

MEMORANDUM

To: The Review Board Draft -- 6:30 pm, 7/16/95

From: Philip D. Golrick

Date: July 17, 1995

Subject: Assassination Record Determination -- Sections 1-16 of the FBI Headquarters File on Sam Giancana (92-3171)

This memorandum provides background information on Sam Giancana and the status of the FBI's Giancana file under the JFK Act. It also discusses the alternatives available to the Review Board in determining to what extent Sections 1-16 of the FBI Headquarters file on Giancana contain assassination records.¹

I. Sam Giancana

Starting as a teenager, Sam Giancana rose steadily within the Chicago organized crime syndicate until he became syndicate leader in 1957.² He abdicated this position in 1966 and moved to Mexico.³ In July 1974, he was deported back to Chicago, where he was murdered in 1975, shortly before he was scheduled to testify before the Church Committee.⁴

For several reasons, Giancana is of interest to researchers of the assassination of President Kennedy and the Kennedy administration generally. These reasons include:

¹Throughout this memorandum, citations to serials within these sections that the FBI asserts are not assassination records are in **bold**.

²William F. Roemer, Jr., Roemer: Man Against the Mob, p. 29 (1991). For many years, Roemer was a Special Agent on the FBI's organized crime squad in Chicago.

³Id., pp. 220-21.

⁴Id., pp. 334-39.

1) Alleged links to Joseph P. Kennedy, Sr.: Rumors of involvement in illicit bootlegging and rumrunning dogged Joseph Kennedy throughout the 1920's.⁵ Decades later, organized crime leaders from New York and Chicago claimed to have been both bootlegging partners with and competitors of Joseph Kennedy.⁶ Giancana reportedly claimed knowledge of Joseph Kennedy's bootlegging, asserting that "Kennedy was one of the biggest crooks who ever lived."⁷

2) Alleged contribution to 1960 presidential campaign: By the end of 1961, reports that Giancana had contributed a large sum of money to the Kennedy presidential campaign had begun to surface. Some of these reports are from FBI electronic surveillance of apparently unguarded conversations of Giancana and his associates.⁸

3) Associates in common with President Kennedy: Both Sam Giancana and President Kennedy were on friendly terms with Frank Sinatra. Sinatra apparently represented to Giancana and other organized crime figures that he could effectively intercede on their behalf with the Kennedys.⁹ In July 1963, Giancana told an FBI agent who was tailing him, "If Bobby Kennedy wants to talk to me, he knows who to go through" -- which the agent took as a reference to Sinatra.¹⁰

⁵Doris Kearns Goodwin, The Fitzgeralds and the Kennedys, p. 443 (1987). Researchers are divided over the extent to which these rumors were true. Compare id., pp. 442-43 (describing a lack of "hard evidence" and concluding that any involvement on Kennedy's part was "most likely" confined to the early 1920's before liquor trafficking became dominated by "large criminal gangs") with John H. Davis, The Kennedys (1984), pp. 48-49 (arguing from circumstantial evidence that Kennedy was involved in the liquor trade throughout Prohibition).

⁶Davis, supra, pp. 48-49; Goodwin, supra, p. 443.

⁷Davis, supra, p. 49.

⁸See FBI HQ file on Giancana, 92-3171-527 (12/9/61 memorandum from Director Hoover to Attorney General Robert Kennedy); id., 92-3171-1st NR 1265 (12/10/63 memorandum).

⁹See, e.g., FBI HQ file on Giancana, 92-3171-527; 92-3171-580 (1/10/62 airtel); 92-3171-594 (1/18/62 airtel); John H. Davis, Mafia Kingfish, p. 118 (1989); Roemer, supra, p. 177.

¹⁰FBI HQ file on Giancana, 92-3171-1070.

In February 1960, Frank Sinatra introduced Judith Campbell to John Kennedy.¹¹ Kennedy and Campbell began an ongoing romantic relationship. In March 1960, Giancana met and himself began an affair with Campbell.¹² Through its investigation of Giancana's associate, Johnny Roselli, the FBI learned of a number of phone calls from Roselli to Campbell and from Campbell to the White House, and conveyed this information to the President.¹³

4) Hostility toward the Kennedys: Attorney General Kennedy specifically targeted Giancana in his "war" against organized crime. As a result, Giancana frequently expressed hostility toward John and Robert Kennedy.¹⁴ Some of these statements appear to reflect a sense of betrayal, thereby tending to confirm that Giancana had expected more lenient treatment in exchange for some form of assistance to the Kennedys.¹⁵

¹¹See, e.g., Davis, The Kennedys, p. 678.

¹²Id.

¹³Roemer, supra, p. 176. Years later, Campbell claimed to have served as a courier between Giancana and Kennedy, and that the two men had met personally on several occasions. See id., pp. 176-77. Roemer rejects these allegations.

¹⁴For example, regarding a recent election result in February 1963, Giancana gloated: "That will teach that little (obscenity) Kennedy, who runs Chicago." HSCA JFK Exhibit F-627. See also, e.g., **FBI HQ file on Giancana, 92-3171-917 (10/31/62 teletype); 92-3171-369 (8/4/61 report); 92-3171-361 (7/24/61 teletype); 92-3171-314 (7/13/61 teletype).**

¹⁵For example, Giancana said of a local candidate: "He's like Kennedy, he'll get what he wants out of you, but you don't get anything out of him." HSCA JFK Exhibit F-605 (January 1962 excerpt from FBI electronic surveillance).

5) Involvement in plots to assassinate Castro: From late 1960 through late 1962 or early 1963, the CIA was conspiring with Giancana, Roselli, and Santos Trafficante to kill Castro.¹⁶ According to the CIA's reconstruction of events, these efforts were practically dormant from April 1961 (the Bay of Pigs invasion) to late 1961.¹⁷ Both the CIA and the HSCA's staff report concluded that Giancana and other organized crime figures were probably also involved in conspiracies against Castro's life that were not sanctioned by the CIA.¹⁸ The possibility that the CIA-mafia plots against Castro were somehow related to the Kennedy assassination received considerable attention from the HSCA and the Church Committee.¹⁹

II. Present Status of Giancana Files Under the JFK Act

The FBI has processed as assassination records the portions of the HQ Giancana file corresponding to January through July 1963 and January 1964 through the date of Giancana's death. However, within these sections, the FBI initially declined to process particular serials that, according to its records, were for some reason not made available for the HSCA staff to review. Similarly, the FBI initially maintained that the parts of the file corresponding to August through December 1963 had not been reviewed by the HSCA staff and therefore were not assassination records.

After the Review Board staff notified the FBI that it intended to present the unprocessed serials from this file to the Review Board for determination whether they are assassination records, the FBI informed the staff that it would process as assassination records the material from August through December 1963, as well as the post-1963 serials initially withheld from processing. However, the

¹⁶See generally HSCA staff report, "The Evolution and Implications of the CIA-Sponsored Assassination Conspiracies against Fidel Castro," X HSCA 147-95.

¹⁷Id., p. 151.

¹⁸See id., pp. 175-76, relying in part on a 10/18/60 FBI document reporting on Giancana's discussion of a plot to kill Castro, the details of which differed from the CIA-sponsored plan. This memorandum is at the HQ Giancana file, 92-3171-83, and has been processed by the FBI as an assassination record. However, the FBI contends that several other documents regarding investigation of Giancana's alleged anti-Castro activities are not assassination records. See 92-3171-84 (11/12/60 airtel); 92-3171-89 (12/1/60 report); 92-3171-123 (2/18/61 teletype); 92-3171-314 (7/13/61 teletype).

¹⁹The FBI became aware of the CIA's involvement no later than May 1962. See 92-3171-1st NR 721 (5/9/62 memorandum by Director Hoover of conversation with Attorney General).

FBI continues to maintain that the pre-1963 serials that it has not processed to date²⁰ are not assassination records.

III. Assassination Record Determination

²⁰The FBI has recognized as assassination records approximately 80 pre-1963 serials which, for the most part, were provided to the HSCA in response to requests for information regarding the authorization and installation of electronic surveillance of Giancana. The direct results of this electronic surveillance are kept separately from the rest of the HQ Giancana file. The FBI is in the process of reviewing this material under the JFK Act.

The interpretive guidance adopted by the Review Board includes as assassination records “all records . . . that document, describe, report on, analyze or interpret activities, persons, or events reasonably related to the assassination . . . and investigations of or inquiries into the assassination.”²¹ In order to designate a group of records as “assassination records,” “the Review Board must determine” that such records “will more likely than not enhance, enrich, and broaden the historical record of the assassination.”²²

Conceptually, there are three alternative approaches available to the Review Board in determining to what extent, if any, the pre-1963 serials at issue meet these criteria:

- 1) Selecting a cut-off point, after which all serials are assassination records, and before which no serials are assassination records (this point could be January 1963, which would ratify the FBI’s position, or the date the file was opened, which would include all of the pre-1963 serials as assassination records);
- 2) Selecting individual pre-1963 serials as assassination records; or
- 3) A combination of the first two approaches, in which all serials after a certain point and selected serials before that point are assassination records.

As indicated in the foregoing discussion, a number of the pre-1963 serials at issue are “reasonably related” to subjects explored in some detail by the HSCA’s investigation of the assassination. The Research and Analysis staff has identified other such serials, which the Review Board may wish to review. The Review Board staff recommends that, at a minimum, the Review Board determine that these particular serials are assassination records.

²¹To be codified at 36 CFR § 1400.1(a).

²²Id. § 1400.8(a).

However, the Review Board staff believes that including such serials in isolation is not the best course. Such an approach would have the undesirable archival consequence of forever separating each of these original serials from the documents that come immediately before and after it in the Giancana file. More significantly, it would deny researchers the benefit of having in the JFK Collection the entire file for the pertinent time frames. Although it is notoriously difficult to prove a negative, the historical significance of these sections of the Giancana file may lie as much in what they do not contain as in what they do. For example, the HQ Giancana file appears to lack contemporaneous evidence of any assistance, financial or otherwise, to the 1960 Kennedy campaign. But as it stands now, the JFK Collection does contain a December 1963 document alleging such assistance.²³

For this reason, the Review Board staff recommends that the Review Board find that all serials appearing after an appropriate point are assassination records. The staff believes that each of the following points are sensible choices:

- a) March 1954, the date of the first serial in the HQ Giancana file. The entire file may be regarded as reasonably related to the HSCA investigation, simply because the HSCA originally requested this entire file, and received portions of it only because the FBI denied access to the rest. Moreover, this choice would yield the greatest contribution to the historical record of the FBI's knowledge of Giancana. Finally, because there are relatively few documents from the earliest years of the file, this most inclusive approach would result in only a modest increase over what the FBI would have to process under either b) or c) below.
- b) January 1960, when John Kennedy declared his presidential candidacy.²⁴ This cut-off point would demonstrate whether the HQ Giancana file corroborates allegations that Giancana assisted the Kennedy campaign. By including less-than-all of the file, this cut-off point should send a desirable signal to the FBI that the Review Board intends to apply a broad, but principled, understanding of what constitutes an assassination record.
- c) October 1960, when mention is first made in the HQ Giancana file of conspiracies to assassinate Castro.

The Review Board staff believes that any of these three approaches would be a sensible application of the criteria for what constitutes an "assassination record." On balance, the staff recommends option b) -- finding that all serials appearing in the Giancana HQ file from January 1960 forward are

²³Giancana HQ file, 92-3171-1st NR 1265.

²⁴Goodwin, supra, p. 794.

assassination records -- as the best resolution of this issue.