

X

Mr. Les Whitten
1401 16 St., NW
Wash., D.C. 20026

11/12/77

Dear Les,

I was in town yesterday. I had hope to have time to walk up from Jim's office but our meeting with nine DJ and FBI people over my King FOIA suit lasted until almost time for my bus home. I had wanted to see you or one of your people to explain the enclosed early JFK assassination memo from Courtney Evans to Alan Belmont.

I do not recall seeing it in print. I also do not recall any attention to it. It may have been used without achieving any major attention. However, in the event it was used I can give you an unused angle, one I'm sure was not used. The reason I can be sure is because there are so few authentic scholars. Most are like Lane, in quest of a headline.

First the file designations. The FBI's 62 files are "ADMINISTRATIVE INQUIRY - MISCELLANEOUS," "105" INTERNAL SECURITY - NATIONALISTIC TENDENCY. Plain "internal security" without the "nationalistic tendency" is 100. You can decide for yourself is there is meaning in the use of 105 rather than 100. The 62 is not unreasonable, as at first glance it may seem to be, because killing the President then was not a federal offense and there was no FBI jurisdiction. The initial FBI investigation was as a special investigation for the President, Johnson.

All the marks were on this copy except the straight line on the Katzenbach memo to Moyer in the right-hand margin beginning at the top of Paragraph 1. I added that. It represents a preconception, the built-in conclusion of the Warren Report.

The top of page 2 is probably the earliest recommendation of a Presidential commission. I had thought that Abe Fortas came up with the idea several days later. However I do not recall that K. ever took credit for the Commission. I have his executive session appearance before it, one of the very earliest and of a significant date, 12/9/63. In this perhaps overly-short explanation I am leading up to the only marks the FBI top brass, in this case perhaps the Rosen of our back channel that you may remember, added to the Evans memo.

The FBI's, whether or not Rosen's, emphasis is on "making public the results of the FBI's investigation" and that it should be done promptly. The indication of promptness "if at all possible" and of crediting the FBI for the investigation while appointment of a Presidential commission was pending, "results of the FBI's investigation," are underscored in addition to the marginal marking.

You and Jack will probably continue to disagree with my belief that the conclusions were pre-determinations and preconceptions. What you may not disagree with is also in my published work, that Hoover from the first was determined to box the Commission in and that he succeeded in this. This memo represents the first known step to that end by the markings added. There is not one of the top brass who would not have interpreted this K "feeling" as an invitation to what then happened - the FBI's leaking of its report.

My recollection is that this was for use the morning of 12/9/63. It was not later. On that day when K appeared before the members only of the Commission he told them that while Hoover pretended to be busy investigating the demeaning leak nobody else could have done the leaking.

The report of the FBI did give the Commission its doctrine and much of what it was to undertake to make credible. The Commission could not and did not accept that report as gospel because it failed to account for all the known shots and all the known impacts of these shots. It even failed to mention one of the President's known wounds, that in the front of his neck. This FBI report is the first numbered Commission record, CD 1, the CD representing "Commission Document." Hoover could not make a lone-assassin report without these omissions. The Commission, knowing they would not stack, invented the "single bullet" theory. I have just ended its tenability subject to FBI rebuttal under oath in an entirely unreported FOIA suit. Best wishes,

UNITED STATES GOVERNMENT

Memorandum

TO : MR. BELMONT

DATE: 11/25/63

FROM : C. A. Evans

cc Mr. Belmont
Mr. Evans
Mr. Mohr
Mr. DeLoach
Mr. Rosen
Mr. Sullivan

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY

- Tolson
- DeLoach
- Mohr
- Bishop
- Casper
- Callahan
- Conrad
- DeLoach
- Evans
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

4/25

Deputy AG Katzenbach handed to me this morning the attached memorandum which he has sent to Bill Moyers, who will be the principal assistant to President Johnson in the White House. Katzenbach said that this memorandum was prepared by him after his discussions with the Director yesterday.

Joe Swail

It is Katzenbach's feeling that this matter can best be handled by making public the results of the FBI's investigation. He thought time was of the essence, but that the report, of course, had to be accurate. He said he was thinking in terms of its release by the end of the week if at all possible.

Katzenbach further pointed out that he is having no success in selling the White House on the idea that this report should be released there. He understands that President Johnson has expressed himself as feeling this should be handled on a Department of Justice level. It is Katzenbach's belief that it would be most inappropriate for Robert Kennedy to issue this report. Katzenbach asked that the Director be informed of his feeling that, if the report is not released by the White House, then it should be made available publicly by the Director, pursuant to Presidential instructions.

ENCLOSURE

Enclosure
CAE:CSH (7)

ENCLOSURE

105-82555 UNREC
NOT RECORDED
DEC 9 1963

25 DEC 9 1963

58 DEC 10 1963

November 25, 1963

MEMORANDUM FOR MR. MOYERS

It is important that all of the facts surrounding President Kennedy's Assassination be made public in a way which will satisfy people in the United States and abroad that all the facts have been told and that a statement to this effect be made now.

1. The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial.

2. Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists. Unfortunately the facts on Oswald seem about too pat-- too obvious (Marxist, Cuba, Russian wife, etc.). The Dallas police have put out statements on the Communist conspiracy theory, and it was they who were in charge when he was shot and thus silenced.

3. The matter has been handled thus far with neither dignity nor conviction. Facts have been mixed with rumour and speculation. We can scarcely let the world see us totally in the image of the Dallas police when our President is murdered.

I think this objective may be satisfied by making public as soon as possible a complete and thorough FBI report on Oswald and the assassination. This may run into the difficulty of pointing to inconsistencies between this report and statements by Dallas police officials. But the reputation of the Bureau is such that it may do the whole job.

105-82555-
ENCLOSURE

ENCLOSURE

The only other step would be the appointment of a Presidential Commission of unimpeachable personnel to review and examine the evidence and announce its conclusions. This has both advantages and disadvantages. It think it can await publication of the FBI report and public reaction to it here, and abroad.

I think, however, that a statement that all the facts will be made public properly in an orderly and responsible way should be made now. We need something to head off public speculation or Congressional hearings of the wrong sort.

Nicholas deB. Katzenbach
Deputy Attorney General