v09-16-96ccr

JFK RECORDS

Cross Reference: None

Status in System:

AGENCY : HSCA
RECORD NUMBER : 180-10142-10052
RECORD SERIES : CIA SEGREGATED COLLECTION
AGENCY FILE NUMBER : 22-20-03/1
Other Agency Equity: None

DOCUMENT INFORMATION

ORIGINATOR : HSCA
FROM : CIA
TO :
TITLE :
DATE : 00/00/00
PAGES : 114
DOCUMENT TYPE : REPORT
SUBJECT(S) : ; ; OSWALD, LEE, 201 FILE; OSWALD, LEE, RUSSIAN PERIOD;
CLASSIFICATION : UNCLASSIFIED
RESTRICTIONS : 3
CURRENT STATUS : POSTPONED IN PART
DATE OF LAST REVIEW : 08/07/95
COMMENTS : Box 11

Date in: 01/26/96

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F F F F F F F F

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Box 22 F 20 Item 3-1

LHO Was Not Associated in any Capacity with the CIA

In 1964, the CIA advised the Warren Commission that the Agency never had a relationship of any kind with Lee Harvey Oswald. Testifying before the Commission, John A. McCone, who was then Director of Central Intelligence, indicated that Oswald "was not an agent, employee, or informant of the Central Intelligence Agency. The Agency never contacted him, interviewed him, talked with him, or solicited any reports or information from him, or communicated with him directly or in any other manner...Oswald was never associated or connected directly or indirectly in any way whatsoever with the Agency." __/ McCone's testimony was corroborated by Richard M. Helms, then the Agency's Deputy Director for Plans and therefore the person directly responsible for all CIA clandestine operations. __/ Once these assurances had been received, __/ the record reflects no

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further efforts by the Warren Commission to investigate this matter.

The Committee sought to resolve the issue of Oswald's alleged association with the CIA by conducting an inquiry that went beyond the threshold level of obtaining statements from two of the Agency's most senior officials. ~~Instead~~, a more analytical investigative approach was utilized. First, an effort was made to identify circumstances ~~either~~ in Oswald's life or in the manner in which his case was handled by the CIA ~~which~~ that were potentially suggestive of an intelligence association, ~~of some kind.~~ Then, an intensive file review was undertaken ~~which~~ that included both the CIA's pertinent portions of 144-volume Oswald file and hundreds of others from the CIA, as well as the FBI, State Department, and the Department of Defense. __/ Based upon these file reviews, a series of

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interviews, depositions, and executive session hearings were conducted with both Agency and non-Agency witnesses. The contacts with present and former CIA personnel covered a broad range of individuals, including staff and division chiefs, clandestine case officers, area desk officers, research analysts, secretaries, and clerical assistants. In total, more than 125 persons, including at least 50 present and former CIA employees, were questioned regarding this issue.

The results of this investigation confirmed the Warren Commission testimony ~~given by Messrs~~. McCone and Helms. There was no indication in Oswald's CIA file ~~suggestive in any way~~ that he had ever had ~~any~~ contact with the Agency. Moreover, the Agency employees who would have been in a position to know, if Oswald had been associated with the CIA, uniformly denied that he had been an agent

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present and former Agency employees conducted by the Committee

Each of the ~~these individuals~~ was released from his secrecy oath by the CIA insofar as questions relevant to the Committee's legislative mandate were concerned.

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or connected with the CIA in any other capacity. __/

Finally, taken in their entirety, the items of circumstantial evidence that the Committee had selected for investigation as possibly indicative of an intelligence association did not support the allegation that Oswald had an intelligence agency relationship ~~of some kind~~. any placed in context for

This finding, however, must be ~~qualified~~, ~~because~~ the ~~same~~ institutional characteristics in terms of the Agency's ~~extreme~~ strict compartmentalization and the complexity of its enormous filing system that are designed to ~~preclude~~ prevent penetration by foreign powers have the simultaneous effect of making Congressional inquiry ~~more~~ difficult. For example, CIA personnel testified to the Committee that a review of Agency files ~~will~~ would not always indicate whether an individual was affiliated with the Agency in any ~~respect~~ capacity. Nor was there always an independent means of verifying that all

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materials requested from the Agency were, in fact, provided. Accordingly, any finding ~~which~~ that is essentially negative in nature such as that Lee Harvey Oswald was neither associated with the CIA in any way, nor ever ~~even~~ in contact with that institution ~~cannot be rendered in absolute terms.~~ explicitly should always include the possibility of error. Please do not change locks. It cannot be rendered in absolute terms.

To the extent possible, however, the Committee's investigation was designed to overcome the Agency's institutional obstacles that potentially impede effective ~~external~~ scrutiny of the CIA. The vast majority of CIA files made available to the Committee were reviewed in ~~unsanitized~~ unredacted form. These files were evaluated both for their substantive content and for any potential procedural irregularities suggestive of possible tampering or editing. After review, the files were used as the basis for examination and cross-examination of present and former Agency

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employees. Because of the number of Agency personnel who interrogated were ~~queried~~, it is highly probable that any significant inconsistencies between the files and the witnesses' responses would have been discovered by the Committee. ~~established~~.

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SUMMARY OF THE EVIDENCE

~~B.~~ CIA Personnel in the Soviet Russia Division [CIC]

In addition to obtaining testimony from former directors ~~John H.~~ McCone and ~~Richard M.~~ Helms, the Committee interviewed ~~individuals who were~~ chiefs of the CIA's Soviet Russia division during 1959-1963.* These individuals categorically denied that Oswald had ever been associated in any capacity with the CIA.

To investigate this matter further, the persons who had been chiefs ~~and/~~or deputy chiefs during 1959-62 of the three units within the Soviet Russia division which were responsible respectively for clandestine activities,

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*The chief(s) of the Soviet Russia division from August 1962 to September 1963 was not interviewed by the Committee.

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American legal travelers and research in support of clandestine activities.* The heads of the clandestine activity section stated during this period the CIA had very few operatives in the Soviet Union and that Oswald was not one of them. Moreover, they stated that because of his obvious instability, Oswald would never have met the Agency's standards for use in the field.** The heads of the

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*For the unit, ~~that was responsible for American legal travelers,~~ only the years 1959-61 were covered. However, since every American legal traveler who was involved in this program was recruited before his trip to the Soviet Union, the relevant year for Lee Harvey Oswald was 1959 because that is when he departed from the United States.

**One officer acknowledges the remote possibility that an individual could be run by someone as part of a "vest pocket" operation without other Agency officials knowing about it, but even this possibility, as it applies to Oswald, was negated by the statement of the deputy chief of the Soviet Russia clandestine activities section who commented that in 1963 he was involved in a review of every clandestine operation ever run in the Soviet Union, and that Oswald was not involved in any of these cases.

The American Legal Travelers unit used carefully selected American citizens traveling in the Soviet Union to assess their potential use of Soviet officials they had met for future intelligence work on behalf of the United States.

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Section which sought the cooperation of visitors to the Soviet Union

Soviet Russia division's American Legal Traveler program, ~~which utilized Americans traveling in the Soviet Union as a means of obtaining information and identifying possible subjects for recruitment,~~ informed the Committee that they met with each person involved in ~~this activity~~ new program and that Oswald was not one of them. These ~~Agency~~ officials also advised the Committee that only "clean-cut" college graduates were used in this program, and that Oswald did not meet this criteria. Finally, the ~~Agency~~ officers in charge of the Soviet Russia division's research section in support of clandestine activities indicated that, had Oswald been contacted by the Agency, their section would probably have been informed, ~~but that this, in fact, never occurred.~~

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2. CIA Personnel in (TOKYO, JAPAN) (CIC)

The Committee investigated the allegation of former CIA employee, James Wilcott, designated as "I," who testified in executive session that shortly after the assassination of President Kennedy he was advised by fellow employees at the CIA's (TOKYO STATION) (a post abroad) that ~~Lee Harvey~~ Oswald was a CIA agent who had received financial disbursements under an assigned cryptonym. Wilcott, "I," explained ~~that~~ he had been employed by the CIA as a finance officer from 1957 until his resignation ~~from the Agency~~ in 1966. In this capacity, he served as a fiscal account assistant on the support staff at (a post abroad, i.e. TOKYO STATION) from June ~~of~~ 1960 to June 1964. Wilcott ~~advised~~ told the Committee that, in addition to his regular responsibilities, he had ~~served~~ performed security duty on his off-hours in order to supplement his income. This ~~additional job~~ put him in contact with

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other employees of (The TOKYO STATION - part) who would come by the office and engage in informal conversations ~~regarding politics and their work.~~

~~Wilcott told the Committee that~~ on the day after President Kennedy's assassination, ~~he~~ Wilcott was informed by a CIA case officer that ~~Lee Harvey~~ Oswald was ~~a CIA~~ an agent. ~~Wilcott~~ He further testified that he was told that Oswald had been assigned a cryptonym* (see over) and that Wilcott himself had unknowingly disbursed payments for Oswald ~~project using that cryptonym~~ (his project). Although Wilcott was unable to identify the specific case officers who had initially informed him of Oswald's Agency relationship, he named several employees of (The TOKYO STATION) with whom he believed he had subsequently discussed the allegations.

Wilcott advised the Committee that after learning

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*A cryptonym is a

code designation for an Agency project, program or activity or an organization, agency, or individual (for whom a legal signature is not required) having a sensitive operational relationship with the Agency.

NO ¢

Cryptonyms are used in communications only to the extent to protect sensitive information from disclosure to unauthorized persons. They will be used (1) when disclosure of the true identity of persons, organizations, or activities would be detrimental to the interest of the U.S. Government or to the persons, organizations, or activities concerned, or (2) to prevent disclosure of a sensitive operational relationship with the Agency.

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of the alleged Oswald connection to the CIA, he had never rechecked (the Tokyo station) disbursement records for evidence of the Oswald project. He explained that this was because at that time he viewed the information as mere shop talk and gave it little credence. Neither did he report the allegations to any formal investigative bodies, ~~following the assassination~~ as he considered the information to be hearsay.

(over)

In an attempt to investigate Wilcott's allegations, ~~concerning Lee Harvey Oswald's relationship with the CIA,~~ the Committee interviewed several present and former CIA employees who were selected on the basis of the position each had held ~~with the CIA~~ during the years 1954-1964. Among those persons interviewed were individuals whose responsibilities covered a broad spectrum of areas within (the Tokyo station), ~~during this period,~~ including the chief and deputy chief of

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(Agency cooperation on the)

Wilcott was unable to specify the particular [project] [illegible] in which Oswald ~~[illegible]~~ was [illegible] involved, nor was he privy to any [illegible] substance of that project. In this regard, however, he noted that, [illegible] [illegible] he was ~~not so~~ never apprised of the substantive aspects of any project.

[illegible] assigned funds were disbursed [illegible] [illegible]

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station as well as officers in finance, registry, the Soviet Branch and counterintelligence. __/ ~~The Committee's investigation refuted Wilcott's allegation.~~

During the course of their employment in (The TOKYO STATION), none of these individuals interviewed had ever seen any documents or heard any information indicating that ~~Lee Harvey~~ Oswald was ~~a CIA~~ an agent. __/ This allegation was not known to anyone until ~~the time of publication of~~ (it was published by critics of the) Warren Commission ~~critical literature and the Garrison investigation~~ in the late 1960's. __/ Some of the individuals, including the chief of counterintelligence ~~with~~in the Soviet Russia Branch (IN TOKYO) expressed the belief that it was possible that ~~Lee Harvey~~ Oswald had been recruited by the Soviet KGB during his military tour of duty in Japan, as the CIA's (TOKYO STATION) had identified a KGB program aimed at recruiting

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U.S. military personnel in Tokyo during the period ~~that~~ Oswald was stationed there. An intelligence analyst whom Wilcott had specifically named as having been involved ~~following the assassination~~ in a conversation about ~~regarding~~ the Oswald ~~CIA agent~~ allegation told the Committee that he was not in the (TOKYO STATION) at that time. A review of this individual's Office of Personnel file confirmed that, in fact, he had been transferred from (the TOKYO STATION) to the United States in 1962.

The chief of (the TOKYO STATION) from 1961-1965 stated that, had Oswald been used by the Agency within (this) ~~the Tokyo Station's~~ jurisdiction, ~~they~~ he certainly would have known about it. Similarly, almost all those persons interviewed who worked in the Soviet Russia branch of that station indicated ~~that~~ they would have known if ~~Lee Harvey~~ Oswald had, in fact,

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been recruited ~~as a~~ CIA ~~agent~~ when he was in Japan. [1]

These persons expressed the opinion that, had Oswald been recruited without their knowledge, it would have been a rare exception contrary to the working policy and guidelines of

(The Tokyo Station The committee concluded that Wilcott's allegation was not worthy of belief.

F. ~~Lee Harvey~~ Oswald's CIA File (CIC as an individual.

The CIA has long acknowledged that, prior to the President's assassination, it had a personality file on data about Oswald, that is, a file that contained ~~Lee Harvey~~ Oswald. This file, which in Agency terminology is referred to as a 201 file, was opened on December 9, 1960. The Agency ~~has~~ explained ~~to the Committee~~ that 201 files are opened when a person is considered to be of potential intelligence or counterintelligence significance. The opening of such a file is designed to serve the purpose of bringing all of the CIA's information pertaining to that

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been recruited as a CIA agent when he was in Japan. [1] These persons expressed the opinion that had Oswald been recruited without their knowledge, it would have been a rare exception contrary to the working policy and guidelines of the Tokyo station.

3. Lee Harvey Oswald's CIA File

The CIA has long acknowledged that, prior to the President's assassination, it had a personality file on Lee Harvey Oswald. This file, which in Agency terminology is referred to as a 201 file, was opened on December 9, 1960. The Agency has explained to the Committee that 201 files are opened when a person is considered to be of potential intelligence or counterintelligence significance. The opening of such a file is designed to serve the purpose of bringing all of the CIA's information pertaining to that

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individual into one centralized records system ~~belonging~~ ~~to~~ the Deputy Directorate for Operations, ~~that~~ component ~~of the Agency~~ responsible for clandestine activities.

The existence of a 201 file does not necessarily connote any actual relationship or contact with the CIA. For example, the Oswald file was purportedly opened because he was considered to be a potential counterintelligence threat. Oswald's file contained absolutely no indication that he had ever had ~~any~~ relationship with the CIA. Nevertheless, because the Committee was aware of at least one instance (in an unrelated case) where an Agency officer had apparently contemplated the use of faked files with forged documents, __/ special attention was given to procedural questions that were occasioned by this file review.

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a) Why was Oswald's 201 file opened on December 9, 1960, more than a year after his attempt to defect to the Soviet Union?

A confidential State Department telegram dated October 31, 1959, which was sent from Moscow to the CIA, reported that ~~Lee Harvey~~ Oswald, a recently discharged marine, had appeared at the United States Moscow embassy to renounce his American citizenship and "has offered Soviets any information he has acquired as /an/ enlisted radar operator." __/ At least three other communications of a confidential nature ~~which~~ that gave more detail on the Oswald case were apparently* sent to the CIA ~~during~~ the same time period.

*Two of these documents, Warren Commission Exhibits 917 and 918, contained routing notations indicating that they had been sent to the CIA, but the documents themselves were never found in Oswald's file.

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~~approximate time period.~~ __/ Agency officials questioned by the Committee have testified that the substance of the October 31, 1959 cable was sufficiently important to warrant the opening of a 201 file. In fact, ~~however,~~ Oswald's file was not opened until December 9, 1960.

The CIA was requested by the Committee to indicate where documents pertaining to Oswald had been disseminated internally and stored prior to the opening of his 201 file. In response, the Agency advised the Committee that because document dissemination records of low national security significance are retained for only a five-year period, they are no longer in existence for the years 1959-1963. __/ Consequently, the Agency was unable to explain either when these documents had been received or by which component.

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An Agency memorandum, dated September 18, 1975, indicates that Oswald's file was opened on December 9, 1960 by virtue of the receipt of five documents: two from the FBI, two from the State Department, and one from the Navy. __/ This reasoning, however, is inconsistent with the presence in Oswald's file of four State Department documents dated in 1959 and a fifth dated May 25, 1960. It is, of course, possible that the September 18, 1975 memorandum is referring to State Department documents that were received by the DDO in October and November of 1960 and that the earlier State Department communications had been received by the CIA's Office of Security but not the DDO. In the absence of dissemination records, however, the issue cannot be resolved on this basis.

Deputy Director for Operations

The September 18, 1975 memorandum also states that

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Oswald's file was opened on December 9, 1960 as a result of his "'defection' to the USSR on 10/31/59 and renewed interest in Oswald brought about by his queries concerning possible reentry into the United States." __/ There is no indication, however, that Oswald expressed any intention ~~of~~ to ~~returning~~ to any United States government official until mid-February of 1961. Finally, reference to the original form that was used to start a file on Oswald ~~does~~ did not resolve this issue, because the appropriate slot ~~which~~ that would normally indicate the "source document" that initiated the action ~~makes reference~~ required to an Agency component rather than to a dated document.

The Committee was able to determine the basis for the opening of Oswald's file on December 9, 1960 by interviewing and then deposing the Agency employee who was directly responsible for initiating the opening action. This individual

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explained that the CIA had received a request from the State Department for information concerning American defectors. After compiling the requested information, she responded to the inquiry and then opened a 201 file on each defector involved. __/

This statement was corroborated by review of State (a) Department letter which indicated that such a request, in fact, had been made of the CIA on October 25, 1960. Attached to the State Department letter was a list of known defectors; ~~Lee Harvey~~ Oswald's name was on that list. __/ The CIA responded to this request on November 21, 1960 by providing the requested information and adding two names to the State Department's original list.

Significantly, the Committee reviewed the files of ~~eleven~~ 11 individuals on the original State Department list

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were opened in December 1960

and determined that ~~the~~ files for each of the five (including Oswald) who did not have ~~Agency~~ (201) files prior to ~~the~~ receipt of the State Department inquiry ~~were opened in December 1960~~. In each case, the slot for "source document" referred ~~made reference~~ to ~~the same~~ Agency component rather than to a dated document.

Even so, this analysis only explains why a file on Oswald was finally opened; ~~standing alone~~ it ~~does~~ not explain the seemingly long delay in the opening of the file. To determine whether such a delayed opening was necessarily unusual, the Committee reviewed the files of 13 of the 14 persons on the CIA's November 21, 1960 response to the State Department and of 16 other defectors (from an original list of 380) who were American born, had defected during the years 1958-1963, and who had returned to the United States

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during that same time period. Of 29 files that were reviewed, eight individuals had been the subject of 201 files prior to the time of their defection. In only four of the remaining ~~twenty-one~~ 21 cases were 201 files opened at the time of defection. The files on the 17 other defectors were opened from four months to several years after the ~~time of~~ defection.

At the very least, ~~this file~~ review conducted indicated that during 1958-~~63~~ 1963, the opening of a file years after a defection occurred was not at all uncommon. In many cases the opening was triggered by some event, independent of the defection, which drew attention to the individual involved.

~~b)~~ Why was Lee Harvey Oswald's 201 file opened under the name Lee Henry Oswald?

Lee Harvey Oswald's 201 file was mistakenly opened under the name Lee Henry Oswald. No Agency witness was able

~~specifically~~ to explain how this mistake was made. All Agency personnel, however, including the person who initiated the file opening, testified that this must have been occasioned innocently by bureaucratic error. Moreover, the Committee received substantial testimony to the effect that this error would not have prevented Oswald's name from being elicited from the CIA's filing system during a routine name trace done under the name Lee Henry Oswald.

9) What do the letters "AG," which are written in the space for "Other Identification" on Oswald's 201 opening form, connote?

The form used to initiate the opening of a 201 file for Lee Harvey Oswald contains the designation AG in a box marked "Other Identification." Because this term was considered to be of potential significance in resolving the issue of Oswald's alleged Agency relationship, the CIA was asked to

explain its meaning.

The Agency's response indicated that "AG" is the OI ("Other Identification") code meaning "actual or potential defectors to the East or the SINO/SOVIET Bloc including Cuba," and that anyone so described could have the OI code "AG." This code was reportedly added to Oswald's opening form because of the comment on the form that he had defected to the Soviet Union in 1959.

An Agency official who was a DDO records expert and for many years had been involved in the CIA's investigative efforts concerning the John F. Kennedy assassination, gave the Committee a somewhat different explanation of the circumstances surrounding the term "AG" and its placement on Oswald's opening form. This individual testified that "AG" was an example of a code used to aid in preparing computer listings of occupational groupings or intelligence affiliations.

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He explained that these codes always utilized two letters and that in this case, the first letter "A" must have represented Communism, while the second letter would represent some category within the Communist structure.

His recollection was that at the time of the assassination, the "AG" code was not yet in existence because there were no provisions then in effect within the Agency for the indexing of American defectors. He recalled that it was only during the life of the Warren Commission that the CIA realized that its records system lacked provisions for indexing an individual such as Oswald. Consequently, the CIA then revised its records handbook to include authorization for indexing American defectors and established a code for its computer system to be used for the category of "American defectors." Although this ~~Individual~~ witness did not know when the

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notation "AG" was added to Oswald's opening sheet, he presumed that it would have to have been following the addition of the American defector code, thus placing the time somewhere in the middle of the Warren Commission's investigation. He explained that it was difficult to determine when any of the notations on the opening sheet were made, since it was standard procedure to update the forms whenever necessary so that they were as reflective as possible of the available information.

Finally, this ~~individual~~ witness testified that the regulations regarding the use of this occupation and intelligence code specifically prohibited indicating that a particular person was either an employee of the Agency or someone who was used by the Agency. __/ This prohibition was designed to prevent anyone from being able to produce any kind of categorical listing of CIA employees, contacts, or connections. __/

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11) Why does the opening form for ~~Lee Harvey~~ Oswald's 201 file indicate that the file was to be restricted?

The form that was used to initiate the opening of Lee ~~Harvey~~ Oswald's 201 file contains a notation indicating that the file was to be "restricted." This indication was considered potentially significant because of the CIA's practice of restricting agents' files to persons on a "need to know" basis.

accel. →

Further investigation, however, revealed that restricting access to a file was not necessarily indicative of any relationship with the CIA.

The individual who actually placed the restriction on Oswald's file testified that this was done simply to allow her to remain aware of any developments that might have occurred with regard to the file. This purpose was achieved because any person seeking access to the file first had to

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notify the restricting officer; at that time the restricting officer could be apprised of any developments possibly necessitating access to the file by someone else.

This testimony was confirmed by a CIA records expert who further testified that, had the file been permanently changed as well as restricted, the possibility of a relationship with the CIA would have been greater. There was no indication on Oswald's form that it had been placed on permanent change.

Finally, the Committee reviewed the files of four other defectors which had been opened at the same time and by the same person as Oswald's, and determined that each of their files had similarly been restricted. Each of these other individuals had been on the list of defectors that had been exchanged by the CIA and State Department. None of the files pertaining to these other defectors had any evidence suggestive

of a possible intelligence agency association.

e) Were 37 documents missing from ~~Lee Harvey~~ Oswald's 201 file?

In the course of reviewing ~~Lee Harvey~~ Oswald's 201 file, the Committee discovered an unsigned memorandum to the Chief of Counterintelligence, Research and Analysis, dated 20 February 1964, which stated that 37 documents were missing from Oswald's 201 file. According to the memorandum, this statement was based upon a comparison of a machine listing of documents officially recorded as being in the 201 file and those documents actually physically available in the file. While the memorandum mentioned that such a machine listing was attached, no such attachment was found in the 201 file at the time of the Committee's review. The memorandum itself bears the classification "SECRET EYES ONLY," and ~~is~~ was one of the

documents that had been fully withheld from release under the Freedom of Information review. Act.

In response to a Committee inquiry, the CIA advised that because Oswald's file was so active during the course of the Warren Commission investigation, up-to-date machine listings were produced periodically. On this basis, the Agency stated that "it must be assumed that whoever was responsible for maintaining the Oswald file brought this file up-to-date by locating the 37 documents and placing them in the file."

Because this response was incomplete, the author of this memorandum was deposed. He testified that once a document had been registered into a 201 file by the Agency's computer system, physical placement of the document in the file was not always necessary. On this basis, he explained that the items listed in the memorandum were not missing but

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rather had either been routinely placed in a separate file because of their sensitivity or were being held by other individuals who needed them for analytical purposes. He further stated that in the course of his custodianship of Oswald's file, he had requested perhaps as many as 100 computer listings on the contents of the Oswald file. While there had been many instances in which one or more documents had been charged out to someone, he stated that he had never discovered that any documents were actually missing. According to his testimony, the 37 documents, in fact, were available, but simply were not located in the file at that time.

17) Was there any evidence that the CIA had for some reason maintained a dual filing system regarding ~~Lee Harvey~~ Oswald?

~~Although~~ the Committee was aware from ~~its~~ the outset of the possibility that a dual filing system -- ~~using~~ using one

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ostensibly innocuous file and one which contained ~~the actual~~ operational detail indicative of an ~~A~~gency relationship with (or other) l.c. - a the CIA -- could be utilized to disguise the existence of ~~an~~ CIA ~~actual~~ relationship, ~~between an individual and the CIA,~~ this awareness ~~heightened~~ developed into a concern with the discovery ~~of certain files which indicated~~ that at least two Agency officers had contemplated the use of fake & files and forged documents to protect the ~~purpose of the~~ ZR Rifle project from ~~being disclosed.~~ disclosure. (~~The~~ ZR Rifle ~~project~~ was an executive action (~~i.e.,~~ assassination) program ~~which bore no relation~~ unrelated of foreign leader to the Oswald case. ~~Richard~~ Former CIA Director Helms testified that the assassinations aspect of this project was never implemented and, in fact, was discontinued as soon as it was brought to his attention, ~~but~~ the implications of this discovery in terms of the ~~potentiality for a faked~~ possibility also were faked Oswald file were troubling. (some)

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In the Oswald case, ~~there were~~ two items ~~which received scrutiny~~ were scrutinized because they were potentially indicative of a dual filing system. The first involved a photograph of ~~him~~ Oswald that had been taken in Minsk in 1961, ~~and~~ the second concerned a copy of a letter that had been written to ~~him~~ Oswald by his mother during his stay in the Soviet Union. At the time of President Kennedy's assassination, both of these items were in the CIA's possession, but neither was in Oswald's 201 file.

The photograph of Oswald taken in Minsk shows him posing with several other people. According to the CIA, the picture was found after the assassination as a result of a search of the Agency's graphics files for materials potentially relevant to Oswald's stay in the Soviet Union. __/ The Agency advised that this photograph, as well as several others not related to Oswald, were routinely obtained in

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1962 from some tourists by the CIA's Domestic Contacts Division, a component that frequently sought information on a nonclandestine basis from Americans traveling abroad in Communist countries.

Committee interviews with the tourists in question confirmed that the photograph, along with 159 other photographic slides, had been made routinely available to the ~~Agency's~~ Domestic Contacts Division. Neither tourist had heard of ~~Lee Harvey~~ Oswald prior to the assassination or ~~even~~ knew which photographs had been of interest to the Agency.

CIA records indicate that only five of the 160 slides initially made available were retained. __/ Committee interviews with the two CIA employees who had handled the slides for the Domestic Contacts Division established that Oswald had not been identified at the time that these

photographic materials had been made available. __/ One of these employees stated that the Oswald picture had been retained because it depicted a Soviet intourist guide; the other employee indicated that the picture had been kept because it showed a crane in the background. __/ The employee who worked at CIA headquarters confirmed that the photograph of Oswald had not been discovered until a post-assassination search of the Minsk graphics file for materials pertaining to Oswald.

Accordingly, this photograph was not evidence that the CIA maintained a dual filing system with respect to Oswald. The picture apparently was kept in a separate file only until 1964 when Oswald was actually identified to be one of its subjects.

The Committee's investigation of a letter concerning

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Oswald that was in the Agency's possession similarly did not result in any evidence of a dual filing system. This letter, dated July 6, 1961, had been sent to Marguerite Oswald to her son, but was intercepted as a result of a CIA ~~mail intercept~~ program. __/ ~~This program~~, known as HT-Lingual, ~~attempted~~ to intercept letters being sent between the United States and Russia in an effort to obtain ~~both positive~~ intelligence and counterintelligence information. __/ Typically, intercepted letters and ~~or their~~ envelopes would be photographed and then returned to the mails.

In response to a Committee inquiry, the CIA explained that because of ~~the project's~~ HT-Lingual's extreme sensitivity, all materials generated as a result of mail intercepts were stored in a separate project file ~~which~~ that was maintained by the counterintelligence staff. __/ Consequently, such items were

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not placed in 201 files. This explanation was confirmed by the testimony of a senior officer from the counterintelligence staff who had jurisdiction over the HT-Lingual project files.*/

Was there any evidence that ~~Lee Harvey~~ Oswald had ever participated in a CIA counterintelligence staff project?

The Committee's review of HT-Lingual files pertaining to Oswald** resulted in the discovery of reproductions of four index cards, two pertaining to Lee Harvey Oswald and two

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*Since Oswald was the subject in approximately 50 communications during his stay in the Soviet Union, the Committee also questioned why the Agency ostensibly had just one letter in its possession directly related to Lee Harvey Oswald. In essence, this may be explained by the fact that HT-Lingual only operated four days a week, and, even then, only on a sampling basis. */

**Although the Agency had only one letter in its possession directly related to Oswald, after the assassination the HT-Lingual files were combed for additional materials potentially related to him. Approximately 50 pieces of correspondence were discovered. None of these were ultimately judged to be of any significance. These materials, however, were stored in a separate Oswald HT-Lingual file.

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pertaining to Marina Oswald, which were dated after the assassination of President Kennedy. The pages containing the reproductions of these cards ~~are~~ were stamped "Secret Eyes Only."

The first card regarding Lee Harvey Oswald, ~~is~~ dated 9 November 1959, ~~and~~ states that Oswald is a recent defector to the USSR and a former Marine. It also bears the notation "CI/Project/RE" and some handwritten notations. The second card on Oswald places him in Minsk, USSR. It contains background information on him and states that he "reportedly expresses a desire for return to the U.S. under certain conditions." This card is dated 7 August 1961 and also bears the notation "WATCH LIST." These cards, particularly the reference to "CI/Project/RE," raised the question of whether Lee Harvey Oswald was, in fact, involved in some sort of CI project.

The Committee questioned former employees of the CIA who

may have had some knowledge pertaining to the HT-Lingual program in general and these cards in particular. Some of these employees recognized the cards as relating to the HT-Lingual project, but were unable to identify the meaning of the notation, "CI/Project/RE."

However, one person (employee, however,) testified that the "CI Project" was "simply a name of convenience which was used to describe the HT-Lingual project." another person testified that "CI Project" was the name of the component which (that) ran the HT-Lingual project. The latter (This person also) explained that "RE" represented the initials of a person who had been a translator of foreign language documents and that the initials had probably been placed there so that someone could come back to the translator if a question arose concerning one of the documents. __/

Another employee testified that the "Watch-List" notation on

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the second card referred to ~~a list of~~ persons who had been identified as being of particular interest ~~in the Agency~~ with respect to the mail intercept program.

The Committee requested the CIA to provide an explanation for the terms "CI/Project/RE," and "Watch List," and for the significance of the handwritten notations appearing on the index cards. In addition, the Committee requested a description of criteria utilized in compiling a "watch list."

In regard to the meaning of the notation "CI/Project/RE," the CIA explained that there existed an office within the counterintelligence staff that was known as "CI/Project," a cover title that had been used to hide the true nature of the office's functions. In fact, this office was responsible for the exploitation of the material produced by the HT-Lingual project. The ~~response~~ further explains that "RE" represents

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the initials of a former employee who is presently retired under cover.

In responding to a request for the criteria used in compiling a "Watch List," the CIA referred to a section of the Report to the President by the Commission on CIA Activities within the United States, which states:

> Individuals or organizations of particular intelligence interest (one should also add counterintelligence interest) were specified in Watch Lists provided to the mail project by the Counterintelligence Staff, by other CIA components, and by the FBI. The total number of names on the Watch List varied, from time to time, but on the average, the list included approximately 300 names, including about 100 furnished by the FBI. The Watch List included the names of foreigners and of United States citizens.

Thus, the full meaning of the notation is that on an employee whose initials were 9 November 1959, RE placed Oswald's name on the "Watch List" for the HT-Lingual project for the reason stated on the card -- that Oswald was a recent defector to the USSR and a former Marine.

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The response ~~goes~~ went on to state that the handwritten number, #7-305, which also appears on the first card, is a reference to the communication from the CI Staff to the Office of Security expressing the ~~former's~~ CI staff's interest in seeing any mail to or from Oswald in the Soviet Union. Finally, the other handwritten notation, "N/R-RI, 20 Nov. 59," signifies that a name trace run through the central records register indicates that there was no record for Lee Oswald as per that date.*

The Agency's explanation of the meaning of the second card ~~is~~ was that on 7 August 1961, Mrs. Egerter (the CI staff officer who opened the Oswald 201 file) requested that Oswald's name be placed on the "Watch List" because of Oswald's expressed desire to return to the U.S. as stated on the card. The handwritten notation indicates, in this instance, that Oswald's name was deleted from the "Watch List" on 28 May 1962.

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* This, of course, is contrary to the Agency's record which indicates the receipt of a telegram concerning Oswald on October 31, 1959, and ...

of two ~~telegr~~ telegrams from the Navy
concerning him on November 3rd and 4, 1959.

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In reference to the two cards on Marina Oswald, the Agency stated that her name was first placed on the "Watch List" on 26 November 1963 because she was the wife of Lee Harvey Oswald. The second card served the purpose of adding the name Marina Oswald Porter to the "Watch List" on 29 June 1965 after she remarried. Both names were deleted from the list as of 26 May 1972.

Thus, the statements of former CIA employees were corroborated by the Agency's response regarding the explanation of the index cards in the CIA's HT-Lingual files pertaining to Oswald. The explanations attested ~~to the fact~~ that the references on the cards were not demonstrative of an Agency relationship with Oswald, but instead were examples of notations routinely utilized in connection with the HT-Lingual project.

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4. Did the CIA ever debrief ~~Lee Harvey~~ Oswald?

The CIA has denied ever having had any contact with ~~Lee Harvey~~ Oswald, and its records are consistent with this position. Because the Agency has a Domestic Contacts Division ~~which~~ that routinely attempts to solicit information on a nonclandestine basis from Americans traveling abroad, the absence of any record indicating that ~~Lee Harvey~~ Oswald, a returning defector who had worked in a Minsk radio factory, had not been debriefed has been considered by Warren Commission critics to be either inherently noncredible (i.e., the record has been destroyed) or indicative that Oswald had been contacted through other than routine Domestic Contact Division channels.

After reviewing the Agency's records pertaining to this issue, the Committee's initial point of inquiry was to interview

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the former chief of an Agency component responsible for research related to clandestine operations within the Soviet Union who had written a November 25, 1963 memorandum ~~which~~ that indicated that, upon Oswald's return from the Soviet Union,* this officer had considered "the laying of interviews /on him/ through /the Domestic Contacts Divison/ or other suitable channels." This individual indicated that Oswald was considered suspect because the Soviets had appeared to have been very solicitous of him. For this reason, a nonclandestine contact, either by the Domestic Contacts Division or other "suitable channels" such as the FBI or the Immigration and Naturalization Service

*The memorandum indicates that the possibility of an Oswald contact was discussed during the summer of 1960, but the author indicated that the conversation actually took place during the summer of 1962, shortly before his transfer to a new assignment. During the summer of 1960, the author was not on an active assignment.

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was considered. The officer stated, however, that to his knowledge, no contact with Oswald was ever made; moreover, if a debriefing had occurred, the officer stated that he would have been informed. Finally, he stated that Oswald was considered a potential lead, but only of marginal importance, and therefore the absence of a debriefing was not at all unusual.

The Committee interviewed five other Agency employees who were in a position to have discussed Oswald in 1962 with the author of this memorandum, including the person who replaced the author of the memorandum as chief of the research section, but none of them could recall any such conversation. Interviews with personnel from the Soviet Russia Division's clandestine operations section, the American legal travelers visitors program, and the clandestine activity research section failed

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to result in any evidence suggesting that Oswald had been contacted at any time by the CIA.

The author of the November 25, 1963 memorandum also informed the Committee that the CIA maintained a large volume of information on the Minsk radio factory in which Oswald worked. This information was stored in the Office of Research and Reporting. __/ Another former CIA employee, who had worked in the Foreign Documents Division in the Soviet branch of the Directorate of Intelligence in 1962, advised the Committee that he specifically recalled collecting intelligence regarding the Minsk Radio Plant. In fact, this individual claims that during the summer of 1962 he reviewed a contact report from representatives of the CIA's New York field office who had interviewed a former Marine who had worked at the Minsk Radio Plant following his defection to the USSR. This defector,

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whom the employee believes may have been Oswald, had been living with his family in Minsk.

The employee advised the Committee that the contact report was filed in a volume ~~concerning~~ on the Minsk Radio Plant which should be retrievable from the Industrial Registry Branch, then a component of the Office of Central Reference. Accordingly, the Committee requested that the CIA provide both the ~~above-described~~ contact report and the volume of materials concerning the Minsk Radio Plant. A review by the Committee of the documents in the volumes on the Minsk Radio Plant, however, revealed that no such contact report existed in that file.

The CIA ~~has~~ stated to the Committee that, between 1958 and 1963, it had no procedure for the systematic debriefing of overseas travelers, including returning defectors. Instead,

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the Agency relied upon the FBI both to make such contacts and report any significant results.

To investigate this question further, the Committee reviewed the files of 22 individuals (selected from an original list of 380 possible Soviet defectors) who were born in America and appeared to have returned to the United States between 1958 and 1963.* Of these 22 individuals, only four were interviewed at any time by the CIA. These four instances tended to involve particular intelligence or counterintelligence needs, but this was not always the case.

Based upon this file review, it ~~appears~~ appeared to the Committee that, in fact, the CIA did not contact returning defectors in 1962 as a matter

*An effort was also made to review only the files of American-born individuals who had defected during these years. Not all of the 22 individuals, however, met this criteria.

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of standard operating procedure. For this reason, the absence of any Agency contact with Oswald upon his return from the Soviet Union cannot be considered ~~in any way~~ unusual, to be particularly since the FBI did fulfill its jurisdictional obligation to conduct such interviews.

5. The Justice Department's Failure to Prosecute ~~Lee Harvey~~ Oswald for Offering to Give Intelligence Information to the Soviet Union

When Lee Harvey Oswald appeared at the United States Embassy in Moscow on October 31, 1959 for the purpose of renouncing his American citizenship, he allegedly offered to give the Soviets information that he had acquired as a Marine Corps radar operator. __/ The Committee sought to determine why the Justice Department did not prosecute Oswald for his offer to divulge this kind of information.

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A review of Oswald's correspondence with the American embassy in Moscow indicates that on February 13, 1961, the embassy received a letter from him in which he expressed a "desire to return to the United States if...some agreement /could be reached/ concerning the dropping of any legal proceedings against /him/." __/ On February 28, 1961, the embassy sought guidance from the State Department concerning Oswald's potential liability to criminal prosecution. __/ The State Department, however, responded on April 13, 1961 that it was "not in a position to advise Mr. Oswald whether upon his desired return to the United States he may be amenable to prosecution for any possible offenses committed in violation of the laws of the United States..." __/

On May 10, 1961, Oswald wrote the embassy demanding a "full guarantee" against the possibility of prosecution. __/

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He visited with embassy consul Richard Snyder on July 16, 1961, and denied that he had ever given any information to the Soviets. __/ Snyder advised Oswald on an informal basis that, while no assurances could be given, the embassy did not perceive any basis for prosecuting Oswald ~~for an offense involving any severe punishment~~ __/

There is no record that the State Department ever gave Oswald any assurances that he would not be prosecuted. Upon his return to the United States, Oswald was interviewed twice by the FBI. On each occasion, he denied ever ~~giving~~ having given any information to the Soviet Union. __/

In a response to a Committee request, the Department of Justice indicated that prosecution of Oswald was never considered because his file contains no evidence that he had ever revealed or offered to reveal national defense information

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to the Soviet Union. __/ In a subsequent response, the Department acknowledged the existence of some evidence that Oswald had offered information to the Soviet Union, but stated that there were, nevertheless, serious obstacles to a possible prosecution:

> It (Department file) does contain a copy of an FBI memorandum, dated July 3, 1961, which is recorded as having been received in the Justice Department's Internal Security Division on December 10, 1963, which states that the files of the Office of Naval Intelligence contained a copy of a Department of State telegram, dated October 31, 1959, at Moscow. The telegram, which is summarized in the FBI report, quoted Oswald as having offered the Soviets any information he had acquired as a radar operator. The FBI report did not indicate that the information to which Oswald had access as a radar operator was classified.
>
> Oswald returned to the United States on June 13, 1962. He was interviewed by the FBI on June 26, 1962, at Fort Worth, Texas, at which time he denied furnishing any information to the Soviets concerning his Marine Corps experiences. He stated that he never gave the Soviets any information which would be used to the detriment of the United States.
>
> In sum, therefore, the only "evidence" that Oswald ever offered to furnish information to the Soviets is his own reported statement to an official at the

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U.S. embassy in Moscow. That statement, of course, was contradicted by his denial to the FBI, upon his return to the United States, that he had ever made such an offer.

In the prosecution of a criminal case, the Government cannot establish a prima facie case solely on a defendant's unsupported confession. The Government must introduce substantial independent evidence which would tend to establish the trustworthiness of the defendant's statement. See, Opper v. United States, 348 U.S. 84 (1954).

Accordingly, in the absence of any information that Oswald had offered to reveal classified information to the Soviets, and lacking corroboration of his statement that he had proferred information of any kind to the Russians, we did not consider his prosecution for violation of the espionage statutes, 18 U.S.C. §§ 793, 793. __/

the Committee could find

Based upon this analysis, ~~there is~~ no evidence that Oswald received favorable treatment from either the State Department or the Justice Department regarding the possibility of a criminal prosecution.

B. Oswald's Contacts with Americans in the Soviet Union [CIC

a. Priscilla Johnson McMillan [

Priscilla Johnson McMillan, author of Marina and Lee, became a subject of the Committee's inquiry because she was

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one of two American correspondents who had obtained an interview with ~~Lee Harvey~~ Oswald during his stay in Moscow in 1959. The Committee sought to investigate ~~the~~ an allegation that Ms. McMillan's interview with Oswald had been arranged by the CIA.

John McVickar, a consul at the American embassy, testified that he had discussed Oswald's case with Ms. McMillan, and ~~discussed~~ that he thought "she might help us in communicating with him and help him in dealing with what appeared to be a very strong personal problem if she were able to talk with him." __/ McVickar stated, however, that he had never worked in any capacity for the CIA, nor did he believe that Ms. McMillan had any such affiliation. The Committee's review of Mr. McVickar's State Department and CIA files confirmed that he had never been associated with the CIA.

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~~According to~~ Ms. McMillan's testimony about the events surrounding her interview with ~~Lee Harvey~~ Oswald, in November 1959, she had just returned from a visit to the United States where she covered the Camp David summit between President Eisenhower and Premier Khrushchev. On November 16, 1959, she went to the American embassy to pick up her mail for the first time since her return to the Soviet Union. The mail pickup facility was in a foyer near the consular office. Consular Officer John A. McVickar came out of this office and welcomed McMillan back to the Soviet Union. They exchanged a few words, and, as she was leaving, McVickar commented that at her hotel was an American who was trying to defect to the Soviet Union. McVickar stated that the American would not speak to "any of us," but might speak to McMillan because she was a woman. She recalls that as she was leaving, McVickar

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told her to remember that she was an American.

Ms. McMillan proceeded to her hotel, found out the American's room number, knocked on his door and asked him for an interview. The American, Lee Harvey Oswald, did not ask her into the room, but he did agree to talk to her in her room later that night. No American government official arranged the actual interview with Oswald. She met with Oswald just once. She believes that McVickar called her on November 17, the day after her interview with Oswald, and asked her to supper. That evening at supper they discussed her interview with Oswald. McVickar indicated a general concern about Oswald and felt that the attitude of another American consular official might have pushed Oswald further in the direction of defection. McVickar indicated a personal feeling that it would be a sad thing for Oswald to defect in view of his age, but he did not indicate

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that this was the U.S. Government's position. ~~(p. 18).~~

Ms. McMillan also testified that she had never worked for the CIA, nor was she connected with any other federal government agency at the time of her interview with ~~Lee Harvey~~ Oswald. According to an affidavit that Ms. McMillan filed with the Committee, her only employment with the federal government was as a 30-day temporary translator for the Joint Press Reading Service, an organization that was operated by the American, British, and Canadian embassies in Moscow.

Finally, Ms. McMillan testified that because of her background in Russian studies, she applied for a position with the CIA in 1952 as an intelligence analyst. The application was withdrawn, but the CIA completed its security check on her and denied her a security clearance. She acknowledged being debriefed by an Agency employee in 1962 after returning

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from her third trip to the Soviet Union, but explained that this contact was in some way related to the confiscation of her notes by Soviet officials.*

The Committee's review of CIA files pertaining to Ms. McMillan corroborated her testimony. There was no indication in the file suggesting that she had ever worked for

11 McMillan discussed the circumstances surrounding this encounter in some detail:

*In November 1962, I had a conversation with a man who identified himself as a C.I.A. employee and gave his name as either Donald Jameson or James MacDonald. I agreed to see him in part because the confiscation of my papers and notes had utterly altered my situation -- I now had no hope of returning to the U.S.S.R. and was free for the first time to write what I knew. I was preparing a series of articles for The Reporter which would contain the same information about which Mr. Jameson had expressed a desire to talk to me. Finally, during the latter part of my 1962 trip to the U.S.S.R., I had been under heavy surveillance and the K.G.B. knew what Soviet citizens I had seen. Many of those I had talked to for the Reporter articles were Russian "liberals" (anti-Stalin and pro-Khrushchev). What reprisals might befall those whom I had interviewed I did not know, but since my notes were now part of the K.G.B. files, I felt that it might help them if the C.I.A. knew that which the K.G.B. already knew. My meeting with Mr. Jameson, which occurred at the Brattle Inn, Cambridge, was a reversal of my usual effort to avoid contact with the C.I.A., and the subject matter was confined to my impressions of the Soviet literary and cultural climate.

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the CIA. In fact, there was some evidence suggesting that the Agency was reluctant even to debrief her after her trips to the Soviet Union. An interview with the former Agency official who had been deputy chief and then chief of the American legal travelers program during the years 1958 to 1961 ~~confirmed~~ indicated that Ms. McMillan had not been used by the CIA in that program.

There was information in Ms. McMillan's file indicating that on occasion during the years 1962-65 she had provided cultural and literary ~~type~~ information to the CIA. None of this information, however, was suggestive in any way of a clandestine relationship. Accordingly, there is no evidence that Ms. McMillan ever worked for the CIA or received the Agency's assistance in obtaining an interview with ~~Lee Harvey~~

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Oswald.*

6) Richard E. Snyder

Richard E. Snyder was the consular official in the United States Moscow embassy who handled the Oswald case. It was Snyder with whom Oswald met ~~in~~ had 1959 when Oswald sought to renounce his American citizenship. Two years later, when Oswald initiated his inquiries about returning to the United States, Snyder again became involved in the case. Warren Commission critics have alleged that Snyder was associated in some way with the CIA during his service in the Moscow embassy.

In his Committee depositon, Richard Snyder acknowledged that for an ~~eleven~~ \\ -month period during 1949-50 he worked for

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*Nor is there any basis, based upon Ms. McMillan's testimony, evidence CIA files, and ~~an affidavit~~ provided by McMillan's publisher, Harper and Row, to support the allegation that the CIA financed the book Marina and Lee.

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the CIA while he was on the waiting list for a foreign service appointment with the State Department. Snyder testified, however, that, since resigning from the CIA in March ~~of~~ 1950, he has had no contact with the CIA other than a letter written in 1970 or 1971 inquiring about employment on a contractual basis.*

The Committee reviewed Snyder's files at the State Department, Defense Department, and the CIA. Both the State Department and Defense Department files are consistent with his testimony. Snyder's CIA file revealed that, at one time prior to 1974, it had been red flagged and maintained on a segregated basis. The file contained a routing indicator ~~which~~ that stated that the file had been red flagged because of a

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*Snyder also denied contact with any other intelligence service while active as a foreign service officer.

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"DCI statement and a matter of cover" concerning Snyder.

In response to a Committee inquiry, the CIA indicated that the DCI statement presumably refers to comments which former DCI Richard Helms had made in 1964 concerning the Oswald case, when Helms ~~had been~~ was Deputy Director for Plans.* The CIA also stated that Snyder's file had been flagged at the request of DDO/CI to ensure that all inquiries concerning Snyder would be referred to that office. The Agency was unable to explain the reference to "cover," because, according to its records, Snyder had never been assigned any cover while employed. Further, the Agency stated that "/t/here is no record in Mr. Snyder's Official Personnel File that he ever worked, directly

*Responding to a newspaper allegation that Oswald had met with CIA representatives in Moscow, Richard Helms wrote a memorandum to the Warren Commission on March 18, 1964 in which he stated the "desire to state for the record that the allegation carried in this press report is utterly unfounded as far as the CIA is concerned."

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or indirectly, in any capacity for the CIA after his resignation on 26 September 1950."

The Committee ~~does~~ and not regard this explanation as satisfactory, especially since Snyder's 201 file indicates that for approximately one year during 1956-1957 he was used by an Agency case officer as a (SPOTTER AT HARVARD UNIV.), because of his access to other (STUDENTS) who might be going to the Soviet Union; nor was the Agency actually able to explain specifically why someone considered it necessary to red flag the Snyder file.

The remainder of the Snyder file, however, is entirely consistent with his testimony before the Committee concerning the absence of Agency contacts. In addition, the CIA personnel officer who handled Snyder's case in 1950 confirmed that Snyder had, in fact, terminated his employment with the

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CIA at that time. Moreover, he added that Snyder did not go to the State Department under any kind of cover arrangement. __/ This position was confirmed by a former State Department official who was aware of procedures for State Department cover for CIA employees. In addition, this individual stated that at no time from 1959 to 1963 did the CIA use the State Department's overseas consular positions as cover for CIA intelligence officers.

(Insertion to follow -- Analysis)

Dr. Alexis H. Davison

Dr. Alexis H. Davison was the U.S. Embassy physician in Moscow from May 1961 to May 1963. In May 1963, he was expelled from the Soviet Union in connection with the Penkovsky spy case. After the assassination of President Kennedy, it was

discovered that the name of Dr. Davison's mother, Mrs. Hal Davison, and her Atlanta address were in Oswald's address book under the heading "mother of U.S. Embassy doctor." In addition, it was also determined that the flight ~~which~~ Oswald, his wife and child took from New York to Dallas on June 14, 1962 had stopped in Atlanta.

For this reason, it has been alleged that Dr. Davison was Oswald's intelligence contact in Moscow.

In a Committee interview, Dr. Alexis Davison stated that he had been a physician in the U.S. Air Force and was stationed in Moscow as the U.S. Embassy physician from May 1961 to May 1963. In this capacity, it was his duty to perform physical examinations on all Soviet immigrants to the United States. He recalls that most of these immigrants were elderly, but he remembers two young women, one who was a mathematics

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teacher from the south of Russia and one who was married to an American. The ~~latter~~ individual who was married to the American was ~~very~~ frightened by the prospect of going to the United States. She stated that she was going to Texas with her husband. Davison said that if she and her husband traveled through Atlanta on their way to Texas, his mother, a native-born Russian, would be happy to see her. He gave his mother's name and address in Atlanta to the woman's husband, who was "scruffy looking." This was not an unusual thing to do, since his family had always been very hospitable to Russians who visited Atlanta. In retrospect, he assumes that he gave his mother's name and address to either Lee or Marina Oswald, but he was uncertain about this ~~regard~~. __/

After the assassination of President Kennedy, Davison was interviewed first by a Secret Service agent and later by an FBI agent in connection with the entry of his mother's

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name and address in Oswald's address book. The FBI agent also interviewed Davison's mother, Mrs. Hal (Natalia Alekseevna) Davison. Davison indicated that the Secret Service and the FBI were the only government agencies to interview him about his contact with the Oswalds. __/

Davison admitted his involvement in the Penkovsky spy case. Specifically, he stated that in connection with his assignment as U.S. Embassy physician in Moscow, he had received some superficial intelligence training. This training mainly involved lectures on Soviet life and instructions on remembering and reporting Soviet names and military activities. During his tour of duty in Moscow, Davison was asked by an Embassy employee, whose name he no longer remembers, to observe a certain lamp post on his daily route between his apartment and the Embassy and to be alert for a signal by telephone.

Davison agreed.

According to his instructions, if he ever saw a black chalk mark on the lamp post, or if he ever received a telephone call in which the caller blew into the receiver three times, he was to notify a person whose name he no longer remembers. He was told nothing else about this operation. Davison performed his role in this operation for approximately one year. He participated in no other operations during his tour of duty in Moscow, but he did perform some desk work for the Air Attache. On just one occasion, toward the end of ~~this year~~, he observed the mark on the lamp post and his wife received the telephone signal. As instructed, he reported these happenings. Shortly thereafter, the Soviets reported that they had broken the Penkovsky spying operation. The Soviets declared Davison persona non grata just after he left Moscow ~~because~~ his tour of duty had ended. He ~~does~~ not

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recall any intelligence debriefings on the Penkovsky case. __/

Davison denied under oath participating in any other intelligence activity related work during his employment in Moscow, ~~and provided the Committee with an affidavit to this effect.~~

The former deputy chief of the CIA's Soviet Russia clandestine activities section during 1960-62 confirmed Davison's position, and characterized his involvement in the Penkovsky case as a "one shot" deal. In addition, a review of Davison's CIA and Department of Defense files was ~~also~~ entirely consistent with his Committee testimony.

Accordingly, there is an insufficient basis for concluding that Dr. Davison was ~~Lee Harvey~~ Oswald's intelligence contact in Moscow.

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7. George deMohrenschildt (CIC)

George deMohrenschildt was a prominent member of Dallas' White Russian" community who befriended ~~Lee Harvey~~ the Oswalds. This friendship has engendered considerable speculation because of the contrast ~~between the~~ in the backgrounds of the two men. (who committed suicide in 1977) DeMohrenschildt was ~~described as~~ sophisticated and well educated, a man ~~one~~ who moved easily in the social and professional circles of oilmen and members of the so-called "White Russian" community, many of whom were avowed ~~right wingers.~~ Conservatives. Oswald's "lowly" background did not include much education or influence, and he was, in fact, shunned by the ~~very~~ same Dallas Russian community ~~which~~ that embraced deMohrenschildt. ~~DeMohrenschildt committed suicide~~ His expressed idodosical positions were Marxist. ~~in 1977 shortly after having been contacted for an interview by a Committee investigator.~~

In his Warren Commission testimony, deMohrenschildt

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stated that he believed he had discussed ~~Lee Harvey~~ Oswald with J. Walton Moore, whom deMohrenschildt described as "a Government man -- either FBI or Central Intelligence." __/ DeMohrenschildt said Moore had interviewed him when he returned from Yugoslavia and ~~that he~~ was known as the head of the FBI in Dallas. __/ DeMohrenschildt said that he had asked Moore and ~~Ft.~~ Fort Worth attorney Max Clark about Oswald, to reassure himself that it was "safe" for the deMohrenschildts to assist Oswald, __/ and was told by one of these persons, ~~that~~ "the guy seems to be OK." __/ This admitted association with J. Walton Moore, a known employee of the CIA's Domestic Contacts Division, gave rise to the question of whether deMohrenschildt had contacted ~~Lee Harvey~~ Oswald on behalf of the CIA.

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In 1963, J. Walton Moore was employed by the Central Intelligence Agency in Dallas? ~~Texas~~ in the Domestic Contacts Division. According to Moore's CIA personnel file, he was assigned to the Domestic Contacts Divison in 1948. In a fitness report for the period April 1, 1963 through March 31, 1964, Moore's duties in the Dallas office ~~included~~ are described as "supervising and managing a resident agency; exploitation of source's complete intelligence potential by debriefing...; writing reports; keeps informed on foreign situations and intelligence requirements in order to better orient and exploit sources; and searches for and develops new sources."

In an Agency memorandum dated April 13, 1977, contained in George deMohrenschildt's CIA file, Moore set forth facts to counter a claim ~~which~~ Hurt had been recently made by WFAA-TV in Dallas that ~~Lee Harvey~~ Oswald had been employed by the

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CIA and that Moore had known Oswald. In that memorandum, Moore was quoted as saying that, according to his records, the last time he had talked with George deMohrenschildt was in the fall of 1961. Moore said that he had no recollection of any conversation with deMohrenschildt concerning ~~Lee Harvey~~ Oswald. The memorandum also says that Moore recalls only two occasions when he met deMohrenschildt -- first, in the spring of 1958, to discuss the mutual interest the two couples had in mainland China; and then in the fall of 1961, when the deMohrenschildts showed films of their Latin American walking trip.

Other documents in deMohrenschildt's CIA file, however, indicate more contact between Moore and deMohrenschildt than was stated in the 1977 memorandum by Moore. In a memorandum dated May 1, 1964, from Moore to the Acting Chief of the Contacts

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Division of the CIA, Moore stated that he had known George deMohrenschildt and his wife since 1957, at which time Moore got biographical data on deMohrenschildt after a trip to Yugoslavia for the International Cooperation Administration. Moore also in that 1964 memorandum that he had seen deMohrenschildt several times in 1958 and 1959. DeMohrenschildt's CIA file contains several reports submitted by deMohrenschildt to the CIA on topics concerning Yugoslavia, including "Lack of Interest in Communist Ideology," "National Pride/Feeling of Superiority over Soviet Satellites," and "Effect of Decentralization in the Oil-Industry."

DeMohrenschildt testified before the Warren Commission that he had never been in any respect an intelligence agent. __/ The Committee interview with Moore and its review of the CIA's Moore and deMohrenschildt files confirmed that deMohrenschildt

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had never been an American intelligence agent. In this regard, it should be stressed that, during 1959-63, upon returning from trips abroad, as many as 25,000 Americans annually provide information to the CIA's Domestic Contacts Division on a nonclandestine basis. Such acts of cooperation should not be confused with an actual Agency relationship.*

8. William G. Gaudet

William G. Gaudet was a newspaper editor who was issued the Mexican tourist card immediately preceding ~~Lee Harvey~~ Gaudet Oswald's on September 17, 1963. Two days later, ~~he~~ departed for a three- or four-week trip to Mexico and other Latin

*DeMohrenschildt's file also makes reference to an occasion where he may have been involved in arranging a meeting between a Haitian bank officer and a CIA or Department of Defense official. A Department of Defense official interviewed by the Committee stated that the meeting was arranged by Department of Defense officials and that deMohrenschildt's presence (in the company of his wife) was unanticipated. The Committee ~~does~~ not regard this incident as evidence of any Agency relationship, because there is no indication that any United States governmental official actually solicited deMohrenschildt's assistance with regard to this meeting.

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American countries. This happened to coincide with Oswald's visit to Mexico City between September 27, 1963 and October 3, 1963. After the assassination, Gaudet advised the FBI during an interview that he had once been employed by the CIA. Speculation about Gaudet's possible relationship with ~~Lee Harvey~~ Oswald ~~was created~~ ensued when it was discovered that the Warren Commission Report contained a list, provided by the Mexican Government and purporting to include all individuals who had been issued Mexican tourist cards at the same time as Oswald, ~~which nevertheless~~ that omitted Gaudet's name. __/

~~At~~ In a Committee deposition, Gaudet testified that his contact with the CIA was primarily as a source of information ~~reflecting information~~ that he had obtained during his trips abroad; in addition, Gaudet maintained that he occasionally performed errands for Agency personnel. Gaudet stated that his

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last contact with the CIA was in 1969, but that the relationship had never been formally terminated.

The Committee reviewed Gaudet's CIA file, but found neither any record reflecting a contact between him and the Agency after 1961, nor any indication that he had "performed errands" for the CIA.* A memorandum, dated January 23, 1976, seemed to confirm the absence of any further contact after this time:

> The Domestic Collections Divison (DCD) has an inactive file on William George Gaudet, former editor and publisher of The Latin American Report. The file shows that Gaudet was a source of the New Orleans DCD Resident Office from 1948 to 1955 during which period he provided foreign intelligence information on Latin American political and economic conditions resulting from his extensive travel in South and Central America in pursuit of journalistic interests. The file further indicates that Gaudet was a casual contact of the New Orleans Office between 1955 and 1961 when, at various times, he furnished fragmentary intelligence and tried unsuccessfully to obtain financial loans from the Agency,

*The file did contain a routing indication, which the Agency has failed to explain, to the effect that someone "agrees with the manner in which this case is being handled." __/

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through DCD, to support his publication. There is no correspondence in the DCD file on Gaudet after 1961.

Gaudet could not recall whether his trip to Mexico and other Latin American countries in 1963 involved any intelligence related activity. He was able to testify, however, that he did not encounter ~~Lee Harvey~~ Oswald, whom he had previously seen on occasion at the New Orleans Trade Mart, during that trip. Gaudet was unaware that his Mexican tourist card had been issued immediately before Oswald's and could not recall having seen Oswald on that day. Finally, Gaudet did not have any information concerning the omission of his name from the list published in the Warren Commission Report.

Based upon this evidence, the Committee ~~does~~ did not find a basis for concluding that Gaudet may have contacted ~~Lee Harvey~~ Oswald on behalf of the CIA. Although there is a conflict between Gaudet's testimony and his CIA file concerning

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the duration of his Agency contacts as well as the performance of errands, there is no indication from his file or testimony that Gaudet's cooperation involved clandestine activity. Again, it should be stressed that the Domestic Contacts Division, which was the Agency component that was in touch with Gaudet, was not involved in clandestine operations.

B. Oswald's Trip to Helsinki ~~and the Issuance of His Entry Visa into the Soviet Union~~ to the Soviet Union via

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Oswald's trip from London to Helsinki has been a point of controversy because his passport indicates that he arrived in Finland on October 10, 1959 and the Torni Hotel in Helsinki had him registered as a guest on that date, but the only direct flight from London to Helsinki landed at 11:33 p.m. according to a memorandum signed in 1964 by Richard Helms, "If Oswald had taken this flight, he could

not normally have cleared customs and landing formalities and reached the Torni Hotel downtown by 2400 (midnight) on the same day." __/ Further questions concerning this segment of Oswald's trip have been raised by his ability to obtain a Soviet entry visa within only two days of having applied for it on October 12, 1959.*

The Committee was unable to determine the circumstances surrounding Oswald's trip from London to Helsinki. Louis Hopkins, the travel agent who arranged Oswald's initial transportation from the United States, stated that he did not know Oswald's ultimate destination at the time that Oswald booked his passage on the freighter Marion Lykes; consequently, Hopkins had nothing to do with the London to Helsinki leg of

*Since Oswald arrived in Helsinki on October 10, 1959, which was a Saturday, it is assumed that his first opportunity to apply for a visa was on Monday, the twelfth.

Oswald's trip. In fact, Hopkins stated that had he known Oswald's final destination, he would have suggested sailing on another ship that would have docked at a port more convenient to Russia.

Hopkins indicated that Oswald did not appear to be particularly well informed about travel to Europe. The travel agent did not know whether Oswald had been referred to him by anyone.

A request for any files that the CIA and Department of Defense may have had pertaining to Lewis Hopkins resulted in a negative name trace. The Committee was unable to obtain any additional sources of information regarding Oswald's London to Helsinki trip.

In contrast, the relative ease with which Oswald obtained his Soviet Union entry visa was more readily amenable to investigation. This issue is one that was also

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of concern to the Warren Commission. __/ In a letter to the CIA dated May 25, 1964, J. Lee Rankin inquired about the apparent speed with which Oswald's Soviet visa was issued. Rankin noted that he had recently spoken with Abraham Chayes of the State Department who contended that at the time Oswald received his visa to enter Russia from the Soviet Embassy in Helsinki, at least one week ordinarily passed between the time of a tourist's application for a visa and the issuance of the visa. Rankin contended that if Chayes' assessment was accurate, then Oswald's ability to obtain his tourist visa in two days might have been very significant.

The CIA responded to Rankin's request for information on July 31, 1964. Richard Helms wrote to Rankin that the Soviet Consulate in Helsinki was able to issue a transit visa (valid for 24 hours) to U.S. businessmen within five minutes, but

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if a longer stay were intended at least one week was needed to process a visa application and arrange lodging through Soviet Intourist. A second communciation from Helms to Rankin, dated September 14, 1964, added that during the 1964 tourist season, Soviet Consulates in at least some Western European cities issued Soviet tourist visas in from five to seven days.

In an effort to resolve this issue, the Committee ~~has~~ reviewed the CIA file on Gregory Golub, who was the Soviet Consul in Helsinki when Oswald was issued his tourist visa. Golub's file reveals that, in addition to his Consular activities, he was suspected to have been an officer of the Soviet KGB.

Two CIA dispatches from Helsinki concerning Golub are of particular significance with regard to the time

necessary for issuance of visas to Americans for travel into the Soviet Union. The first dispatch records that Golub disclosed during a luncheon conversation that:

> Moscow had given him the authority to give Americans visas without prior approval from Moscow. He (Golub) stated that this would make his job much easier, and as long as he was convinced the American was "all right" he could give him a visa in a matter of minutes... (emphasis added)

The second CIA dispatch, dated October 9, 1959, one day prior to Oswald's arrival in Helsinki, illustrates that Golub did have the authority to issue visas without delay. The dispatch discusses a telephone contact between Golub and his consular counterpart at the American Embassy in Helsinki:

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> ...Since that evening (September 4, 1959) Golub has only phoned (the US consul) once and this was on a business matter. Two Americans were in the Soviet Consulate at the time and were applying for Soviet visas thru (sic.) Golub. They had previously been in the American consulate inquiring about the possibility of obtaining a Soviet visa in one or two days. (The U.S. Consul) advised them to go directly to Golub and make their request, which they did. Golub phoned (the U.S. Consul) to state that he would give them their visas as soon as they made advance Intourist reservations. When they did this, Golub immediately gave them their visas...* (emphasis added)

Thus, based upon these two factors: (1) Golub's authority to issue visas to Americans without prior approval from Moscow, and (2) a demonstration of this authority, as reported in a CIA dispatch approximately one month prior to Oswald's appearance at the Soviet Embassy, the Committee has found that the available evidence tends to support the conclusion that issuance of Oswald's tourist visa within

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*Evidently, Oswald had made arrangements with Intourist because upon his arrival at the Moscow railroad station on October 16, he was met by an Intourist representative and taken to the Hotel Berlin where he registered as a student. __/

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two days after his appearance at the Soviet Consulate was not necessarily unusual. indicative of an American intelligence agency connection.

10. The Oswald Photograph in the Office of Naval Intelligence Files

The Office of Naval Intelligence's ~~Lee Harvey~~ Oswald file contained a photograph of Oswald, taken at the approximate time of his Marine Corps induction, ~~that~~ it was contained in an envelope which had on it the language "REC'D 14 November 1963" and "CIA 77978." These markings raised the possibility that Oswald had been in some way associated with the CIA.

In response to a Committee inquiry, the Department of Defense stated that the photograph had been obtained by ONI as a result of an October 1963 CIA request for two copies of the most recent photographs of Oswald, so that an attempt could be made

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to verify his reported presence in Mexico City. The requested copies, however, were not made available to the CIA until after the President's assassination. Because of the absence of documentation, no explanation was given for how or when the Office of Naval Intelligence received this particular photograph of Oswald.

The Committee's review of CIA cable traffic confirmed that cable number 77978, dated October 24, 1963, was in fact a request for two copies of the Department of the Navy's most recent photograph of Lee Henry (sic) Oswald. Moreover, review of other cable traffic corroborated the Agency's desire to determine whether Lee Harvey Oswald had, in fact, been in Mexico City.

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~~3.1.~~ ~~Lee Harvey~~ Oswald in Mexico City [C 19]

The Committee also considered whether Oswald's activities and possible associations in Mexico City were indicative of a relationship between him and the CIA. This aspect of the Committee's investigation involved a complete review both of alleged Oswald associates and of various CIA operations outside of the United States.

The Committee found no evidence suggestive of any relationship between Oswald and the CIA. Moreover, the Agency's investigative efforts, prior to the assassination, regarding Oswald's presence in Mexico City served to confirm the absence of any relationship with him. Specifically, when apprised of his possible presence in Mexico City, the Agency both initiated internal inquiries concerning his background and, once informed of his Soviet experience, notified other

potentially interested federal agencies of his possible contact with the Soviet embassy in Mexico City. Finally, the overt nature and frequency of Oswald's contacts with the Cuban and Soviet Consulates (i.e., a total of at least five visits) also tended to indicate that Oswald was not under the direction of any professional intelligence officers.

~~12~~. ~~Lee Harvey~~ Oswald's Military Records.

The Committee reviewed Oswald's military records because of allegations that he had received intelligence training and had participated in intelligence operations during his term of service. Particular attention was given to the charges that Oswald's early discharge from the Marine Corps was designed to serve as a cover for an intelligence assignment and that his records reflected neither his true security clearance nor a substantial period of service in Taiwan. These allegations were considered relevant to the

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question of whether Oswald had been performing intelligence assignments for military intelligence as well as to the issue of Oswald's possible association with the CIA.

Oswald's Marine Corps records bore no indication that he had ever received any intelligence training or performed on any intelligence assignments during his term of service. As a Marine serving in Atsugi, Japan, Oswald had a security clearance of confidential and never received a higher classification. Based upon the Warren Commission testimony of John E. Donavan, the officer who had been in charge of Oswald's crew at the El Toro Marine base in California, that all personnel working in the radar center were required to have a minimum security clearance of secret, the allegation has been made that the security clearance of confidential in Oswald's records is inaccurate. This allegation, however, was refuted by a review of files belonging

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to four enlisted men who had worked with Oswald; each of them had a security clearance of confidential.*

Oswald's military records also dispelled the allegation that he had served for a substantial period in Taiwan. These records state that Oswald served in Japan from September 12, 1957 until November 2, 1958. Department of Defense records, however, do indicate that MAG (Marine Air Group) 11, Oswald's unit, was deployed for Taiwan on September 16, 1958 and remained in that area until April 1959, but an examination of the MAG 11 unit diaries indicated that Oswald had remained in Japan as part of a rear echelon. Oswald's records also state that on October 6, 1958 he was transferred within MAG 11 to a Headquarters and Maintenance Squadron subunit in Atsugi, Japan. The next week he reportedly spent in the Atsugi

*John E. Donavan, Oswald's immediate commanding officer, did have a security clearance of secret.

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A It has been stated that Oswald claimed to have ~~spent some~~ served in Taiwan, but the Committee's review of his

A The term ~~rear~~ rear echelon ~~unit~~ does not, on its face, necessarily preclude ~~that~~, ~~Oswald the fact a person assigning Oswald to this status~~ service with the main unit in Taiwan, but the Department of Defense has specifically ~~not~~ stated that "Oswald did not sail from Yokosuka, Japan on September 16, 1958. He remained aboard NAS Atsugi as part of the MAG-11 rear echelon." (emphasis added).*

*This is contrary to statements attributed to Lieutenant Charles A. Rhodes by Edward J. Epstein in his book "The Second Look of Lee Harvey Oswald." Rhodes maintains that Oswald did make the trip with the main unit, but was sent back to Japan on October 6, 1958.

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Station Hospital. On November 2, 1958, Oswald left Japan for duty in the United States.

Accordingly, there is no indication in Oswald's military records that he had spent any time in Taiwan. This finding is contrary to that of the Warren Commission that Oswald arrived with his unit in Taiwan on September 30, 1958, and remained there for ~~[illegible]~~ somewhat less than a week but the Commission's analysis apparently was made without access to the unit diaries of MAG 11.*

Finally, with one exception, the circumstances surrounding Oswald's rapid discharge from the military do not appear to have been unusual. Oswald was obligated to service on active duty until December 7, 1959, but he applied for a hardship discharge on August 17, 1958 and two weeks later the application

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*Similarly, a message sent on November 4, 1959 from the Chief of Naval Operations concerning Oswald, which states that he had "served with Marine Air Control Squadrons in Japan and Taiwan" may have been issued without checking unit diaries which indicated that Oswald had not been so deployed.

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Moreover,
& ~~Finally~~, even if Oswald, in fact, did make the trip with his unit to Taiwan, ~~it is~~ at ~~subject~~ it is clear that any such service there was not for a substantial time period. The unit arrived at Atsugi on September 30, 1958, and ~~by~~ by November 2, 1958 Oswald had left for ~~d~~ from Japan to complete his tour of duty in the United States. ~~He returned~~

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was approved.* It appears, however, that Oswald's application was processed so expeditiously because it was accompanied with all of the necessary documentation.

In response to a Committee inquiry, the Department of Defense has stated that "to a large extent, the time involved in processing depended on how well the individual member had prepared the documentation needed for consideration of his or her case." __/ A review of Oswald's case indicates that his initial application was accompanied by all of the requisite documentation. Oswald had met the preliminary requirements of having made a voluntary contribution to the hardship dependent and of applying for a dependent's quarters

*By September 4, 1959, Oswald had been informed that he would be discharged on September 11, 1959. This explains why he was able to tell passport officials on that day that he expected to depart the United States on September 21, 1959.

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allotment to alleviate the hardship. His application indicated that these measures had been taken, and was accompanied by two letters and two affidavits attesting to Marguerite Oswald's inability to support herself.

Documents provided to the Committee by the American Red Cross indicate that he sought their assistance regarding this matter, and therefore was probably well advised on the requisite documentation to support his claim. Indeed, Red Cross officials interviewed Marguerite Oswald, and concluded that she "could not be considered employable from an emotional standpoint." __/ The Fort Worth Red Cross Office indicated a quarters allotment was necessary for Marguerite Oswald, rather than a hardship discharge for Lee, and assisted her in the preparation of the necessary application documents.

Oswald nevertheless informed the Red Cross office in

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El Toro, California, where he was then stationed, that he desired to apply for a hardship discharge. The unusual aspect of Oswald's discharge application was that technically his requisite application for a quarters allowance for his mother should have been disallowed because Marguerite's dependency affidavit stated that Oswald had not contributed any money to her during the preceding year. __/

Nevertheless, the first officer to review Oswald's application noted in his endoresment, dated August 19, 1959, that "/a/ genuine hardship exists in this case, and in my opinion approval of the /quarters/ allotment will not sufficiently alleviate this situation."* __/ In addition, five other officers endorsed Oswald's application. The

*This quotation suggests the possibility that applications for quarters allotments and hardship discharges are considered independently of one another.

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Committee was able to contact three of the six endorsing officers; two had no memory of the event, __/ and one could not recall any details. __/ The Committee considers their absence of memory to be indicative of the Oswald case having been handled in a routine manner.

Based upon this evidence, the Committee was not able to discern any unusual discrepancies or features in Oswald's military record.

13. ~~Lee Harvey~~ Oswald's Military Intelligence File

On November 22, 1963, soon after the assassination, Lt. Col. Robert E. Jones, Operations Officer of the U.S. Army's 112th Military Intelligence Group (MIG), Fort Sam Houston, San Antonio, Texas, contacted the FBI offices in San Antonio and Dallas and gave those offices detailed information concerning Oswald and A.J. Hidell, his alleged alias. This information

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suggested the existence of a Military Intelligence file on Oswald, and raised the possibility that he had intelligence associations of some kind. The Committee's investigation, however, revealed that military intelligence officials had opened a file on Oswald because he was perceived as a possible counterintelligence threat.

Robert E. Jones testified before the Committee that in June of 1963 he had been serving as Operations Officer of the 112th Military Intelligence Group at Fort Sam Houston, Texas.* Under the Group's control were seven regions encompassing five states: Texas, Louisiana, Arkansas, New Mexico, and Oklahoma. Jones was directly responsible for counterintelligence operations, background investigations, domestic intelligence, and any

*In his testimony, Jones also clarified and corrected the errors that appeared in communications that were generated as a result of the activities of his military intelligence unit.

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special operations in this five-state area. He believes that Oswald first came to his attention in mid-1963 through information provided to the 112th MIG by the New Orleans Police Department to the effect that Oswald had been arrested there in connection with Fair Play for Cuba Committee activities. As a result of this information, the 112th Military Intelligence Group took an interest in Oswald as a possible counterintelligence threat. The Group collected information from local agencies and the military central records facility, and opened a file under the names Lee Harvey Oswald and A. J. Hidell. Placed in this file were documents and newspaper articles on such topics as Oswald's defection to the Soviet Union, his travels there, his marriage to a Russian national, his return to the United States, and his pro-Cuba activities in New Orleans.

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Jones related that on November 22, 1963, while in his quarters at Fort Sam Houston, he heard about the assassination of President Kennedy. Returning immediately to his office, he contacted MIG personnel in Dallas and instructed them to intensify their liaisons with federal, state, and local agencies and to report back any information obtained. Early that afternoon, he received a telephone call from Dallas advising that an A.J. Hidell had been arrested or had come to the attention of law enforcement authorities. Jones checked the MIG indices, which indicated that there was a file on Lee Harvey Oswald, also known by the name A.J. Hidell. Pulling the file, he telephoned the local FBI office in San Antonio to notify the FBI that he had some information. He soon was in telephonic contact with the Dallas FBI office, to which he summarized the documents in the file. He believes that one

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person with whom he would have spoken was FBI Special Agent in Charge J. Gordon Shanklin. He may have talked with the Dallas FBI office more than one time that day.

Jones testified that his last activity with regard to the Kennedy assassination was to write an "after action" report which summarized the actions he had taken, the people he had notified and the times of notification. In addition, Jones believes that this "after action" report included information obtained from reports filed by the eight to twelve Military Intelligence agents who performed liaison functions with the Secret Service in Dallas on the day of the assassination. This "after action" report was then maintained in the Oswald file. Jones did not contact, nor was he contacted by, any other law enforcement or intelligence agencies concerning information which he could provide on Oswald. To

Jones' knowledge, neither the FBI nor any law enforcement agency ever requested a copy of the Military Intelligence file on Oswald. To his surprise, neither the FBI, Secret Service, CIA nor Warren Commission ever interviewed him. No one ever directed him to withhold any information; on the other hand, he never came forward and offered anyone further information relevant to the assassination investigation because he "felt that the information that /he/ had provided was sufficient and...a matter of record..."

Communications

Jones' contact with the FBI office in San Antonio is reflected in a teletype message sent at 4:25 p.m. on November 22, 1963, from that FBI office to the FBI Director and the Special Agent in Charge in Dallas.

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The Committee found Jones' testimony to be ~~very~~ credible. His statements concerning the contents of the Oswald file ~~are~~ were consistent with FBI communications that were generated as a result of the information which he initially provided. Access to Oswald's Military Intelligence file, which the Department of Defense never gave to the Warren Commission, was not possible because the Department of Defense had destroyed the file as part of a general program aimed at eliminating all of its files pertaining to nonmilitary personnel. In response to a Committee inquiry, the Department of Defense gave the following explanation for the file's destruction:

> 1. Dossier AB 652876, OSWALD, Lee Harvey, was identified for deletion from IRR (Intelligence Records and Reports) holdings on Julian date 73060 (1 March 1973) as stamped on the microfilmed dossier cover. It is not possible to determine the actual date when physical destruction was accomplished, but is credibly surmised that the destruction was accomplished within a period not greater than sixty days following the identification for deletion.

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Evidence such as the type of deletion record available, the individual clerk involved in the identification, and the projects in progress at the time of deletion, all indicate the dossier deletion resulted from the implementation of a Department of the Army, Adjutant General letter dated 1 June 1971, subject: Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense (DOD) (Incl 1). Basically, the letter called for the elimination of files on non-DOD affiliated persons and organizations.

2. It is not possible to determine who accomplished the actual physical destruction of the dossier. The individual identifying the dossier for deletion can be determined from the clerk number appearing on the available deletion record. The number indicates that Lyndall E. Harp was the identifying clerk. Harp was an employee of the IRR from 1969 until late 1973, at which time she transferred to the Defense Investigative Service, Fort Holabird, Maryland, where she is still a civil service employee. The individual ordering the destruction or deletion cannot be determined. However, available evidence indicates that the dossier was identified for deletion under a set of criteria applied by IRR clerks to all files. The basis for these criteria were established in the 1 June 1971 letter. There is no indication that the dossier was specifically identified for review or deletion. All evidence shows that the file was reviewed as part of a generally applied program to eliminate any dossier concerning persons not affiliated with DOD.

3. The exact material contained in the dossier cannot be determined at this time. However, discussions with all available persons who recall seeing the dossier reveal that it most probably included: newspaper clippings relating to pro-Cuban activities of Oswald, several Federal Bureau of Investigation reports, and possibly some Army counterintelligence reports. None of the persons indicated that they remember any

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significant information in the dossier. It should be noted here that the Army was not asked to investigate the assassination. Consequently, any Army derived information was turned over to the appropriate civil authority.

4. At the time of the destruction of the Oswald dossier, IRR was operating under the records disposal authority contained in the DOD Memorandum to Secretaries of the Military Departments, OASD(A), 9 February 1972, subject: Records Disposal Authority (Incl 2). The memorandum forwards National Archivist disposal criteria which is similar in nature to the requirements outlined in the 1 June 1971 instructions. It was not until 1975 that the Archivist changed the criteria to ensure non-destruction of investigative records that may be of historical value. __/

Upon receipt of this information, the Committee orally requested the destruction order relating to the file on Oswald. In a letter dated September 13, 1978, the General Counsel of the Department of the Army replied that no such order existed:

Army regulations do not require any type of specific order before intelligence files can be destroyed, and none was prepared in connection with the destruction of the Oswald file. As a rule, investigative information on persons not directly affiliated with the Defense Department can be retained in Army files only for short periods of time and in carefully regulated circumstances. The Oswald file

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was destroyed routinely in accordance with normal files management procedures, as are thousands of intelligence files annually. __/

The Committee finds this "routine" destruction of the Oswald file extremely troublesome, especially when viewed in light of the Department of Defense's failure to make this file available to the Warren Commission. Despite the credibility of Jones' testimony, without access to this file the question of Oswald's possible affiliation with military intelligence cannot be fully resolved. The absence of this file, however, has no bearing upon the Committee's conclusion concerning the absence of any relationship between Lee Harvey Oswald and the CIA.

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The original pages of those redacted in ITEM 3-1 are missing. Unredacted original pages and redacted pages were sent to NARA.

HRG
(PL) 13 JAN 95