

12 May 1967

Mr. Houston
General Counsel

Larry:

Herewith the first cut through the topic. I believe that every statement made herein will hold up under closest possible scrutiny. I am not sure that we should include every one of them in what we give the AG but it seemed to me that we should have the basic paper stating all the facts, so this may very well have to be cut down. I think our position is very strong, indeed, on this matter.

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DRAFT

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MEMORANDUM

SUBJECT : Garrison Allegations Re CIA Photograph in Warren Commission Report -- The Facts

1. The presence of Lee Harvey Oswald in Mexico City and details of his contact with the Soviet Consulate on 1 October 1963 were reported to CIA Headquarters on 9 October 1963. This information was distributed routinely to specified departments and agencies on 10 October. This action was predicated entirely on the assumption that Oswald probably intended to redefect to the Soviets.

2. Concurrently, photographic information was received from an independent source depicting a single individual in Mexico City on 1 October 1963. In its report to CIA Headquarters on 9 October, the CIA Station included descriptive details based on the photograph which ^{it} they guessed might be Oswald because of the coincidence in time between the photograph and the report of Oswald's contact with the Soviets.

3. These facts should be noted at the outset for correct interpretation of the narrative:

a. The Station's guess was erroneous. The individual in the photograph was not Oswald, nor has there been any evidence that he was in any way related to Oswald or his activity in Mexico or elsewhere.

b. No photograph was taken, acquired or received of Oswald, alone or with any individual, in front of the Cuban Embassy, the Soviet Embassy, or anywhere else in Mexico. A CIA request and a follow-up in October 1963 to the Navy for a photograph of Oswald in order to check what was eventually shown to be an erroneous and irrelevant description had not been serviced before the assassination date, 22 November 1963. CIA did not have a known photograph of Oswald in its files before the assassination of President Kennedy either in Washington or abroad.

c. After the date of the assassination, an intensive review by CIA sources in Mexico revealed that Oswald had also visited the Cuban Consulate in Mexico City on 27 and 28 September 1963.

d. Photographic evidence was also produced that the unknown individual who had been noted in front of the Soviet Embassy on 1 October (erroneously thought by CIA to possibly be Oswald) had also visited the Soviet Embassy on 4 October and the Cuban Embassy on 15 October. Both of these events were subsequently demonstrated to be after Oswald had left Mexico City to return to the United States. In each instance the photograph (or photographs) depict a single individual; he is not Oswald.

4. On the afternoon of 22 November 1963 the CIA Station in Mexico

which was dependent solely on radio broadcasts for its first information, perceived immediately the probable identity of the President's announced assassin and the subject of its report to CIA headquarters on 9 October 1963.

CIA's Mexico Station thereupon immediately cabled Headquarters referring to the earlier traffic and initiated direct contact with the FBI representative.

As no photograph or description of Oswald was yet available in the Mexican capital, the Station continued to consider the photograph of the unknown individual taken on 1 and 4 October to be of possible utility for the investigation. Copies of all of the photographs were shown to the U.S. Ambassador on 22 November 1963, after the assassination news had broken, and a copy of each of the two sets was passed, early in the afternoon, to the chief FBI representative in the Embassy.

5. In recapitulation, the photographs passed to the FBI representative were

a. Three photos, taken 1 October,

These were separate shots of one caucasian male, tall, heavy build, round face, pronounced baldness at temples and top of head. White pullover, open shirt, light colored, jean-type trousers, pronounced dip-cut pockets. Chain from belt guide to right pocket.

b. Five photos, taken 4 October 1963,

location same as in "a" above. Single individual, identical with the man described in "a" above. Dark, button-down pull-over shirt, dark, jean-type trousers, slash cut pockets. Chain from belt guide to right pocket.

c. Two photos, taken on 15 October 1963,

These show one person, identical with the subject of the photos described in sub-paras. "a" and "b", above. He is wearing a dark, boat-neck pullover.

6. The FBI representative in Mexico City had one or all of these photographs conveyed by FBI safe hand to the Dallas Office of FBI on the afternoon of the 22 November 1963 on the assumption the photos might assist the investigation in course.

7. One of the photographs enumerated in paragraph 5.b. above, was shown by FBI agent Bordwell D. ODUM in Dallas on the evening of 23 November 1963 to Mrs. Marguerite Oswald. The two top corners of the photograph were cropped by Mr. Odum in Dallas before it was shown in order to conceal characteristic background detail. (The cropping at this time or later in no way impaired or affected the utilization of the photograph as an investigative tool.) The photograph was introduced by the FBI into evidence before the Warren Commission which denominated it Commission Exhibit 237. A reproduction of the

Exhibit, in which all background has been removed to protect the source and method of acquisition, appears in Vol. XVI, Commission Hearings, p. 638.

Mr. Helms' affidavit authenticating the photograph in its various cropped versions appears in Vol. XI of the Commission Hearings, pp. 469-70. The Warren Commission takes up the episode in its Report on p. 364.

3. The Warren Commission and designated Staff members were familiarized with the facts set out in this memorandum. They received the details in briefings, from personal inspections of CIA Headquarters records and in discussions with the CIA officers concerned in Headquarters and at the Embassy in Mexico City.

CONCLUSIONS OF RECORD:

1. CIA did not acquire, receive or hold a photograph of Lee Harvey Oswald taken in Mexico City before the assassination of President Kennedy.
2. CIA acquired a photograph early in October 1963 of an unnamed and still unidentified person in Mexico City.
3. This photograph and others acquired by CIA of the same individual are NOT Oswald.
4. All photographs without exception show ONE individual. The photo coverage of this person in Mexico City extends to 15 October 1963, a date long after Oswald's departure.

5. No photograph acquired by the Warren Commission was altered, substituted or modified in any way by CIA. The FBI introduced it into evidence. The cropping of the photo, originally by the FBI and later the Warren Commission was entirely justified for the protection of sources and methods. In no way did this necessary safeguard affect the substance of the photograph for investigative purposes.

6. There is nothing except the coincidence of the date of presumed visits to the Soviet Consulate in Mexico City, to connect the unidentified person in the photograph with Oswald. CIA's considered judgment is that this man and his photograph are totally irrelevant to the Oswald investigation.