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MEMO RE HOOVER MEMO OF 11/23/63 to SECRET SERVICE

by: Howard Roffman

My first response upon reading this memo, particularly bottom p. 4 to top p. 5 was that it does not say what it has been widely reported to say, most notably by Richard Sprague, former Chief Counsel, House committee.

Sprague held a press conference on 4/11/77, and is quoted in the NY Times of the next day. He also made substantially similar remarks to Dan Rather, as broadcast on CBS's "Who's Who" on 4/19/77. I quote from p. 9 of that transcript:

"We have just recently uncovered a document by the FBI, by J. Edgar Hoover, indicating that FBI agents listened to that tape that the CIA had of Oswald, after the assassination of President Kennedy, and that the FBI agents stated that the voice on that tape was not Oswald....If that tape was in existence after the assassination of President Kennedy, why in the world would it have been destroyed, if it was destroyed?"

Sprague had earlier noted that the CIA claims the tape was routinely erased for reuse before the assassination. Of course, it would be significant if the tape had been preserved until after the assassination and then destroyed.

But the Hoover memo does not expressly state this. All it says is that FBI agents familiar with Oswald have listened to the tape. It does not say when. There is an inference that it was done after the assassination, but only an inference. It could have been done before. Consider these facts:

The CIA's identification of Oswald in its 10/10/63 telegram to FBI et.al. was only tentative. Obviously, the FBI had to have some doubts that it was really Oswald for the name (Lee HENRY) and the description were wrong. Hoover told the WC in a letter of 4/6/64 that on 10/18/63 an FBI liaison rep. in Mexico City was furnished additional information "and he arranged follow-up with CIA in Mexico City for further information and started to check to establish Oswald's entry into Mexico." (CE 833, p. 13) This was reported to the FBI by their legal Attache in Mexico in a 10/18/63 cablegram (CE 834, p. 9, item 61). The FBI on 10/22 sent down "a brief summary of data in the files" re Oswald (id., item 62). and on the same day the Dallas office sent a telegram to Washington FBI HQ reporting that it had received info from CIA about Oswald's contact with Soviet embassy in Mexico City (id., item 57). The very next day, 10/23, CIA sent a teletype to Navy asking for 2 copies of its most recent photo of Oswald to forward to Mexico "to determine if the Lee OSWALD in Mexico City and subject are the same individual." (CD 631,B) Helms notes in a 3/24/64 memo to Rankin (CD 631) that Navy never sent the photo. Presumably, however, if CIA and FBI were so interested in determining if Oswald had been in Mexico City, they wouldn't have stopped with this request to Navy. Perhaps that is one of the reasons that Hosty then began to look for Oswald. It is conceivable that the "information" exchange between FBI and CIA in Mexico City included the tape recording and that the FBI agents listened to the tape before the assassination in connection with this effort to identify Oswald.

Note also Sprague's statement that the Agents said the voice on the tape was not Oswald's. Again, the memo does not say this. What the memo says specifically is that the agents observed photographs of "the individual referred to above and have listened to a recording of his voice. These Special Agents are of the opinion that the above-refered to individual was not Lee Harvey Oswald." Now, this simply does not specifically state the basis on which the agents made their negative identification. From the language used it could have been on the basis of both the tape and the photos, or either. However consider the likelihood of which it was. The photos presumably are the "Saul" photos, and from these it is apparent that the man is not Oswald. On that basis alone, anyone

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who had seen a photo of Oswald could have made the negative identification. Is it likely that the agents would have been able to have formed an opinion just on the basis of the tape recording? Voices are very often distorted over the phone. Here we had not only a voice altered by the phone but then once more by being tape recorded. Of course, we do not know the quality of the recording, but surely there was bound to be some dissimilarity in the voice, even if it really was Oswald's. What I am saying is we have no way of knowing just how certain these agents were that the voice on the tape was not Oswald's, indeed if they felt that way at all. The photos would have been enough for them to make a negative identification and that may be the real meaning of what Hoover is saying in this craftily worded memo.

At any rate, it is a clear misrepresentation to describe what the memo says as Sprague does.

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