

HW:

This is the Chronicle's pickup of the Ben Franklin story in the NYTimes for Sunday, Feb. 23; You've said you have the Times version. Don't think we need to have you copy it unless you find the Chron cut out too much. thanks, jdw 6mar74

# The FBI's Mystery Memo

## Washington

J. Edgar Hoover in 1960 sent a memorandum to the State Department raising the possibility that an impostor might be using the credentials of an American defector named Lee Harvey Oswald, who was then in the Soviet Union.

This memo from the FBI director and two subsequent State Department memos related to it were apparently not shown to key investigators of the Warren Commission, which examined the assassination of president Kennedy and determined that Oswald, acting alone, was the assassin.

The late Hoover's warning

of the "possibility" that an impostor could be using Oswald's identification data, in the Soviet Union or elsewhere, came more than two years before the murder of the American President in Dallas, on Nov. 22, 1963.

The impostor theory was rejected, by implication but not directly, in the published report of the Warren Commission, and its significance could not be determined.

The body of the man who the commission concluded had shot the President — and who was shot to death by Jack Ruby two days later — was identified by his mother and other relatives and also by fingerprints and other physical features as

that of Lee Harvey Oswald.

But the apparent withholding of information from commission investigators responsible for checking Oswald's activities in foreign countries supports a theory of some critics of the commission's final report that the panel had come to its conclusion regarding Oswald without having had all the facts.

A spokesman for the FBI said, in response to questions, that "we can definitely state, without hesitation, that a copy of the Hoover memo was shown to a member of the Warren Commission staff in the presence of an FBI agent."

However, the spokesman said that he could not identify the commission staff member to whom the memo reportedly had been shown.

Neither J. Lee Rankin, the former general counsel of the commission, nor any of his former staff aides who were most involved in investigating Oswald's background, said they could remember seeing it.

However, Howard P. Willens, now a private lawyer here, identified himself in an interview Saturday as the commission lawyer who had reviewed the FBI file. Willens, who was then the commission's special liaison officer to the Justice Depart-

## on 'Lee Oswald'

ment, said that "While I do not think that anyone can state now with the necessary precision whether or not he saw the Hoover memo, it is my best recollection that I did, in fact, see that memo."

"I do not want to be in a public debate with my old colleagues," Willens said. "but I know that there was discussion of this among others on the staff concerned with the activities of Oswald abroad. I am concerned with continued public references to the notion that the commission overlooked obvious facts."

Shown the FBI memos and the two State Department documents — discov-

ered in the national archives here by a private researcher — W. David Slawson, a lawyer who checked out rumors about Oswald for the commission in 1964, said he thought the assassination inquiry should be reopened.

Slawson, who is now a law professor at the University of Southern California, said he and other investigators had never been shown the memos.

"We were the rumor runner-downers, and we certainly should have seen this material, as we did a great deal of other stuff that we showed to be unfounded," he said.

"It may be more significant that we did not see it,

in terms of a possible cover-up and the reasons for it, than if we had seen it. I mean, I don't know where the impostor notion would have led us — perhaps nowhere, like a lot of other leads. But the point is we didn't know about it. And why not?"

Slawson said in an interview that the investigation should be reopened also "because the interposition of an impostor, if that happened, is a political act."

"And after all, this (the assassination) was not just another murder," he said. "It was, by definition, a political murder."

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