

THE CIA & THE MAN WHO WASN'T OSWALD

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by Fensterwald & O'Toole

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The CIA and the Man Who Was Not Oswald Bernard Fensterwald and George O'Toole

Six weeks before the assassination of President Kennedy on November 22, 1963, the Central Intelligence Agency sent the following teletype message to the Federal Bureau of Investigation and the Departments of State and the Navy:

Subject: Lee Henry OSWALD

1. On 1 October 1963 a reliable and sensitive source in Mexico reported that an American male, who identified himself as Lee OSWALD, contacted the Soviet Embassy in Mexico City inquiring whether the Embassy had received any news concerning a telegram

which had been sent to Washington. The American was described as approximately 35 years old, with an athletic build, about six feet tall, with a receding hairline.

2. It is believed that OSWALD may be identical to Lee Henry OSWALD, born on 18 October 1939 in New Orleans, Louisiana. A former U.S. Marine who defected to the Soviet Union in October 1959 and later made arrangement through the United States Embassy in Moscow to return to the United States with his Russian-born wife, Marina Nikolaevna Pusakova, and their child.

3. The information in paragraph one is being disseminated to your

representatives in Mexico City. Any further information received on this subject will be furnished you. This information is being made available to the Immigration and Naturalization Service.¹

Was the Lee Henry Oswald of the CIA message Lee Harvey Oswald? Yes, according to Richard Helms, then chief of the Agency's Clandestine Services. In a March 1964 memorandum to J. Lee Rankin, general counsel to the Warren Commission, Helms explained that "OSWALD'S middle name was erroneously given as 'Henry' in the subject line and in paragraph two of the dissemination.... The maiden surname of Mrs. OSWALD was mistakenly

listed as 'PUSAKOVA.'²

But Lee Harvey Oswald was not "approximately 35 years old, with an athletic build"; he was twenty-three years old and slender.³ Apparently the CIA was concerned about the discrepancy, for on October 23 it sent the following message to the Department of the Navy:

Subject: Lee Henry OSWALD

Reference is made to CIA Out Teletype No. 74673 [the earlier message], dated 10 October 1963, regarding possible presence of subject in Mexico City. It is requested that you forward to this office as soon as possible two copies of the most recent photograph you have of subject. We will forward them

¹Warren Commission Document 631, The National Archives, Washington, DC.

²Ibid. Her correct maiden name was Prusakova.

³*Report of the President's Commission on the Assassination of President Kennedy* (US Government Printing Office, 1964), p. 144. (Hereafter, *Report*.)

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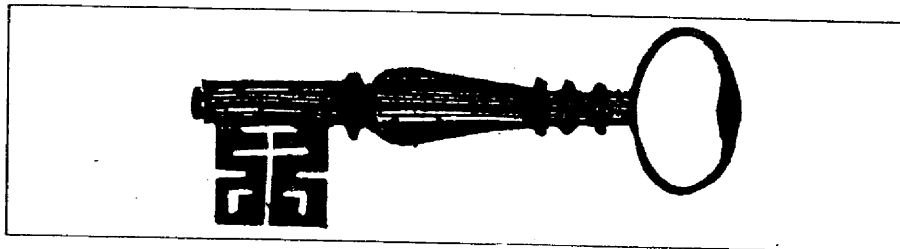
to our representative in Mexico, who will attempt to determine if the Lee OSWALD in Mexico City and subject are the same individual.⁴

Since Oswald had served in the Marine Corps, which comes under the administration of the Navy, his personnel records would have included his photograph.

What the Agency did not say in this cable is that it had in its possession a photograph of the man who had apparently "identified himself" as Oswald. The man in the CIA photo was not Lee Harvey Oswald; he was, just as the Agency's "reliable and sensitive source" had described him, approximately thirty-five years old, with an athletic build and a receding hairline.

According to a memorandum by Helms, the CIA never received the Navy's pictures of Oswald and only concluded after the assassination that two different people were involved.⁵ Meanwhile, the photograph was delivered to the FBI on November 22, 1963.⁶

One can only guess at the confusion caused by the picture. The FBI needed no Navy photograph to establish that



the mystery man was not Oswald—Lee Harvey Oswald was sitting handcuffed in a third-floor office of the Dallas police headquarters. The next day Special Agent Bardwell D. Odum was dispatched with the photograph to the motel where Oswald's wife and mother were hidden. He showed the picture to Mrs. Marguerite Oswald, mother of the accused assassin. Mrs. Oswald looked at the photo and told Odum she didn't recognize the man.⁷ The following day, however, shortly after her son was murdered in the basement of Dallas City Hall, Mrs. Oswald erroneously identified the mystery man. She told the press the FBI had shown her a picture of Jack Ruby the night before.

Mrs. Oswald's mistake was understandable—the mystery man bore a superficial resemblance to Jack Ruby, and in her recollection of a brief glance at the photograph, two faces became one. But the misidentification made it necessary for the Warren Commission to refer, however obliquely, to the affair of the mystery man. In the twenty-six volumes of published testimony and evidence supplementary to the Warren Report, the Commission printed the picture that was shown to Mrs. Oswald.⁸ The Warren Report contains a very brief account of the incident.

According to the Report, the CIA had provided the FBI with a photograph of "a man who, it was thought

⁴Commission Document 631, op cit.

⁵Ibid.

⁶*Hearings Before the President's Commission on the Assassination of President Kennedy* (US Government Printing Office, 1964), Vol. 11, p. 469 (hereafter, *Hearings*).

⁷Ibid., p. 468.

⁸Ibid., Odum Exhibit 1.

at the time, might have been associated with Oswald."⁹ The Report quoted an affidavit by Richard Helms that "the original photograph had been taken by the CIA outside of the United States sometime between July 1, 1963 and November 22, 1963."¹⁰

The Commission's explanation is both inaccurate and misleading. The implication that the CIA thought the mystery man was "associated with Oswald" only masks the true situation. On the basis of its own evidence, the Agency must have concluded either that the mystery man was impersonating Oswald or that an unlikely chain of errors had accidentally linked both the man in the photograph and the man who "contacted" the Soviet Embassy to Lee Harvey Oswald.

The truth was further obscured by the Report's reference to the Helms affidavit, which described the circumstances in which the mystery man was photographed only in the most vague and general terms. The affidavit was dated August 7, 1964.¹¹ However, the Commission never mentioned in its Report or in its twenty-six supplementary volumes that it had obtained an earlier affidavit from Helms on July 22, 1964 in which he was much more specific.¹² "The original photograph,"

Helms testified, "was taken in Mexico City on October 4, 1963."¹³ (This earlier Helms affidavit was released in 1967 through the efforts of Paul Hoch, a private researcher.)

There is no available record that Richard Helms ever told the Warren Commission exactly where in Mexico City the mystery man was photographed, but the circumstances in which the photograph was given to the Commission offer a very plausible suggestion. The CIA required the FBI to crop out the background in the photo before handing it over to the Commission.¹⁴ The obvious conclusion is that the photograph was taken by a hidden surveillance camera, and the CIA wished to avoid disclosing its location. According to knowledgeable former employees of the CIA, the Soviet and Cuban embassies, among others in Mexico City, were under constant photographic surveillance at the time. It seems likely then that the man who, according to the CIA, "identified himself as Lee Oswald" was photographed leaving the Mexico City embassy of the Soviet Union or of

some other communist country.

The first public hint that the mystery man may have been impersonating Oswald came in 1966, with the publication of Edward Jay Epstein's *Inquest*, a scholarly study of the Warren Commission.¹⁵ Epstein interviewed

⁹ Report, p. 364.

¹⁰ Ibid., pp. 364-365.

¹¹ Hearings, Vol. 11, p. 469.

¹² Commission Document 1287, The National Archives, Washington, DC.

¹³ Ibid.

¹⁴ Hearings, Vol. 11, p. 469.

¹⁵ Edward Jay Epstein, *Inquest: The*

Warren Commission and the Establishment of Truth (Viking, 1966).

¹⁶ Mr. Rocca, deputy chief of the CIA's Counterintelligence Staff, was one of the four senior Agency officials who resigned last December in the wake of *The New York Times's* revelations of illegal domestic operations by the CIA's Clandestine Services.

¹⁷ Epstein, *Inquest*, p. 94.

¹⁸ Commission Document 674, The National Archives, Washington, DC.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

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one of the Commission's legal staff who recalled the incident. He said he had asked Raymond G. Rocca, the Agency's liaison with the Commission,¹⁶ about the photograph. The lawyer later received word from the Agency that the mystery man was thought to be Oswald at the time the photograph was given to the FBI. Why, he asked, did the Agency mistake someone so dissimilar in appearance for Lee Harvey Oswald? The CIA said they would check further and call him back. The lawyer told Epstein that they never called him back and the Warren Report contains no explanation of the Agency's mistake.¹⁷

Another piece of the puzzle fell into place early in 1971, when the National Archives released a previously classified memorandum about the mystery man from Richard Helms to the Commission's general counsel, J. Lee Rankin.¹⁸ Dated March 24, 1964, the memo informed Rankin:

On 22 and 23 November, immediately following the assassination of President Kennedy, three cabled reports were received from [deleted] in Mexico City relative to photographs of an unidentified man who visited the Cuban and Soviet Embassies in that city during October and November 1963....¹⁹

On the basis of these cables, Helms went on to say, the CIA had sent several reports to the Secret Service. Attached to the Helms memorandum were paraphrases of these reports.²⁰ Two dealt with the mystery man:

Message to the Protective Re-

search Staff, The Secret Service, delivered by hand on 23 November 1963, at 1030 hours.

Through sources available to it, the CIA [deleted] had come into possession of a photograph of an unidentified person thought to have visited the Cuban Embassy in mid-October. This individual, it was believed at the time, might be identical with Lee Harvey OSWALD.²¹

and,

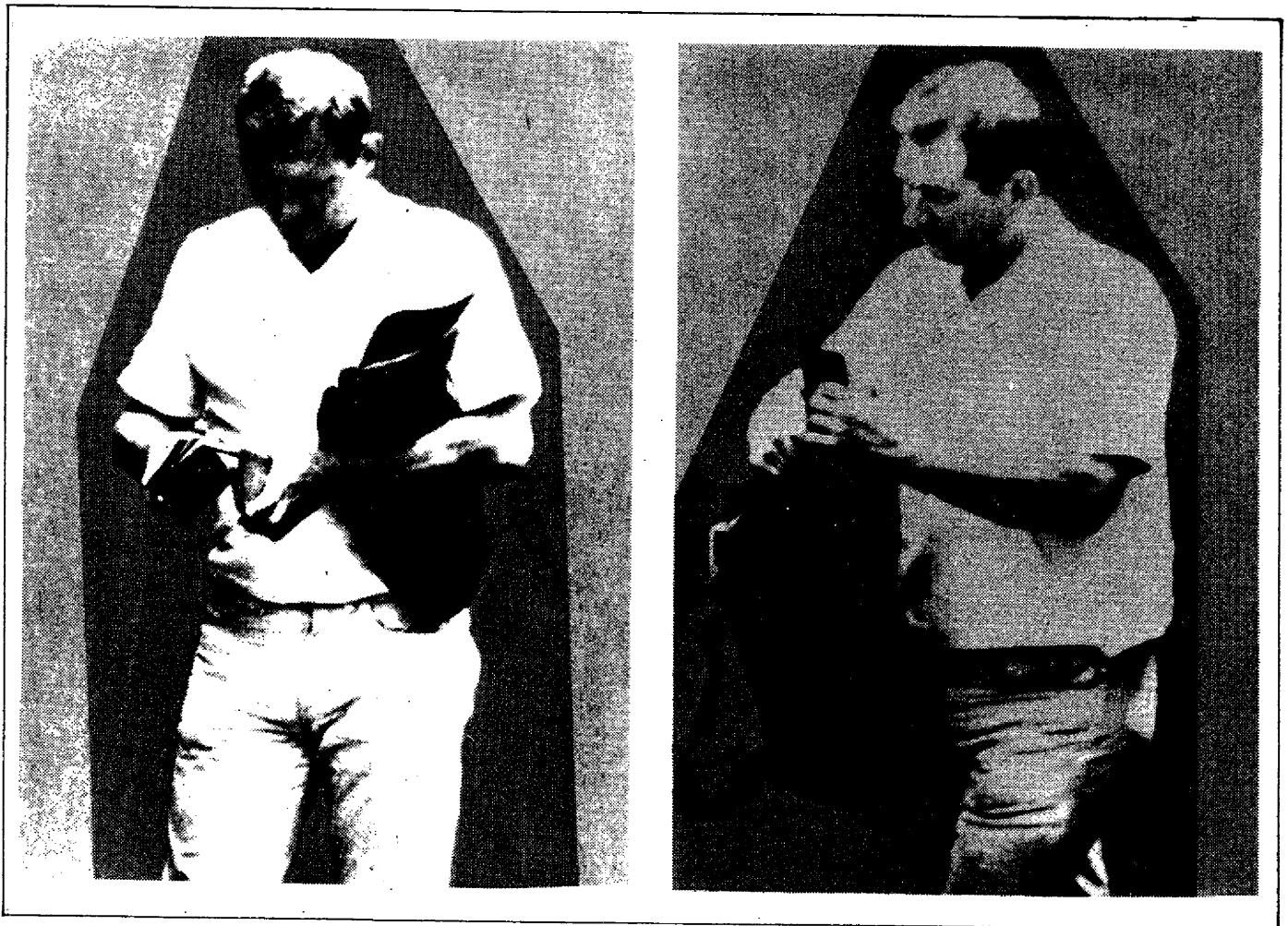
Message to the Protective Research Staff, The Secret Service, delivered by hand on 23 November 1963, at 1030 hours.

CIA Headquarters was informed [deleted] on 23 November that several photographs of a person known to frequent the Soviet Embassy in Mexico City, and who might be identical with Lee Harvey OSWALD, had been forwarded to Washington by the hand of a United States official returning to this country.²²

Helms's covering memorandum affirmed that "the subject of the photographs mentioned in these reports is not Lee Harvey OSWALD."²³

Several photographs, then, of a mysterious stranger who kept being confused with Lee Harvey Oswald, and who had visited *both* the Soviet and Cuban embassies. Was it the same mystery man whose picture had been shown to Mrs. Oswald? Or was it yet another Oswald Doppelgänger?

Firm evidence of the existence of additional photographs of the unidentified man mentioned in the Warren Report was turned up by Robert Smith, a private researcher. In 1972 Smith, then research director for the Commission to Investigate Assassinations, was poring over some recently declassified Warren Commission documents when he found reference to the mystery photo *and two other views of*



the same person.²⁴ Smith called his discovery to the attention of one of the authors, Bernard Fensterwald, who instituted a suit under the Freedom of Information Act for release of the two pictures. The government yielded and turned over the photographs to Fensterwald and Smith. They are published here for the first time.

The two new views of the mystery man were taken at a different time from the first picture. In the first picture, the one published in the Warren Commission volumes, he is wearing a long-sleeved dark shirt and appears empty-handed; in the two new photos he is wearing a short-sleeved white shirt and is carrying some kind of bag or pouch. The new photos also show him holding a small, passport-sized booklet and what appears to be a wallet. As in the first photograph, the backgrounds of the two new photos have been cropped out. Whoever he was, he managed to be photographed, apparently by the CIA's hidden sur-

²³ Ibid.

²⁴ Commission Document 566, The National Archives, Washington, DC, pp. 3-4.

veillance cameras, on at least two separate occasions. And neither of the new photographs reveals any resemblance between the mystery man and Lee Harvey Oswald.

The Warren Commission concluded that Oswald had been in Mexico in late September and early October 1963. Records of Mexican Customs and Immigration, bus lines, and a Mexico City hotel indicate that Oswald entered Mexico at Nuevo Laredo on the US border on September 26, traveled by bus to Mexico City, arriving there the next morning, and returned to the United States on October 3.²⁵ Passengers on the bus to Mexico City remembered Oswald, but there is almost no eyewitness testimony to support the Commission's reconstruction of Oswald's movements after he arrived in that city.²⁶ The Commission's finding that Oswald made repeated visits to both the Soviet and Cuban embassies rests heavily upon the affidavit of one

witness, a Mexican woman who worked at the Cuban Embassy.²⁷

Silvia Tirado de Duran was secretary to the Cuban Consul in Mexico City. In a sworn statement²⁸ she gave to the

²⁵ Report, p. 299.

²⁶ Ibid., pp. 733-736.

²⁷ Ibid., p. 734. Two other witnesses told the FBI they saw Oswald at the Cuban Embassy. A Mexican private detective who had visited the embassy on October 1, 1963, identified Oswald from newspaper photographs as someone he had seen leaving the embassy on that date in the company of a Cuban. The detective was shown other photos of Oswald and failed to identify him, and the FBI seems to have concluded that he was mistaken (Commission Document 566). The Warren Report does not offer the detective's testimony as evidence of Oswald's visit. Another witness who claimed to have seen Oswald at the Cuban Embassy retracted his testimony after failing to pass a polygraph examination (Report, p. 308).

²⁸ Commission Document 776a, The National Archives, Washington, DC.

deputy director of Mexican Federal Security on November 23, 1963, she said that Oswald had visited the Cuban Embassy in late September to apply for a visa to visit Cuba during a planned trip to the Soviet Union. Mrs. Duran recalled a heated exchange between Oswald and the Consul when the Cuban official told him his request could not be granted immediately. She remembered making a "semiofficial" phone call to the Soviet Embassy to try to speed up action on Oswald's application. She identified the Lee Harvey Oswald who visited the Cuban Embassy as the accused assassin whose photograph appeared in the Mexican newspapers on November 23.²⁹

Apparently the Warren Commission staff did not interview Silvia Duran, but instead relied solely on her affidavit. Whether any attempt to talk to her was made is not recorded in any available document. However, according to the Commission files, a Mexican

newspaper reporter tried to interview her in April 1964. Her husband would not permit the man to speak with her, saying "she had suffered a nervous breakdown following her interrogation by the Mexican authorities and had been prohibited by her physician . . . from discussing the Oswald matter further."³⁰ If this report is correct, the interrogation of Silvia Duran may have been a more emotional interview than one would conclude from the report forwarded by the Mexican police. The report gives the impression that the police were routinely collecting information about Oswald's Mexican trip for the American authorities. One question that arises is whether Duran's statement was given voluntarily, and, if not, whether her identification of Oswald as the visitor to the embassy is valid.

The Warren Commission may have omitted a full exploration of this question because it had collateral evidence of Oswald's visit to the Cuban

²⁹ Ibid., p. 5.

³⁰ Commission Document 963, The National Archives, Washington, DC, p. 16.

Embassy. There were, for example, Oswald's application for a Cuban visa, bearing his photograph and signature,³¹ and a letter reportedly written by Oswald to the Soviet Embassy in Washington, referring to his visit to the Cuban Embassy.³² The address book found among Oswald's possessions, moreover, contained Duran's name and telephone number. But the only credible eyewitness testimony that Oswald in fact visited the embassy is the statement of Silvia Duran.

When viewed in the light of the recently disclosed evidence suggesting that someone might have visited the embassy impersonating Oswald, the Commission's failure to settle completely the question of the three misidentified photos seems extraordinary. It is probable that the CIA did in fact supply an explanation of the photographs that was enough to satisfy the Commission at the time. If so, that explanation remains a part of the classified Warren Commission documents not available to the public.

Raymond Rocca (who, until his recent resignation, was the Agency's action officer for all post-Warren Report inquiries about the matter) told

one of the authors that the CIA could not identify the mystery man. If this is so, we may wonder how the Agency could have offered a satisfactory explanation of the incident to the Commission. Until additional documents bearing on this matter are declassified, the conclusion that Oswald really visited the Cuban Embassy must remain in some doubt. But even if he did, the question whether someone was nevertheless trying to impersonate him remains a crucial one.

If someone posing as Oswald visited the Soviet and Cuban embassies in the early autumn of 1963, what implications might be drawn from this discovery? One obvious interpretation is that someone sought to counterfeit a fresh connection between the man who was soon to become the accused presidential assassin and the governments of those two communist countries. But it is not necessary to speculate further. If someone were trying to impersonate Oswald eight weeks before the assassination, the Warren Commission's theory of a lone assassin, unconnected with any conspiracy, is seriously undermined and the case should be reopened.

There could be, of course, an innocent explanation of how the CIA came to misidentify the mystery man as Lee Harvey Oswald: Oswald may actually have visited the Cuban and Soviet embassies. If this were the case, then somewhere in the CIA's files there should be photographs of the real Lee Harvey Oswald departing from the Soviet and Cuban embassies in Mexico City. If those photographs exist, their publication would help to settle the question. If they don't, the CIA should now explain why not. In either case, it should also disclose what it knows about the man it wrongly identified as Oswald on two separate occasions. It should explain why it believes that this man was not impersonating Oswald. All these matters should be clarified both by the CIA itself and by the congressional committees that are about to investigate its activities. □

³¹ Hearings, Commission Exhibit 2564.

³² Ibid., Commission Exhibit 15.