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COMMISSION ON ALLEGATIONS REGARDING OSWALD
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[R] - ITEM IS RESTRICTED 104-10322-10276

TRANSMITTAL SLIP		DATE 2 Sept 1975
TO: Mr. Colby		
ROOM NO.	BUILDING	Executive Registry 75-8321
REMARKS: Attached is the unclassified statement on Oswald. Also attached are our responses to the Presidential Commission on a series of allegations regarding Oswald.		
FROM: Inspector General		
ROOM NO.	BUILDING	EXTENSION 6565

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

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(EXECUTIVE REGISTRY FILE K-2.1)

SUBJECT : Review of Agency Holdings Regarding Photograph of Unidentified Individual in the Warren Commission Report

REFERENCE: Memorandum from David W. Belin to E. Henry Knoche, dated 15 April 1975

1. In accordance with reference request, we have examined and summarized the record concerning a cropped photograph that was considered by the Warren Commission in the course of its investigation. The photograph (together with others of the same individual) originated from an intelligence operation conducted in October 1963. The photograph is of an individual who to this day remains unidentified. Intelligence did not provide a photograph of Lee Harvey Oswald during his brief stay in Mexico City that month.

2. 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 representative on the afternoon of 22 November to the local FBI representative. Later that day, assertedly on the decision of the Ambassador, copies were conveyed by an FBI representative on a special U. S. Naval Attache flight 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 an FBI agent.

3. The Warren Commission's report describes the sequence of events that 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.

4. 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 CIA's Mexico representative to review what he ascertained and did with the information developed about OSWALD in Mexico City, together with CIA Headquarters action on that information.

5. From all credible evidence known to this time (none, incidentally, added since the exhaustive 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 1963 to about 8:30 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 and returned late each day of his stay.

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6. Allowing for the fact of late arrival and early departure, and assuming 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 only for very brief periods during 28, 29 September and 1 October.

7. 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 CIA's Mexico representative before 10 October 1963. On that date, the bare bones of Oswald's biography were forwarded by Headquarters in response to a 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 information acquired on 1 October, which was the first and only occasion on that visit in which OSWALD was recorded as identifying himself (partially) by true name.

8. At no time during his stay in Mexico City did the CIA acquire a photo of OSWALD. A careful review of all coverage was conducted on 22 and 23 November 1963 after the assassination, including materials back to August 1963. This confirmed 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 CIA's Mexico representative had no photo of OSWALD in his records, nor did he receive one from Headquarters -- which did not have one either -- before 22 November 1963.

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9. It must be stressed that what information there was had not been (and normally is not) processed in "real time." The means of acquisition and the volume of the information preclude anything but the spot reporting of items judged to be of more than ordinary interest and, therefore, noted in summary logs. Photo coverage tended 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 identification of a person's name. This was precisely what occurred on 1 October. It was this information reported to Headquarters in its first reference on OSWALD on 8 October 1963.

10. The CIA's Mexico representative did one more thing in his 8 October report on Lee OSWALD based on the 1 October information: he coupled the data with descriptive information acquired from a sensitive source -- a photograph of a male individual, apparently an American, who was observed entering an Embassy on 1 October. This detail was reported on the 8th as a matter of coincident fact. CIA's Mexico representative did not assert or suggest that the data led to any deduction that the photo was in fact OSWALD or, indeed, was in any way related to OSWALD.

11. 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 the FBI agent: what was the totality of CIA Mexico's coverage of OSWALD's activity

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as of the afternoon of the 23rd when all available coverage had been checked?

12. The totality of this coverage on or reasonably inferable to be OSWALD was read by, discussed with, and examined by Warren Commission staffers in Headquarters and in Mexico City during a stay from 8-13 April 1964. All were made available promptly to the FBI.

13. At about mid-day on 1 October, the camera registered the entry into an Embassy of a white-shirted individual. In the opinion of CIA's Mexico representative, among all the persons photographed that day, he appeared to be the only non-Latin and possibly American who entered. On the chance that there could be an association between the identification data derived from coverage and the descriptive data derived from the photograph, the two elements were reported as separate facts in the cable to Headquarters on 8 October.

14. This action was not unusual and really amounted to an analytic "quantum leap," in terms of the primitive status of the OSWALD identification. Many examples of a similar kind of thing can be found in the day-to-day record of Mexico City Headquarters correspondence and reporting.

15. On 22 November 1963 CIA's Mexico representative cabled Headquarters at 2229Z time after learning of the arrest of Lee H. OSWALD, age 24, possibly in connection with the assassination, and referenced its earlier messages of 8-9 and 15 October and Headquarters' reply of 10 October. This cable requested by

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priority pouch a photo of OSWALD so that a check could be made of "all recent coverage for OSWALD. Forwarding soonest copies of only visitor on 1 October who could be identical with OSWALD."

16. This obviously was for comparison at the CIA Mexico City office which had estimated the age of the unidentified male whose photograph it had selected as having the "apparent age of 35."

17. A dispatch was prepared in accordance with the indication given in the cable of 22 November. The dispatch noted that photo coverage of the unidentified individual had turned up on 4 and 15 October. The text of the 22 November 1963 pouched dispatch read:

"1. Attached are copies of the only photographs obtained. . . on 1 October 1963 which appeared to be an American. This same man visited [an] Embassy on 4 October 1963.

"2. Copies of these photographs were shown to the U. S. Ambassador on 22 November 1963 and a copy of each of the two photographs was given to Chief FBI, Mexico, on that date. . . .

"P. S. Photographs dated 15 October 1963 were inserted after typing of dispatch. These were taken as [the] person entered [an] Embassy."

18. The "Unidentified Individual" remains to this day unidentified. There is still no credible evidence, as far as

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CIA is aware, that the individual in the photograph had any connection with Lee Harvey OSWALD or the assassination of President Kennedy.

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Did CIA personnel play any role in building up, disseminating, then denigrating a report that Oswald had received money to kill Kennedy from someone at the Cuban Embassy in Mexico City? Was there a CIA connection with Gilberto Alvarado Ugarte, the source of the story?

Answer:

As stated in information provided to the Warren Commission by the Agency, CIA had no connection with activities or statements by Gilberto Alvarado Ugarte concerning allegations that Oswald received money to kill President Kennedy from someone at the Cuban Embassy in Mexico City. After Gilberto Alvarado came to the American Embassy in Mexico City on 26 November 1963 and made his allegations, his story was investigated by local CIA and FBI representatives in liaison with responsible Mexican law enforcement authorities. The Agency representatives informed the FBI that Alvarado was a well known Nicaraguan Communist underground member who was an informant of a Nicaraguan Security Service officer (who was, in turn, a CIA source.) On November 30, 1963, Alvarado admitted to Mexican security officials in writing that his whole story of having seen Lee Oswald receive money in the Cuban Embassy in Mexico City to assassinate President Kennedy was false. On the same day, CIA reported to appropriate U. S. Government authorities that Alvarado stated his motive in telling his false story was to get the United

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States to take action against Fidel Castro. He also said that he hated Castro and thought that his story about Oswald, if believed, would help cause the U. S. to take action against Castro.

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Is there any indication that CIA believed Oswald's defection and return might have been connected with a mission for another intelligence organization (e.g., military) and that this kept CIA away from his case?

Answer:

No. An Inter-Agency Source Registry is maintained by CIA as a service of common concern. Such a registry was in existence throughout the 1960's. Its purpose is to preclude accidental contact or use of an intelligence source of one agency by another. Oswald's name never appeared in the registry.

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Memorandum by Paul Hoch Concerning
CIA Activities and the Warren Commission Investigation

Mr. Paul Hoch, a long-time critic of the Warren Commission report, has been associated with Ramparts magazine, NBC news, and US News and World Report in the past. He has been in touch with CIA on the Warren Commission investigation since at least 1971. Our files show that Mr. Hoch was one of 12 people who, in 1967 or earlier, received a copy of the original unexpurgated list of all Warren Commission material held by the National Archives before a new list without CIA titles was prepared by Archives at our request.

In the introduction to his copyrighted 24 March 1975 memorandum (Tab 1), Mr. Hoch notes that he "concentrates on the CIA, with emphasis on specific questions relevant to domestic CIA activities, possible CIA nondisclosure to the Warren Commission, and possible links between the assassination and CIA attempts to kill Fidel Castro." A review of the memorandum reveals that it contains a number of questions and allegations concerning CIA. However, it also contains questions and allegations concerning the FBI, the Department of State, and various military departments. It appears to be a general criticism of Warren Commission methods and findings with particular emphasis on CIA's alleged role in obfuscating what Mr. Hoch believes to be the true nature of its own activities leading up to and following the assassination.

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We are not competent to comment on Mr. Hoch's questions or allegations concerning other Government agencies or the Commission. He has raised a number of points concerning CIA that we address below. Before doing so, however, a few words are in order concerning the set of mind with which Mr. Hoch seems to have approached this matter.

On page 11 of his memorandum, Mr. Hoch quotes Mr. James Angleton as having made the following remark to Mr. Seymour Hersh when asked by the latter about alleged CIA wrong-doing and domestic activities: "A mansion has many rooms and there were many things going on during the period of the [anti-war] bombings. I'm not privy to who struck John." Mr. Hoch then expresses puzzlement over this latter statement. He notes that "who struck John" may be a literary allusion or cliché unfamiliar to him and goes on to say:

It may have been a reference to some other John-- e.g., Mitchell. Also, it is conceivable that "Who struck John" was some sort of code name for the CIA study of the Kennedy assassination. Angleton should be asked to explain that statement, and whether he is aware of any CIA investigations of Oswald or the assassination, particularly any which may have reached conclusions different from the Warren Commission's. Regardless of what Angleton now says he meant by his comment, an intended reference to John Kennedy seems as likely as any other explanation.

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Mr. Hoch's willingness to attribute sinister implications to such a common phrase is both humorous and revealing. It belies the impression of reasonably objective scholarship he has sought to project in his memorandum.

The following questions are paraphrases of points concerning CIA raised by Mr. Hoch. They are keyed to the page on which the substance with which they deal appears in his memorandum.

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QUESTIONSP. 2

Did CIA intercept a letter and money order which Oswald's mother sent to him shortly after he defected to Russia?

Answer:

No. CIA did not intercept a letter and money order sent to Oswald by his mother shortly after his defection. Mr. Hoch's question probably refers to a matter taken up by Mrs. Marguerite Oswald with the FBI on 28 April 1960 and described in the 12 May 1960 report by the Dallas FBI office in Tab 2.

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P. 3

What dissemination in CIA was made of the FBI report "Fair Play for Cuba Committee--New Orleans Division" which dealt only with Oswald and "A. J. Hidell," Oswald's alias? Other than this report, were any CIA employees or informants aware of Oswald's activities in New Orleans?

Answer:

A copy of this report is attached at Tab 3. It was transmitted to CIA by the FBI under a cover note dated 8 November 1963. The date stamp on the reverse of the cover sheet indicates it was logged in to the Agency on 12 November 1963. The DDP Counterintelligence Staff liaison office received it on 15 November 1963. The report then went to the counterintelligence office of the DDP Special Activities Staff which was then concerned with Cuban matters (no date indicated). The registry for the Special Activities Staff counterintelligence office handled the report on 21 November 1963. On 22 November 1963, the report was received by the DDP Counterintelligence Staff special investigations office, presumably because it concerned a former defector to the Soviet Union. Apparently it was being processed by that office when President Kennedy was assassinated. Prior to the assassination, CIA had no information concerning Oswald's activities in New Orleans beyond this report.

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P. 4

544 Camp Street: Is there a CIA connection with Guy Banister?
With David Ferrie? With other associates of Banister?

Answer:

According to CIA records, during 1960 Guy Banister operated a private detective agency in New Orleans called Banister and Associates. CIA considered contacting him for use as a foreign intelligence source and for possible use of his firm for cover purposes. However, security investigation revealed derogatory information about his professional conduct, and he was not contacted. With regard to Mr. Ferrie, Agency files indicate that CIA never considered contacting him for any purpose at any time. Our record search to date has not revealed any contacts with other associates of Guy Banister.

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P. 5 and footnote #12

Was Oswald ever a CIA informant? Was he debriefed by CIA in Moscow? On his return from the USSR? If not, any particular reason? Did CIA ever receive in whole or in part Oswald's manuscript about his life in Russia? Is #110669 an identifying number used by CIA in any way?

Answer:

Lee Harvey Oswald was never associated or connected, directly or indirectly, in any way whatsoever with CIA (see Tab 4 for testimony of John A. McCone and Richard Helms before Warren Commission and Affidavit of John A. McCone). As a former marine and as a returned defector, he was of primary interest to military authorities and to the FBI who were responsible for any debriefings of him upon his return from the USSR. CIA received copies of Oswald's manuscript from the FBI and the Warren Commission in the material disseminated by them after the assassination. The number 110669 is not a CIA identification number of Lee Harvey Oswald for any purpose including registration as a source. Within CIA records, the number 110669 identifies an individual of Austrian birth who was of intelligence interest in East Asia during the 1940's. The Inter-Agency Source Register (ISR) which [is managed by CIA] lists by name and number military intelligence sources since 1957. We have searched the ISR for both Oswald's name and the number 110669. His name and that number are not registered in the ISR.

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Mexican photo

Answer:

We have had previous communications with Mr. Hoch concerning this matter (see Tab 5).

The Agency at no time in its dealings with the FBI in the Field or with the Warren Commission in Headquarters described or suggested that the unknown individual whose photograph was taken in Mexico City on 1 October was Lee Harvey OSWALD. Our total coverage of the unknown individual numbers twelve photographs taken on 1 October (USSR Embassy), 4 October (USSR Embassy) and 15 October (Cuban Embassy). OSWALD left Mexico City, it is known, at 0830 hours, 2 October. It is clear, therefore, that this individual could not be OSWALD. Mr. Helms, in a memorandum to the Warren Commission Chief Counsel, indicated very clearly that the photograph of this unknown individual had nothing to do with the OSWALD case. In the light of all of the facts in the file, we find no reason to modify this judgment.

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Mexican intercept operations: Did CIA have recordings of calls between Cuban and Soviet Embassies in which Oswald is discussed or in which Oswald participated? Did we have a recording of Oswald's conversation with a guard at the Soviet Embassy?

Answer:

CIA has transcripts of such calls, including a conversation between Oswald and a guard at the Soviet Embassy in Mexico City, which were made on 27 and 28 September and 1 October 1963. These transcripts were reviewed in their entirety by the Warren Commission at CIA Headquarters and in Mexico City at the Station in April 1964. The recordings were erased routinely after the transcripts were made. Oswald identified himself only in the course of the 1 October conversation, and a summary of that conversation was the first indication of his presence in Mexico reported by the Station on 8 October 1963 and disseminated by CIA Headquarters on 10 October 1963.

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Who had substantial knowledge of matters pertaining to Oswald in the CIA Station in Mexico City at the time of Oswald's visit there? Was E. Howard Hunt the acting chief of station in Mexico City at or near that time?

Answer:

The operations which produced the transcripts of the calls connected with Oswald on 27 and 28 September and 1 October 1963 were quite closely held at the station. Few people beyond the chief and his deputy, one or two senior officers, and the monitor would have been privy to the material.

E. Howard Hunt served in Mexico City from December 1950 to June 1951. From November 1960 until his retirement in 1970, he was assigned to Headquarters. During the period in which Mr. Hunt was alleged by Mr. Hoch to have been acting chief of station in Mexico City--August-September 1963--Mr. Hunt was assigned to a DDP desk at Headquarters. See Tab 6 for documents covering Mr. Hunt's activities then. (Mr. Hunt made one extended trip to Europe during this period, from July 1965 to September 1966.)

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What was the purpose of a CIA-State study concerning defectors in general in 1960?

Answer:

There was no formal "study," but there was inter-agency preoccupation and exchange of information caused by the fact that there had been 13 U. S. defectors, including Oswald, between 1958 and 1960. Among the 13, there were five ascertained KGB agents: Davis, Dutkaniez, Martin, Mitchell, and Sloboda.

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Did Dr. Alexis Davison who served in the U. S. Embassy in Moscow when Oswald was there have any contact with Oswald of a non-medical nature? As Assistant Air Attache, did Davison coordinate intelligence activities with the CIA station? What was his connection with the Penkovsky case?

Answer:

A search of our files has revealed no CIA knowledge of the contact between Dr. Davison and Oswald during the latter's stay in the Soviet Union. At the time of Dr. Davison's assignment to Moscow, the CIA station chief was not charged with the function of coordinating the intelligence activities of the service attaches there. Dr. Davison's connection with the Penkovsky case and with CIA is described in Tab 7.

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Was J. Walton Moore connected with CIA? Was he connected with the Oswald case?

Answer:

Mr. J. Walton Moore was employed by CIA in the Contact Division office in Dallas during the early 1960's. His only contact with the Oswald case prior to the assassination is recorded in his 1 May 1964 memorandum to the Acting Chief, Contact Division, attached at Tab 8 (a typed version of the document is also attached because of the poor legibility of the original). He may have been involved in the Agency's effort to support the Warren Commission during the Commission's investigations. Mr. Moore has stated that he was never asked by Mr. de Mohrenschildt for advice concerning Oswald. We find no indication that there was ever any contact between Oswald and Mr. Moore.

