

*Law Center*

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April 25, 1975

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Mr. David W. Belin  
Executive Director  
Commission on CIA Activities Within the United States  
Washington, D.C. 20500

Dear Dave:

I will comment on specific parts of the Hoch material further on, but first I will give you some general thoughts and conclusions.

Nothing Hoch says convinces me that there is any reasonable basis for suspecting that Oswald was a CIA agent. I am helped to this conclusion by my recollection of the CIA's attempts back in 1964 to assist me and Bill Coleman in finding out everything we could about Oswald's experiences in Russia and Mexico in particular. I believe these attempts were sincere. Yet, if the CIA had had something to cover up in these areas, why would they have tried so hard to obtain information on them? In particular, the CIA and I spent a great deal of time in trying to determine the authenticity of Oswald's self-purported attempt to commit suicide in Moscow shortly before the Russians changed their mind and accepted him as an American defector. He reported his attempt in his "Historic Diary." If Oswald was a CIA agent, either at this time or later, or both, surely the CIA would have known the truth, i.e., either that the attempt never occurred or that it did. Why would the CIA have urged an autopsy for this purpose if they were not eager to learn the truth, just as we were?

→ I am not equally convinced, indeed, I suspect the contrary, that there is not any reasonable basis for suspecting that Oswald was an FBI informant at some time or other or, at least, that the FBI may have done its best to make him such. Like many members of the staff at the time, I was never satisfied with the FBI's explanation of why they had eliminated Posty's name and phone number from their cataloguing of the contents of Oswald's notebook, nor was I satisfied with the Commission's

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lack of attempts to dig deeper for a better explanation. Why else would Oswald have an agent's phone number but to report something to him? However, I do not see what your commission, which is supposed to be investigating the CIA, not the FBI, can do about this matter.

Back to the CIA. In view of Dulles' statement that the CIA would lie to anyone except the President and that the CIA would feel bound to tell the truth to anyone else only upon the President's personal order, it seems to me that it is incumbent upon your commission to obtain such a personal order from President Ford now, if you do not already have one. It should be in utterly unambiguous terms, to the effect that any questions you ask, on any subject, be answered accurately and completely to the utmost of the CIA's ability. Should the CIA want protection against your asking into areas beyond your legitimate concern, they should be permitted to refuse to answer any time they think this to be the case, in which event you could take the matter up with the President if you thought it necessary. The one "out" which the CIA should not have, under the President's order, is to lie or to give an incomplete answer without your knowing that it is a lie or incomplete. If they are left this "out," you will have no real assurance that you have got the truth and the whole truth when they do give an answer.

Certainly the easiest and best evidence you could have, if you can get it, of any CIA involvement with Oswald or with a Castro assassination plot or with anything else which would disclose something about the ~~CIA~~ assassination which the CIA did not but should have disclosed, would be the complete records of the CIA's investigations and deliberations concerning the Kennedy assassination, Oswald, Marina, etc., from as far back as these go to the present time. There is every reason to believe that such records exist and that not all of them were given to the Warren Commission. Obviously, for example, the Warren Commission could not have received any which were not in existence until after the Commission disbanded. Moreover, the CIA no more than any other agency had an obligation to hand over to the Commission everything they wrote for internal consumption after the assassination. Substantially all we asked for was what they had from before the assassination. The CIA's internal deliberations would be the most fruitful, I think. Surely, all the possibilities about retaliation, etc., which have occurred to the public since the disclosure of the Castro assassination plots must have

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occurred to the CIA long ago, and the CIA must have taken into account all it knew when it deliberated about them.

Now for a few specific comments on the Hoch memo.

1. Hoch talks a lot about the "implications" of the FBI and CIA's intelligence-gathering methods. The Warren Commission's job was to determine who killed Kennedy and, if possible, why. It was not part of the Commission's job to make an assessment of the civil-rights implications of what the FBI or CIA may have been doing, or any other "implications" not connected in some way with Kennedy's death. So I really fail to see the relevance of Hoch's observation that we did not follow up on how the FBI or CIA knew about Mrs. Oswald's sending a money order to her son, for example.

4 2. Page 4. Oswald presumably used the 544 Camp Street address because he knew that this was a center for anti-Castro activities, whether real or CIA-directed does not matter. This fact was not a secret, was it? We knew that Oswald probably tried to find out as much as he could about the anti-Castro people, and we knew that he engaged them in arguments sometimes. We knew also that they suspected him of trying to infiltrate them. My conclusion at the time, as I now recollect it, was that all this was motivated by Oswald's desire to build himself up in pro-Castro Cuban eyes as a person friendly to their cause and someone valuable to have. He presumably had hopes of ultimately getting himself and his family to Cuba, and he must have guessed that without something like this going for him he would have very little chance. Hoch sees something far more sinister in all this, but I find it rather harmless. Of course, I may be wrong.

3. Page 7. I repeat here a portion of what I plan to publish in the L.A. Times on the subject of the photograph of an "Oswald imposter" in Mexico City. This is as far as I can go without telling things which are still classified. If you want to know more from me on this, we will have to arrange some way to communicate it confidentially. What more I know, however, simply supports what I say here in somewhat more detail.

I must admit that on this subject, as on many others, the CIA could have been fooling Bill Coleman and me. But

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my intuition tells me that they were telling the truth.

"The claim that Oswald was a CIA agent or at least involved with the CIA, because the CIA confused him in Mexico with one of their own agents."

In October 1963 the CIA's Mexican Department sent a message and a photograph to the FBI saying, in effect, that the man in the photograph was thought to be Lee Harvey Oswald. The photograph was not of Oswald, but it was not until shortly after the assassination that this fact was established. How did this mistake happen and what does it really indicate?

It happened because the CIA had several secret sources of information operating in Mexico and, as is frequently the case in this kind of work, the central headquarters had difficulty in putting the bits of information from the different sources together properly. One source reported that a man calling himself Oswald had visited the Soviet Embassy in Mexico City. Another source obtained a photograph of a man who probably visited the same Embassy about the same time. No source was able to get a photograph of Oswald in Mexico City, and no source was able to obtain the name of the man in the photograph who visited the Embassy. Someone in the CIA who was responsible for putting bits of information together guessed, mistakenly it turned out, that the two men were the same.

What does this really indicate? Probably only that the CIA, like the rest of us, sometimes comes to the wrong conclusion."

4. Page 7. On the matter of the "intercepted conversations," either Bill or I could talk to you confidentially.

5. On the matter of the "handling of the story of 'D'", I do not remember much. What Bill and I thought and knew about the matter at the time is presumably included in the memo I wrote and both of us signed which Hoch refers to in his postscript. You should be able to get a copy of this memo which is complete; the copy which has just been made public, I understand, has portions deleted. My recollection is that we concluded that "D's" motive in all his storytelling was simply money. He was a professional

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spy who sold his information to the highest bidder. There is another memo which might have some information on this, too, which is still, I think, entirely secret, which I can tell you about in confidence, too. But my conclusion on the whole "D" affair is that it signifies nothing. "D" probably made up the whole thing in an attempt to get paid a pile of money.

6. Page 9. Why not talk to Ottepkva? I doubt that he has anything worthwhile to say, but what can you lose?

7. Page 11. Again, I doubt that they will disclose anything at all, but you might ask through the Defense Department for copies of the relevant CIC and CID files at the California base. Again, what can you lose?

8. Page 12. The Top Secret CIA memo dealing with the reaction of the Cuban intelligence service to Kennedy's assassination should not be made public. However, there is no reason for your not seeing it. My recollection, again, is that it will tell you nothing of value for your inquiry.

9. Pages 18 and 19. The Sylvia Odio incident. (See also the postscript.) As Hoch says, I spent a lot of time thinking about and researching this one. You should see the memo referred to in the postscript, in the uncensored version. My recollection is that Bill and I concluded, finally, that she was sincere but mistaken. Our primary reason, but not the only reason, for thinking so was that her memory of what she had seen and heard when the men visited her apartment sounded only slightly like Oswald at first but more and more like him as the months went by. It seemed to us that her imagination, rather than the facts, was the principal shaping factor. She was a very emotionally distraught woman, for quite understandable reasons. She watched the films of the assassination on television for hours and days on end; I think that she finally lost track herself of what she remembered from the incident in her apartment and what she had seen since on TV.

Possibly, Jim Liebeller visited her in Dallas. I know we talked about it. I was too busy to go and asked Jim if he would, and he said he would. Whether he and I ever finally clinched the deal, and he went, I do not remember.

10. Page 22. Hoch is probably right. The CIA never volunteered anything about Odio's father being in jail

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in Cuba for an anti-assassination attempt -- I think. At least, this is my recollection. Certainly, the CIA never told me that he was in jail for participation in a CIA attempt to kill Castro. If they did not, this is an incident of where the CIA's own coverup led it not to disclose fully to the Commission. I do not see that this particular bit of information would have made any difference with our investigation of Odio herself, however.

I hope this is of some help.

Sincerely,

W. David Slawson  
Professor of Law

WDS/w

Routing Slip

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Xavier Ritten  
CIA

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