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2 May 1975

MEMORANDUM FOR: Deputy Chief, Operations Staff

SUBJECT : Review of Agency Holdings regarding  
Photograph of Unidentified Individual  
in Mexico City published by the  
Warren Commission

REFERENCE : Letter dated 15 April 1975 by  
Mr. David W. Belin, Executive Director  
of the Commission on CIA Activities  
within the United States, to  
Mr. E. Henry Knoche (copy attached to  
accompanying report)

1. This is further to, and in completion of, my interim memorandum of a few weeks ago.

2. The attachment is a detailed review in narrative, chronological order - together with appropriate commentary - of our extensive holdings on the OSWALD case that have a bearing on the matter of photographs taken by Mexico City Station on 1, 4 and 15 October 1963 of an Unidentified Individual. As a consequence of a combination of analytical error, misjudgement and under the stress of an urgent desire to contribute to the development of the investigation of the assassination, a cropped version of one of the photographs of the Unidentified Individual was introduced into the chain of evidence in the OSWALD case on 23 November 1963 by an FBI representative in Dallas. The successive vicissitudes which have now made this event a cause celebre right down to the present moment are detailed in the narrative.

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3. The attached report is not intended to be an answer to the Fensterwald/O'Toole article which Mr. Belin attaches to his memorandum. (I have prepared a paragraph-by-paragraph refutation and comment on that article, which I believe is more appropriately handled by a separate memorandum to Mr. Belin, and I will prepare this as a memorandum if that is desired.)

4. The point of the referenced memorandum is that consideration should be given now to "whether or not the entire matter can be fully disclosed at this time." This submission is designed to make it possible for you, the IG and others whom you may desire to consult to make this decision. The narrative-interpretive summary has been put together in such a way that it discloses no cyptonyms, pseudonyms or other CIA jargon. However, its contents go well beyond what has been released to the public thus far in the Warren Commission documentation. This point must be borne in mind in making a decision on Mr. Belin's question. To remove any question in anybody's mind about our good faith in this matter, the narrative is backed up by copies of actual documentation from our files. It seems to me necessary, in reply to Mr. Belin, that he or his representative review the documentation that backs up the narrative. The documentation has not been keyed into the narrative presentation, but it follows the chronological order of presentation from 9 October into the latest developments in the matter, and there is an overall index to facilitate reference to individual items. [NB: There is only one copy of this collection; this is it.]

5. As noted above, one of the photographs taken in Mexico City on 4 October 1963 was introduced into the Warren Commission public record. However, it was introduced into that record in two cropped versions. The Warren Commission and its staff were made fully aware in the course of their inquiry at Headquarters and in Mexico City of the origins of the photograph, the fact that we had additional photographs of the same individual taken at different times in Mexico City and on the basis of full knowledge of these facts reached their own conclusions regarding the irrelevance of the photograph to OSWALD and the assassination.

6. In fact, we actually hold twelve different photographs of the Unidentified Individual. Each of these are reproduced in the collected documentation backing up the narrative report (see Items 25 - 27). Chief, LA Division,

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had indicated in writing to Chief, CIOPS, that he has no objection for Mr. Belin to do whatever is desired with these photographs at this time. It should be noted that Mr. Fensterwald in 1971 - 1972 was actually shown, by Mr. Houston during a visit to the Agency, two of the twelve photographs, other than the one already published in the Warren Commission report. (It is these two that he has published in The New York Review of Books article which Mr. Belin attaches to his memorandum.)

7. It seems to me that whoever makes a decision on whether the entire matter can be fully disclosed at this time should bear in mind that a subsidiary decision must also be made, i.e., whether to crop or otherwise fuzz up the background of the photographs or, alternatively, to publish the entire run of the photographs for the first time without taking out the background. Obviously, none of these questions apply to the passage of this material to Mr. Belin and the Rockefeller Commission itself. I think they should see the entire documentation as it stands. Perhaps after that, the question of what could be discussed and the question of "how?" and "how much?" could be taken up with Mr. Belin himself. My personal recommendation is that the more we can say about this matter in a fully open and final manner, the better off we will be as an Agency. But it is my understanding that there are still sensitive aspects deriving from the fact that the operation which produced the photographs was jointly run with Mexican liaison and as a consequence publication at this time would create additional problems at that level in Mexico. Also, it should be noted that the Ambassador, according to Win Scott's memorandum to J.C. King on 22 November 1963 (see Item 8 in the backup documentation), allegedly played a direct role in the decision to put the photographs into the hands of the FBI in Dallas laterally from the Field. As far as I know, there has not been anything published about this aspect at any time in the past nor have we had any discussions with the State Department about that aspect of the matter.

Raymond G. Rocca

Attachments:  
as stated

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SUBJECT : The Photo of an Unidentified Individual in the Warren  
Commission Report: A Factual Chronological Survey

REFERENCE: Memorandum by David W. Belin to Mr. E. Harry Knoche,  
15 April 1975 (Attachment A)

1. Reference memorandum suggests it would be appropriate to reconsider full disclosure at this time of the circumstances and factual data relative to the Subject. The purpose of this survey is to permit a realistic evaluation of the suggestion.

Background

2. This examination and summary of the record concerns a cropped photograph considered by the President's Commission on the Assassination of President Kennedy (hereinafter cited as the Warren Commission) and introduced into evidence as Qdum Exhibit No. 1.<sup>1</sup> The photograph (together with others of the same individual) originated from a highly

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<sup>1</sup> See Hearings Before the President's Commission on the Assassination of President Kennedy (hereinafter cited as Hearings), Vol. XX, p. 691.

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sensitive intelligence operation being conducted in October 1963 by the CIA and Mexican security authorities against the Soviet and Cuban Embassies in Mexico City.

3. Under the extraordinary press of effort to develop information on the assassin and the assassination, copies of the photograph were made available by CIA's Mexico Station Chief on the afternoon of 22 November to the local FBI representative, and later that day, assertedly on the decision of the Ambassador, copies were conveyed by an FBI representative by a special flight carried out by the U.S. Naval Attaché to the Dallas office of the FBI for possible use in the ongoing investigation. One photograph, cropped by the FBI, was shown to Mrs. Marguerite OSWALD (Lee Harvey OSWALD's mother) in Dallas on the evening of 23 November 1963 by FBI Agent Bardwell D. ODUM.

4. The Warren Commission's report describes the sequence of events at pp. 364-365 and 667 (Attachment B) which ultimately resulted in Mrs. Marguerite OSWALD's allegation that she had been shown a cropped photo of Jack RUBY the day before he murdered her son. (A further complication compounding this erroneous conclusion was the fact that when she had been shown a copy of the same photograph in her appearance before the Commission, it had been cropped by the FBI in Washington in a slightly different manner.)

5. No detail in the Warren Commission report illustrates more vividly than this one the difficulties that beset simple truth in the

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politicized, rigidly deterministic interpretive climate that has been nurtured by the media over the past decade about the Kennedy Assassination. The photograph, acknowledged now not to be RUBY, has continued to preoccupy "specialists" and has become the centerpiece of another hypothesis that holds OSWALD to have been "framed" by the use of a double in his activity in Mexico City.<sup>2</sup>

Lee Harvey OSWALD - Reporting on Mexico City Stay

6. Although in no way related to Lee Harvey OSWALD or his stay in Mexico City from the morning of 27 September 1963 to the morning of 2 October 1963, at least one set of photographs of the unidentified man originated during OSWALD's stay there. It is important, therefore, to an understanding of the acquisition and handling of the photographs by the Mexico Station to review what the Station ascertained and did with the information it developed about OSWALD in Mexico City, together with Headquarters' action on that information.

7. From all credible evidence known to this time (none, incidentally, added since the exhaustively unique work of the Warren Commission), Lee Harvey OSWALD spent four (4) full days and two (2) partial days-- about 116 hours in all--in Mexico City from about 10:00 a.m. 27 September

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<sup>2</sup> This is the thrust of the article "The CIA and the Man Who Was Not Oswald" by Bernard Fensterwald and George O'Toole in the New York Review of Books, a copy of which is attached to reference (Attachment A).

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1963 to about 2:30 a.m. 2 October 1963. His place of residence was a small commercial traveler hotel, not frequented by "gringos"--the Hotel Comercio--where he was registered under alias. Exhaustive and detailed interviews and interrogation by the Mexican authorities and the FBI, after the assassination, established that in the recollection of all hotel personnel he left early and returned late each day of his stay.

8. Assuming, and allowing for the fact of late arrival and early departure, that he slept one-third of the time of his stay (38 or 39 hours), there remain some 78 hours of activity to be accounted for. Overall, CIA's information can account solely for very brief periods during 27, 28 September and 1 October. All coverage by CIA during the entire period was technical. The Station had no live source (living agent) coverage either unilateral or from Mexican liaison.

9. It should be noted that OSWALD was in no sense "under investigation." None of the facts of his defection and stay in the USSR and return to the U.S., 1959 - 1962, were known to Mexico Station files before 10 October 1963, when the bare bones of his biography were forwarded by Headquarters in response to a Station cabled report of 8 October which had forwarded, on a routine basis, what appeared to be a contact by an American for a visa to Cuba in transit to the USSR. This was indicated and deduced from technically acquired information on 1 October, which was the first and only occasion in which OSWALD identified himself (partially) by true name.

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10. At no time during his stay in Mexico City did the CIA acquire a photo of OSWALD. A careful review of all coverage, voice intercept, as well as photographic, of both the Soviet and Cuban Embassies was conducted by the Station on 22 and 23 November 1963 after the assassination, going back to materials from August 1963. It is, therefore, firm that there was no CIA photo coverage of OSWALD at any time during his Mexico trip or stay in Mexico City. Moreover, although it had made a cabled request on 15 October, the Mexico Station had no photo of OSWALD in its records, nor did it receive one from Headquarters--which did not have one either--before 22 November 1963.

11. ~~mm~~ This intensive review of voice intercept transcripts by the monitor and other personnel on the basis of the 1 October intercept--which had been reported to Headquarters and disseminated to the interested members of the intelligence community (as an ex-Marine OSWALD was a Navy and FBI case under the Delimitations Agreement, and potentially of interest to the Department of State)--turned up matches based on content with materials intercepted on 27 and 28 September 1963. These matches were reported to Headquarters on 23 November 1963. Analysis based on voice comparison (except for what could be recalled by the monitor--and this was not an insignificant element because of the memorably poor Russian spoke by OSWALD) could not be made because the tapes, in accordance with the normal practice, had been erased and re-used.

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12. It must be stressed that the voice intercept and photographic coverage was not (and normally is not) processed in "real time." The means of acquisition and the volume of the information precludes anything but the spot reporting of items judged by the monitor to be of more than ordinary interest and, therefore, noted in summary logs. Full texts of selected items require consultation of the tape and either a full transcription or full translation or both. Photo coverage tends to become available in quantity lots which requires scanning and selection on a rapid and accelerated basis in four or five day "peaks." One of the "triggers" that normally operates to focus and accelerate more speedy review and reporting of this kind of raw intelligence is the mention of a name. This was precisely what occurred in the second of two conversations on 1 October with the Soviet Embassy, during which the speaker said he was "Lee OSWALD." It was this information reported by the Station to Headquarters in its first indication on OSWALD on 8 October 1963.

13. The Mexico Station did one more thing in its 8 October report on Lee OSWALD based on its 1 October voice intercepts: it coupled the data with descriptive information it had acquired from a sensitive collateral source--a photograph of a male individual, apparently an American, who was observed entering the Soviet Embassy on 1 October. The Station reported this detail on the 8th as a matter of coincident fact. The Station did not assert or suggest that the data deduced from the photo was in fact OSWALD, or indeed, was in any way related to OSWALD.

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Lee Harvey OSWALD - CIA Coverage of His Mexico City Stay

14. One additional element of background must be stipulated now as the final precondition to understanding the relevance (or irrelevance) of the photo of the unknown individual placed in the chain of evidence on 23 November in Dallas by FBI Agent Bardwell OOUN: what was the totality of CIA Mexico's coverage of OSWALD's activity as of the afternoon of the 23rd when all available coverage had been checked?

15. The totality of Mexico Station coverage on, or reasonably inferable to be OSWALD, consisted of five (5) voice intercepts as follows:

a. 27 September 1963 (Friday), 1605 hours Mexico City time.

Silvia DURAN, a Mexican national, a local employee of the Cuban Embassy, Consular section, a receptionist, speaks with an unknown male at the Soviet Embassy. Silvia DURAN tells the man that the American citizen was there, the one who wants a visa for Cuba on his way to the Soviet Union, and he wants to know with whom he was talking there because she (Silvia DURAN) had sent him to the Soviet Embassy saying that if they accepted him and gave him a visa, then the Cubans (Embassy) would also give him a visa without further paper work, only advising Immigration in Cuba. The American, she says, wants to know with whom he had talked there because he says he was told there would be no problem. The man in the Soviet Embassy says to wait a moment. A different Soviet speaks, and

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Silvia DURAN explains the same thing to him. This man says to leave a name and telephone number and says he will call back. Silvia DURAN gives the telephone 11-28-47 (Cuban Consulate). She also takes advantage of the conversation and states she has moved and wants to advise the Soviet Embassy of her change of address so that she can receive the Soviet Embassy's Bulletin. The man says to call KOUKIARENKO to give her new address, then he asks the name of the Consul or Cultural Attaché. Silvia DURAN says the name is Teresa PROENZA and the telephone number is 14-13-26. The man says thanks.

b. 27 September 1963 (Friday), 1626 hours Mexico City time.

An unidentified male, a Soviet, calls the Cuban Consulate, asks Silvia DURAN if the American had been there. Silvia DURAN says he is there now. The Soviet says the American showed papers from the Consulate in Washington, that he wants to go to the Soviet Union and be there for a long time with his wife, who is Russian, but the answer has not come from Washington in respect to this problem, and according to this procedure it takes four or five months, but without having permission from the Soviet Union they should ask, or better said, they cannot issue a visa there without asking Washington. However, according to this man, he showed a letter indicating he was a member of an organization in favor of Cuba and that the Cubans said that they cannot issue a visa without his having a visa

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for the Soviet Union, and now he (the Soviet) does not know what to do with him (the American), because they have to wait for an answer from Washington.

Silvia DURAN agrees the same problem exists with the Cubans, that the problem with him (the American) is that he does not know anyone in Cuba and therefore if that is true it will be difficult for him to get a visa for Cuba, because he was thinking of processing his visa (for the Soviet Union), because he knew it would require waiting a long time for his visa to the Soviet Union while in Cuba, and from there go to the Soviet Union. The Soviet said the thing is that if his wife right now were in Washington she would receive her visa right now, or permission, from the Soviet Union, to return to her country, she is going to receive her visa in Washington but having this visa, she could communicate to any place this permission, for example here or any place she could receive it (visa or permission), but right now they do not have them. Silvia DURAN says certainly and they cannot give a letter either because they do not know if the visa will be approved. The Soviet says he cannot give a letter or recommendation either because he does not know him (the American) and asks to be excused for bothering her. Silvia DURAN says that is all right and many thanks.

c. 28 September 1963 (Saturday), 1151 hours Mexico City time.

Silvia DURAN calls the USSR Embassy and talks to an unidentified

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Soviet. She says that in the Cuban Embassy there is a North American who was at the Soviet Embassy. The Soviet says wait a minute. Silvia DURAN speaks English with someone--and comments in Spanish that they gave APARICIO telephone 14-12-99 and to take the number down--Silvia DURAN then says the American citizen is going to talk with you, i.e., the Soviet. The American first speaks Russian and the Soviet speaks English. They continue in English. The American talks broken Russian and says I was in your Embassy and spoke to your Consul. Just a minute. A Soviet takes the phone and asks the American in English what does he want? The American says please speak Russian. The Soviet says what else do you want? The American says I was just now at your Embassy and they took my address. The Soviet says I know that. The American, in hardly recognizable Russian, says I did not know it then. I went to the Cuban Embassy to ask them for my address, because they have it. The Soviet says why don't you come again and leave your address with us, it is not far from the Cuban Embassy. The American says I'll be there right away.

d. 1 October 1963 (Tuesday), 1031 hours Mexico City time.

An unknown male (American) calls the Soviet Embassy, the Military Attaché's number, 15-69-87, and says to an unidentified Soviet respondent: I was at your place last Saturday and talked to your Consul. They said that they would send a telegram to Washington.

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and I wanted to ask you if there is anything new? The Soviet says I would like to ask you to call another phone number? Please write it down: 15-60-55, and ask for a consul. Thank you.

e. 1 October 1963 (Tuesday), 1045 hours Mexico City time.

The same person who phoned a day or so ago and spoke in broken Russian speaks to OBYEDKOV (a Soviet Embassy guard). He says: This is Lee OSWALD speaking. I was at your place last Saturday and spoke to a consul, and they said that they would send a telegram to Washington, so I wanted to find out if you have anything new? But I don't remember the name of that consul. OBYEDKOV says: KOSTIKOV. He is dark (hair or skin - ?). OSWALD says yes. My name is OSWALD. OBYEDKOV says, just a minute, I'll find out. They say that they have not received anything yet. OSWALD says: Have they done anything? OBYEDKOV says: Yes, they say that a request has been sent out, but nothing has been received as yet. OSWALD says, and what . . . ? OBYEDKOV hangs up.

16. Each of these items, including the texts of the raw intercepts, were read by, discussed with, and examined by Warren Commission staffers in Headquarters and at the Mexico Station during a stay from 8 - 13 April 1964.<sup>3</sup> All were made available promptly to the FBI.

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<sup>3</sup> The Warren Commission group that visited the Mexico Station consisted of Mr. Coleman, Mr. Slawson, and Mr. Willens. They examined not only the

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17. ~~Summing up~~, we can state, or by free interpretation reasonably infer from the intercept evidence, that OSWALD made or could have made the following contacts with the Cuban and Soviet official establishments in Mexico City.

a. 27 September 1963 (Friday). After arrival and check-in to his hotel, OSWALD went first to the Cuban Embassy where he talked with Mrs. Silvia DURAN. The time of his first Cuban Embassy visit is unknown. The time of his second Cuban Embassy visit was about 1600 hours (i.e., just before closing). Sometime between the two Cuban Embassy visits, at Mrs. DURAN's indication, he must have visited the Soviet Embassy. We have no indication who he talked with at the Soviet Embassy.

intercepts a - e above, but others for the 27th and one for 3 October that seemed to have relevance. These have not been included in this summary because they appear, on review, to be excludable from the OSWALD matter on logical or substantive grounds, or both, bearing in mind that the Soviet Embassy received many calls pertaining to visa matters.

On the 27th at 1037 hours the Soviet Embassy received a call from an unknown individual speaking Spanish who said he wanted visas to go to Odessa. He was told the Consul was not in and to call back at 1130. OSWALD is known to have arrived at the Flecha Roja bus terminal on bus #516 at circa 1000 hours on the 27th. It was, therefore, possible for him to have made this call. But granting this, it is unreasonable to believe the calls were OSWALD's for the following reasons:

a. The caller wanted visas, and specifically for Odessa. OSWALD was seeking a visa and never in any context did he specify the Black Sea port of Odessa as a destination.

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There was no photographic coverage of OSWALD's entries into either the Cuban or Soviet Embassies on the 27th. The lack of coverage on the Cuban installation is explainable: the camera, based on the recollection of officers still in service in Headquarters, was down on the 27th because of mechanical malfunction, which was in course of correction. Why OSWALD was missed in his probable entry to the Soviet installation on the 27th is not yet explained, but no technical operation of that kind is infallible.

b. 28 September 1963 (Saturday). [Note: Both the Cuban and Soviet Embassies were closed to the public on Saturdays. Photographic coverage was normally suspended Saturdays and Sundays.]

b. The call was directed to the correct Soviet consular number: 15-60-55. On 1 October, OSWALD first called the wrong number, 15-69-87 (the MA's number), and had to redirect his call to the correct number, 15-60-55. It seems unlikely he would have made what would have been his initial call, on Friday the 27th, to the correct number, and called the incorrect number on 1 October.

c. There is every reason to believe from the context of the intercepts, para 15, a-e above, that OSWALD's first destination after arrival and check-in to his hotel, was a visit to the Cuban Embassy.

d. The use of the Spanish language would exclude OSWALD unless he made use of an intermediary, which seems unlikely from what is known of his modus operandi.

On 3 October at 1539 hours an individual speaking broken Spanish, then English, called the Soviet Embassy and asked for a visa. The Soviet respondent says: Call on the other phone. The requestor says: I'm

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OSWALD, notwithstanding the holiday schedule, went on Saturday morning to the Soviet Embassy (his second visit) where he spoke to a Consul. He apparently could not recall his new Texas address. At circa 1151 hours he went to the Cuban Embassy--his third entry--where he had registered it in his visa application the day previously. He secured the address from Mrs. DURAN and she called the Soviet Consulate presumably to permit him to give them the address over the phone. Instead, the Soviet with whom OSWALD spoke over Mrs. DURAN's telephone invited OSWALD to come back in person, and he said he would immediately. Presumably, thereupon OSWALD went back to the Soviet installation (his third entry).

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looking for a visa to go to Russia. The Soviet says: Please call on the telephone of the Consul, 15-60-55. The requestor says: One moment please, I'll have to get a pencil to write the number down. They issue the visa there? The Soviet: That depends on your conversation. I don't know about this business. The requestor asks for the number again. The Soviet gives him the number and tells him to ask for the Consul of the Soviet Embassy in Mexico.

The relevance of this intercept to OSWALD is excludable on three grounds:

- a. The use of broken Spanish. OSWALD throughout used broken Russian or English. He had no competence in Spanish to handle a conversation of this kind.
- b. The substance of the request indicates a visa request in the first stages of initiation. OSWALD had developed his matter with the Cubans and the Soviets the previous Saturday to a point well beyond the stage indicated by the substance of this call.

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c. 29 September 1963 (Sunday). No activity registered.

d. 30 September 1963 (Monday). No activity registered.

(It is known that OSWALD reserved space this date on a Mexico City-Loredo bus, departing 2 October 1963 at 0830 hours.)

e. 1 October 1963 (Tuesday). OSWALD made at least two calls, at 1031 and 1045 hours, to the Soviet Embassy. He identified himself twice during the second call when he talked with OBYEDKOV--a guard-- and referred to his talk on Saturday, probably with KOSTIKOV. There was no photographic coverage of OSWALD on 1 October; if the following reasoning is correct, that was as it should be. From the context of the two calls, there would have been no reason for him to go to the Embassy. His case had clearly been placed at the sufferance of the USSR Embassy in Washington. His two calls on 1 October were concerned with whether any reply had been received from Washington. Under those circumstances, it is unreasonable to believe OSWALD would have gone to the Soviet Embassy on that date.

18. The camera at about mid-day registered the entry into the Soviet Embassy of a white-shirted individual who, in the opinion of the

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c. OSWALD had left Mexico City, based on all the credible evidence, the early morning of the previous day, 2 October, and could not have made this local call.

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Station, among all the persons photographed that day, appeared to be the only person--a non-Latin, and possibly an American--who entered the Soviet installation. On the chance there could be an association between the identification data derived from the voice intercept and the descriptive data derived from the photograph, the Station reported the two elements as separate facts in its cable to Headquarters on 8 October.

19. The Station's action was not unusual and really amounted to an analytic "quantum leap," justified by the primitive and initiatory status of the OSWALD identification. Many examples of a similar kind of thing can be found in the day-to-day record of Station-Headquarters correspondence and reporting.

Developments from 8 October - 22 November 1963

20. Mexico Station reported to Headquarters on 8 October (received in Headquarters 9 October) the following initial information on OSWALD.<sup>4</sup>

(1) On 1 October 1963, an American male who spoke broken Russian and said his name Lee OSWALD (phonetic), stated he was at SovEmb on 28 September when he spoke

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<sup>4</sup> Cablese has been rendered here, and throughout, into readable English, without substantive changes or omissions. Cryptonyms and pseudonyms have been omitted or put into clear text.

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with a consul whom he believed to be Valeriy Vladimirovich KOSTIKOV. Subject asked the Soviet guard [Ivan] OBYEDKOV, who answered, if there was anything new regarding a telegram to Washington. OBYEDKOV upon checking said nothing had been received yet, but the request had been sent.

(2) Mexico Station said it had photos of a male who appeared to be an American entering the Soviet Embassy at 1216 hours, leaving 1222 on 1 October. Apparent age 35, athletic build, circa 6 feet, receding hairline, balding top. Wore khakis and sport shirt.

(3) No local dissemination was being made by the Station.

21. On 10 October 1963 at 2012Z time the WH Division responsible for action disseminated this report to the Department of State, the FBI, and the Navy Department by routine electrical transmission, adding some collateral details drawn from a preliminary file review:

(1) On 1 October 1963 a reliable and sensitive source in Mexico reported that an American male, who identified himself as Lee OSWALD, contacted the Soviet Embassy in Mexico City inquiring

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