OLC/79-1192/2
4 April 1979

MEMORANDUM FOR THE RECORD

SUBJECT: 30 March 1979 Letter From HSCA Staff Director

1. The following brief comments are offered on subject letter:

a. G. Robert Blakey has apparently forgotten the agreement that the HSCA draft reports and our written comments on them are to be destroyed. They were not to constitute records and as a result are not subject to FOIA proceedings. This procedure was agreed and, given the involvement of a congressional committee, one would assume that the arrangements protecting the papers from FOIA proceedings are reinforced. This consideration does not apply, of course, to the information that went into those comments on the HSCA drafts; where relevant and appropriate it can still be used in any final comments that the Agency may wish to make on the report.

b. It is correct as shown on page 2 that I have understood that Shackley had not been interviewed. Such an interview was not arranged through our staff, as required, and when I last spoke with Shackley, he had not been approached by the Committee. However, I cited it when talking to Blakey as a "for instance" but not the ones that were truly relevant to the disagreement that we have on the central issue. In that case, knowledge concerning the so-called "AMLASH Operation," the Committee has been told that it has relied on testimony of the person not competent to speak on the operation while the two officers who still live who were aware of it at that time were not interviewed.

c. The question of their reading all of the records that were made available to them may be somewhat esoteric at this point. When I assumed my role as Agency coordinator for the HSCA investigation in the second half of May 1978 there was considerable tension between the Committee and the Agency on responses by the Agency to HSCA requests. While I was getting new priorities in operation, I did state to the Committee people that they had failed to read, at that point, about 50% of the material made available. I have continued to remind them about this when the question arose from time to time; they made good progress because the volume of unreviewed material dropped to 40%, to 30% and finally to about 20%, although the total volume of material made available increased. The only relevancy of that fact at this point has to do with gratuitous implications that the Agency may have withheld records that it knew it had; in response to that, we have stated to them that they were not in a position to make that statement until they have read everything that was made available to them. They only need remove the gratuitous insult to obviate my challenge to their right to make it.

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d. I have challenged the staff. When I assumed my position in this matter, I learned that they had accused Agency employees of lying and of being incompetent. Some of the investigators were aggressively arrogant and offensive. At that time, I judged one of my two responsibilities; the first one being improving Agency responses to requests. The other was to change the style with which the investigators felt free to address the Agency; I could not do this without being blunt.

Agency personnel expressed considerable difficulty responding to questions by the investigators. When specific data on specific individuals was asked there was little difficulty in locating files but sweepingly general requests were useless as a basis for research. We were never entirely sure of whether they were unable to phrase better questions, or were trying to cast such a sweeping net that they could say they asked for everything, or whether they were trying to conceal their line of investigation by not revealing what it was. We like to think that they learned to ask better questions as a result of our persistence, but that they did it badly was a real part of some of the trouble that we had with the Committee.

Our impression has been that there is a hypercritical quality to some of the treatment in the report. In some instances it has been based on a highly selective and sometimes erroneous use of factual information. I believe that the Committee is entitled to make its criticisms and I also believe that the Agency is entitled to be critical of unbalanced criticism. There is a personal quality to our critique of some of the work by the Committee staff although we have generalized in commenting on the quality of the staff work. There is little question that some of the young investigators got on hobby-horses and developed a sense of personal ~~compliment~~ commitment in some of the theories that they developed, however shakey the basis. Our communications with senior staff members as distinguished from the junior members who didn't communicate at all, was that we found ourselves on a one-way street that we traveled along without much dialogue. Quite frankly, I didn't think I got their attention, really, until I told Blakey last Friday that some of the more extreme sentiments in the report may provoke public criticism of the report. His letter follows that.

e. I think Blakey has a point as to whether I should have been assigned to this work. I was one of the two authors of the 1967 IG Report and I am responsible for much of the writing in the 1977 Task Force Report, all on the subject of assassinations. While the 1967 and 1977 studies were not part of the Warren Commission investigation, they were certainly on related subject matters. As a result of my experience I have some fairly firm views about what happened, and where we did well and were we did not; my views in the latter are largely incorporated in the 1977 study.

f. Blakey is correct to cite the embarrassing incident involving the officer assigned in the CIA work area in the HSCA offices. The Committee handled this with considerable compassion and discretion and expressions of appreciation have been made. The Committee also handled with considerable discretion the testimony by an Agency employee who had knowledge about the Martin Luther King assassination, a result of activities prior to his Agency employment. I wrote a personal note of appreciation to Blakey on this score. Finally, as recorded clearly in the testimony of the DDCI, their record on security has been outstanding; this has continued in the writing of the final report.

2. Blakey and I did not have the opportunity to establish relations under the most desirable conditions. The tensions in the investigation at the time I became involved directly led me to take certain positions that were unpalatable to Blakey. Were I in his position, I would resent some of it, but were I in his position I would have taken steps to control the course of it, which I think he failed to do.

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