

LAW OFFICES
HERRICK, LANGDON, BELIN, HARRIS, LANGDON & HELMICK

2000 FINANCIAL CENTER
SEVENTH AND WALNUT
DES MOINES, IOWA 50309

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CURT L. SYTSMAN
DAVID L. CLAYPOOL

July 29, 1975

AREA CODE 515
TELEPHONE
244-1116

DWIGHT BROOKE
COUNSEL
LAWRENCE E. POPE
COUNSEL

Mr. George O'Toole
18912 Smoothstone Way
Gaithersburg, Maryland 20760

Dear Mr. O'Toole:

I am replying to your July 19 letter. Evidently, Mr. Fensterwald did not make you aware of the fact that on April 28, 1975, I wrote Mr. Fensterwald a letter in response to his letter of April 18 to me. For your information, I am enclosing a Xerox copy of this letter. You will note that I advised him that the Warren Commission determined that it was Oswald himself who took the trip to Mexico and that allegations and innuendos in the New York Review article concerning alleged impersonation are wrong.

The fact is that photographs were taken of an unidentified person in Mexico City on October 1, 14 and 15, 1963. Oswald was in Mexico City on October 1, but he left to return to the United States before October 4. (If the unidentified man was an impersonator, he certainly would have also left Mexico City when Oswald left.) At no time during Oswald's stay in Mexico City was there a picture taken of Oswald, although a Mexico representative of the CIA coupled data received that Lee Harvey Oswald had been in Mexico City with the fact that there had been a photograph of an unidentified male individual, apparently an American, who was observed entering a foreign embassy around October 1, 1973. On the chance that there could be an association between the data derived that Lee Harvey Oswald had been in Mexico City around October 1 and the descriptive data received from the photograph, the two items were reported as separate facts in a cable to headquarters. On November 22, 1963, when a CIA Mexico representative learned about the arrest of Oswald, he cabled headquarters referring to the previous matters and asking that a photo of Oswald be sent so that a check could be made to see whether or not Oswald was the same person who was photographed around October 1. The man who was photographed on October 1 was also

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photographed on October 4 and October 15, and copies of these photographs were turned over to the FBI. It turned out that these were not photographs of Lee Harvey Oswald and that so far as the CIA is aware the individual in the photographs had no connection with either Lee Harvey Oswald or the assassination of President Kennedy.

As you know, the two lawyers serving with the Warren Commission who were working in the foreign conspiracy area and who also had contact with the CIA were W. David Slawson, who is now a Professor of Law at the University of Southern California Law School, and William Coleman, who is now Secretary of Transportation. They were well aware that the photograph of the person taken in front of the foreign embassy was not Lee Harvey Oswald, and they were convinced that there was no imposture but rather a case of mistake because of the coincidence of the fact that the unidentified person had appeared at the embassy at the same time that Lee Harvey Oswald was in Mexico City and who was known, through other intelligence means, to have visited the embassy. The mistake of identity was compounded under the extraordinary press and effort to develop information on the assassin and the assassination after Oswald was arrested on November 22.

Although I was aware of the matter through David Slawson while we served with the Warren Commission, I raised it again with him after receipt of a copy of the article that you and Mr. Fensterwald wrote while I was serving as Executive Director of the Rockefeller Commission. Professor Slawson advised me that he was completely satisfied that there was no imposture and that the CIA had fully cooperated with the Warren Commission in explaining the true facts.

Nevertheless, in my capacity as Executive Director of the Rockefeller Commission, I did raise the issue once again with the CIA and urged that they reconsider releasing all the evidence, which would lay the entire matter to rest. However, because of the fact that part of this evidence was acquired through sources which the CIA considers to be very sensitive, the Agency has not seen fit to comply with my request.

There was no mention of the particular facts in the Rockefeller Commission Report because there was nothing in these facts to show any improper domestic activities on the part of the CIA, which was the subject matter of the basic Rockefeller Commission investigation. However, there were allegations made before the Rockefeller Commission that the CIA

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was in some way conspiratorially involved in the assassination of President Kennedy. I turned this area of the investigation over to one of the senior counsel serving with the Rockefeller Commission. As the Report of the Rockefeller Commission declares, the Commission concluded that there was no credible evidence of any CIA involvement in the assassination of President Kennedy.

The Rockefeller Commission Report in the opening portion of Chapter 19 pointed out that "Neither the staff nor the Commission undertook a full review of the Report of the Warren Commission. Such a task would have been outside the scope of the Executive Order establishing this Commission, and would have diverted the time of the Commission from its proper function. The investigation was limited to determining whether there was any credible evidence pointing to CIA involvement in the assassination of President Kennedy."

These answer the questions that you raise in your letter of July 19. I apologize for the delay in responding to your previous letter, but I am sure that you can recognize that after being away from my home and law practice for many months while I served as Executive Director of the Rockefeller Commission, there has been a tremendous backlog of work to undertake.

I will look forward to hearing from you in response to the matters which I outlined in my July 14 correspondence to you.

Sincerely yours,

David W. Belin

DWB:cs

c.c. Bernard Fensterwald, Jr.