Intelligence Agency (CIA) as required. The Department of Justice (DOJ) was advised by letter on 6/18/79 that the FBI review had been completed and that Blakey had resolved the permissible objections by accepting certain changes. The FBI review, just concluded, concentrated on information constituting a permissible objection under the MU or a substantive, factual error. This memorandum should not be construed as a definitive commentary on the HSCA material. Committee praise for the 1978 FBI leadership is set forth, as well as two Committee quotes from Director Webster's testimony before the HSCA.

RECOMMENDATION: For information.

Enclosures - ~~1~~ **CLASS. & EXT. BY 5180**
 REASON-FCIM II, 1-2.4.2 (2)
 DATE OF REVIEW 6/20/99

1 - Mr. W. L. Bailey
 DJC/JTA:lfj
 (13)

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APPROVED:

Director _____
 Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____

Adm. Serv. _____
 Crim. Inv. _____
 Ident. _____
 Intel. _____
 Laboratory _____

Legal Coun. _____
 Plan. & Insp. _____
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ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 EXCEPT WHERE SHOWN
 OTHERWISE

Classified by *WJ*
 Declassify on: OADR 4/30/85
 #211,526

REC-30 EX-124 - 117290 - 143

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DETAILS: All paragraphs in this memorandum are to be considered unclassified except those specifically marked otherwise. Classified information is restricted to page 8.

On 6/12/79, SA Drew J. Clark, RMD, signed a receipt, copy attached as enclosure 1 (to file original only), for one volume of the HSCA Final Report, hereinafter referred to as "Report" (galley proof), and eight volumes of HSCA Staff Reports, hereinafter referred to as "Appendices," which are styled as follows: Report, Select Committee on Assassinations, U. S. House of Representatives, Findings and Recommendations; Appendix-Volume VI: Photographic Evidence; Appendix-Volume VII: Medical and Firearms Evidence; Appendix-Volume VIII: Acoustics, Polygraph, Handwriting, and Fingerprint Reports; Appendix-Volume IX: Staff and Consultants Reports on Organized Crime; Appendix-Volume X: Anti-Castro Activities and Organizations, Lee Harvey Oswald in New Orleans, CIA Plots against Castro, Rose Cheramie; Appendix-Volume XI: The Warren Commission, CIA Support to the Warren Commission, The Motorcade, Military Investigation of the Assassination; Appendix-Volume XII: Conspiracy Witnesses in Dealey Plaza, Oswald-Tippit Associates; George de Mohrenschildt, Depositions of Marina Oswald Porter, The Defector Study, Oswald in the Soviet Union: An Investigation of Yuri Nosenko; Appendix-Volume XIII: (Scientific Report) and (Supplementary Staff Reports). The Report pertains to the assassinations of both President John F. Kennedy (JFK) and Rev. Martin Luther King, Jr. (MLK). Appendices-Volumes VI through XII relate to JFK and Appendix-Volume XIII relates to MLK.

The above-listed material was furnished in conjunction with a 6/12/79 letter to the Attorney General signed by Edmund L. Henshaw, Jr., Clerk, U. S. House of Representatives. A copy is attached as enclosure 2 (to file original only), which stated, in part, "This letter and delivery are effective June 12, 1979. Under Section VII, this office will consider that it is free to submit these materials for publication on June 19, 1979, unless notification is received that an objection to publication is made along with stated reasons." The original of this letter and a copy of the receipt signed by SA Clark were furnished to Deputy Assistant Attorney General (DAAG) Robert L. Keuch's office on 6/12/79. The material consisted of approximately 4,463 pages.

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The HSCA material was received in Mr. Henshaw's office at approximately 9:30 a.m., 6/12/79, and was immediately brought to FBIHQ where dissemination was accomplished after necessary reproduction. Copies of all material were furnished to Mr. Keuch's office, Congressional Inquiry Unit (CIU) of RMD, INTD, CID, Lab, TSD and LCD by 1:55 p.m., 6/12/79. A complete copy of this material is being furnished separately to file as bulky enclosure 3 to the original of this memorandum.

The FBI review of HSCA material was conducted in accordance with the 10/5/77 MU and the 4/10/79 informal note to Messrs. Cochran, Cregar, Herndon, Mintz, Moore, and O'Brien, signed by Associate Director James B. Adams and Deputy Associate Director John J. McDermott, the original of which is attached as enclosure 4 (to file original only).

The FBI was permitted to raise objections to the future disclosure of the following categories of information in accordance with the MU:

1. That which tends to identify or compromise:
 - a. Sensitive ongoing foreign intelligence operations and sources and other sources or methods of comparable sensitivity;
 - b. "...FBI sources who are or were informants or potential informants as defined in the FBI Manual of Instructions";
 - c. "Sources" defined as "...persons who have provided or continue to provide information to the FBI and as to whose identity the FBI has undertaken an obligation of confidentiality.
2. That which "...reveals matters in current litigation or in which criminal prosecution is pending..."

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3. That which "...is classified information designated for protection from unauthorized disclosure by the Attorney General or an other properly designated official that identifies peculiarly sensitive foreign intelligence sources..."

Personnel currently and formerly assigned to CIU reviewed the HSCA Report and Appendices, not only to identify objectionable information in accordance with the MU, but also to detect factual errors based upon past knowledge of both cases.

Responsibilities for review within CIU were assigned as follows: SA John T. Aldhizer, Report-MLK; SAs Tron Brekke and Aldhizer, MLK Appendix-Volume XIII; SA John S. Giaquinto, JFK Appendices-Volumes VI - X, inclusive; SA Drew J. Clark, Report-JFK and JFK Appendices-Volumes XI and XII.

Division coordinators assigned to this project by their respective Assistant Directors were: SA Edwin Yee, INTD; SA Joseph Domzalski, CID; SA Cornelius G. McWright, Lab; SA Steve Killion, TSD; SA Ronald Heller, LCD; SA Francis M. Leapley, Identification Division, who resolved the factual matter involving fingerprint evidence in Appendix-Volume XIII-MLK.

The division coordinators and personnel from SA William A. Harwood's Projects Unit, RMD, reported the results of their respective reviews by 2:10 p.m., 6/15/79. Responses from INTD, Lab, TSD, and LCD indicated no permissible objections under the MU. CID reported one substantive objection involving source information-MLK to SA Aldhizer. FBIHQ division responses are attached as enclosure 5 (to file original only).

At approximately 2:30 p.m., 6/15/79, a conference call was initiated to include FBIHQ personnel, HSCA former Chief Counsel G. Robert Blakey from Cornell Law School, Ithaca, New York, and Mr. Blakey's editorial staff, House Annex 2, Washington, D. C. The following permissible objections and substantive factual matters were presented to Mr. Blakey at that time.

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RE JFK ASSASSINATION MATERIAL

Item 1: Report page 14, DII-PATS, states, "The FBI did attempt to alleviate the 'problem.' In a report dated September 26, it produced the story of Loran Eugene Hall who claimed he had been in Dallas in September, 1963. . ."

Objection: To say "produced the story" tends to connote a fabrication, which is not the case according to Bureau files.

Recommendation: Language change to "In a report dated September 26, it reported the interview of Loran Eugene Hall. . ."

Action: Mr. Blakey accepted the recommendation.

Item 2: Report page 50, DII-PATS, states, "Third, shortly after the assassination, Dallas FBI Agent Hosty destroyed a note that had been delivered to his office allegedly by Oswald, shortly before the assassination. When that conduct was finally made public in 1975, it aroused great suspicions, especially since it had been previously revealed, even to the Warren Commission."

Objection: Bureau files disclose this information had not been disseminated to the Warren Commission because it was not known at FBIHQ in 1963 and 1964. It did not come to the attention of FBIHQ until 1975.

Recommendation: Language change to: ". . . especially since it had not been previously revealed, . . ."

Action: Mr. Blakey accepted the recommendation.

Item 3: Report page 58, DII-PATS, states ". . . approximately 2 or 3 weeks before the assassination of President Kennedy, Oswald allegedly delivered a note addressed to Hosty at the FBI office in Dallas. . . Between 1963 and 1975, the existence of the note and its destruction were kept secret within the Bureau."

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Objection: Such language connotes an institutional cover-up of the information. This directly opposes a correct interpretation of the recorded facts which indicate the secret was kept only in the Dallas Office by certain individuals, including SA Hosty, until 1975.

Recommendation: Language change to ". . . kept secret within the Dallas Office."

Action: Mr. Blakey accepted the recommendation.

Item 4: Report pages 263 and 264, DII-PATS:
Action: Mr. Blakey confirmed that the difficulty with regard to continuity on pages 263 and 264 is eliminated by renumbering so that page 264 becomes 263 and vice versa.

Item 5: Report page 10, DADE-PATS:
Action: Mr. Blakey confirmed that the Gale to Mr. Tolson memoranda of 12/10/63 and 9/30/64, Committee JFK Exhibits F460 and F461, will be published in an expurgated form. The names of Special Agents disciplined in 1963 and 1964 will be deleted, according to Mr. Blakey.

Item 6: Page 64, Appendix-Volume XI, speaks of the FBI's surveillance of Marina Oswald from 2/29/64 to 3/12/64 and states, "No indication was found that the Warren Commission staff members were ever informed of the FBI's electronic surveillance of Marina Oswald."

Objection: The above language connotes a Sub Rosa operation by the FBI when, in fact, the surveillance (physical and technical) was instituted following a request of the Commission, which was also furnished the results of the surveillance. The Attorney General's Office approved the telephone surveillance. See Bureau file 105-126032-66 and following.

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Action: Mr. Blakey agreed to substitute the following language: "Nevertheless, the Committee learned that the results of the surveillance, which was, in fact, requested by the Commission, were given to the Commission Chief Counsel and senior staff members.

Item 7: Page 426, Appendix-Volume XII, sets forth the Committee's interview (testimony) of Marina Oswald Porter, wherein the following question is asked of her by Committee counsel: "Q. You stated on one occasion you saw Lee discuss with Mr. Hosty outside the house for at least one-half an hour information, have a discussion that lasted at least one-half hour. What could have been discussed for that length of time if Lee was not giving information to Mr. Hosty?"

Objection: Bureau files record that Oswald was not interviewed by Hosty until after his arrest by the Dallas Police Department on 11/22/63.

Action: Mr. Blakey advised that this was an unfortunate error that could not be corrected since it was already a part of the official record of the Committee's interview of Marina Oswald Porter.

Nothing further-this page.

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Item 8: 

(C)

Objection: 

(C)

Action: Mr. Blakey accepted the following language proposed by SA Richard C. Busching, Projects Unit, RMD: "The FBI learned that the July 26 Movement was planning a raid on Cuba from Texas. In connection with this raid, armament shipments were sent to McKeown."

Nothing further-this page.

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RE ASSASSINATION OF MARTIN LUTHER KING, JR.

SA Aldhizer discussed the following matters with Mr. Blakey:

Item 1: On page 156, paragraph 5, the report states, "...the committee was able only to review the files of the Royal Canadian Mounted Police (RCMP)." [REDACTED]

[REDACTED] Mr. Blakey agreed to the following revised wording: "...the committee was able only to review the files of the Royal Canadian Mounted Police (RCMP), obtained by committee subpoena from local authorities."

Item 2: On page 159, paragraph 6, the report states, [REDACTED] (c) (b)(1)

The FBI objected to this passage because it tended to identify an FBI informant. Mr. Blakey agreed to the revised wording of "In a conversation with an acquaintance, Jerry's general response to a question concerning his brother's involvement in the assassination was:"

Item 3: On page 195, line 2, it is stated that [REDACTED] (b)(1)

[REDACTED] (c)(26)
The FBI objected to this passage because it tended to identify FBI informants.

Mr. Blakey agreed to a substitution of this sentence, which is as follows: "The informants were either unavailable or uncooperative. (26)"

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Item 4: On page 195, last paragraph, the report states,

[REDACTED] (c) (b)(1)

Objection in this case was based on the fact the passage tended to identify an FBI informant.

Mr. Blakey agreed to revised wording, which is as follows: ". . . Shelton advised that in August, 1968, the defense was in need of money for Ray's defense. Shelton inquired whether Klan members would be willing to donate money for Ray's defense."

Item 5: On page 196, paragraph 1, the report states,

[REDACTED] (c) (b)(1)

The FBI objected to wording in these two paragraphs because it tended to identify FBI informants.

Mr. Blakey agreed to revision of these two paragraphs as follows: "Shelton added that he intended to review the jury list in Ray's case when it was available" and "Source B learned that a UKA board meeting was held in mid-1969 and attended by Hanes and Melvin Sexton, the UKA secretary who handled Klan finances, among others."

Item 6: On page 213, paragraph 2, the report refers to an article in the "Miami Magazine" in October, 1966. It was pointed out to Mr. Blakey that this date should be October, 1976. Mr. Blakey agreed to make this change as an error in fact.

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Item 7: On page 217, small paragraph numbered 4, the report states, "The committee identified the FBI informant in SCLC without the assistance of the FBI. He acknowledged his former informant status in a committee interview in which he was also asked about the nature of his relationship with the Bureau:"

The FBI objected to this wording because it implied that the HSCA learned of informant's identity through a review of FBI files.

Mr. Blakey agreed to a revised wording of this sentence, which is as follows: "The committee learned of the identity of the FBI's SCLC informant when he acknowledged his former status in a committee interview. He was asked about the nature of his relationship with the Bureau:"

Item 8: On page 240, paragraph 7, the report states that the FBI's conduct was "morally reprehensible, illegal, felonious, and unconstitutional." The FBI objected to this statement in discussing the FBI Counterintelligence Program because the HSCA, in its report, failed to point out sufficient evidence to warrant such language. Mr. Blakey refused to make any change in this statement.

Item 9: On page 247, paragraph 1, the report states,

[REDACTED] (b)(1)
[REDACTED] (C)(127)
[REDACTED] (b)(1)
[REDACTED] (C)

Mr. Blakey agreed to revise wording in this paragraph, which is as follows: "Washington requested Canadian authorities to review Canadian passport records. (127)"

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Appendix-Volume XIII - MLK

Item 1: On page 117, last paragraph, the panel report, in paragraph 32, lists the results of fingerprint comparisons on numerous photographs. In paragraph 33, the panel report states that the HSCA panel, in examining these reports, agreed with earlier findings of the FBI. However, the report stated that "In addition, the panel determined that the previously unidentified photograph 115, developed from a coupon from Eric S. Galt to Modern Photo Bookstore, bears an impression made by the left thumb of James Earl Ray."

It was pointed out to Mr. Blakey that this sentence is misleading and incorrect in view of the fact that the FBI initially identified photograph 115 as an impression of Ray's left thumb, and therefore the HSCA only confirmed this finding.

Mr. Blakey agreed to make the following changes in the report: (1) On page 116, under photograph 115, the Q number of 326 was added in parentheses following the word "Store"; (2) on page 117, information concerning the identification of photograph 115 would be listed in the correct chronological order under paragraph 32; (3) the sentence in the last paragraph on page 117, in paragraph 33, beginning with "In addition," would therefore be deleted.

Item 2: On page 127, bottom of the page, under item (c), there appears the sentence [REDACTED] (c) (b) (1)

(c) [REDACTED]
[REDACTED] Mr. Blakey agreed to delete this (b) (1)
sentence.

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In addition to the above matters, SA Clark contacted Mr. Russ Holmes, CIA, during the review, concerning Report page 99, DII-PATS, which refers to an 11/23/63 FBI letterhead memorandum. This document and language extracted from it is classified "Confidential" in Bureau files. It was so classified because it contained information derived from CIA. Mr. Holmes advised that CIA has declassified that information and so notified FBIHQ by a 4/20/78 CIA communication, CIR 316/01647-78, sent to the attention of SA Giaquinto. Mr. Holmes, also, was put in touch with SA Richard Davidson, Projects Unit, RMD, to discuss this matter.

On 6/18/79, Mr. Holmes advised that although JFK Appendix-Volume X, page 57, states "The CIA cited 2 FBI memorandums as support," he wished to point out that CIA always exerted special care so as not to disclose FBI documents to the HSCA. In this instance, Mr. Holmes was concerned that the Committee language indicated the contrary. Mr. Holmes advised that the proper meaning of this sentence should be that CIA referred the Committee to 2 FBI memoranda which the HSCA was, of course, free to obtain directly from the FBI.

A 6/18/79 Bureau letter to the Assistant Attorney General, Criminal Division, DOJ, attention Mr. Robert L. Keuch, advised that the Bureau had completed its review of the HSCA material and had no permissible objections to raise under the MU since all such objections had been made to Mr. Blakey on 6/15/79, at which time he accepted alternative language that resolved the objections.

It should be noted that the time constraints imposed by the MU necessarily narrowed the scope of review afforded the HSCA material. Primarily, attention was devoted to detecting information constituting a permissible objection under the MU and correcting factual errors, particularly those that unjustifiably reflected adversely upon the Bureau.

Therefore, this memorandum should not be construed as a definitive or exhaustive commentary on the HSCA material reviewed as it is likely that FBIHQ substantive divisions may wish to challenge certain Committee language as may be required in the future.

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It is noted that the Report, page 53, DII-PATS, states the following:

"The leadership of the FBI, as of 1978, was deserving of credit, in the committee's estimate, for its efforts to find the truth about the Hosty entry in Oswald's address book. The committee doubted that the tickler copy of the December 23 memorandum would have been found if FBI officials had not been interested in resolving the issue."

On Report page 260, DII-PATS, the Committee stated, ". . . While a general Federal homicide statute raises the specter of a Federal police agency to enforce it, FBI Director William Webster testified:"

(A)ll of us have, today, intense sensitivity to people who are injured or killed in the exercise of civil rights or in the assertion of civil rights or in encouraging others to assert legitimate civil rights. It is a special kind of area where we think the Federal Government has such an interest in seeing that constitutional rights are protected."

Also, on renumbered Report page 264, DII-PATS, the Committee stated: ". . . Declaring 'martial law' is not 'acceptable,' (72) Webster stated:"

"While it is a traumatic experience for anyone to live through the assassination of a President, it ought not to be the predicate for an investigative conduct which in essence is the declaration of martial law. I just simply do not believe that we ought to *** suspend everything that was put in place to protect the rights of citizens. (73)"

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