

February 17, 1964

MEMORANDUM TO MR. LEON D. HUBERT

FROM; Mr. Richard Mosk

CCP 932b -

"A person committed to a State mental hospital under this Act upon a jury finding of insanity at the time of trial who has been acquitted of the alleged offense is not by reason of that offense a person charged with a criminal offense, and therefore the head of the mental hospital to which he is committed may transfer, furlough and discharge him and shall treat him as any other patient committed for an indefinite period."

CCP 693 - Jury must assess punishment in all cases where it is not absolutely fixed by law. No provision is made for a separate hearing on the punishment.

P.C. 1257 b - "In all cases tried under the provisions of this Act, it shall be the duty of the court to define "malice aforethought" and shall apply that term by appropriate charge to the facts in the case and shall instruct the jury that unless from all the facts and circumstances in evidence the jury believes the defendant was prompted and acted with his malice aforethought, they cannot assess the punishment at a period longer than five years."

The cases say that if the evidence raises the issue, the defendant is entitled to an instruction on the law of murder without malice aforethought, but not if the facts do not present the issue.

March 30, 1964

MEMORANDUM TO MR. HUBERT & MR. GRIFFIN

FROM: Richard Mosk

RE: Your request for summaries of Congressional materials or investigations which would assist you in answering certain questions concerning crime and subversion in Dallas, Chicago, and San Francisco in specific years.

I have borrowed from the Library the following indices:

- (1) Sen. Doc. 148. -- Congressional Investigations of Communism and Subversive Activities - Summary Index 1918 to 1956.  
This lists all Congressional investigations of subversion. It is a summary index to the various hearings and reports dealing with the subject of subversive activities in the United States. Witnesses appearing at the major Congressional hearings are listed.
- (2) House UnAmerican Activities Cumulative Index 1938 - 1954; Supplement to Cumulative Index, 1955 - 1960.  
This is an index to individuals, publications, and organizations referred to in printed hearings and reports of the Committee for the years 1938 through 1960.
- (3) House UnAmerican Activities Committee Hearings on Communist Activities in the South -- 1958.  
This includes an index.
- (4) House UnAmerican Activities Committee Hearings - Investigation of Communist Activities in the Chicago Area - 1954.  
This includes an index.
- (5) Index to State Legislative Investigation of UnAmerican Activities in California -- For Reports of 1943, 1945, 1947, 1948, 1949, 1951.  
This lists all those people and organizations named in the Reports.

- (6) Report of the Seditious Activities Investigation Commission of the Illinois State Legislature - 1949.  
There is no index on this Report.
- (7) Index to the Kefauver Committee Hearings (Investigation of Organized Crime in Interstate Commerce). 1951.  
This index lists all names that came up in the hearings prior to 1951. It includes hearings held in Illinois and California.
- (8) Congressional Hearings on Gambling and Organized Crime - 1961.  
This contains an index.

I have the House UnAmerican Activities Committee checking on further information.

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I have the House UnAmerican Activities Committee checking on further information.

Original

PRESIDENT'S COMMISSION  
ON THE  
ASSASSINATION OF PRESIDENT KENNEDY

TO \_\_\_\_\_, GREETING:

PURSUANT to lawful authority, YOU ARE HEREBY COMMANDED to be and appear before the President's Commission On The Assassination Of President Kennedy on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_m., at their Commission Room, \_\_\_\_\_,

then and there to testify touching matters of inquiry committed to said Commission, and not to depart without leave of said Commission.

YOU ARE HEREBY COMMANDED to bring with you and produce before said Commission the following:

HEREOF FAIL NOT, as you will answer your default under the pains and penalties in such cases made and provided.

To \_\_\_\_\_, to serve and return pursuant to the rules of the Commission.

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, 19\_\_\_\_

\_\_\_\_\_  
Member of the Commission

If you desire a conference with a representative of the Commission prior to the date of the hearing, please call or write to: President's Commission On The Assassination Of President Kennedy, 200 Maryland Avenue, N. E., Washington, D. C. 20002, Telephone: 543-1400.



RETURN

Subpena for \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

before the Commission on the \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I made service of the within subpena by  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the within-named \_\_\_\_\_  
\_\_\_\_\_ at  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., on the \_\_\_\_\_

day of \_\_\_\_\_, 196\_\_\_\_\_

Dated \_\_\_\_\_, 196\_\_\_\_\_

4/2/64

M E M O R A N D U M

TO : W. David Slawson

FROM : Richard M. Mosk

It is uniformly held that in the absence of a statute, the evidentiary privilege of a journalist not to reveal news sources does not exist. E. g. Brewster v. Boston Herald-Traveler Corp., 20 F. R. D. 416 (D. Mass. 1957); Garland v. Torre, 259 F. 2d. 545 (2d. Cir. 1958); 8 Wigmore, Evidence, 529 (McNaughton ed. 1961).

In Garland v. Torre, the plaintiff, entertainer Judy Garland, brought a defamation suit against the Columbia Broadcasting System. Among the allegedly defamatory statements were those of an unidentified CBS executive which were reported in appellant Torre's radio and television column in a New York newspaper. At a deposition hearing appellant refused to reveal the name of the executive. The district court ordered the appellant to answer and when she again refused, held her in criminal contempt. The Court of Appeals affirmed the decision. The court held that there was no evidentiary privilege which the appellant could assert, and the district judge did not abuse his discretion in refusing to enter a protective order under rule 30 (d) of the Federal Rules of Civil Procedure. Furthermore, although the freedom to gather news may in some circumstances be protected by the first amendment from impairment through forced disclosure of confidential sources, it must yield in this case to a paramount interest in testimonial compulsion.

cc: Mr. Rankin  
Mr. Willens  
Mr. Coleman  
Mr. ~~Slawson~~ Mosk ✓

This latter point might cause a problem since a major factor leading the court to require testimonial compulsion was the right of a litigant to enlist judicial compulsion of testimony, id at 549. The court said, "If an additional First Amendment liberty - the freedom of the press - is here involved, we do not hesitate to conclude that it too must give place under the Constitution to a paramount public interest in the fair administration of justice." Ibid. See also In Re Goodfader's Appeal, 367 P. 2d. 472 (Hawaii 1961) (newsman has no constitutional right to refuse to answer questions respecting his source of information before a court.), Miller, Smith and Champagne v. Capital City Press, 142 So. 2d. 462 (La. 1962); but see In Re Goodfader's Appeal, 367 P. 2d. 472, 491 (Hawaii 1961) (dissent).

Whether such a right would yield to the interests of our investigation is not certain, but I suppose it would. I formed no further case law on the question.

It is clear that a newspaper reporter's privilege does not exist in Florida, Clein v. State, 52 So. 2d. 117 (Fla. 1951), New York People ex rel. Mooney v. Sheriff of New York County, 269 N. Y. 291, 199 N. E. 415 (1936); nor in the Federal Courts. Garland v. Torre, 259 F. 2d. 545 (2d Cir. 1958). (The library did not have the most recent laws enacted by the legislatures of Florida and New York).

M E M O R A N D U M

April 2, 1964

TO : Howard P. Willens

FROM : Richard M. Mosk

SUBJECT: Subpoena of an American Citizen Abroad

There is no doubt that it is constitutional for Congress to authorize the Commission to subpoena as a witness a citizen residing abroad. Blackmer v. United States, 284 U.S. 421 (1932). This power must be exercised by Congress, and a court has no such power or jurisdiction unless expressly conferred by statute. United States v. Thompson, 319 F. 2d. 665 (2d. Cir. 1963).

Title 28 U.S.C. 1783 authorizes the subpoena of witnesses in a foreign country only when his "testimony in a criminal proceeding is desired by the Attorney General." It has been held that a Grand Jury was not a criminal proceeding; thus, it could not subpoena a witness in a foreign country. United States v. Thompson, 319 F. 2d. 665 (2d. Cir. 1963).

Thus we must look to the Joint Resolution Authorizing the Commission. It states:

"The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. . . .

Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing." Similar provisions are found in the statutes prescribing the rules for the United States Tariff Commission, 190 U.S.C.A. 1333; the Subversive Activities Control Board, 50 U.S.C.A. 792 and the C.A.B. 49 U.S.C. § 1484. The latter specifically provides for depositions to be taken in a foreign country.

From the language, it seems that the Commission is not authorized to subpoena a witness outside the United States. (The legislative history adds nothing to the text). It has often been said that Congressional legislation will not extend beyond the boundaries of the United States unless a contrary legislative intent appears. Steele v. Bulova Watch Co., 344 U.S. 280, 285 (1952).

It is interesting to note that the Walsh Act, 28 U.S.C. 1783 was enacted in 1926 as a special purpose statute designed to enable the Government to bring back from Europe two material witnesses to testify in the trial of actions arising out of the Teapot Dome scandals. The act was passed in the closing hours of the session, without a committee hearing, under suspension of rules, and without an opportunity for floor debate. United States v. Thompson, supra at 669. So, if we desperately need someone, this is always a possibility.

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Original  
PRESIDENT'S COMMISSION  
ON THE  
ASSASSINATION OF PRESIDENT KENNEDY

TO Dr. Raymond E. Robertson, Psychiatrist in Charge,  
Institute for Juvenile Research, Chicago, Illinois

<sup>forthwith</sup> GREETING:  
<sup>to produce</sup>  
PURSUANT to lawful authority, YOU ARE HEREBY COMMANDED to be and appear  
before the President's Commission On The Assassination Of President Kennedy on

~~forthwith~~ the following:, 19    , at      o'clock,      m.,  
at their Commission Room,     

then and there to testify touching matters of inquiry committed to said Commission,  
and not to depart without leave of said Commission.

YOU ARE HEREBY COMMANDED to bring with you and produce before said  
Commission the following:

Copies of reports relative to the Jack Ruby

Family - "IJR Report 43-76, 7/6/22.

HEREOF FAIL NOT, as you will answer your default under the pains and  
penalties in such cases made and provided.

~~TO Wanted Dept. office to serve and return to the~~  
GIVEN under my hand this      day of     , in the  
year of our Lord, 19    

      
Member of the Commission

If you desire a conference with a representative of the Commission prior to the  
date of the hearing, please call or write to: President's Commission On The  
Assassination Of President Kennedy, 200 Maryland Avenue, N. E., Washington, D. C.  
Telephone: 543-1400.

RETURN

Subpena for \_\_\_\_\_

before the Commission on the \_\_\_\_\_

I made service of the within subpena by

the within-named \_\_\_\_\_

at

at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., on the \_\_\_\_\_

day of \_\_\_\_\_, 196

Dated \_\_\_\_\_, 196

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ON THE  
ASSASSINATION OF PRESIDENT KENNEDY

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HEREOF FAIL NOT, as you will answer your default under the pains and penalties in such cases made and provided.

To \_\_\_\_\_, to serve and return *pursuant to the rules of the Commission*  
GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, in the  
year of our Lord, 19\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

before the Commission on the \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I made service of the within subpena by  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the within-named \_\_\_\_\_  
\_\_\_\_\_ at

at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., on the \_\_\_\_\_

day of \_\_\_\_\_, 196\_\_\_\_\_

Dated \_\_\_\_\_, 196\_\_\_\_\_

M E M O R A N D U M

TO : Mr. Howard P. Willens

FROM : Mr. Richard M. Mosk

Mrs. Marina Oswald is considered a resident alien, admitted under Title 8 U.S.C.A. § 1101 (a) (27) (A) (Department of State Symbol m-1) as a non quota immigrant. See Report of The Department of State, Lee Harvey Oswald for further details on the admission of Mrs. Oswald.

It is not necessary to ascertain whether the person in question is a national of any foreign country. If she is not a national or citizen of the United States, she is an alien, even though she may be stateless, and she is therefore deportable on the same grounds and in the same manner as any alien. Gordon and Rosenfield, Immigration Law and Procedure, 407 (1959).

Title 8 U.S.C. § 1251(a) (4) prescribes deportation for any alien in the United States who "is convicted of a crime involving moral turpitude committed within five years after entry and either sentenced to confinement or confined therefore in a prison or corrective institution, for a year or more, or who at any time after entry is convicted of two crimes involving moral turpitude, not arising out of a simple scheme of criminal misconduct, regardless of whether confined therefor and regardless of whether the convictions were in a single trial."

The statutes of the District of Columbia do not make  
fornication a crime. While Common Law crimes may exist in the  
District, see D. C. Stat., Title 22 § 107, fornication is not a  
Common Law crime unless it was accompanied by public acts of  
indecenty. Perkins, Criminal Law 330 (1957). Furthermore,  
fornication is not considered a "crime involving moral turpitude"  
so as to require deportation. Matter of R, 6 Admin. Dec. Under  
Immigration and Nationality Laws of the United States, 444, 452  
(1954).

Mrs. Oswald did not commit adultery since D. C. Stat.  
Title 22 § 301 provides that when "such act is committed between  
a married man and a woman who is unmarried, the man only shall be  
deemed guilty of adultery."

It is quite clear that perjury would be "a crime involving  
moral turpitude." Karpay v. Uhl, 70 F. 2d. 792 (2d. Cir. 1934);  
Boraca v. Schtolfeldt, 109 F. 2d. 106 (7th Cir. 1940); Gordon and  
Rosenfield, Immigration Law and Procedure, 478 (1959).

Title 8 U.S.C.A. § 1251(a) (1) provides as another ground  
for deportation the situation where at the time of entry, the alien  
was within one or more of the classes of aliens excludible by the law  
existing at the time of such entry. At the time of Mrs. Oswald's  
entrance, it was decided that she was not excludible under Section 212(A)  
(28) of the Immigration and Nationality Act, which provides that aliens  
who are members of or affiliated with Communist organizations are  
inadmissible. The reason she was not excludible under this provision

is that membership in a professional organization or trade union behind the Iron Curtain is considered involuntary unless the membership is accompanied by some indication of voluntariness. See Report of the Department of State, Lee Harvey Oswald.

Since an administrative decision at the time of entry that an alien is not excludible does not bar a showing in a later deportation proceeding that he was in fact excludible, Pearson v. Williams, 202 U.S. 281 (1906), conceivably, the Immigration authorities could retract their original view as to Mrs. Oswald's excludibility, thus subjecting her to deportation. This is highly impossible since no new evidence that I have heard of has turned up as to Mrs. Oswald's activities in Russia. Furthermore, this policy excepting involuntary members from the Communist organization provision is embodied in a Regulation. Confidential Appendix, Appendix, Appendix A, to the Visa Regulation of the Department, 22 C.F.R. 42-91(a) (281), note 3, last issued on December 9, 1960. Paragraph 3-3 1 reprinted in Report of the Department of State, Lee Harvey Oswald. I just raised this last point in order to knock it down since it does not seem a likely possibility, although I have not gone into it too deeply.



*Mr. Mosk*

M E M O R A N D U M

TO : Samuel A. Stern

May 6, 1964

FROM : Richard M. Mosk

I checked about half of the issues of the Washington Post. Apparently I am to "edit" and summarize transcripts for Mr. Liebeler. I do not know if this will be completed in time for me to get back to this project for you. I await further instructions on that. The following are articles which might be of use to you. Please check the ones you want so I can order them.

- Colt Mosk*
- ✓ 1. Bryon De La Beckwith - Feb 9. A-4. (He was charged with the slaying of Medgar Evers. So far he has had two hung juries. I would think the Secret Service should be concerned with him and others like him).
  - ✓ 2. "FBI Arrests J. Klansmen in blast at Negro Pupils House." (Jacksonville, Barton Griffin, Jacky Don Harden; Willie Eugene Wilson; Donald Eugene Spegil; Robert Tittman); March 13. A-8."
  - ✓ 3. "Secretary Subdues Armed Woman in Desperate Office Struggle at F. C. C." - March 6, p. 1.
  - ✓ 4. "FBI Charges 2 Women with threat to Connally" - March 19, A-3 (Nashville - Christine Burke, Norma June McGriff).
  6.  
5. Romney Article, "Assault on IRS Agent." May 6, (today), C7 (Chas. Buckley).

You might be interested in all of those connected with the alleged plot by Hoffa to assassinate Attorney General Kennedy.

A few months ago, Rep. Gonzalez alleged that he had information that the "Minutemen" were planning to murder him and other Congressmen. I read in the Los Angeles Times that the leader of the "Minutemen" was arrested recently for carrying a weapon. I have material on the "Minutemen."

6. "Indictment Refused on J.F.K. Threat," (Russell W. McFery - *copy*)  
JAN 11, P. A-5

M E M O R A N D U M

TO : Norman Redlich

April 10, 1964

FROM : Richard Mosk

SUBJECT: COPYRIGHT

There are two statutory prohibitions against copyright in publications of the United States Government.

Title 17 U.S.C.A. § 8 provides:

"No copyright shall subsist... in any publication of the United States Government, or any reprint, in whole or in part, thereof: ..."

Title 44 U.S.C.A. § 58 provides that the Public Printer shall sell to applicants duplicate stereotype or electrotpe plates from which any Government publication is printed. The last sentence of this provision states, "No publication reprinted from such stereotype or electrotpe plates and no other Government publication shall be copyrighted."

These provisions are "designed to achieve in a democracy that depends upon accurate knowledge the broadest publicity for matters of government." Public Affairs Associates, Inc., v. Rickover, 284 F. 2d. 262, 268 (D. C. Cir., 1960) (Reed, J.) (rev'd in 369 U.S. 111 (1962) on grounds involving declaratory relief).

On the other hand, there is a great danger of distortion. This danger is probably much greater in the case of our Report than in that of most others, since it will involve several volumes and thus probably will be abridged by private publishers. Generally, the Federal Trade Commission has acted only where there has been false advertising or misrepresentation. Stiefel, "Piracy in High Places -- Government Publications and the Copyright Law," 24 Geo. Wash. L. Rev. 423, 434 (1956), also in ASCAP, Copyright Law Symposium, No. 8, p. 3, 16 (1957); see e.g. 47 F.T.C. 1729, No. 8114 (1951) (prevented person from selling a book without clearly disclosing the title under which it was previously sold by the Government and without indicating its source). Thus, we could not rely on the Federal Trade Commission to prevent distortions, although it might use a cease and desist order to stop publishers from "passing off" their publications as the original government publication. Furthermore, such remedies as defamation and unfair competition which are making headway in the area of distortions and copying, would not be of much use to the Commission.

Bill in Congress.

One suggestion is to introduce a bill in Congress specifically providing copyright protection for the Report.

There are a few cases of similar legislation. Congress passed private acts directing that copyright be granted to the heirs of private authors whose works had been published by the Government, An Act for the Relief of Mistress Henry R. Schoolcraft, 11 Stat. 557 (1859); An Act for the Relief of Mrs. William Herndon, 14 Stat. 587 (1866). On a few occasions prior to the 1909 act, Congress passed special acts to preserve the copyright in private works that were to be incorporated in Government documents. 32 Stat. 746 (1902); 34 Stat. 836 (1906). In 1938, an act was passed authorizing the Postmaster General to secure copyright on behalf of the United States in philatelic catalogs to be prepared by him from time to time. 52 Stat. 6 (now included in 7 U.S.C.A. § 8). In 1955 Congress authorized the State of Illinois to have the exclusive right in interstate commerce to use a particular design consisting of a profile of the head of Lincoln superimposed upon a map of Illinois. 69 Stat. 631. Congress authorized Representative Cannon to secure copyright in the successive editions of Cannon's Procedure in the House of Representatives, printed by the Government, e.g. 62 Stat. 1052 (1948), 73 Stat. 20 (1959). The authors of a book on Senate procedure printed by the Government were allowed to obtain a copyright. 70 Stat. 126 (1956). Congress has also protected badges, emblems, designs, marks, and words or phrases

of a large number of Government and private organizations from misuse or copying. 18 U.S.C.A., ch. 33; 36 U.S.C.A., chs. 2-8, 11-25.

However, other bills not enacted have proposed to authorize Government copyrights in particular works. E.g., H. R. J. Res. 467, 75th Cong., 1st Sess. (1957) (The Story of the Constitution by Representative Bloom); H. R. 1331, 81st Cong., 1st Sess. (1949) (illustrated history of United States coins and currency proposed for preparation by the Treasury Department); H. R. 5541, 85th Cong., 1st Sess. (1957) (official dictionary to be prepared by a proposed Government Commission).

It is unlikely that such legislation would be passed without some opposition. Congress is not oblivious to copyright problems. In 1962 a resolution was introduced calling for an investigation of copyright practices of Government employees. H. R. Res. 794, 87th Cong., 2nd Sess.. This was prompted by Congressional concern with the propriety of the astronauts having sold their personal stories to a leading magazine. 108 Cong. Rec. 20592, 87th Cong., 2nd Sess. (1962). It is likely that publishing companies and newspapers would violently oppose such legislation since it would be a bad precedent so far as they are concerned. Furthermore, a lawyer in the copyright office assured me that they would oppose any legislation of this

nature. They did not oppose the copyright on Cannon's Procedure in the House of Representatives because this type of work has traditionally been given protection. Hence, we would have the problem of whether we could get a bill enacted within a reasonable period of time, if at all. It should be noted that the present legislation in this area has been questioned. Stiefel, supra. at 448. Berger, "Copyright in Government Publications," Study No. 33, Studies Prepared for the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Judiciary Committee, 86th Cong., 2nd Sess. 1961; Note, "What is a 'Publication of the United States Government'?" "A Search for a Meaningful Solution," 17 Rutgers L. Rev. 579 (1963).

Several years ago the Copyright Office made inquiries of a number of Government agencies that carry on extensive publication programs requesting other views on the question of copyright in Government publications. Most agencies indicated that there should be no copyright in any of their publications. However, some of them favored some provision whereby copyright could be secured in special cases in order to avoid distortion or in order to have the work published privately. Berger, supra. at 39.

There are a number of other reasons why such legislation would be unwise. Both a legislative fight and later enforcement battles in the courts might prove embarrassing

to the Commissioners.

Furthermore, there is some question as to whether we should prevent the New York Times and other newspapers from printing excerpts. While this is a major source of distortion, the Supreme Court has to put up with it every Tuesday. Newspapers, however, could be given permission to print excerpts.

An alternative might be to have a law giving the Report copyright protection for a short period of time, and thus allowing it to be circulated before private versions can be distributed. I would suspect such legislation would be just as difficult to pass as full copyright protection. Furthermore, enforcement problems would be great. If a newspaper printed the report, an injunction would be of little value. Possibly, the copying of the report could be made a crime. Such a law would have to be carefully drawn so as not to embrace the generally protected area of "fair use."

Between 1918 and 1921 a series of bills, S. 3983, 65th Cong., 2nd Sess. (1918); S. 579, 66th Cong., 1st Sess. (1919); S. 637, 67th Cong., 1st Sess. (1921), was introduced to permit the Government to secure copyright for "any Government document or work" by placing a notice of copyright on the published copies. The bills further provided that such copyrights could thereafter be released

by inserting a notice of the release on any copy. No action was taken on any of them. I do not think there would be fewer difficulties with this plan as applied to the Report than with the other suggestions for legislation.

Another possibility would be to require that private publishers insert in their publications a conspicuous statement that such publications are not the authorized versions or that they are not published by the Government. A series of bills, H. R. 6539, 63rd Congress, 1st Sess. § 44 (1913); S. 1107, 64th Cong., 1st Sess. § 82 (1915); S. 7795, 64th Cong., 2nd Sess. § 18 (1917); H. R. 8362, 66th Cong., 1st Sess. § 31 (1919), introduced between 1913 and 1919, would have required private persons who reproduce Government publications to insert in the reproductions a statement that they were not published by the Government, and would have prohibited the use of the Government Printing Office imprint and the insertion of any advertising matter in such reproductions. None of these bills was enacted. Failure to insert such notice could be made a crime or enforcement of such a provision could be handled by the Federal Trade Commission. (Although the F.T.C. has jurisdiction only (1) where the activities affect interstate commerce and (2) when the public interest is involved.) (In 1903, legislation was proposed making it a crime to attempt to copyright a government publication or falsely



advertised or private publication as emanating from the Government. H. R. Rep. No. 3892, 57th Cong., 2nd Sess. (1903)). It is arguable that this proposal would not be of much use. The unauthorized versions might be the only ones at the bookstores. See infra. Thus, they would have the widest circulation. Most people would not be discriminating enough to notice such a mark. Furthermore, they would probably not send for the Government version, having once spent their money on the private publication. However, this suggestion would seem to be better than nothing at all. At least those readers alerted to the origin of the work would not hold the Commission responsible for distortions. Here again, private book companies would put pressure on Congress to defeat such a measure. I am sure that they would be upset with a mark or legend which would cast doubt on their versions.

It has been suggested that we sponsor legislation requiring anybody who wishes to reprint the Report, to do so in full. There could be Federal Trade Commission enforcement or failure to do so could be made a crime. This proposal would certainly arouse opposition from newspapers since excerpts would be prohibited. Furthermore, "in full" would be difficult to define. Would that include appendices and supplements? However, these problems could all be cured by appropriate legislation. For example,

we could exempt all periodicals from the prohibition. With this exemption it might be easy to have the legislation enacted since it would be difficult to object to a requirement that the Report be copied accurately.

Of all of the above legislative proposals, the one requiring a notice on private publications that they are not the authorized version seems to pose the fewest number of difficulties. While it is not the most effective deterrent to distortions, I feel it is the most practicable.

#### Private Publication

A possible solution might be to have the Report published by a private book publisher. "Instances are ... known in which Government agencies have had works produced or owned by them published by private book publishers, with a copyright notice in the name of the publisher.

[Dr. Goldberg tells me that the Department of Defense's Army Air Forces in World War II (7 Vols) was published and copyrighted by the University of Chicago Press.] In some instances, private publication may be preferred over publication through Government facilities for several reasons: private publication may be more expeditious, it may provide an edition of higher quality, the private publisher may cover the market more effectively, and - perhaps most important - the private publisher will bear

the cost of printing and distribution. The last has been said to be the principal reason why the States have wanted their works to be copyrightable. Private publishers may be unwilling to assume the cost of printing and distribution, however, unless they can be given the exclusive rights afforded by copyright," Berger, "Copyright in Government Publication," Study No. 33, Studies Prepared for the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Judiciary Committee, 86th Cong., 2d Sess. 35 (1961).

There is a great deal of doubt as to whether a copyright in a Government report published privately would be valid. The copyright office asserts that it would not be since this would be an effort to circumvent the statutory prohibition of copyrights in Government Publications.

However, there is a good deal of confusion over the term "Government Publication." It might be argued that a "Government Publication" is one which is printed by the Government. It has been said that the confusion that has arisen as to the meaning of "Government Publication" is "traceable to the dual meaning of the word 'publication;' it may refer to the act of reproducing and distributing copies (printing and distribution by the Government), or it may refer to the work that is being published (a work produced by the Government, i.e., produced for the Govern-

ment by its employees)." Id. at 30.

No clarification of the meaning of "publication of the United States Government" appears in the Rules and Regulations of the Copyright Office. 37 C.F.R. § 201 -1-202. 8(1960). The provision resulted out of a controversy over the sale of the stereotype or electrotype plates desired by Representative James D. Richardson for use in a publication "prepared, compiled and edited by him on behalf of the Joint Committee on Printing" I Messages and Papers of the Presidents I, II, III (1913 ed. Bureau of National Literature) copyright 1897 by James D. Richardson. See Stiefel, "Piracy in High Places" in ASCAP, Copyright Symposium No. 8, p. 3, 21, 25 (1957). The original printing bill, (which was instigated by Richardson), providing for the sale of duplicate plates by the Public Printer, was attacked on the ground that private persons might assert copyright claims upon republishing Government documents from the plates. 25 Cong. Rec. 1764 (1893). Thus the provision prohibiting such copyright was enacted. Id. at 1765, 1767. 28 Stat. 608 (1895). After several volumes of Richardson's work were printed and distributed by the Government printing office, some of the volumes were printed with a copyright notice in the name of Richardson. When this was questioned in Congress, he said that he was not claiming copyright as against the Government

but only against third persons and that his claim was limited to the original matter created by his editorial work.

30 Cong. Rec. 1032-1033 55th Cong., 1st Sess. (1897).

Some members of Congress felt that he had no right to claim copyright in the work since it was produced for a publication authorized by Congress. Id. at 1028-1033. A Senate Investigating Committee stated: "The Committee on Printing will not undertake to discuss the legal question here involved further than to say that the prohibition contained in the Printing Act was intended to cover every publication authorized by Congress in all possible forms, and in view of the debate which occurred at the time, it is clear to the Committee that Congress intended to prevent precisely what has happened - the copyrighting of this particular book. ...Your Committee thinks that copyright should not have issued in behalf of the Messages, and that the law as it stands is sufficient to deny copyright to any and every work once issued as a Government publication."

S. Rep. No. 1473, 56th Cong., 1st Sess. (1900). As can be seen, this statement is not free from ambiguity, Berger,

"Copyright in Government Publication," Study No., 33,

Studies Prepared for the Subcommittee on Patents, Trade-  
marks, and Copyrights of the Senate Judiciary Committee,

86th Cong., 2d Sess. 30 (1961); For a history of the

Richardson affair, see Stiefel, "Piracy in High Places,"

in ASCAP, Copyright Symposium No. 8, p. 3, 21, (1957).

Nothing in the legislative history of the act of 1909 indicates the meaning of "Government Publication." H. Rept. No. 2222, 60th Cong., 2d Sess. (1909). In 1911 the Superintendent of Documents defined the term "Government Publication" as used in a different context as follows:

"Any publication printed at Government expense or published by authority of Congress or any Government publishing office, or of which an edition has been bought by Congress or any Government office for division among the Members of Congress or distribution to Government officials or the public.

I Superintendent of Documents, Checklist of United States Public Documents, 1789-- 1909 vii (3d ed. 1911)."

A series of bills introduced between 1913 and 1919 to revise the Printing Law, none of which passed, sought to define "Government Publication" as including "all publications printed at Government expense or published or distributed by authority of Congress." See e.g. H.R. 6539, 63rd Cong., 1st Sess. § 44 (1913); S. Rep. No. 438, 63rd Cong., 2d Sess. 50 (1914).

There has been very little case law on this question. In one case there was dictum to the effect that General Pershing's official report to the Secretary of War, presenting an account of the American Army in France was an official document of the United States Government which anyone was free to print and publish. Eggers v.

Sun Sales Corporation, 263 Fed. 373 (2d Cir. 1920). It is not clear if the document was printed by the Government. In Sherrill v. Grieves, 57 Wash. Law Rep. 286, 290 (Sup Ct. D. C. 1929), the plaintiff was an author of a book, portions of which he allowed the Government to publish in pamphlet form (with a notice of copyright in his name) for use in a government school for officers. The author was a government employee but the writing of the book was outside his employment. The plaintiff's copyright was upheld against the contention that the pamphlet was a government publication and that the material therein was therefore in the public domain. The court held that the work belonged to the plaintiff. In Sawyer v. Crowell Pub. Co., 46 F. Supp. 471, 473 (D. C. S. D. N. Y. 1942) aff'd 142 F. 2d. 497 (2d Cir. 1944); the court dealt with a map produced by government employees in the course of their duties, copyrighted by one employee and then published by the Government with notice of that copyright registration. The court held that as the map "relates directly to the subject matter of plaintiff's work" the employee could have no property right in it. Thus, this case indicates that a work produced for the Government by its employee within the scope of his employment belongs to the Government even though first printed and published privately. Cf. 7 Decs. Comp. Gen. 221 (1927) (distinguished writings that were not official, in which case the government would have

no control over or proprietary interest in the matter, and writings that were official, which would not lose their official character even though published by a private publisher); 22 Decs. Comp. Gen. 715 (1943). There are other situations in which it has been said that a work can be a government publication even though not printed at the Government printing office. American Lithographic Co. v. United States, 57 Ct. of Cl. 340 (1922) (Government authorized to get material printed by private publisher); Columbia Planograph Co., Inc. v. United States, 90 Ct. Cl. 457 (1940); See Monthly Catalogue of the United States Public Documents, January - December 1936, 3 (1936-37) (the Superintendent of Documents indicated that publications reproduced by duplicating processes other than ordinary printing will be considered to be government publications, just as those publications printed by the Government Printing Office.) From these cases, it has been concluded that "... 'Government Publication' refers to a published work produced by the Government, and perhaps to one owned by it, not to the mere act of printing and publishing by the Government." Berger "Copyright in Government Publications", Study No. 33, Studies Prepared by the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Judiciary Committee, 86th Cong., 2d Sess. 32 (1961).

In Public Affairs Associates, Inc. v. Rickover,



284 F. 2d 262 (D.C. Cir., 1960) (held that Admiral Rickover could get a copyright on his speeches which were prepared by him outside working hours). rev'd, 369 U.S. 111 (1962) (sketchy statement of facts not a satisfactory basis for a discretionary grant of declaratory relief), Justice Reed stated, "The language of the original statute on printing -- 'No ... Government publication shall be copyrighted' -- seems to refer to a publication actually produced by the Public Printer. The Printing Office provision seems to mean, if read naturally, 'produced in that office.' The Copyright provision should be read, we think, to refer to publications commissioned or printed at the cost and direction of the United States. These would be authorized expositions on matters of governmental interest by governmental authority." A treatise writer has stated that the term "Government Publication" "undoubtedly embraces all official documents and reports emanating from the Government as well as the interminable registers, bulletins and circulars of information prepared and issued by the various bureaus, agencies and projects maintained by the Government." Howell's Copyright Law 47 (Latman ed. 1962).

While there is no case right on point, it can be seen that it is at best dubious whether a copyright in a private publisher would be valid. Furthermore, 44 U.S.C.A. 111 (Supp) provides: "All printing, binding, and blank-

book work for Congress, the Executive Office, the Judiciary (other than the Supreme Court of the United States), and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office except (1) such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere; and (2) printing in field printing plants operated by any such executive department, independent office, or establishment, and the procurement of printing by any such executive department, independent office, or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing."

44 U.S.C. 111a provides: "Such Printing, binding and blank-book work authorized by law, as the Public Printer is not able or equipped to do at the Government Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing." This requirement of a waiver might be an added hurdle to private publication, although I have no idea how difficult it would be to obtain.

Mr. Eisenberg has told me that some of the Commissioners were insistent that private facilities not be used in our investigative activities. It is possible that they would not approve of private publication either. Also, Dr. Goldberg tells me that the Government Printing Office

would do the job much more quickly than a private publisher.

If we could get a publishing company to handle the report, without the protection of the copyright, and if we received authorization to do so, the idea is appealing in that distribution would be more widespread and efficient. Thus, the report would "beat" the other privately published versions to the bookstores. However, in my opinion, the above mentioned difficulties outweigh the benefits to be gained.

#### Government Printing Office Distribution

If the Report is published by the Government Printing Office, it might be possible to reduce the hazard of distorted versions if distribution were made through local bookstores. People would probably prefer the Government edition (assuming the Report can be confined to one volume, excluding appendices and indices) if it is as accessible as private editions. Furthermore, private editions would probably be more expensive since they are generally published at greater cost than are Government publications. The Government Printing Office could obtain a mailing list and solicit orders from bookstores around the country. Also, some means should be devised to make the Report available abroad quickly so that private editions in foreign countries might be discouraged. (Is it possible to send over translated versions? See discussion of the Denning

Report, infra.)

The Government Printing Office does sell Government Publications at a discount to book dealers and quantity purchasers. 44 U.S.C.A. 72a. (Somehow they get around 44 U.S.C.A. 71, Supp, which says only one copy of any document shall be sold to the same person). Thus, bookstores can make a profit off the sale of the Report.

I feel that we should work out some arrangement with the Government Printing Office whereby widespread circulation can be achieved rapidly. This would go a long way towards solving the problem of distortions. Also, we should have some kind of conspicuous legend on the Report indicating that it is the only official Government publication or some such identification. Another problem to consider is how we would distribute the extra volumes containing the appendices and indices.

#### Lord Denning's Report

You asked me to find out how the Denning Report (Lord Denning's Report (1963)) was handled by the British Government. I spoke to someone in the British Information Service who related to me the following account. Apparently officials in Her Majesty's Stationery Office were quite concerned with the problem of private publications. They feared the possibility that paperbacks with lurid covers and other deceptive and distorted publications would come

out. This type of a British Government Publication is automatically covered under the Crown Copyright. The United Kingdom Copyright Act of 1956, § 39 in 36 Halsbury's Statutes of England. 152 (2d ed. 1956). Furthermore, the Report was distributed through bookstores in England ("Printed and published by Her Majesty's Stationery Office- To be purchased from . . . or through any bookseller," Back cover of Report) and in this country. My informant said that 100,000 copies were originally printed and sold and that the Government continued to print more copies. He estimated a sale of 150,000. Only about 1,000 copies were sold in this country since the British Information Service was only authorized to receive 1500 copies.

A United States company (I assume from the Library of Congress Card Catalog that it was the Popular Library Co. of New York) immediately photographed the Report and had an edition out within two days of distribution of the original report. Also, the New York Evening Post ran about 90% of the report in serial form. Because these copies appeared so quickly, the British did not seek to restrain their sale. Furthermore, the Popular Library Version printed the report in full, although it had a hard cover. Some officials were upset by the fact that this version had a British seal on the cover.

However, the British Government went to court

in France and in other European countries and successfully prevented publishers from publishing copies of the Report. The British were able to catch these piracies because of the time taken to translate the Report.

M E M O R A N D U M

TO : Norman Redlich

April 6, 1964

FROM : Richard Mosk

SUBJECT : COPYRIGHT

Title 17 U.S.C. § 8, specifically excludes from Copyright "any publication of the United States Government or any reprint in whole or in part thereof." A 1936 Amendment authorized the Postmaster General to secure copyrights on behalf of the United States<sup>Gov</sup> public documents containing "illustrations in black and white of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to such stamps as the Postmaster General may deem suitable." 52 Stat. 6 (now included in 17 U.S.C.A. § 8).

Other relevant statutes are the following:

Public Law 339, 69 Stat. 631 (1955)

". . . the State of Illinois shall have the exclusive right in interstate commerce to use, manufacture, and to control the right to manufacture the emblematic design heretofore published by the Secretary of State of the State of Illinois, consisting of a profile of the head of Abraham Lincoln superimposed upon an outline map of the State of Illinois which is surmounted by the name 'Illinois' and overlaid by the caption 'Land of Lincoln' . . ."

Public Law 504, 70 Stat. 126 (1956) (J. Res.)

". . . there shall be printed and bound for the use of the Senate, one thousand five-hundred copies of Senate Procedure, to be prepared by Charles L. Watkins, Parliamentarian, and Floyd M. Reddick, Assistant Parliamentarian,

cc: Mr. Rankin  
Mr. Willens  
Mr. Mosk ✓

to be printed under the supervision of the authors and to be distributed to the Members of the Senate.

That notwithstanding any provision of the copyright laws and regulations with respect to publications in the public domain, such edition of Senate Procedure shall be subject to copyright by the authors thereof."

Public Law 86-17, 73 Stat. 20 (1959) (J. Res.).

". . . there shall be printed and bound for the use of the House, one thousand five-hundred copies of Cannon's Procedure in the House of Representatives," by Clarence Cannon, to be printed under the supervision of the author and to be distributed to the Members by the Speaker . . . notwithstanding any provision of the copyright laws and regulations with respect to publications in the public domain, "Cannon's Procedure in the House of Representatives" shall be subject to copyright by the author thereof."

Title 4 U.S.C.A. 3 prohibits the use of the flag for advertising purposes.

Title 18, Chapter 33 relates to the unauthorized use of the following emblems, insignias and names:

§  
§ 701 - Official badges, identification cards, other insignia.

704 - Military medals or decorations.

705 - Badge or medal of veteran's organization.

706 - Red Cross.

707 - 4-H Club emblems fraudulently used.

708 - Swiss Confederation Coat of Arms.

709 - False advertising or misuse of names to indicate Federal Agency.

711 - "Emskey Bear" character or name.

712 - Misuse of names by collecting agencies or private detective agencies to indicate Federal Agency.



Title 36 U.S.C.A. Chapters 2-8 provides for the Exclusive Right to name, or to designs, seals, emblems, badges, marks, and words or phrases of various national organizations including:

American Legion, V. F. W., Boy Scouts, Girl Scouts, Amvets, etc. Chapters 11-25 gives the same protection to other national organizations such as the United States Olympic Association, National Safety Council, Big Brothers of America, Foundation of the Federal Bar Association, etc.

**GENERAL SERVICES ADMINISTRATION  
ROUTING SLIP**

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
1.	<i>Mr. Mark</i>										
2.											
3.											
4.											

- |                                                                   |                                                     |                                           |
|-------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> ALLOTMENT SYMBOL                         | <input type="checkbox"/> HANDLE DIRECT              | <input type="checkbox"/> READ AND DESTROY |
| <input type="checkbox"/> APPROVAL                                 | <input type="checkbox"/> IMMEDIATE ACTION           | <input type="checkbox"/> RECOMMENDATION   |
| <input type="checkbox"/> AS REQUESTED                             | <input type="checkbox"/> INITIALS                   | <input type="checkbox"/> SEE ME           |
| <input type="checkbox"/> CONCURRENCE                              | <input type="checkbox"/> NECESSARY ACTION           | <input type="checkbox"/> SIGNATURE        |
| <input type="checkbox"/> CORRECTION                               | <input type="checkbox"/> NOTE AND RETURN            | <input type="checkbox"/> YOUR COMMENT     |
| <input type="checkbox"/> FILING                                   | <input type="checkbox"/> PER OUR CONVERSATION       | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> FULL REPORT                              | <input type="checkbox"/> PER TELEPHONE CONVERSATION | <input type="checkbox"/>                  |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |                                                     |                                           |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |                                                     |                                           |

**REMARKS**

*This is a very good question and you should prepare a memo on this.*

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
<i>M. Reed</i>											
						TELEPHONE			DATE		
									<i>5/4/64</i>		

April 29, 1964

MEMORANDUM

TO: Norman Redlich

FROM: Richard Mosk

I want to put into a memo the point I raised with you yesterday, ~~ie~~, the question of whether we might infringe copyrights held by LIFE magazine if we publish their photographs. Furthermore, letters present a problem since the sender holds a common law copyright in them. I do not think that the Government can be enjoined, although I recall seeing law review articles on the point. We might consider asking for permission to publish this material.

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5-1-64

I should like to know what the law review articles say on this.

J. F. R.

Mr. Rankins

M E M O R A N D U M

TO : J. Lee Rankin  
General Counsel

May 4, 1964

FROM : Richard M. Mosk

At your request I rechecked all of the legislative history to see if we would be excluded from the provisions of Title 28, § 1498 (b).

There was no discussion of the act on the floor of Congress. There seemed to be no opposition to the bill. The Senate Report (1877) states the purpose of the act as follows:

. . . to provide a remedy in the Court of Claims for the infringement by the United States Government, or by any contractor acting with its consent, of any work protected under the copyright laws of the United States, where such infringement was with the authorization or consent of the United States. To put it another way, the bill would waive the sovereign immunity of the United States for infringement of copyrights by extending the provisions of Section 1498 of Title 28, United States Code, to permit an action in the Court of Claims for copyright infringement."

House Report 624 states:

"It seems inequitable that employees of the United States, acting for the benefit of the Government, are now personally liable for copyright infringement and that the Government is not. It appears proper to this committee that the Government should assume responsibility for such acts. Furthermore, it seems illogical to treat copyright infringements by the United States differently from patent infringements, in view of the established principle that the Federal Government should not be appropriating private property without just compensation, which principle was long ago adopted with regard to infringement of patents. The Instant Bill is designed to correct

this situation both with respect to the copyright owner and to Federal officers and employees, and to the public generally."

L. Quincy Mumford, Librarian of Congress stated in a letter to the Senate Judiciary Committee

"With regard to the one subsection of the Federal Tort Claims Act which is made inapplicable to the Government as a defense, section 2680 (a), Title 28, United States Code, excludes from the authorization of suit against the Government any claim which is based upon an act or omission of a Government employee, exercising due care, in the execution of a regulation whether or not the regulation be valid. The Supreme Court in the case of Dalehite v. United States (346 U.S. 15 (1953)) commented extensively upon the history, purpose, and function of such a provision of law. In view of that opinion and the extensive consideration heretofore given by the Congress of the problem, it may be inadvisable to deprive the Government of the defense envisioned by the above section of the Tort Claims Act. Id.

His suggestion was apparently rejected.

An amendment to the original bill provides: "Nothing in this act shall be construed to in any way waive any immunity provided for Members of Congress under Article I of Section 6 of the Constitution of the United States." Public Law 86-726, § 2, 86th Cong. 2d Sess. (1960). This is the only exemption discussed.

These are the only references to the matter I could find.

An acquaintance of mine in the Legal Department of the Copyright Office, told me that it was the feeling of those in the copyright office that no exception for official acts can be read into the act. While the Report does go to the President, it is also being published. I think the statute is rather clear on its face. Maybe some exception could be read in; however, I would not want to gamble on it.

The hearings on the bill indicate that no injunctive relief would be possible. Hearings Before Subcommittee on Patents, Trademarks, and Copyrights of the Senate Committee of the Judiciary on H. R. 4059, 86th Cong. 2d Sess. (1960) [hereinafter cited as Hearings] 6-7.

It might be possible to characterize the statute as providing eminent domain powers. See Irving Air Chute, Co. v. United States, 93~~8~~ Supp. 633 (1950) ("The Government urges, rightly that 28 U.S.C.A. § 1498, is in effect, an eminent Domain statute, which entitles the Government to manufacture or use a patented article becoming liable to pay compensation to the owner of the patent"); Farrand Optical Co. v. United States, 325 F. 2d 328, 337 (1963) ("patent infringement cases are eminent domain cases"). In a statement on behalf of the bill, Robert Frase, Associate Managing Director for the American Book Publishers Council stated,

"Government agencies now purchase permission rights from copyright owners for a variety of materials. If, however, the situation is such in a particular case, as for example, in time of war or national emergency, that a Government agency feels that time does not permit seeking out and negotiating with the copyright owners, or if the fee requested does not seem reasonable, the bill provides a kind of eminent domain procedure under which copyright property may be used immediately and the matter of equitable payment left to the determination of the Courts." Hearings at p. 8.

On the other hand, an infringement of a copyright has long been considered a tort. See e.g., American Code Co. v. Bensinger, 282 Fed. 829 at 834 (1922); Ted Brown Music Co. v. Fowler, 290 Fed. 751 at 754 (1923).

During the Hearings, John D. Calhoun, Acting Deputy Attorney General, suggested that the bill specifically recognize that the unauthorized use of copyright material by the Government was a "taking," rather than an "infringement." Hearings at p. 42. The patent provision does not use the word "infringement" as does the copyright provision.



I am afraid, I cannot see the relevance of the distinction other than for such matters as the recovery of interest or the effect of the Statute of Limitations.

I see nothing in our Resolution protecting the Government from suit if we use copyrighted material.

PRESIDENT'S COMMISSION  
ON THE  
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave. N.E.  
Washington, D.C. 20002  
Telephone 543-1400

EARL WARREN,  
Chairman  
RICHARD B. RUSSELL  
JOHN SHERMAN COOPER  
HALE BOGGS  
GERALD R. FORD  
JOHN J. McCLOY  
ALLEN W. DULLES

J. LEE RANKIN,  
General Counsel

M E M O R A N D U M

TO: J. Lee Rankin  
General Counsel

FROM: Richard M. Mosk

SUBJECT: VIOLATION OF COPYRIGHTS

A recent amendment to the Federal Tort Claims Act renders the Government but not its employees liable for copyright infringement, 74 Stat. 855 (1960; 28 U.S.C.A. § 1498 (b)).

"Hereafter, whenever the copyright in any work protected under the copyright laws of the United States, shall be infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm or corporation acting for the Government and with the authorization or consent of the Government, the exclusive remedy of the owner of such copyright shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement, including the minimum statutory damages as set forth in Section 101 (b) of Title 17, United States Code: Provided, that a Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence, or induce use of the copyrighted work by the Government: Provided; however, that this subsection shall not confer a right of action on any copyright owner or any assignee of such owner with respect to any copyrighted work prepared by a person while in the employment or service of the United States, where the copyrighted work was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material, or facilities were used: And provided further, that before such action against the

United States has been instituted the appropriate corporation owned or controlled by the United States or the head of the appropriate department or agency of the Government, as the case may be, is authorized to enter into an agreement with the copyright owner in full settlement and compromise for the damages accruing to him by reason of such infringement and to settle the claim administratively out of available appropriations. . . ."

Generally one who infringes a copyright is subject to an injunction restraining such infringement, 17 U.S.C.A. §§ 101, 112. However, 28 U.S.C.A. § 1498 (b) seems to limit remedies against the Government to actions in the Court of Claims. See S. Rept. No. 1877, 86th Cong. 2d Sess. (1960) (" . . . the bill would waive the sovereign immunity of the United States for infringement of copyrights by extending the provisions of Section 1498 of Title 28, United States Code, to permit an action in the Court of Claims for a copyright infringement."). Also it has been stated that "The language of the bill is to the effect that the exclusive remedy of the owner of the copyright against the United States shall be only in those cases in which the infringement was made with the authorization or consent of the Government. It would, therefore, follow that all other infringements would not transfer liability to the United States Government." Id.

As you know, some of our exhibits are photographs appearing in LIFE magazine. I would recommend that we request permission to publish these photographs. Dr. Goldberg claims that this is the practice followed by many Government agencies.

While there is very little authority on the point, it has generally been said that "the right to publish and copyright private letters generally belongs to the writer or his legal representative and not to the recipient." Howell's Copyright Law 51 (Latman ed. 1962); Kaplan and Brown, Cases on Copyright 15 (1961) (Brandeis and Warren relate the sender's right in his letter to be "the more general right of the individual to be let alone." 4 Harv. L. Rev. 193, 205 (1890)). The writers of the unpublished letters with which we are concerned hold a common law copyright in them. 17 U.S.C. § 2 ("That nothing in this Act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication or use of such unpublished work without his consent, and to obtain damages therefor"). A common law copyright is a valuable property right. There is some question as to whether this common law copyright would be divested by government publication. While there are no cases on it, the better view would seem to be that it would. Stiefel "Piracy in High Places"-Government Publication and Copyright Law, 24 Geo. Wash. L. Rev. 423, 432 (1956). Title 17 U.S.C.A. § 8 provides, "the publication or republication by the Government . . . of any material in which copyright is subsisting shall not be taken to cause any abridgement . . . of the copyright." It would seem that the "copyright" referred to would be a statutory copyright. Once the document is published, no common law copyright exists. 17 U.S.C.A. § 2 Wheaton v. Peters, 34 U. S. 591 (1834). Thus, once the Report is published, the authors of various letters (and Lee Oswald's heirs) will lose the very valuable literary rights that would come from the letters.

It would seem doubtful that the United States could be sued for the violation of a common law copyright in our particular case. Title 28 U.S.C.A. § 1498 (b) applies only to statutory copyrights. The Federal Tort Claims Act., 28 U.S.C.A. 2671 et seq., provides for general governmental liability for torts, with a number of exceptions. Courts have said that "an action for damages by reason of infringement of a copyright is . . . one sounding in tort. Turton v. United States, 212 F. 2d 354 (6th Cir. 1954). Before the passage of the 1960 statute there had been some speculation that the Federal Tort Claims Act covered infringements of statutory copyrights, see 3 Davis, Administrative Law, 470 (1958), although this contention was generally refuted. H. Rept. 624, 86th Cong. 2d. Sess. (1960); Stiefel, "Piracy in High Places - Government Publications and Copyright Law," ASCAP, Copyright Law Symposium No. 8, 6 (1957). However, this refutation was due to the feeling that the Federal Tort Claims Act embraced only "common law torts." Howell's Copyright Law 48 (Latman ed. 1962).

While certain intentional torts are excepted from the operation of the Federal Tort Claims Act, 28 U.S.C.A. § 2680 (b), (including defamation), not all intentional torts have been excluded. Thus, several writers have suggested that a suit could be brought against the Government on a theory of invasion of privacy. See Davis, supra.; O'Donoghue, "Some Possible New Fields in a Narrowing Act, 7 Vand. L. Rev. 180 (1954). If this is so, there seems no reason why suit could not be brought on a common law copyright theory. (a Right of Privacy theory might also be applicable in the case of these letters)

However, it is likely that the Commission's Report would fall under the exceptions to the Federal Tort Claims Act for acts done in the execution of a statute or regulation or for acts within the discretionary function or duty of any federal agency or employee. 28 U.S.C.A. § 2680 (a). While the courts are in hopeless confusion over what a discretionary act is, compare Dalehite v. United States, 346 U.S. 15 (1953) (4-3) with Indian Towing Co. v. United States, 350 U.S. 61 (1955),<sup>(5-4)</sup> it would seem that decisions and actions by an executive body such as the Commission should be considered "discretionary" rather than "ministerial." See 3 Davis, Administrative Law 479 (1958). Furthermore, since the Commission is to report all of the facts to the President, Exec. Order No. 11130, S. J. Res. 137, it would seem that the Commissioners are acting pursuant to statute or regulation.

However, the officers of the Government (here, presumably, the Commissioners) are not necessarily immune from such suits. Thus, prior to the enactment of 28 U.S.C.A. § 1498 (b), a government employee was held liable for a copyright infringement. Towle v. Ross, 32 F. Supp. 125 (1940); see also Belknap v. Schild, 161 U.S. 10 (1896) (patent infringement).

The problem of suits against Government officers is a very complex one. See the recent articles by Jaffe, 77 Harv. L. Rev. 1, 209 (1963). I would suppose that the Commissioners would be protected under the privilege extended to certain high officers for discretionary or quasi - judicial acts. See Barr v. Matteo, 360 U.S. 564 (1959). (Granted absolute immunity to the Director of the Office of Rent Stabilization, protecting him from a libel

suit arising out of statements he had made about two employees in a press release, although no majority opinion.); Spaulding v. Vilas, 161 U.S. 483 (1896) ("The head of a department . . . cannot be held liable to a civil suit for damages on account of official communications pursuant to an act of Congress," regardless of motive). Certainly, the publication of such letters would not be considered malicious or as being published with improper motive. Furthermore, there is a tendency to protect the officer by regarding his function as quasi - judicial or discretionary. 2 Harper & James, The Law of Torts 1642 (1956).

In my view there are not likely to be any suits in this area, and it is even less likely that any suit would be successful. Conceivably by requesting permission to publish these letters, the person might be alerted to the possibility of some rights against the Government. On the other hand, there is always the possibility of embarrassing suits later on.

PRESIDENT'S COMMISSION  
ON THE  
ASSASSINATION OF PRESIDENT KENNEDY

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M E M O R A N D U M

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FROM: Richard M. Mosk

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United States has been instituted the appropriate corporation owned or controlled by the United States or the head of the appropriate department or agency of the Government, as the case may be, is authorized to enter into an agreement with the copyright owner in full settlement and compromise for the damages accruing to him by reason of such infringement and to settle the claim administratively out of available appropriations. . . ."

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Memo to Prof. Redlich  
Re: Citations

I have made some suggestions as to the form of the citations. If you would indicate your approval, your choices as to alternative suggestions, and any changes you wish to make, I will draw up a formal memo to the staff. As you will note, however, I think several preliminary decisions have to be made before we can set up the form for citations.

We should follow the form set out in the Supreme Court Manual, Notes on Style of the United States Reports (1950 ed.). I have borrowed one copy from Mr. Putzel, the Reporter for the Supreme Court. If anything is not covered in the Supreme Court Manual, we should refer to the "blue book", A Uniform System of Citation. This is the practice of the Supreme Court. We should take steps to obtain a sufficient number of copies of both of these books.

As to matters unique to the Commission, much will depend on whether the material is published with the Report. Assuming, the hearings and depositions will be printed in succeeding volumes, the first citation should be,

I Hearings Before the President's Commission on the Assassination of President Kennedy [hereinafter cited as Hearings] 72 (Robert Oswald)

The succeeding footnotes would appear as follows:

II Hearings 72 (Ruth Payne)

If we entitle the applicable appendices, Report of the Commission's Proceedings, the first citation would provide

(2)  
(hereinafter cited as Proceedings)

Depositions could be handled as follows:

I Deposition taken by the President's Commission on the Assassination of President Kennedy (hereinafter cited as Depositions); 72 (Larry Crafard).

III Depositions 72 (Capt. Fritz)

no I think we should give the name of the witness since many readers will not purchase the succeeding volumes. We might also add the date: of Rthertestimony: (Robert Oswald, Feb. 25, 1963)

Another way the above citations could be handled is by mentioning at the beginning of the report that the Hearings before the President's Commission on the Assassination of President Kennedy would be cited as Hearings, with the name of the witness following. The same procedure would be used for depositions.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

The citation of decisions involving procedures made by the Commissioners in their meetings poses a problem since they are now incorporated in the Report of the Commission Proceedings, which includes the hearings. If we entitle the applicable appendices, Report of the Commission Proceedings, we have no problem. If we entitle them Hearings, then we could refer to the Hearings, provided we leave the Commission's decisions in them. If we separate Commission-made rules from the actual hearings, we could continue to call the former, Report of the Commission Proceedings.

Commission Documents could be cited as follows:

Comm'n Doc. No. 17, F.B.I. Rept., Oswald-Internal Security 7 (Nov. 30, 1963).

(3)

If you think further explanation is needed we could refer to the abbreviation in the beginning or we could have the first citation read,

Commission Document Number (hereinafter cited as as Comm'n Doc.) 17, F.B.I. Rept., Oswald-Internal Security 7 (Nov. 30, 1963).

If a list of documents will appear in one of the indices or appendices, then Comm'n Doc. No. 17 (F.B.I. Rept.) should be sufficient because anyone who is interested in pursuing the matter further could look up the document to see what subject it covers. Again, all of this could be explained in the beginning.

Exhibits should be cited as,

Comm'n Exhibit No. 17

On the other hand, the first exhibit could be cited as,

*Reporter*  
Commission Exhibit Number (hereinafter cited as Comm'n Exh.) 17.

This abbreviation could also be explained in the beginning.

Letters will often be documents. If not, they should be cited as provided in the "blue book."

Dr. Goldberg indicated that he feels that footnotes should appear at the end of the Report in order to facilitate the reading of the Report and in order not to frighten away readers who might think the Report overly scholarly. I feel that the footnotes should go at the bottom of the page since I dislike turning to the back frequently. A decision on this point ought to be made.



M E M O R A N D U M

TO : Members of the Staff

April 15, 1964

FROM: Richard Mosk and Norman Redlich

RE : CITATIONS

Citations will appear in the body of the report at the bottom of the page.

In writing the report we should follow the form set out in the Supreme Court Manual, Notes on Style of the United States Reports (1950 ed.). If anything is not covered in the Supreme Court Manual, we should refer to the "blue book," A Uniform System of Citation. Answers to questions involving such items as punctuation, word division, foreign words, etc., can be found in United States Government Printing Office Style Manual (Jan. 1959) and Supplement (1962). Archives material will be cited as suggested in the Archives pamphlet. I will put these materials in Room 401.

For easy reference, I have summarized the rules as to the use of some common signs.

Where the same page of the same authority is cited within a footnote or in successive footnotes, without intervening citations, cite simply: "Ibid." Where the citation would be identical except for the page, cite "Id at 10." It is preferable not to use "id" and "Ibid" when a turn of the page intervenes.

"Supra" is used when citing articles or materials that have been cited previously within the Report, indicating the footnote in which the article has most recently been fully cited. Ely, supra note 5, at 86; Hearings on S. 241, supra note 6, at 130. Generally fifty footnote numbers should be the maximum span for such a citation.

"Op cit supra" is used similarly in citing a book or pamphlet. Rossiter, op. cit. supra note 4, at 202.

Since we have established a special shortened form for most of the Commission material, there is no need to decide which of these categories will contain the Commission material. Also neither "supra" nor the "op cit supra" form can be used to cite in its entirety an authority previously cited for a specific portion only.

Previous textual matter (with supporting authority if any), within the report, whether text or footnote, may be cited, using whatever introductory signal is appropriate. See p. 308 § note 15 supra. Similar forms may be used to cite textual matter "infra."

Hearings before the Commission will be cited by referring to the particular volume of the hearings in which the testimony appears and the name of the witness.

The first reference to the hearings:

6 Hearings before the President's Commission on the Assassination of President Kennedy. [Hereinafter cited as Hearings] 72 (Robert Oswald).

Succeeding references:

6 Hearings 241 (Ruth Paine).

The same form would apply to depositions which will appear in separate volumes entitled "Depositions."

The first reference to the depositions:

6 Depositions taken by the President's Commission on the Assassination of President Kennedy [hereinafter cited as Depositions] 72 (Larry Crafard).

Succeeding references:

6 Depositions 721 (David Lujan).

Since hearing exhibits will appear in the last volume of Hearings and all of the deposition exhibits will appear in the last volume of Depositions they will each be cited by giving the type of exhibit (i.e. whether deposition or hearing), its number, and a reference to the volume in which it is shown.

First reference:

Commission Exhibit Number [hereinafter cited as Comm'n Exh.]

11 in 4 Hearings (Exhibits) 14.

Succeeding references:

Comm'n Exh. 19 in 4 Hearings (Exhibits) 38.

First reference:

Deposition Exhibit Number [hereinafter Depos'n Exh.] 12 in

3 Depositions (Exhibits) 14.

Succeeding references:

Depos'n Exh. 21 in 3 Depositions (Exhibits) 39.

References to decisions made by the Commissioners in their meetings will refer to the volume of the unpublished report of the proceedings, the date of the decision, and the fact that it is unpublished.

74 President's Commission on the Assassination of President  
Kennedy - Report of Proceedings 2734 (March 16, 1964 unpublished).

Citations to Commission Documents will include the Commission Document number, the source of the document, and the date.

The first reference:

Commission Document number [hereinafter Comm'n Doc.] 17,  
FBI Report (Nov. 30, 1963).

Succeeding references:

Comm'n Doc. 19, FBI Report (Dec. 2, 1963).

M E M O R A N D U M

TO : Members of the Staff

April 27, 1964

FROM : Richard Mosk  
Norman Redlich

SUBJECT : Style and Citations

In writing the report the form set out in the Supreme Court Manual, Notes on Style of the United States Reports (1950 ed.) should be followed. If anything is not covered in the Supreme Court Manual, reference should be made to the "blue book," A Uniform System of Citation. Answers to questions involving such items as punctuation, word division, capitalization, foreign words, etc., can be found in United States Government Printing Office Style Manual (Jan. 1959) and Supplement (1962). Archives material will be cited as suggested in the Archives pamphlet. These materials can be found in Room 401.

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Previous textual matter (with supporting authority if any), within the report, whether text or footnote, may be cited, using whatever introductory signal is appropriate. See p. 308 & note 15 supra. Similar forms may be used to cite textual matter "infra."

Textual matter should not be included in the footnotes unless absolutely necessary. The text and the footnotes should be double-spaced, with footnotes appearing at the bottom of each typewritten page. Hearings before the Commission and depositions will be cited by referring to the particular volume of the hearings in which the testimony appears and the name of the witness.

The first reference to the hearings:

6 Hearings before the President's Commission on the Assassination of President Kennedy. [Hereinafter cited as Hearings] 72 (Robert Oswald).

Succeeding references:

6 Hearings 947 (Larry Craford).

Since hearing exhibits will appear in the last volumes of Hearings they will be cited by giving the exhibit number and a reference to the volume in which they are found.

First reference:

Commission Exhibit Number [hereinafter cited as  
Comm'n Exh.] 11 in 14 Hearings (Exhibits) 14.

Succeeding references:

Comm'n Exh. 19 in 14 Hearings (Exhibits) 38.

Deposition Exhibits will also appear in the last volumes of Hearings. They will be referred to by the name of the witness, the number of the exhibit, and a reference to the volume in which they are found.

First reference:

Larry Crafard Deposition Exhibit Number [hereinafter Exh.]  
in 14 Hearings (Exhibits) 738.

Succeeding references:

David Lujan Exh. 2 in 15 Hearings (Exhibits) 38.

Citations to Commission Documents (assuming there will be some apart from the exhibits; see memo from Mr. Rankin, April 24, 1964) will include the Commission Document Number, the source of the document, and the date.

The first reference:

Commission Document Number [hereinafter Comm'n Doc.] 17,  
FBI Report (Nov. 30, 1963).

Succeeding references:

Comm'n Doc. 19, FBI Report (Dec. 2, 1963).

For the rough draft, refer to the volume and page number of the hearings and depositions as they are now numbered. Obviously no reference can be made in the rough draft to the volume of the hearings in which the exhibits will be found.

The various headings and sub-headings should appear as in the following example:

PART III: JOHN WILKES BOOTH AS THE ASSASSIN

PRESENCE AT THE SCENE

The testimony of forty-seven witnesses establishes that John Wilkes Booth was in the Presidential box at the precise moment that the fatal bullet was fired at Abraham Lincoln. An occupant of the neighboring box turned the moment he heard the shot and saw a person whom he later identified as Booth rush forward to the front of the box and leap to the stage.

PHYSICAL EVIDENCE AT THE SCENE

FINGERPRINTS

Within ten minutes of the assassination, Lieutenant Day of the District Police lifted a palm print from the rail in the President's box which the assassin grabbed as he leaped to the stage. This was identified as being the palm print of the right hand of John Wilkes Booth.

BALLISTICS EVIDENCE

Cartridges - One empty cartridge was found behind the door leading to the President's box. Expert testimony has concluded that this cartridge had been fired from the weapon which Booth had ordered from a Chicago mail order house, and which was in his possession at the time of his arrest.

Bullets - A bullet fragment was removed from the President's head following his death and this has been identified by expert witnesses as having been fired from Booth's weapon.



M E M O R A N D U M

TO : Members of the Staff

April 27, 1964

FROM : Richard Mosk  
Norman Redlich

SUBJECT : Style and Citations

In writing the report the form set out in the Supreme Court Manual, Notes on Style of the United States Reports (1950 ed.) should be followed. If anything is not covered in the Supreme Court Manual, reference should be made to the "blue book," A Uniform System of Citation. Answers to questions involving such items as punctuation, word division, capitalization, foreign words, etc., can be found in United States Government Printing Office Style Manual (Jan. 1959) and Supplement (1962). Archives material will be cited as suggested in the Archives pamphlet. These materials can be found in Room 401.

For easy reference, the rules as to the use of some common signs are summarized as follows:

Where the same page of the same authority is cited within a footnote or in successive footnotes, without intervening citations, cite simply: "Ibid." Where the citation would be identical except for the page, cite "Id at 10." It is preferable not to use "id" and "ibid" when a turn of the page intervenes.

"Supra" is used when citing articles or materials that have been cited previously within the Report, indicating the footnote in which the article has most recently been fully cited. Ely, supra note 5, at 86; Hearings on S. 241, supra note 6, at 130. Generally fifty footnote numbers should be the maximum span for such a citation.

"Op cit supra" is used similarly in citing a book or pamphlet. Rossiter, op. cit. supra note 4, at 202.

Since we have established a special shortened form for most of the Commission material, there is no need to decide which of these categories will contain the Commission material. Also neither "supra" nor the "op. cit. supra" form can be used to cite in its entirety an authority previously cited for a specific portion only.

Previous textual matter (with supporting authority if any), within the report, whether text or footnote, may be cited, using whatever introductory signal is appropriate. See p. 308 & note 15 supra. Similar forms may be used to cite textual matter "infra."

Textual matter should not be included in the footnotes unless absolutely necessary. The text and the footnotes should be double-spaced, with footnotes appearing at the bottom of each typewritten page. Hearings before the Commission and depositions will be cited by referring to the particular volume of the hearings in which the testimony appears and the name of the witness.

The first reference to the hearings:

6 Hearings before the President's Commission on the Assassination of President Kennedy. Hereinafter cited as Hearings 72 (Robert Oswald).

Succeeding references:

6 Hearings 947 (Larry Craford).

Since hearing exhibits will appear in the last volumes of Hearings they will be cited by giving the exhibit number and a reference to the volume in which they are found.

First reference:

Commission Exhibit Number [hereinafter cited as  
Comm'n Exh.] 11 in 14 Hearings (Exhibits) 14.

Succeeding references:

Comm'n Exh. 19 in 14 Hearings (Exhibits) 38.

Deposition Exhibits will also appear in the last volumes of Hearings. They will be referred to by the name of the witness, the number of the exhibit, and a reference to the volume in which they are found.

First reference:

Larry Crafard Deposition Exhibit Number [hereinafter Exh.]  
in 14 Hearings (Exhibits) 738.

Succeeding references:

David Lujan Exh. 2 in 15 Hearings (Exhibits) 38.

Citations to Commission Documents (assuming there will be some apart from the exhibits; see memo from Mr. Rankin, April 24, 1964) will include the Commission Document Number, the source of the document, and the date.

The first reference:

Commission Document Number [hereinafter Comm'n Doc.] 17,  
FBI Report (Nov. 30, 1963).

Succeeding references:

Comm'n Doc. 19, FBI Report (Dec. 2, 1963).

For the rough draft, refer to the volume and page number of the hearings and depositions as they are now numbered. Obviously no reference can be made in the rough draft to the volume of the hearings in which the exhibits will be found.

The various headings and sub-headings should appear as in the following example:

PART III: JOHN WILKES BOOTH AS THE ASSASSIN

PRESENCE AT THE SCENE

The testimony of forty-seven witnesses establishes that John Wilkes Booth was in the Presidential box at the precise moment that the fatal bullet was fired at Abraham Lincoln. An occupant of the neighboring box turned the moment he heard the shot and saw a person whom he later identified as Booth rush forward to the front of the box and leap to the stage.

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Bullets - A bullet fragment was removed from the President's head following his death and this has been identified by expert witnesses as having been fired from Booth's weapon.

BOOKS IN POSSESSION OF OSWALD

<u>FBI Item No.</u>	<u>Description</u>
71	Marine Corps 2nd Btn. Class Book
72	Hammond Doubleday World Atlas
74	Texnika Russian magazine
75	Russian book entitled "State Tretyakovsky Gallery - 30 postcards"
"	Russian book entitled "Manual of Analysis of Medical Prescriptions (mixtures or concoctions)"
76	Russian book entitled "Queen of Spades" (play by Pushkin)
"	Russian book entitled "Geographical Situation and Natural Condition"
"	Leaflet entitled "The Queen of Spades" and opera of P. I. Tschaikovsky (Russian)
"	Russian book entitled "Minsk"
77	Book entitled "Introductory Phonetic Course in the German Language" (Russian)
"	Book entitled "Assistance for Work in Basic Course for Correspondence (?) Students" (Russian)
"	Russian book entitled "Teach Yourself to Speak English!"
78	Communist Manifesto (Russian)
"	Russian Art (Russian)
79	Russian book entitled "The Soviet Electoral System" by A. I. Kim
80	Russian book entitled "Eugenie Grandet"
"	Russian book entitled "Geographic Dictionary"

FBI Item No.Description

81	Russian book entitled "Parasite!" by A. Lavrov and O. Lavrov
"	Russian book entitled "Minimum Vocabulary in the French Language for Middle Schools"
82	Songbook with lyrics on cover "A wide country is my homeland" (Russian)
"	Russian book entitled "The Truth of the Second Front" by D. Kraminov
83	Russian book entitled "Our Small Life"
"	Russian book entitled "Population of USSR"
84	Russian book entitled "Constitution of the USSR"
85	Copy of Militant (10-7-63)
86	Copy of Worker (10-20-63)
88	Pocketbook entitled "George Orwell, 1984"
89	Russian book entitled "A book of Helpful Advice"
90	Russian book entitled "On appetizing and Wholesome Food"
91	"Fidel Castro" State Publishing House of Political Literature, Moscow by G. Oshevorov
92	"Minsk" (Russian)
93	Two pages of a book (appears to be on the subject of canning) (Russian)
94	Leaflet entitled "How Dangerous Is An Abortion and How to Prevent Pregnancy" (Russian)
99	Pamphlets by Corliss Lamont. "The Crime Against Cuba"

FBI Item No.

Description

192	A Catalogue of Novelties, No. 13, 1962 (Russian)
198	Foreign language magazine pages (Appears to be French fashion magazine)
201	Pages from foreign language book (Appears to be pages from Russian dictionary)
202	Pages from foreign language book (Appears to be pages from Russian dictionary)
303	Pamphlets entitled "The Crime Against Cuba" by Corliss Lamont
304	Booklet entitled "Fidel Castro Denounces Bureaucracy and Sectarianism"
305	Booklet entitled "The Socialist Workers Party" by Joseph Hansen
306	"The Coming American Revolution" by James P. Cannon
307	"Cuban Counter Revolutionaries to the U. S." published by FPCC
308	Pamphlet by Dobbs Weiss Campaign Committee, 116 University Place, New York
309	List of Russian and Communist Literature publications
310	Booklet entitled "The Pact of Madrid" by the Committee for a Democratic Spain
311	Booklet entitled "The McCarran Act and the Right to Travel"
312	Pamphlet entitled "The Revolution Must be a School of Unfettered Thought--Fidel Castro"
313	Booklet entitled "Ideology and Revolution" by Jean Paul Sartre
314	Pamphlet by FPCC reflecting literature catalog spring, 1963
315	Pamphlet "The Road to Socialism" by Blas Roca N

FBI Item No.

Description

316	New Century Publishers, 1961 Catalog
317	Pamphlet entitled "The End of the Comintern" by James P. Cannon
318	Booklet "Speech at the UN" by Fidel Castro
319	Continental Congress of Solidarity With Cuba, Brazil, 3/63 by FPCC, NY
320	Publication entitled "The Nation" dated 1/23/60
321	Pamphlet by the Weekly People entitled "Automation: a Job Killer"
322	Magazine entitled "The New Republic" reprint from 9/12/60 issue of the New Republic
324	Russian book dated 1962 at Sofia (Translation of title has not been received)
325	Brown covered Russian pamphlet entitled "500 English Proverbs and Sayings"
326	Russian book entitled "Home Canning"
327	Krokodil, Russian magazine (June 10, 1963)
328	Russian-English-Russian pocketsize dictionary
329	Literature list of the FPCC, New York
366	Photographs and a tourist pamphlet "Visit the USSR"
381	Russian language newspaper- Soviet Byelorussia (September 24, 1963)
408	Gregg Shorthand dictionary; 20,000 Words by Leslie; Roberts Rules of Order Revised, 75th Anniv. Edn.



FBI Item No.

Description

409	Book entitled "A Study of the USSR and Communism" Rieber and Nelson
410	Pocketbooks editions by Ian Fleming. One entitled "The Spy Who Loved Me" and the other "Live and Let Die"
411	Pamphlet New York School for Marxist Study, Fall term, 1963
453	Word Atlas; The Catholic Geography Series
D64	Two dictionaries and 6 blank post cards (Mexican)

SUPPLEMENTAL LIST OF BOOKS IN POSSESSION OF LEE HARVEY OSWALD

Further investigation by the Federal Bureau of Investigation has turned up additional books belonging to Lee Harvey Oswald. These books were obtained by Robert Oswald from the Paine residence on December 8, 1963. They are as follows:

V. I. Lenin - Marx - Engels - Marxism

"Baby and Child Care" - Dr. Benjamin Spock

"The Iliad" - Homer

"Perfect Lovers Guide and other stories" - Stephen Leacock

"Squibb Product Reference"

"Short Russian Reference Grammar"

"Russian - Elementary Course I"

Six books in Russian language. (We will obtain translations of titles of these books from the FBI.)

M E M O R A N D U M

TO : Wesley J. Liebeler

June 18, 1964

FROM : Richard M. Mosk

SUBJECT : Oswald's Reading

The following is a list of books that Oswald checked out of the New Orleans Library:

CARD SHOWS RETURN DATE	TITLE	AUTHOR	DATE WOULD HAVE BEEN CHECKED OUT
10/3/63	"Goldfinger"	IAN FLEMING	9/19/63
7/8/63	"Thunderball"	"	6/24/63
10/3/63	"Moonraker"	"	9/19/63
9/5/63	"From Russia With Love"	"	8/22/63
10/3/63	"Ape and Essence"	ALDOUS HUXLEY	9/19/63
10/3/63	"Brave New World"	"	9/19/63
9/5/63	"The Sixth Galaxy Reader"	H. L. GOLD	8/22/63
9/5/63	"Portals of Tomorrow"	AUGUST DERLETH	8/22/63
8/13/63	"Mind Partner"	Edited by H. L. GOLD	7/30/63

CARD SHOWS RETURN DATE	TITLE	AUTHOR	DATE WOULD HAVE BEEN CHECKED OUT
8/1/63	"Five Spy Novels"	Selected by HOWARD HAYCRAFT	7/18/63
9/23/63	"Big Book of Science Fiction"	GROFT CONKLIN	9/9/63
7/24/63	"The Hugo Winners"	Edited by ISAAC ASIMOV	7/10/63
8/22/63	"The Worlds of Clifford Simak"	CLIFFORD SIMAK	8/8/63
8/19/63	"The Expert Dreamers"	Edited by FREDERICK POHL	8/5/63
8/14/63	"Nine Tomorrows"	ISAAC ASIMOV	7/31/63
8/26/63	"The Treasury of Science Fiction Classics"	Edited by HAROLD KUEBLER	8/12/63
8/14/63	"Everyday Life In Ancient Rome"	F. R. COWELL	7/31/63
7/1/63	"Soviet Potentials"	GEORGE B. CRESSEY	6/17/63
7/1/63	"What We Must Know About Communism"	HARRY BONERO OVERSTREET	6/17/63
7/24/63	"Russia Under Khrushchev"	ALEXANDER WERTH	7/10/63
7/15/63	"Portrait of A President"	WILLIAM MANCHESTER	7/1/63
6/15/63	"The Huey Long Murder Case"	HERMANN B. DEUTSCH	6/1/63
6/5/63	"Portrait of A Revolutionary: Mae Tse-Tung"	ROBERT PAYNE	5/22/63
6/15/63	"The Berlin Wall"	DEAN and DAVID HELLER	6/1/63

CARD SHOWS RETURN DATE	TITLE	AUTHOR	DATE WOULD HAVE BEEN CHECKED OUT
7/1/63	"This Is My Philosophy"	Edited by WHIT BURNETT	6/17/63
9/23/63	"The Bridge Over the River Kwai"	PIERRE BOULLE	9/9/63
8/13/63	"The Hittite"	NOEL B. GERSON	7/30/63
7/29/63	"The Blue Nile"	ALAN MOORHEAD	7/15/63
7/20/63	"One Day In The Life of Ivan Denisovich"	ALEXANDER SOLZHENITSYN	7/6/63
9/23/63	"Ben-Hur"	LEWIS WALLACE	9/9/63
7/29/63	"Profiles in Courage"	JOHN F. KENNEDY	7/15/63
7/12/63	"A Fall of Moondust"	A. C. CLARKE	6/28/63
7/20/63	"Hornblower and The Hotspur"	C. S. FORESTER	7/6/63
6/26/63	"Conflict"	ROBERT LECKIE	6/12/63

According to records of Dallas Public Library, 1954 Commerce Street, Dallas, LEE H. OSWALD withdrew a book entitled "The Shark and the Sardines" by Juan Jose Arevalo. The book speaks out against the U. S. State Department dealings with the people of South America during the twentieth century. (735 pp. 402, 403) [see my review of this book] Oswald read the Russian Opera and Ballet, entitled "Queen of Spades" by Tchaikovsky. (C. D. 735, at pp. 31, 38, 155 and 463.) On page 463 of this same document is noted that Marina said Oswald was very fond of this opera and often played a record of its music.

Marina Oswald in discussing Oswald's reading habits, said that he read generally histories or biographies and she recalled specifically that he read biographies of Hitler, Kennedy and Khrushchev. She is not clear, however, whether he read those books in New Orleans or in Dallas. She did recall that he read a book by Eric Maria Remarque, "Time to Live and Time to Die," and that he read a book about Powers, the U-2 Pilot. Other than that, she cannot specifically recall what books he checked out of the Dallas library. (C. D. 735, p. 456.)

Marina in her testimony has mentioned that Oswald read books of a "Historical Nature," and that he read books by Marx and a two-volume history of the United States. (Marina Oswald 226, 7426, 7429, 7435 and 7360.) Some of Oswald's associates in Texas mentioned that he read books by Marx and Lenin, etc. (Bouhe 56, Meller 14, Paul Gregory 109-10, Ford 2494.) Katherine Ford also mentioned that Oswald read some books about how to be a spy. (Ford 2494.)

You are aware of the fact that there is testimony that Oswald viewed the movie, "We Were Strangers," which dealt with the assassination of a president of Cuba, and the movie, "Suddenly," which he saw on television. (Marina Oswald.)

There is testimony to the effect that Oswald read many Soviet magazines. (See Bouhe 55.) Oswald received a letter from Pavai in Russia, saying that the latter will send Russian magazines. (C. D. 345, Item 164; C.D. 235, p. 162.) Oswald wrote the Russian Embassy and asked to subscribe to Pravda or Izvestia or such magazines as Gonzok. (Bouhe said he saw Oswald with a magazine called Ozenek, Bouhe 56.) (C.D. 928.) In September of 1962, Oswald requested a subscription to the Soviet humor magazine, Krokodil.

(C. D. 201, p. 2.) Also during this period, Oswald sent for the teachings of Leon Trotsky from the Pioneer Publishers; but apparently didn't get them. (See Watts Exhibits.) He did receive materials from the Pioneer Publishers. (See list of books he had in his possession.)

Oswald wrote that he read "Agitator," the Soviet newspaper "Belowski" (Belorussia?); "Krokodil," "Ogonxok," the "Worker." He said he also "received literature from the Soviet Embassy, Washington, D. C." Oswald's autobiography. Oswald wrote that his guide in Russia gave him Dostoevski's, "Idiot." He saw the opera, "Queen of Spades." He also quoted from a book put out by the Government on Soviet statistics, (Oswald's Historic Diary.)

Marina wrote that Tchaikovsky was Oswald's favorite. He also liked Grieg and Rimsky--Korsakov. She said his favorite opera was "Pique Dame." While in the United States, his favorite record was "Exodus." (Marina's autobiography.)

The following items concerning reading material are found in the Chronology:

LEE HARVEY OSWALD sent undated letter to Russian Embassy, Wash., D.C., in re to his wife's passport. He also asked for information on how he could obtain the Russian language magazines, "Prova" and "Isvestia." (6 p-363)

LEE HARVEY OSWALD requested a subscription to the Soviet humor magazine "Krokodil" and sent \$2.20 as payment. Subscription ran for a period of October 1962 to September 1963. (201 p 2)

Six-page letter addressed "Hello Lee and Marina" signed "Pavel - City of Minsk." (345 item 164) In the letter, the writer talks of subscriptions to Russian magazines and also tells LEE and Marina he is forwarding certain Russian magazines to them. He also tells Marina how to repair her record player. The writer tells Marina to explain to Paul that the basic idea of POGODIN'S play. "A Man with a Rifle" is contained in the words:

"Now we do not have to fear a man with the rifle." (735 p-162)

Confidential informant advised the FBI that OSWALD was a subscriber to "The Worker." (11 p-2)

On this date (October 27, 1962) OSWALD notified the Washington Book Store, Wash., D. C., through which he obtained Soviet magazine subscriptions, that his address had been changed to Post Office Box 2915, Dallas. (201 p-2)

Letter this date (Nov. 5, 1962) acknowledging receipt of OSWALD's application for membership in the Socialist Workers' Party. It also advised him that the party was forwarding subscription blanks for the "Militant" and advised him he should also subscribe to the "International Socialist Review." [The famous photograph of Oswald shows him holding the "Militant."]

During January 1963, OSWALD again wrote to the Washington Book Store, Wash., D. C. and requested subscriptions to "OGONEK" (Soviet Picture Magazine), "Sovetskaya Belorussiya" (a publication relating to life in general in Byelorussia), the "Agitator" (a magazine of communist political thought), and "Krokodile" (the Russian humor magazine). OSWALD enclosed \$13.20 as payment. The subscriptions were at OSWALD's request to end in December 1963. (201 p-2)

OSWALD observed by confidential FBI informant handing out leaflets on Canal Street. Leaflets stated "Hands Off Cuba - Viva Castro." (12 p-4) He also distributed handbills entitled "The Crime Against Cuba" by CORLISS LAMONT printed by "Basic Pamphlets" New York City. (205 p-769)

Found among OSWALD's possessions were October 7, 1963 issue of "The Militant" and October 20, 1963 issue of "The Worker." (735 p-461)

Oswald received a letter dated October 28, 1963, at Post Office Box 30061, New Orleans, and forwarded to 2515 West Fifth Street, Irving, Texas. The letter was sent by "ERICK" in Minsk and asked OSWALD to send two books, one on Submolecular Biology and the other on Principles of Biochemistry. (385 -76)



April 23, 1964

MEMORANDUM TO MR. W. DAVID SLAWSON

FROM: Richard M. Mosk

RE: Oswald - The Shark and the Sardines.

In this book, which Lee Harvey Oswald apparently read, Juan José Arevalo, ex-President of Guatemala (1945-1951) discusses how the United States Government (the "Shark") has exploited the Latin American countries (the "Sardines"). The author examines the unsavory circumstances surrounding a United States treaty with Nicaragua in 1916 as a case study of how the "shark" deals with the "sardines".

The book contains a number of arguments that have commonly come from the more militant Communists or Marxists. The charges are made that Wall Street runs the Government and exploits the masses; that our economy requires war and thus big business encourages war; that the press, which is in the hands of millionaires, distorts the truth; and that we have plundered underdeveloped countries.

When showing that the leaders of the United States have all been associated with big business, the author states at p. 235, "But this does not authorize us to forget that his successor John Kennedy is the son of the number one landlord in the United States . . ." This is the only comment on President Kennedy.

However, Arevalo states that every elected official, in order to win, must be a slave to Wall Street (p. 234), and the Presidency is merely purchased, it being just another business on the New York Stock Exchange (p. 235).

There is a veiled suggestion that all of these bankers, industrialists, statesmen and publishers should be purged, even possibly by armed rebellion (pp. 244-246). The book is controversial and according to some, has been widely read in Latin America, although there are conflicting reports on this.

It is interesting to note that in 1961, the Chairman of the United States Inter-American Council charged that the promotion of this book in this country amounted to "false political propaganda, from sources identified with the causes of the Castro regime in Cuba as part of a campaign to advertise the United States as the enemy of Latin America." Letter to Editor, New York Times, Dec. 28, 1961, sec. K, p. 2, col. 5. According to this letter, the publisher, Lyle Stuart (who had <sup>placed</sup> ~~seen~~ a number of full page ads for the book in the New York Times) was the treasurer for the Fair Play for Cuba Committee. Furthermore, both Stuart and the translator, June Cobb, and the author were all intimately connected with the Castro Government. (Arevalo was President of Guatemala just prior to Arbenz, the Communist President of Guatemala whose Government was overthrown with our help.)

The New York Times ran an editorial the same day defending its policy of printing such advertisements.

TO : Mr. Liebeler

April 16, 1964

RMM:ej

FROM : Mr. Mosk *AMC*

I have xeroxed and marked the passages of the newspapers that I thought you would be interested in. I checked the missing copies on microfilm, and the Library of Congress said it would take about a week to send over photos of applicable passages.

The October 6th edition of the Worker reported "While the President was on his trip to the West, his aides announced he was going to Texas in November." (p. 7, Col. 3).

April 13, 1964

TO : Mr. Liebeler  
FROM : Mr. Mosk *Em by ej*

I checked these copies and found the following inflammatory statements:

THE MILITANT - October 7, 1963, p. 3, Col. 4.

"The Kennedy's and their ilk find it advantageous to balance the conflicting elements of the coalition against one another in order to subordinate the whole to the interests of the ruling capitalist clique. The present arrangement suits them fine. . . . As a result, Kennedy clings to the Dixiecrats. . . ."

THE MILITANT - October 14, 1963, p. 4, Col. 5.

Quotes speech by Castro.

"And, of course, a demagogue like Kennedy will never be able to deal with this problem. . . . for Kennedy the presidency is more important than the United States. His business is to win votes, while the brutal acts of murder and terrorism continue."

THE MILITANT - November 4, 1963, p. 3, Col. 1.

"The present situation [economic blockade of Cuba] rips the masks off the hypocrites in Washington - from Kennedy on down - who piously declare they are only opposed to the Castro government and don't want to do anything to harm the Cuban people."

M E M O R A N D U M

TO : W. David Slawson

May 5, 1964

FROM : Richard M. Mosk

I have given you the list of documents the N. S. A. people said they examined.

The list of documents (18, 116, etc.) are items which the N. S. A. people want to examine further at their offices. They said they would have a Dr. Tordello (?) call or write requesting these items. Mr. Eisenberg wants you to get a receipt for anything that goes over there.

They said they are primarily interested in names. If you can think of names, e. g., in Mexico, which they may not have come across in the material we gave them, you might supply such names to them. They claim they have information on names which the C. I. A. does not have.

I have returned to you all of the documents (address book, dictionaries, book with things cut out, etc.).

June 2, 1964

MEMORANDUM

TO: Howard P. Willens  
FROM: Richard M. Mosk  
SUBJECT: N. S. A.

This is a list of exhibits previously checked by the N.S.A. I won't verify the accuracy of this list since their designation of what they examined was far from clear. The following list is what I surmised they examined. An added complication is that in many cases Mr. Eisenberg's list of FBI documents which I relied upon was not accurate.

Attachment

WDS;mf d:4Jun64

MEMORANDUM

TO: Howard P. Willens

FROM: W. David Slawson  
Richard Mosk

SUBJECT: National Security Agency Check of Oswald Documents  
for Codes

About one and one-half months ago the two of us arranged for representatives of the National Security Agency to come to the offices of the Commission and there examine certain documents that have some material connection with Lee Harvey Oswald, to see if these documents might have been in code or used for code purposes. This was done at the request of Mr. Rankin. A paper giving our best estimate of what these representatives saw has been given to you. We cannot vouch for the complete accuracy of this list because despite our suggestion that a secretary from our staff be present to record each document they looked at, the National Security Agency representatives stated that they wanted to be alone and would themselves keep track of what they had seen. The record they kept was not itemized, and the paper we gave you constitutes the best we were able to do with it afterwards. We tried to make the list complete and accurate, but we certainly cannot guarantee that we succeeded.

The NSA representatives and Dr. Tordella, the second in command at NSA and the individual with whom we dealt to set up the foregoing meeting, both realize that the NSA has more work to do and are willing to do it. We have tried several times to make the arrangements to have a second meeting at our office wherein the NSA would examine all the remaining documents, but for reasons of administrative policy you have decided to delay this meeting. We want to make it clear on the record that the next step here is yours and that we will of course do our best to arrange such a meeting at any time that you want us to, but that we will take no action until we hear from you.

cc: Mr. Slawson  
Mr. Mosk  
Mail Room Files  
✓ Mr. Willens

RMM:ej

MEMORANDUM

TO : Howard P. Willens  
W. David Stawson

FROM : Richard M. Mosk

June 5, 1964

I met with the people from the National Security Agency. They went through the list we have of FBI documents, the list of Marina Exhibits; the C. I. A. materials relating to Oswald's Russian Contacts (C. D. 680, C. D. 928), the files we have in the file room concerning Oswald in Mexico, and the N.S.A.'s original list of what they examined. They picked out the items they would like to look at in detail. I requested those documents from the FBI. I have checked with several of the lawyers to see if there is anything that might not be reflected on the above lists which might be of interest to the N.S.A.

Is there anything else that you feel should be examined by the N.S.A.?

They will be here next Friday.

As far as materials they have been checking, they said that they have turned up nothing, although they are still somewhat suspicious of the letters cut out of a Russian book. They indicated that after they

cc: Mr. Rankin  
Mr. Mosk ✓  
Files



look at the designated items next week they will be able to say that they have made a thorough check of our material.

As I understand it, they are preparing a report for us.

Fortunately their checks will not interfere with the work of any of the lawyers unless some of the items I have ordered from the FBI are over here.

RMM:ej

MEMORANDUM

TO : Howard P. Willens  
W. David Slawson

FROM : Richard M. Mosk

June 5, 1964

I met with the people from the National Security Agency. They went through the list we have of FBI documents, the list of Marina Exhibits; the C. I. A. materials relating to Oswald's Russian Contacts (C. D. 580, C. D. 928), the files we have in the file room concerning Oswald in Mexico, and the N.S.A.'s original list of what they examined. They picked out the items they would like to look at in detail. I requested those documents from the FBI. I have checked with several of the lawyers to see if there is anything that might not be reflected on the above lists which might be of interest to the N.S.A.

Is there anything else that you feel should be examined by the N.S.A.?

They will be here next Friday.

As far as materials they have been checking, they said that they have turned up nothing, although they are still somewhat suspicious of the letters cut out of a Russian book. They indicated that after they

cc: Mr. Rankin  
Mr. Mosk  
Files

look at the designated items next week they will be able to say that they have made a thorough check of our material.

As I understand, it, they are preparing a report for us.

Fortunately their checks will not interfere with the work of any of the lawyers unless some of the items I have ordered from the FBI are over here.

M E M O R A N D U M

TO : Howard P. Willens

DATE: July 1, 1964

FROM : Richard M. Mosk

Dr. Tordello of the NSA has informed me that the FBI has authorized the NSA to keep copies of the following items for their permanent files, as long as it is agreeable with the Commission.

- (1) FBI Item 195. *Comm Exh. 31*
- (2) Letter from Oswald to the Russian Embassy, dated 9 Nov. 1963. - *Comm'n 4/15*
- (3) FBI Item 350. *Comm Exh. 104*
- (4) ~~Comm'n Exh. 18.~~ Comm'n Exh. 18.
- (5) Oswald's Historic Diary (typewritten).
- (6) FBI Items A-2, A-6.
- (7) FBI Items 137, 152.

They have requested a letter from Mr. Rankin authorizing them to keep the above listed items.

cc: Mr. Rankin  
Mr. Mosk ✓

*Mr. Mosk*

M E M O R A N D U M

TO : J. Lee Rankin  
General Counsel

DATE: July 8, 1964

FROM : Richard M. Mosk

Mr. Slawson requested that I call the FBI and explore the possibility of obtaining a letter indicating that they had examined the items which they have had for cryptographic material such as microdots. The NSA had told me that they, the NSA, did not examine our materials for microdots because this is not one of their specialties, and because they would need the originals of every item. Dr. Tordello said that the FBI, who had the originals, generally check for microdots, and is competent to do so. I was directed to Mr. Griffith in the laboratory, who told me that C. D. 206, p. 48 and C. D. 385, p. 59, 65, indicated the items that had undergone careful examination at the FBI laboratory for cryptographic material. He said that they generally look at everything to see whether it should undergo further examination in the laboratory, but he did not wish to give us a letter to this effect.

Mr. Slawson feels that we should have some type of letter reflecting the fact that the FBI was at least aware of the possible cryptographic significance of these items but found none. This is particularly important in view of the fact that Oswald mentioned microdots in his address book.

I told Mr. Griffith that I would relay his feelings upwards. Mr. Slawson directed me to write you this memorandum.



NATIONAL SECURITY AGENCY  
FORT GEORGE G. MEADE, MARYLAND

JUN 16 1964

President's Commission on the  
Assassination of President Kennedy  
200 Maryland Avenue N.E.  
Washington, D. C. 20002  
ATTN: Mr. J. Lee Rankin  
General Counsel

Dear Mr. Rankin:

Skilled cryptologists at NSA carefully examined the materials relating to the Lee Harvey Oswald case provided by the Warren Commission. The results are as follows:

- a. A detailed examination of the two dictionaries revealed no indication of their use for cryptographic purposes.
- b. In the correspondence, the Oswald Diary, and the other documents examined there were no evidences of the use of any type of cryptography, to include the use of an open code.
- c. Certain letters had been removed from pages 150 and 152 of the Russian novel, GLAZA KOTORYE SPRASHIVAYUT, "Questioning Eyes." Eight letters had apparently been cut from page 152 as follows:

Line 10	M
Line 11	Ф, C
Line 13	И
Line 16	Я
Line 24	И
Line 26	К
Line 27	В

One letter had been removed from page 150; however no significance is attributed to the removal of this letter since it corresponds in exact

position to one of the letters removed from page 152. It was concluded that this letter had been accidentally removed by the cutting process applied to page 152 and that its removal resulted from the application of excessive pressure on the cutting tool when the letter on page 152 was taken out.

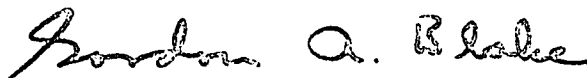
The sample is considered too small for any valid conclusions to be reached as to the purposes for which the above noted letters were removed. It is considered most unlikely that this process of letter removal has any cryptographic implication.

d. The Russian "Tourist" portable radio was examined for cryptologic evidence. The radio appears to be a normal receiver and there was no evidence of its use for any other purpose.

e. The names appearing in Lee's and Marina's address books were checked. No evidence of cryptologic implication was found.

Although the results of the examination of the materials provided by the Commission are essentially negative, further study of these materials will be made. If any results are obtained, the Commission will be advised. However, it is considered most unlikely that anything beyond what is reported above will be discovered.

Sincerely,



GORDON A. BLAKE  
Lieutenant General, USAF  
Director

M E M O R A N D U M

TO : W. David Slawson

June 12, 1964

FROM : Richard M. Mosk

SUBJECT : N. S. A.

The National Security Agency has examined all of the relevant materials. They assured me that Dr. Turkello will contact us early next week. As far their request to keep photographic copies of some of the items they examined, I told them to clear it through our FBI liason, as instructed by Mr. Willens.

cc: Mr. Rankin  
Mr. Willens  
Mr. Mosk ✓  
Files



**GENERAL SERVICES ADMINISTRATION  
ROUTING SLIP**

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
1.	Mr. Mosk										
2.											
3.											
4.											
5.											

- |                                                                   |                                                     |                                           |
|-------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> ALLOTMENT SYMBOL                         | <input type="checkbox"/> HANDLE DIRECT              | <input type="checkbox"/> READ AND DESTROY |
| <input type="checkbox"/> APPROVAL                                 | <input type="checkbox"/> IMMEDIATE ACTION           | <input type="checkbox"/> RECOMMENDATION   |
| <input type="checkbox"/> AS REQUESTED                             | <input type="checkbox"/> INITIALS                   | <input type="checkbox"/> SEE ME           |
| <input type="checkbox"/> CONCURRENCE                              | <input type="checkbox"/> NECESSARY ACTION           | <input type="checkbox"/> SIGNATURE        |
| <input type="checkbox"/> CORRECTION                               | <input type="checkbox"/> NOTE AND RETURN            | <input type="checkbox"/> YOUR COMMENT     |
| <input type="checkbox"/> FILING                                   | <input type="checkbox"/> PER OUR CONVERSATION       | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> FULL REPORT                              | <input type="checkbox"/> PER TELEPHONE CONVERSATION | <input type="checkbox"/>                  |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |                                                     |                                           |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |                                                     |                                           |

**REMARKS**

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
						TELEPHONE			DATE		

MEMORANDUM

June 20, 1964

To: J. Lee Rankin  
From: Richard M. Mosk  
Subject: National Security Agency Report

The National Security Agency has submitted its report which has been directed to your attention. Their people checked the list of FBI documents and lists of Commission exhibits and then inspected everything that they thought would be appropriate to examine. I was able to provide them with everything they requested. They also spent several days over here pouring over a large number of Commission exhibits.

All the NSA officials with whom I dealt were extremely cooperative. Dr. Tordello said that if we desired any changes in the wording of the NSA report they would be glad to alter it accordingly.

Messrs. Coleman and Slawson and I feel that the NSA report is adequate as it now stands. It is intended that the report become an exhibit. Reference will be made to it in the foreign conspiracy section and further elaboration on the materials that the agency examined will be made therein.

*Please circulate*  
*J. L. R.*

MEMORANDUM

June 20, 1964

To: J. Lee Rankin  
From: Richard M. Mosk  
Subject: National Security Agency Report

The National Security Agency has submitted its report which has been directed to your attention. Their people checked the list of FBI documents and lists of Commission exhibits and then inspected everything that they thought would be appropriate to examine. I was able to provide them with everything they requested. They also spent several days over here peering over a large number of Commission exhibits.

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Messrs. Coleman and Blawson and I feel that the NSA report is adequate as it now stands. It is intended that the report become an exhibit. Reference will be made to it in the foreign conspiracy section and further elaboration on the materials that the agency examined will be made therein.

cc: Howard P. Willins

RM Mosk/ht



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

July 24, 1964

By Courier Service

Honorable J. Lee Rankin  
General Counsel  
The President's Commission  
200 Maryland Avenue, N. E.  
Washington, D. C.

Dear Mr. Rankin:

Reference is made to your letter dated July 17, 1964, requesting information as to the extent to which documentary material collected in connection with the assassination was examined for possible cryptographic significance, including processing for microdots.

As a matter of established procedure documentary and other evidence in this case collected through the investigative efforts of the FBI and submitted to the FBI Laboratory has been carefully scrutinized with a view toward affording such evidence every type of Laboratory examination deemed necessary and logical to develop all significant facts. Such consideration included indicated need for cryptographic and microdot examinations. As a result of this procedure and based on such factors as the circumstances of recovery, the general nature of the evidence and any suspicious individual factors certain thorough and exhaustive cryptographic examinations were conducted. The results of these examinations were set forth in the reports of Special Agent Robert P. Gemberling dated January 7, 1964, page 48, and February 11, 1964, pages 59 and 65.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "J. Edgar Hoover". The signature is written in dark ink and is positioned below the typed name.

M E M O R A N D U M

TO: Mr. Willens

June 16, 1964

FROM: Richard Mosk

The memorandum from Mr. Barson concerning Oswald's receipts and expenditures should be altered to reflect information contained in the recent Gemberling report. Also, could I be supplied with a copy of his memorandum?

RMM:ej

M E M O R A N D U M

TO : J. Lee Rankin  
General Counsel

July 30, 1964

FROM : Richard M. Mosk

SUBJECT: FOOTNOTES

As a member of the source checking crew, I cast my vote for the Goldberg position. If the text is properly footnoted (see Mosk's citations to Chapter 4), there will be close to 15 footnotes per printed page. This will make the page a little bottom heavy (see Yale L.J.).

cc: Mr. Willens  
Mr. Mosk ✓  
Files

MEMORANDUM

TO: Mr. E. Rusk

August 4, 1961

FROM: Mr. E. Rusk

Sometime, the memorandum had advised that Oswald was given an honorable discharge from the Marine Corps and then later given an honorable discharge from the Marine Reserve. The fact is that he was relieved from active duty from the Marine Corps with the notation "Honorable". He was discharged from the Reserve only once and that was designated as an "Honorable Discharge." See Polson Ltr. 1.

→ Hest/eng/0/1/61  
CC: Mr. Nichols  
Mr. Williams  
Mr. Rusk

M E M O R A N D U M

TO : Wesley J. Liebeler

June 17, 1964

FROM : Richard M. Mosk

SUBJECT : Oswald's Reading

The following is a list of books that Oswald checked out of the New Orleans Library:

CARD SHOWS RETURN DATE	TITLE	AUTHOR	DATE WOULD HAVE BEEN CHECKED OUT
10/3/63	"Goldfinger"	IAN FLEMING	9/19/63
7/8/63	"Thunderball"	"	6/24/63
10/3/63	"Moonraker"	"	9/19/63
9/5/63	"From Russia With Love"	"	8/22/63
10/3/63	"Ape And Essence"	ALDOUS HUXLEY	9/19/63
10/3/63	"Brave New World"	"	9/19/63
9/5/63	"The Sixth Galaxy Reader"	H. L. GOLD	8/22/63
9/5/63	"Portals of Tomorrow"	AUGUST DERLETH	8/22/63
8/13/63	"Mind Partner"	Edited by H. L. GOLD	7/30/63



CARD SHOWS RETURN DATE	TITLE	AUTHOR	DATE WOULD HAVE BEEN CHECKED OUT
8/1/63	"Five Spy Novels"	Selected by HOWARD HAYCRAFT	7/18/63
9/23/63	"Big Book of Science Fiction"	GROFT CONKLIN	9/9/63
7/24/63	"The Hugo Winners"	Edited by ISAAC ASIMOV	7/10/63
8/22/63	"The Worlds of Clifford Simak"	CLIFFORD SIMAK	8/8/63
8/19/63	"The Expert Dreamers"	Edited by FREDERICK POHL	8/5/63
8/14/63	"Nine Tomorrows"	ISAAC ASIMOV	7/31/63
8/26/63	"The Treasury of Science Fiction Classics"	Edited by HAROLD KUEBLER	8/12/63
8/14/63	"Everyday Life In Ancient Rome"	F. R. COWELL	7/31/63
7/1/63	"Soviet Potentials"	GEORGE B. CRESSEY	6/17/63
7/1/63	"What We Must Know About Communism"	HARRY BONERO OVER- STREET	6/17/63
7/24/63	"Russia Under Khrushchev"	ALEXANDER WERTH	7/10/63
7/15/63	"Portrait of A President"	<i>William Manchester</i> <u>JOHN F. KENNEDY</u>	7/1/63
6/15/63	"The Huey Long Murder Case"	HERMANN B. DEUTSCH	6/1/63
6/5/63	"Portrait of A Revolutionary: Mae Tse-Tung"	ROBERT PAYNE	5/22/63

CARD SHOWS RETURN DATE	TITLE	AUTHOR	DATE WOULD HAVE BEEN CHECKED OUT
6/15/63	"The Berlin Wall"	DEAN and DAVID HELLER	6/1/63
7/1/63	"This Is My Philosophy"	Edited by WHIT BURNETT	6/17/63
9/23/63	"The Bridge Over the River Kwai"	PIERRE BOULLE	9/9/63
8/13/63	"The Hittite"	NOEL B. GERSON	7/30/63
7/29/63	"The Blue Nile"	ALAN MOOREHEAD	7/15/63
7/20/63	"One Day In The Life of Ivan" Denisovich"	ALEXANDER SOLZHENITSYN	7/6/63
9/23/63	"Ben-Hur"	LEWIS WALLACE	9/9/63
7/29/63	"Profiles in Courage"	JOHN F. KENNEDY	7/15/63
7/12/63	"A Fall of Moondust"	A. C. CLARKE	6/28/63
7/20/63	"Hornblower and The Hotspur"	C. S. FORESTER	7/6/63
6/26/63	"Conflict"	ROBERT LECKIE	6/12/63

Oswald read the Russian Opera and Ballet, entitled "Queen of Spades" by Tchaikovsky. (C. D. 735 at pp. 31, 38, 155 and 463.) On page 463 of this same document is noted that Marina said Oswald was very fond of this opera and often played a record of its music.

*Shard + Sankre*

Marina Oswald in discussing Oswald's reading habits, said that he read generally histories or biographies and she recalled specifically that he read biographies of Hitler, Kennedy and Khrushchev. She is not clear, however, whether he read those books in New Orleans or Dallas. She did recall that he read a book by Eric Maria Remarque, "Time to Live and Time to Die," and that he read a book about Powers, the U-2 Pilot. Other than that, she cannot specifically recall what books he checked out of the Dallas library. (C. D. 735, p. 456.)

Marina in her testimony has mentioned that Oswald read books of the "Historical Nature," and that he read books by Marx and a two-volume history of the United States. (Marina Oswald 226, 7426, 7429, 7435 and 7360.) Some of Oswald's associates in Texas mentioned that he read books by Marx and Lenin, etc. (Bouhe 56, Meller 14, Paul Gregory 109-10, Ford 2494.) Katherine Ford also mentioned that Oswald read some books about how to be a spy. (Ford 2494.)

*viewed* You are aware of the fact that there is testimony that Oswald ~~liked~~ the movie, "We Were Strangers," which dealt with the assassination of a president of Cuba, and the movie, "Suddenly." *which he saw on television* (Marina Oswald.)

There is testimony to the effect that Oswald read many Soviet magazines. (See Bouhe 55.) Oswald received a letter from Pavai in Russia, saying that ~~a~~ *she* letter will send Russian magazines. (C. D. 345, Item 164; C. D. 235, p. 162.) Oswald wrote the Russian Embassy and asked to subscribe to Pravda or Izvestia or such magazines as, Gonzok. (Bouhe said he saw Oswald with a magazine called Ozenek, Bouhe 56.) (C. D. 928.)

In September of 1962, Oswald requested a subscription to the Soviet humor magazine, Krokodil. (C. D. 201, p. 2.) Also during this period, Oswald sent for the teachings of Leon Trotsky from the Pioneer Publishers, but apparently didn't get them. (See Watts Exhibits.)

*He did receive materials from the Pioneer Publishers. See*

The following is a list of reading material found in the

*list of books he had in his possession.*

Chronology:

*Oswald wrote that he read "agitator", "Krokodil", "O. P. ...", "Belowski" the Soviet newspapers (Beloussia?); "Krokodil", "Uzrafok, the Worker". He said he also "received literature from the Soviet Embassy, Washington D.C." Oswald's autobiography (over)*

LEE HARVEY OSWALD sent undated letter to Russian Embassy, Wash., D.C., in re to his wife's passport. He also asked for information on how he could obtain the Russian language magazines, "Prova" and "Isvestia." (6 p-363)

LEE HARVEY OSWALD requested a subscription to the Soviet humor magazine "Krokodil" and sent \$2.20 as payment. Subscription ran for a period of October 1962 to September 1963. (201 p. 2)

Six-page letter addressed "Hello Lee and Marina" signed "Pavel - City of Minsk." (345 item 164) In the letter, the writer talks of subscriptions to Russian magazines and also tells LEE and Marina he is forwarding certain Russian magazines to them. He also tells Marina how to repair her record player. The writer tells Marina to explain to Paul that the basic idea of POGODIN'S play, "A Man with the Rifle" is contained in the words: "Now we do not have to fear a man with the rifle." (735 p-162)

Confidential informant advised the FBI that OSWALD was a subscriber to "The Worker." (11 p-2)

On this date (October 27, 1962) OSWALD notified the Washington Book Store, Wash., D.C., through which he obtained Soviet magazine subscriptions, that his address had been changed to Post Office Box 2915, Dallas. (201 p-2)

Letter this date (Nov. 5, 1962) acknowledging receipt of OSWALD'S application for membership in the Socialist Workers' Party. It also advised him that the party was forwarding subscription blanks for the "Militant" and advised him he should also subscribe to the "International Socialist Review."

*[He did not do the famous photograph of Oswald shows him holding the "Militant"]*

During January 1963, OSWALD again wrote to the Washington Book Store, Wash., D.C. and requested subscriptions to "OGONEK" (Soviet Picture Magazine), "Sovetskaya Belorussiya" (a publication relating to life in general in Byelorussia), the "Agitator" (a magazine of communist political thought), and "Krokodile" (the Russian humor magazine). OSWALD enclosed \$13.20 as payment. The subscriptions were at OSWALD's request to end in December 1963. (201 p-2)

OSWALD observed by confidential FBI informant handing out leaflets on Canal Street. Leaflets stated "Hands Off Cuba - Viva Castro." (12 p-4) He also distributed handbills entitled "The Crime Against Cuba" by CORLISS LAMONT printed by "Basic Pamphlets" New York City. (205 p-769)

Found among OSWALD's possessions were October 7, 1963 issue of "The Militant" and October 20, 1963 issue of "The Worker." (735 p-461)

Oswald received a letter dated October 28, 1963, at Post Office Box 30061, New Orleans, and forwarded to 2515 West Fifth Street, Irving, Texas. The letter was sent by "ERICK" in Minsk and asked OSWALD to send two books, one on Submolecular Biology and the other on Principles of Biochemistry. (385 p-76)

According to records of Dallas Public Library, 1954 Commerce Street, Dallas, LEE H. OSWALD withdrew a book entitled "The Shark and the Sardines" by Juan Jose Arevalo. The book speaks out against the U. S. State Department dealings with the people of South America during the twentieth century. (735 pp. 402, 403) *[see my review of the book]*

*my put  
factor*

June 10, 1964

MEMORANDUM

TO: Norman Redlich  
FROM: Richard Mosk  
RE: Copyright Infringement

If we are going to ask permission to print copyrighted material, I direct your attention to Commission Exhibit No. 593 which was a copyrighted article from the National Rifleman Magazine. I was told this by Agent Cunningham.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D.C.

May 6, 1964

By Courier Service

Honorable J. Lee Rankin  
General Counsel  
The President's Commission  
200 Maryland Avenue, Northeast  
Washington, D. C.

Dear Mr. Rankin:

In accordance with the request of Mr. Melvin Eisenberg on May 5, 1964, Commission Exhibits numbered 110 and 820 were delivered to him on that same date.

Mr. Richard Mosk also requested Commission Exhibit number 18 along with its translation which was delivered to him on May 5, 1964.

Sincerely yours,

A handwritten signature in cursive script, reading "J. Edgar Hoover". The signature is written in dark ink and is positioned below the typed name.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D.C.

May 5, 1964

By Courier Service

Honorable J. Lee Rankin  
General Counsel  
The President's Commission  
200 Maryland Avenue, Northeast  
Washington, D. C.

Dear Mr. Rankin:

In accordance with the telephonic request of  
Mr. Richard Mosk on May 1, 1964, evidence items  
numbered 201, 202, 303, 305 and 324 were delivered to  
Mrs. Julia T. Eide on May 4, 1964.

Sincerely yours,

A handwritten signature in cursive script, reading "J. Edgar Hoover", is written below the typed name.



**GENERAL SERVICES ADMINISTRATION  
ROUTING SLIP**

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
1.	<i>Mr. Willens</i>										
2.	<i>Mr. Leventry</i>										
3.	<i>Mr. Mosk</i>										
4.											
5.											

- |                                                                   |                                                     |                                           |
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| <input type="checkbox"/> ALLOTMENT SYMBOL                         | <input type="checkbox"/> HANDLE DIRECT              | <input type="checkbox"/> READ AND DESTROY |
| <input type="checkbox"/> APPROVAL                                 | <input type="checkbox"/> IMMEDIATE ACTION           | <input type="checkbox"/> RECOMMENDATION   |
| <input type="checkbox"/> AS REQUESTED                             | <input type="checkbox"/> INITIALS                   | <input type="checkbox"/> SEE ME           |
| <input type="checkbox"/> CONCURRENCE                              | <input type="checkbox"/> NECESSARY ACTION           | <input type="checkbox"/> SIGNATURE        |
| <input type="checkbox"/> CORRECTION                               | <input type="checkbox"/> NOTE AND RETURN            | <input type="checkbox"/> YOUR COMMENT     |
| <input type="checkbox"/> FILING                                   | <input type="checkbox"/> PER OUR CONVERSATION       | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> FULL REPORT                              | <input type="checkbox"/> PER TELEPHONE CONVERSATION | <input type="checkbox"/>                  |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |                                                     |                                           |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |                                                     |                                           |

**REMARKS**

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
<i>R. Shiley</i>						TELEPHONE			DATE		
									<i>5/28</i>		



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D.C.

May 28, 1964

By Courier Service

Honorable J. Lee Rankin  
General Counsel  
The President's Commission  
200 Maryland Avenue, Northeast  
Washington, D. C.

Dear Mr. Rankin:

In accordance with the telephonic request of Mr. Richard Mosk on May 26, 1964, evidence items numbered D88, D115, 170, 346, 349 and 428 were delivered to Mr. Mosk on that same date.

Sincerely yours,

*J. Edgar Hoover*

## Miscellaneous Matters

There are several subjects which Dick Mosk would like to have further developed in connection with the materials he is writing up. I will state them largely in terms of categories:

1. Did Lee Oswald ever indicate that he sought publicity as against anonymity upon his return to the United States?

Comment: There is testimony that when the Oswalds arrived at Love Field, Texas, Oswald inquired of his brother Robert "Where are all the press men?". On the other hand, and except for the Fair Play for Cuba Committee activity in New Orleans in 1963, Oswald sought anonymity. It may be that his inquiry of Robert at Love Field was inspired by fear on Oswald's part that newspaper men would be present upon his arrival.

2. How did Marina and Lee get along with Robert Oswald?

Comment: In her testimony to date Marina implies that she and Oswald got along well while at the Robert Oswald's home. On the other hand, there is certainly a reasonable body of testimony that Marina did not get along well with Vada, Robert Oswald's wife, and that the visit at Robert's home was of a duration not to exceed three weeks as distinguished from

the six to eight weeks Robert testified about. I anticipate that you probably will not get much from Marina on this score, different from her earlier testimony.

3. How long did the Oswalds stay with Marguerite Oswald?

Comment: This is covered in substantial part by one of my earlier areas of suggested inquiry. As indicated in that memorandum my present judgment of the evidence is that they stayed at Marguerite Oswald's apartment for about a month ending on August 7 or 8, 1962. This, as you will note from the preceding memorandum, appears logical because it seems clear that they were residing with Mrs. Oswald before Lee obtained his position with Leslie Welding Company in mid-July 1962 and they remained with her until Lee received his second pay check on or about August 6 or 7, 1962.

4. Where did Lee Oswald stay between the time he left the Mercedes Street apartment and the time he registered in at the Y.M.C.A. on October 15, 1962? Where did he stay after he checked out of the "Y" on October 19, 1962 and moved into the Elsbeth Street apartment sometime in the forepart of November 1962, most likely November 3?

Comment: I appreciate the fact that Marina has already testified that she knew Lee was in Dallas during these periods of time and that she did not know (other than the "Y") where he was residing. The reason that I suggest further inquiry is that

it has occurred to me that her recollection may be refreshed by the previous lines of inquiry of her that I have suggested. In this connection both of the Gary Taylors have testified that they are rather certain that Lee resided in the Oak Cliff area of Dallas. Gary Taylor says he recalls distinctly seeking out Lee's room at several apartment buildings in the Oak Cliff area and Mrs. Taylor recalls that at least one occasion when she drove around the Oak Cliff area with Gary Taylor looking for Oswald.

5. Was there an argument between Marina and Lee Oswald with respect to his having told Mrs. Tobias that Marina was a "Czech" rather than a Russian?

Comment: The Tobias' relate at some length the incident in question. Oswald told Mrs. Tobias that Marina was a Czech. As a result Mrs. Tobias invited the wife of the actual owner of the Elsbeth Street building to her home one day and also invited Marina over. The wife of the owner of the building was a native Czechoslovakian. When she sought to speak with Marina in Czechoslovakian, Marina could not understand her and Mrs. Tobias explained to Marina that Oswald had told her she was a Czech. This upset Marina.

Mention of this is made in Marina's autobiography which I understand is not yet in evidence. It is not covered in Marina's testimony.

6. Lee's attendance at Crozier's for typewriting lessons.

Comment: We know that Lee registered at Crozier's and attended a few night sessions of the typewriting class. We also know that he soon lost interest and stopped attending although he continued to lead Marina to believe otherwise.

Marina adverts to this subject matter in her testimony but the reason for his studying typewriting was not explored. My hunch is that he had in mind typing his memoirs and other writings. However, there may be some other reason. Perhaps Marina may be able to help us.

7. Possible visit of Oswald to Tulane University to see a professor there who was of Russian derivation and whose daughter was allegedly attending school at the University of Moscow.

Comment: Professor Reismann, the man who was suggested as having visited the Oswalds while they were on Magazine Street in New Orleans roundly denies that he ever visited the Oswalds and asserts that he had no contact with them while he was at Tulane University.

Mrs. Kloepfer, Secretary of the Friend's Society in New Orleans, visited the Oswalds while Ruth Paine was in New Orleans during the September 20-24, 1963 period. This was at the telephone request of Mrs. Paine. Mrs. Kloepfer brought her two daughters, neither of whom spoke Russian but one of whom had

visited Russia in the course of a tour of Europe. Mrs. Kloepfer's husband worked at Tulane University but was not a professor, nor did he speak Russian.

It may well be that there was someone else at Tulane University whom Lee visited. We would like to know what if anything Marina knows about this.

8. Marina's letter (Commission Exhibit 409) in the summer of 1963 as contrasted with Marina's letter to the Russian Embassy in July 1963.

Comment: In Commission Exhibit 409 Marina refers to Lee's having lost his job at Riley Coffee Company and then remarks, "very likely I will have to go back to Russia after all. A pity." This indicates reluctance and regret on her part. At or about the same time she wrote the Soviet Embassy asking for "results of the replies to my appeals with regard to the departure of our family to the U.S.S.R. and residence in Leningrad" and for the Russian Embassy to "hurry the expediting" of the matter (Commission Document 928).

While I appreciate that Marina has testified that all of her letters to the Russian Embassy were written under duress from Oswald, I would like to have developed more fully than heretofore, the reasons expressed by Lee or implied by him at this time as to why he wished to return to Russia. Also, I would like to find out if there is an explanation as to why

Lee obtained his individual passport in the summer of 1963 apparently without advice to Marina as against Marina's reports first, to Mrs. Paine that she (regretfully) might have to go back to Russia after all and second, her letter to the Russian Embassy seeking to prod them to issue visas so that the entire family could return to Russia and reside in Leningrad.



WAS OSWALD ACTUALLY REASONABLY DILIGENTLY LOOKING FOR WORK IN  
NEW ORLEANS AFTER HE LOST HIS JOB AT REILY COFFEE COMPANY

Comment: After Lee lost his job with the Reily Coffee Company he made a claim for unemployment compensation and reactivated his Texas unemployment claim. Under the applicable rules he was required to show each week before he could receive his unemployment compensation check that he had during the period covered by the check sought employment. We know that he made gross misrepresentations in this connection. He listed not only companies he did not in fact visit but many others that did not even exist. We believe that he was not actually seeking employment. He apparently soon learned that the Louisiana Employment Security Division did not check upon unemployment compensation claimants' representations respecting their efforts to obtain reemployment, especially where the claimant was seeking compensation through or from a sister state.

Marina has indicated in her autobiography that Oswald just sat around and read during the period following his loss of the Reily Coffee Company job and Marina's and Ruth Paine's departure for Irving, Texas on September 23. However, this is not brought out in Marina's testimony. We think this is an important factor respecting motive and state of mind. It may provide or buttress a clue to Oswald's basic motivations during this period.

December 28, 1962, Christmas Party at the Ford's Home in Dallas - Supposedly Excessive Attention Given by Oswald to Miss Yoica Okui, a Young and Attractive Japanese Girl who had been brought to the party by Lev Aaronson, Dallas cellist

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Several other guests who had attended the Ford's December 28, 1962, Christmas Party have testified that when Miss Okui arrived Oswald immediately took quite an interest in her and spent what they regarded as an inordinate amount of time with her during the evening; that this was noticeable to everybody and that Marina was particularly put-out. The DeMohrenschildts who had brought the Oswalds to the Ford party testified to this event and also testified that thereafter Marina needled Oswald about the matter and accused him from time to time of seeing Miss Okui.

I had the F.B.I. interview Miss Okui and Aaronson. Miss Okui understandably played down the event materially. Aaronson's version was alike with Miss Okui's. However, both Okui and Aaronson had been forewarned they were to be interviewed about this event and Aaronson had sought to dissuade us (by indirect suggestions to a Dallasite whose name I have now forgotten) from pursuing it. Marina does not mention this event in her deposition although she does refer to the December 28, 1962 party at the Ford's.

Will you please make inquiry of her?

The Rifle Incident in the Mercedes Street Apartment on the Occasion When the DeMohrenschildts Visited the Oswalds Not Long After the Walker Incident of April 10, 1962

Mr. and Mrs. DeMohrenschildt's version of this incident makes sense. Marina's version appears to me not to be accurate in its detail.

The DeMohrenschildts testified that they came to visit the Oswalds Easter Saturday Evening 1963. The primary purpose of their visit was to bring an Easter Rabbit gift for June. It was rather well into the night when they reached the Oswald's apartment on Neely Street. The Oswald's apartment was dark. They wrapped on the door and Oswald opened the door. He and Marina were semi ready for retirement for the night. However, the DeMohrenschildts were invited in and they presented the Easter Rabbit to Marina who in turn asked them to stay for a visit and broke out some coca-cola. Marina then showed Mrs. DeMohrenschildt around the apartment. The DeMohrenschildts had never been at the Neely Street apartment and Mrs. DeMohrenschildt was interested in looking it over. DeMohrenschildt and Lee stayed in the livingroom while Mrs. DeMohrenschildt was shown around the apartment by Marina. When they reached the bedroom in the apartment Marina opened a closet door to permit Mrs. DeMohrenschildt to see the inside. When this was done Mrs. DeMohrenschildt saw the rifle standing in a corner in the closet. Her attention was immediately arrested.

by it and she expressed surprise to Marina who in turn remarked that the rifle was Lee's.

The two girls then returned to the livingroom. Mrs. DeMohrenschildt was disturbed about the rifle. She immediately remarked to Mr. DeMohrenschildt in the present of Oswald and Marina that Lee had a rifle which was in the closet. There was a short discussion on the subject and then DeMohrenschildt made what he termed he intended as a spontaneous jocular remark along the lines of whether Oswald had taken a pot-shot at Walker with the rifle. This was a spontaneous remark; neither of the DeMohrenschildts had any notion Lee had a rifle up to that moment. They were completely surprised; they had not seen the Oswalds for some time prior to this occasion.

The DeMohrenschildts left shortly thereafter. This was the last occasion they had any contact whatsoever with the Oswalds. Shortly thereafter they went to New York City in connection with DeMohrenschildt's Haiti venture. They returned in late May, devoting themselves entirely to getting themselves off to Haiti via Miami and they departed the first week in June 1963.

Marina testified that one day shortly after the Walker incident George DeMohrenschildt appeared at the apartment and as soon as the door was opened and as he entered the apartment he made a remark to Oswald as to whether Oswald had taken a pot-shot at

Walker. (See Marina's testimony page 262.)

She does not mention Easter Saturday. The implication of her testimony is that DeMohrenschildt arrived during the daytime rather than at night. She does not related the occurrence of her having shown Mrs. DeMohrenschildt around the apartment and the rifle having come to the attention of Mrs. DeMohrenschildt in that fashion.

I suggest that in questioning Marina on this subject that ~~it~~ be approached along the lines of inquiring of her (which will refresh her recollection) <sup>whether she recalls</sup> ~~that~~ the DeMohrenschildts visited <sup>at</sup> at Easter Time to present June an Easter Rabbit; that this was at night; ~~that~~ to the best of her recollection it was the first occasion the DeMohrenschildts had visited the Neely Street apartment. When these basic circumstances are fixed in the record an inquiry can be made as to whether she recalls showing Mrs. DeMohrenschildt around the apartment on that occasion. If she has a recollection, then she can be braced with the question as to whether it was on that occasion that the rifle was discovered and the remark of DeMohrenschildt thereafter made in the presence of Marina, Oswald and Mrs. DeMohrenschildt.

Many Cubans in Minsk - Contacts by Oswald and Marina with  
the Cubans

~~\_\_\_\_\_~~  
Edward Glover testified (Volume 10, page 27)

that during the course of the gathering which was held at his  
bachelor's apartment in February 1963 (attended by Ruth Paine,  
et al) Marina and Oswald reported that their apartment in Minsk  
was near a place "where Cubans who had been brought from Cuba  
by the Communist regime were being indoctrinated"; that the  
Cubans were very well treated and "given everything they wanted  
and lots of girls for them, and the girls all fell for the Cubans."  
He gained the further impression that either or both of the  
Oswalds had either had contact with the Cubans or that in any  
event Oswald was attracted by them.

Will you please inquire of Marina on this subject?

PROPOSED QUESTIONS FOR MARINA OSWALD  
BY JENNER & MOSK - JUNE 11, 1964

WAS MARINA TAKEN TO THE DENTAL CLINIC BY MRS. deMOHRENSCHILDT AT ANY TIME WHILE THE OSWALDS RESIDED IN THE MERCEDES STREET APARTMENT?

Comment:

Mrs. Gary Taylor (now Mrs. Donald Gibson) was quite firm in her testimony that the first time she ever heard of or saw either of the Oswalds was an occasion either late in August or early September 1962, when her father and mother called on Sunday evening and asked if she could keep Marina in her apartment overnight because Marina had dental clinic appointments on successive days, Monday and Tuesday; that Mrs. deMohrenschildt brought Marina and June to the Taylor apartment the following morning; that Mrs. deMohrenschildt took Marina to the dentist that morning; that Marina stayed in the Taylor apartment overnight; that Mrs. deMohrenschildt took Marina to the dentist the following morning and returned with her either late in the morning or in the early afternoon; and that Mrs. deMohrenschildt then took Marina and June to the bus station in Dallas.

Mrs. Taylor is quite firm that this occasion was separate and distinct from a later occasion which took place some time in October 1962, when Marina and June again stayed at the Taylor apartment.

Conflicts:

The records of the Baylor Clinic in Dallas show that Marina was given dental care there on October 8, 10 and 15, 1962. They do not show any visits by Marina in either August or September 1962.

Gary Taylor testified that his recollection was that the Taylors first met the Oswalds on a Sunday in September on the occasion of a visit to the Oswald apartment on Mercedes Street and that a week later they took Marina from the Mercedes Street apartment to the Taylor apartment.

Mrs. deMohrenschildt recalls that Marina stayed at the Taylor apartment and that this had something to do with the occasions when Mrs. deMohrenschildt took Marina to the Baylor Clinic. She fixes the time as sometime in September. She does not mention ever taking Marina to the dentist in October.

Further Comment:

We would like to have this phase of the matter cleared up through Marina if possible. I suggest the approach be as indicated in the caption, that is, that Marina be asked whether she recalls having had dental care while she and Oswald were still residing in the Mercedes Street apartment. She will recall that Mrs. deMohrenschildt took her to the dentist.

If she testifies that she went to the dentist while still at the Mercedes Street apartment, it would then follow that there was a second series of visits to the dental clinic in October after they had vacated the Mercedes Street apartment.



DID MARINA STAY AT THE GARY TAYLORS ON MORE THAN ONE OCCASION?

Comment:

As appears from the preceeding area of inquiry respecting possible dental care to Marina in late August or early September 1962 while the Oswalds still resided at the Mercedes Street apartment, there is a conflict in the evidence as to whether Marina stayed at the Gary Taylor apartment on two or more occasions, the first being in late August or early September 1962 for two days and the second in the fore part of October for four or five days or even 10 to 12 days.

Gary Taylor is quite firm in his testimony that Marina resided in their apartment for a period of ten days to two weeks contemporaneously with the Oswalds vacating the Mercedes Street apartment. He recalls that it was during the period Oswald was residing at the YMCA. He gives certain details which could make sense. For example, he remembers clearly visiting Oswald at the YMCA during the October 15-19 period; getting Oswald on the telephone for Marina; Oswald calling from the YMCA to talk with Marina; and Oswald visiting at their apartment while Marina was residing with them. On the other hand, Taylor testified that this was the only occasion that Marina resided with them and he has no recollection of Marina being with them in late August or early September 1962.

On the other hand, Mrs. Taylor (now Mrs. Gibson) testified quite firmly that Marina did not stay at their apartment for as long as ten days to two weeks. She buttresses this testimony by saying that she could not have possibly stood Marina for that long because Marina was lazy, she did not get up in the morning, she did not help around in the apartment and there was great difficulty in handling June and keeping things normal and ~~for~~ the fact that Mrs. Taylor herself had a child the same age within a month as June.

However, Mrs. Taylor does recall rather clearly that Marina stayed at their apartment four or five days in October either immediately preceeding October 15 when Lee went to the YMCA, or immediately following October 19 when Lee left the YMCA. She also recalls that during the four or five day period, Oswald called every day to talk with Marina and visited on one occasion. She at first fixed the four or five day period as during the time Oswald was staying at the YMCA, but then concluded that this was not accurate because she recalled an incident on October 17 when Mrs. Hall and Marina came by the Taylor apartment to report that they had just taken June to the Russian Orthodox Church for her baptism.

THE OCCASION OF MARINA'S BEING MOVED FROM THE MERCEDES STREET APARTMENT.

Comment:

There is a conflict in the evidence as to where Marina went directly when she left the Mercedes Street apartment.

Gary Taylor testifies that they visited at the Mercedes Street apartment on a Sunday when it was announced that Oswald had lost his job at Leslie Welding. He placed this as a Sunday in September which obviously is incorrect, but he is firm that it was agreed on that occasion that they would take Marina to their apartment and that the Oswald house-hold goods, excess apparel, etc., would be taken to the Halls the following day by Oswald and Mrs. Hall in Mrs. Hall's pick-up truck; that it turned out the pick-up truck was in use the following day and Oswald and Mrs. Hall did not move the Oswald things to the Halls until Tuesday.

<sup>Marquette</sup>  
~~Marina~~ testified to a rather clear recollection that she was present at the Mercedes Street apartment on Sunday, October 7, and that it was agreed between Mrs. Hall, the Taylors and others present that the Taylors would take Marina to their apartment; that the Oswald house-hold articles and excess clothing would be taken to the Halls and that in due course Marina would go to reside with Mrs. Hall while Oswald looked for work in Dallas.

Bouhe's, Hall's and Taylor's testimonies are to the effect that they were at the Oswald apartment on Saturday, October 6, when Oswald announced that he had lost his position at Leslie Welding and it was then agreed that Marina would go to reside with Mrs. Hall while Oswald looked for a job in Dallas, and that Mrs. Hall and Oswald moved the Oswald belongings to Mrs. Hall's. Their testimonies do not, however, exclude the possibility that Marina was taken to the Taylor apartment while the Oswald belongings were taken to the Halls and that Marina went to the Hall's after her stay at the Taylors.

It appears from the Leslie Welding Company records that Oswald worked on Monday, October 8, 1962. This may key in with Taylor's testimony that the Oswald belongings were not moved to the Halls until Tuesday, the 9th, or at least until the evening of Monday, the 8th.

We know that Oswald was in Dallas at the Texas Employment Commission on October 9th, 10th and 11th, and that he responded on references by the TEC for a position as a messenger at an architects on the 10th, and on the reference to Jaggars-Chiles-Stovall on the 11th, <sup>when</sup> ~~and~~ he obtained his position with that company, and we know further that he actually went to work at Jaggars on October 12th.

It would seem logical, in view of the fact that the records of the Baylor Dental Clinic show that Marina attended at the clinic on October 8th, 10th and 15th, that she went directly from the Mercedes Street apartment to the Taylors in order to keep her dental appointment

the morning of Monday, October 8th; and that she therefore did not go directly to the Halls from the Mercedes Street apartment but rather did so after her dental clinic care on October 8th, 10th and 15th, or at least after the apointment on the 10th. We do know that Marina was not at the Taylors on the 17th of October because on that day Mrs. Hall took Marina and June to the Russian Orthodox Church for June's baptism and following that event dropped by the Taylor apartment to report the baptism and to leave a birthday gift for Lee, October 18th being Oswald's birthday.

DID MARINA COME TO STAY WITH MRS. MELLER ON TWO OCCASIONS? WAS SHE BROUGHT THERE BY deMOHRENSCHILDT TOGETHER WITH ALL OF HER DRESSES AND OTHER APPAREL AND JUNE'S APPAREL AND BABY EQUIPMENT? DID SHE COME TO THE MELLERS ON ANOTHER OCCASION ARRIVING IN A TAXI AND BRINGING ONLY HER CHILD JUNE TOGETHER WITH A FEW DIAPERS, BUT WITHOUT ANY PERSONAL CLOTHING OR BABY EQUIPMENT?

Comment:

Both Mr. and Mrs. deMohrenschildt testified affirmatively and with conviction that deMohrenschildt came to the Elsbeth Street apartment on a Sunday and forcibly removed Marina and all her dresses and personal wearing apparel and all of the baby things over to Mrs. Taylors. This was caused by George Bouhe's report to the deMohrenschildts that Oswald was physically mistreating Marina and it was agreed that deMohrenschildt should take Marina from Oswald, <sup>if</sup> ~~force~~ if necessary, and place her with Mrs. Taylor. This was to be a trial separation which was to continue for a sufficient period of time to enable Marina to make up her mind as to whether she would continue to live with Oswald. deMohrenschildt relates in some detail his "conference" with the Oswalds on this occasion; the resistance offered by Oswald and Oswald's final capitulation.

The deMohrenschildts are fully corroborated by the testimony of the independent witnesses Mr. and Mrs. Tobias, the Elsbeth Street landlords. They testified that one day, which they recalled was a

week-end, a man appeared with a convertible and that he and Oswald began to load large quantities of dresses of Marina's, together with other wearing apparel of hers, baby apparel and equipment, etc., into a convertible. They could not recall the man's name but their description fitted deMohrenschildt to a tee. They were alarmed that the Oswalds were moving out without notice and Mr. Tobias went around to the Oswald apartment and inquired directly of Oswald with respect to Oswald's intent. Oswald told him that his wife was going to visit elsewhere for a few days and that they were not vacating the apartment. The Tobiasases recalled that Marina drove off in the convertible with deMohrenschildt and that the convertible was heavily laden.

On the other hand, Mrs. Meller has testified that one evening rather late and approximately 11:30 p.m., sometime in the first half of November 1962, Marina called from a gasoline service station in tears and distraught and asked if she could come stay with Mrs. Meller because Oswald was mistreating her; that she had no money whatsoever and that someone in the service station had given her the money to make the phone call and had dialed the phone number for her; that Mrs. Meller told her to take a taxi to the Mellers and that she (Mrs. Meller) would pay the fare; that Marina arrived without coat or hat and in skirt and blouse with the baby June and a few diapers and that she stayed at the Mellers five or

six days. The inference to be gathered from Mrs. Meller's testimony is that Marina did come to her home in a taxi. However, Mrs. Meller does not actually so testify.

Marina's testimony is to the effect that one day while they were living in the Elsbeth Street apartment, Oswald said to her that if she liked her Russian friends so well that she should go and stay with them and that she then took a taxi to Mrs. Mellers.

I don't think that Marina's and Mrs. Meller's testimonies jibe too well and it certainly does not fit with the fully corroborated deMohrenschildt testimony, that deMohrenschildt on a week-end moved Marina bag and baggage to the Mellers.

A possible explanation <sup>is</sup> ~~was~~ that there were two occasions when Marina went to Mrs. Mellers, the first being the occasion when she telephoned Mrs. Meller late at night and (possibly) came to Mrs. Mellers in a taxi cab and stayed over night but returned to the Elsbeth Street apartment either the next day or shortly thereafter following a discussion between the Mellers and George Bouhe respecting the problem of Oswald's physical mistreatment of Marina. It seems also likely that following this conference, Bouhe talked with deMohrenschildt and it was agreed that Marina should be <sup>if</sup> ~~forcedly~~ <sup>(if necessary)</sup> removed from the Elsbeth Street apartment bag and baggage and go to live with the Mellers and, successively, others of the Russian emigree group; that deMohrenschildt then went to the Elsbeth Street



apartment and removed Marina, as he has testified, and as the Tobiases confirmed, to the Mellers.

It appears rather certain that Marina stayed at the Mellers approximately five days to a week and then went to Mrs. Fords until Mr. Ford returned from a business trip on November 17th; that she then went to the Thomas Rays for a day, returned to the Fords for a day and then back to the Rays for a day.

WHEN DID MARINA MOVE INTO THE ELSBETH STREET APARTMENT?

Comment:

It is clear from the physical evidence that the Elsbeth Street apartment was rented by Oswald on Saturday, November 3, 1962. It is unclear, however, as to whether Marina moved in promptly or whether she delayed anywhere from a week to two weeks.

The Tobiaszes testified that they did not become aware of Marina being in the Elsbeth Street apartment until an occasion some ~~time~~ <sup>ten</sup> to 12 days after November third when somebody who gave his name as George (undoubtedly deMohrenschildt) <sup>telephoned</sup> ~~called~~ the Tobias apartment asking for Oswald. Mr. Tobias went over to the Oswald apartment to tell him of the call and on that occasion became aware that both Oswalds were in the apartment.

On the other hand, the testimony of the Mellers and the Fords is to the effect that Marina was with Mrs. Meller for five or six days in the fore<sup>3</sup>part of November; that she moved directly from the Mellers to the Fords and from the Fords to the Rays, back again for one day and then back to the Rays for one day. Mr. and Mrs. Ford fix the time of Marina's stay with them as November 11 through the 17th or 18th, this being a period when Mr. Ford was away on a business trip, and, as indicated in the immediately preceding memo, that Oswald came to the Rays and induced Marina to return to him upon the representation that he had rented an apartment. If we follow the <sup>6</sup>testimony,

the implication is that Marina did not move into the Elsbeth Street apartment until possibly November 19th or 20th. Now this does not square with the other evidence, especially that respecting deMohrenschildt's taking Marina bag and baggage to Mrs. Mellers.

It would seem from all of the evidence, conflicting as it is, that Marina was living at the Elsbeth Street apartment when she came to the Mellers to live; that she went from the Mellers to the Fords and from the Fords to the Rays for a day or two.

Mrs. Hall's testimony is to the effect that Marina resided with her at least during the period of Mrs. Hall's hospitalization (October 18th-26th) and for a period thereafter and that Marina moved from the Halls to the Elsbeth Street apartment while Mrs. Hall was in New York City in late October <sup>(October 31)</sup> and very early November because when Mrs. Hall returned from New York Marina had already left. This is confirmed by the Taylors and by Kleinlerer, whose <sup>AND STATEMENTS ARE</sup> testimony is that the Taylors came to the Halls and moved Marina and all her baggage and apparel, etc., from the Halls to the Elsbeth Street apartment while Mrs. Hall was in New York City.

If Mrs. Hall's recollection is correct, that is, that Marina stayed with her from November 11th to 18th, and if Mrs. Meller's testimony is correct that Marina stayed with her for five or six days immediately preceeding Marina's move to the Fords, and if Mrs. Ford's, the Taylors' and Kleinlerer's testimonies are correct that Marina

was moved to the Elsbeth Street apartment while Mrs. Hall was in New York City, it follows that Marina must have moved into the Elsbeth Street apartment shortly after it was rented by Oswald on November 3rd.

WHERE AND WITH WHOM WERE THE OSWALDS LIVING WHEN OSWALD OBTAINED  
HIS POSITION AT LESLIE WELDING?

Comment:

There is a conflict of the testimony as to whether the Oswalds were residing with Marguerite at the time Oswald obtained his position at Leslie Welding or whether he was still residing with his brother Robert.

Robert and Marguerite state in general terms that the Oswalds resided in Robert's home for six to eight weeks.

Marguerite testified that the Oswalds resided in Robert's home for only three weeks and at the most four weeks.

We know that Oswald applied for a job at Leslie Welding on July 13 and gave as his address the address of Marguerite at the Rotary Apartments in Fort Worth. This corroborates Marguerite Oswald's testimony.

We know that Oswald went to work at Leslie Welding on July 16.

We also know that Oswald moved into the Mercedes Street apartment on August 7th. Marguerite testified that Oswald was residing with her when he obtained his position at Leslie Welding and that she had helped him during the preceding days by driving him around to various job prospects furnished by the Fort Worth, Texas, Unemployment Commission. She also testified that Oswald "kept"

his first pay check but upon receipt of his second pay check (second week of work at Leslie Welding) he then rented the Mercedes Street apartment and both Oswalds moved into that apartment. Having in mind the date his work at Leslie Welding commenced, the two week pay period would bring us to approximately August 7 on which <sup>date</sup> the Oswalds moved into the Mercedes Street apartment. In other words, the physical facts appear to corroborate Marguerite's testimony as to the length of time the Oswalds stayed in Robert's home and the period of time that they resided with Marguerite.

In conflict are:

- 1) A Secret Service report that Marguerite rented the Rotary Apartment on August 8, 1962. We think this is an error and that the fact is that Marguerite vacated the Rotary Apartment on August 8, the day following the Oswalds having moved into the Mercedes Street apartment.
- 2) As indicated above, there is the testimony of Marina and Robert that the Oswalds lived with Robert from six to eight weeks which, having in mind that the Oswalds arrived in Dallas on June 14th, would take us on the six week basis to August 1 and on an eight week basis to August 15, 1962.

On the face of the record this testimony is not sustainable for it is clear that the Oswalds moved into the Mercedes Street apartment on August 7th and that they had spent some time in Marguerite's apartment prior to that time. It is conceded by both Marina and Robert that the Oswalds stayed with Marguerite at least two to three weeks.

April 28, 1964

**MEMORANDUM**

**TO:** Melvin A. Eisenberg

**FROM:** Richard Mosk

The following are instances where exhibits were identified but not introduced in evidence during the testimony of Marguerite Oswald and Robert Oswald. (I suggest you circulate a memo to the staff asking them to note these situations when gathering together exhibits.)

- 239 - A photostatic copy of 238 which is Oswald's marksmanship book.
- 259-269 - Photos which Marguerite apparently did not leave with the Commission. They were not even identified.
- 281-282 - Pictures from LIFE magazine. All of the others were received in evidence.



M E M O R A N D U M

TO : J. Lee Rankin  
General Counsel

DATE: August 11, 1964

FROM : Richard H. Mosk

Any source or text checkers of my draft of the Oswald Biography, should check my older drafts which Elaine Johnson has in case of confusion. This draft has gone through several typings, and I did not get a chance to read it over carefully, so resorting to these earlier drafts may clear up ambiguities.

On my drive home, I have thought of several items I should have included. I will work these points in and carefully proof read what I have written the first week I am home and send them to you.

My draft of the State Department section has, I think, already been cite checked.

I assume Mr. Hanson is handling the financial section from now on, but I will go over it while home and send you any corrections I notice.

As for the section I wrote on Oswald's rifle capabilities, I think that is being reworked by Prof. Redlich. The citations in that draft are to the old page proof.

I again want to express that it was an honor and a privilege to be associated with all of you.

Mr. Willens  
Prof. Redlich  
Mr. Liebeler  
Mr. Mosk ✓

RMM:ej

M E M O R A N D U M

TO: W. David Slawson

April 27, 1964

FROM: Richard M. Mosk

In order to complete the Commission file concerning Oswald's re-entry into this country and his subsequent attempts to get financial aid, we have requested the files from the Traveler's Aid Department of Health, Education and Welfare, the International Rescue Committee and Senator Tower. These will be turned over to you. As you know, the Special Consular Service has a great deal of material in this area. Also other offices within the State Department have material concerning Oswald (e.g. The Office of Finance, <sup>See</sup> Comm. Doc. 49). Do you have or could you get their records so as to complete the Commission records?

cc: Mr. Rankin  
Mr. Willens  
Mr. Mosk ✓