

In the first instance, the Bureau received information from Chief Justice Warren regarding organized crime figure John Rosselli's claim of personal knowledge relating to Cuban or underworld complicity. The Bureau declined to investigate the information and did not take any action until President Johnson personally intervened. (50) In the second instance, the Bureau received information from a source in 1967 regarding a reported meeting at which New Orleans Mafia leader Carlos Marcello had allegedly made a threat against the life of President Kennedy. (51) Rather than investigating the information, Bureau personnel took repeated action to discredit the source. (52)

To summarize, the committee found that the Bureau performed with varying degrees of competency in the investigation of the President's death. Its investigation into the complicity of Lee Harvey Oswald prior to and after the assassination was thorough and professional. Nevertheless, it failed to conduct an adequate investigation into the possibility of a conspiracy in key areas, and it was deficient in its sharing of information with the Warren Commission.

4. THE CENTRAL INTELLIGENCE AGENCY WAS DEFICIENT IN ITS COLLECTORS AND SHARING OF INFORMATION BOTH PRIOR TO AND SUBSEQUENT TO THE ASSASSINATION

Created by the National Security Act of 1947, (1) the CIA was, in fact, a postwar outgrowth of the Office of Strategic Services (OSS). The head of OSS, though never a CIA official, was William J. Donovan, who in World War II adopted the British approach of combining the intelligence activities of various agencies into one office.

Toward the end of World War II, President Roosevelt sought Donovan's advice on a permanent intelligence apparatus. Donovan's classified reply, leaked to the press 3 months later, described an "all-powerful intelligence service . . . [which] would supersede all existing Federal police and intelligence units" (2) The reaction among the heads of existing intelligence and investigative agencies was predictably negative. Few wanted to see the OSS become more powerful.

President Roosevelt's death turned out to be a serious blow to OSS—nearly crippling, for President Truman abolished the wartime agency without consulting Donovan or the Joint Chiefs of Staff. As a result, the United States was handicapped by a serious intelligence gap in immediate postwar international struggles.

(a) Establishment of the CIA

Unification of the Armed Forces was the main objective of the 1947 act. It also created the National Security Council, of which the CIA was to be the intelligence coordinating unit. Under the act, the CIA was charged with four responsibilities:

- To advise the NSC on intelligence matters relating to national security;
- To make recommendations on the coordination of intelligence activities;
- To correlate, evaluate and disseminate intelligence; and

To engage in additional intelligence activities and national security functions at the direction of the NSC.

The Agency was given no law enforcement functions. In its early years, the CIA was hampered by internal organizational difficulties and bad relationships with other agencies. The turnover of directors was rather rapid—Lt. Gen. Hoyt S. Vandenberg in 1946, Adm. Roscoe H. Hillenkoetter in 1947, Lt. Gen. Walter Bedell Smith in 1950, Allen W. Dulles in 1952.

Dulles, who had been a wartime master spy, had strong opinions as to the type of men who should be named to top posts in the Agency. At Senate Armed Services Committee hearings on the National Security Act, he testified that the CIA:

*** should be directed by a relatively small but elite corps of men with a passion for anonymity and a willingness to stick at that particular job. They must find their reward in the work itself, and in the service they render their Government, rather than in public acclaim. (3)

In addition, in its formative period the CIA was subjected to the harangues of Senator Joseph R. McCarthy, who demanded a purge of Agency personnel. The upshot was a severe tightening of employment standards, as well as a restriction within the Agency on the expression of political viewpoints.

Although the CIA is not required to make public its organizational structure, it is known to consist of five main entities—the Office of the Director and four Directorates. The Director and Deputy Director, only one of whom may be a military officer, are appointed by the President. The four Directorates are as follows:

- The Directorate of Operations—the clandestine services unit, which is comprised of a number of geographical operating divisions supplemented by functional staffs.
- The Directorate of Intelligence—its responsibility is to analyze and then synthesize raw intelligence information into finished intelligence products.
- The Directorate of Science and Technology—it is responsible for basic research and development; it operates technical systems and analyzes highly technical information.
- The Directorate of Administration—the Agency's housekeeping department.

At one time there were also a number of proprietary organizations, front groups and social or political institutions that were run by the CIA or on its behalf. The best known proprietaries were Radio Free Europe and Radio Liberty, both established in the early 1950's. Among the front organizations were airlines and holding companies to support clandestine operations. In early 1967, it was learned that the CIA had for years been subsidizing the country's largest student organization, the National Student Association. Eventually, it became known that the Agency had channeled money to a number of business, labor, religious, charitable, and educational organizations.

(b) *Rocketfeller Commission investigation of CIA activities*

In 1974 and 1975, in response to charges that the CIA had engaged in large-scale spying on American citizens and had compiled dossiers on many citizens, a commission headed by ~~President~~ President Rocketfeller investigated whether domestic CIA activities exceeded the Agency's statutory authority. Mail intercepts, infiltration of dissident groups, illegal wiretaps and break-ins were among the subjects of the investigation.

The Rocketfeller Commission concluded that the "great majority of the CIA's domestic activities comply with its statutory authority. * * * Nevertheless, over the 28 years of its history, the CIA has engaged in some activities that should be criticized and not permitted to happen again—both in light of the limits imposed on the Agency by law and as a matter of public policy." (4)

(c) *The committee investigation*

As the committee examined the Agency's role in the investigation of the death of the President, it focused its investigation in these areas:

The Agency's handling of the Oswald case prior to the assassination;

CIA support of the Warren Commission investigation; and
Developments relevant to the Kennedy assassination after publication of the Warren report.

The committee's investigation proceeded on the basis of interviews, depositions and hearings. Evidence was received from present and former CIA officials and employees, as well as members and staff attorneys of the Warren Commission. The CIA personnel who testified or were interviewed were assured in writing by the Acting Director of Central Intelligence that their secrecy obligation to the CIA was not in effect with respect to questions relevant to the committee's inquiry. (5) To the extent possible, the committee pursued investigative leads by interviewing Cuban and Mexican citizens. Further, an extensive review of CIA and FBI files on Oswald's activities outside of the United States was undertaken. The CIA materials made available to the committee were examined in unbridged form. (6)

Much of the information obtained by the committee came from present and former officials and employees of the CIA and dealt with sensitive sources and methods of the Agency. Since these sources and methods are protected by law from unauthorized disclosure, this report of the CIA investigation was written with the intention of not disclosing them. Much of what is presented is, therefore, necessarily confidential, since detailed analysis would have required revealing sensitive and classified sources and methods.¹

(1) *CIA preassassination performance—Oswald in Mexico City.*—An individual identified as Lee Harvey Oswald came to the attention of the CIA in the fall of 1963 when he made a trip to Mexico City. The committee examined the efforts of the CIA to determine the true identity of the individual, the nature of his visit to Mexico and with whom, if anyone, he might have associated while there.

CIA headquarters in Washington, D.C., was informed on October 9, 1963, that a person who identified himself as Oswald had contacted

¹ Staff studies reflecting a comprehensive examination of the issues and containing pertinent information and analysis were classified and stored at the National Archives.

the Soviet Embassy in Mexico City on October 1, 1963. Headquarters was also advised that Oswald had spoken with an individual possibly identified as Soviet Consul Kostikov on September 28, 1963, and that a photograph, apparently of an American, had been obtained. This photograph, which was thought by some Agency personnel to be of Oswald, did not purport to be a positive identification of him. The subject of the photograph was described as approximately 35 years old, 6 feet tall, with an athletic build, a balding top, and receding hairline.

(7) During October 1963, CIA intelligence sources abroad determined that Oswald had visited the Soviet Embassy or the Cuban consulate in Mexico City at least 5 times for the purpose of obtaining an immigrant visa to Russia via Cuba. (8) Once CIA headquarters determined that Oswald was a former defector to the Soviet Union, his activity in Mexico City was considered to be potentially significant by both headquarters personnel and CIA intelligence sources abroad. (9) Headquarters, however, was not informed about Oswald's visa request nor of his visits to the Cuban consulate. As a result, while other interested Federal agencies were apprised of Oswald's contact with the Soviet Embassy, they were not informed about his visa request or of his visit to the Cuban consulate. (10)

The committee considered the possibility that an imposter visited the Soviet Embassy or Cuban consulate during one or more of the contacts in which Oswald was identified by the CIA. This suspicion arose, at least in part, because the photograph obtained by the CIA in October 1963 was shown after the assassination by the FBI to Oswald's mother as possibly showing her son. (Mrs. Oswald maintained the person in the picture was her son's killer, Jack Ruby.) (11) In addition, the description, based on the photograph, that the CIA had received in its first report of Oswald's contact with the Soviet Embassy in Mexico City, in fact bore no resemblance to Oswald. (12) The man in the photograph was clearly neither Oswald nor Ruby, and the CIA and FBI were unable (as was the committee) to establish the identity of the individual in the photograph. The overwhelming weight of the evidence indicated to the committee that the initial conclusion of Agency employees that the individual in the photograph was Oswald was the result of a careless mistake. It was not, the committee believed, because the individual was posing as Oswald. In fact, the committee established that the photograph was not even obtained at a time when Oswald was reported to have visited the Soviet Embassy in Mexico City. (13)

The question of an Oswald imposter was also raised in an FBI letterhead memorandum to the Secret Service dated November 23, 1963. It was based in part upon information received by CIA headquarters on October 9, 1963, that on October 1, 1963, Oswald had contacted the Soviet Embassy in Mexico City:

The Central Intelligence Agency advised that on October 1, 1963, an extremely sensitive source had reported that an individual identified himself as Lee Oswald, who contacted the

¹ The Agency maintained that prior to the assassination, its field sources had not actually identified the person who visited the Cuban consulate in October 1963. Testimony published directly from these sources, however, established that this connection had in fact been made in early October 1963.

Soviet Embassy in Mexico City inquiring as to any messages. Special Agents of this Bureau, who have conversed with Oswald in Dallas, Tex., have observed photographs of the individual referred to above and have listened to a recording of his voice. These Special Agents are of the opinion that the above-referred-to individual was not Lee Harvey Oswald. (14)

In response to a committee inquiry, the FBI reported that no tape recording of Oswald's voice was in fact ever received. The Bureau explained that its Dallas office only received the report of a conversation to which Oswald had been a party. This explanation was independently confirmed by the committee. A review of relevant FBI cable traffic established that at 7:23 p.m. (CST) on November 23, 1963, Dallas Special Agent-in-Charge Shanklin advised Director Hoover that only a report of this conversation was available, not an actual tape recording. On November 25, the Dallas office again apprised the Director that "[t]here appears to be some confusion in that no tapes were taken to Dallas * * * [O]nly typewritten [reports were] supplied * * *". (15)

Shanklin stated in a committee interview that no recording was ever received by FBI officials in Dallas. (16) Moreover, former FBI Special Agents James Hosty, John W. Fain, Burnett Tom Carter, and Arnold J. Brown, each of whom had conversed with Oswald at one time, informed the committee they had never listened to a recording of Oswald's voice. (17)

Finally, on the basis of an extensive file review and detailed testimony by present and former CIA officials and employees, the committee determined that CIA headquarters never received a recording of Oswald's voice. (18) The committee concluded, therefore, that the information in the November 23, 1963, letterhead memorandum was mistaken and did not provide a basis for concluding that there had been an Oswald imposter.

The committee did, however, obtain independent evidence that someone might have posed as Oswald in Mexico in late September and early October 1963. The former Cuban consul in Mexico City, Eusebio Azcue, testified that the man who applied for an in-transit visa to the Soviet Union was not the one who was identified as Lee Harvey Oswald, the assassin of President Kennedy on November 22, 1963. Azcue, who maintained that he had dealt on three occasions in Mexico with someone who identified himself as Oswald, described the man he claimed was an imposter as a 30-year-old white male, about 5 feet 6 inches in height, with a long face and a straight and pointed nose. (19)

In addition, the committee interviewed Silvia Duran, a secretary in the Cuban consulate in 1963. Although she said that it was in fact Oswald who had visited the consulate on three occasions, she described him as 5 feet 6, 125 pounds, with sparse blond hair, features that did not match those of Lee Harvey Oswald. (20) The descriptions given by both Azcue and Duran do bear a resemblance—height aside—to an

* The committee did not contact the three other FBI special agents who had also conversed with Oswald at one time.

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alleged Oswald associate referred to in an unconfirmed report provided by another witness, Elena Garro de Paz, former wife of the noted Mexican poet, Octavio Paz. Elena Garro described the associate, whom she claimed to have seen with Oswald at a party, as "very tall and slender [with] * * * long blond hair * * * a gaunt face [and] a rather long protruding chin." (21)

Two other points warranted further investigation of the imposter issue. The Oswald who contacted the Russian and Cuban diplomatic compounds reportedly spoke broken, hardly recognizable Russian, yet there is considerable evidence that Lee Harvey Oswald was relatively fluent in this language. (22) In addition, Silvia Duran told the committee that Oswald was not at the Cuban consulate on September 28, 1963, a day the consulate was closed to the public. (23) The committee obtained reliable evidence of a sensitive nature from another source, however, that a person who identified himself as Oswald met with Duran at the consulate that day. (24)

The imposter issue could, of course, have been easily resolved had photographs of the person or persons in question been taken at the entrance to the Cuban consulate and Soviet Embassy. The Cuban Government maintained to the committee that the Cuban consulate was under photographic surveillance. In fact, the Cuban Government provided the committee with photographs of the alleged surveillance camera location. (25) The committee had other reports that the CIA had obtained a picture of Oswald that was taken during at least one of his visits to the Soviet Embassy and Cuban consulates. (26) The CIA, however, denied that such a photograph had been obtained, and no such pictures of Oswald were discovered by the committee during its review of the Agency's files. (27)

Despite the unanswered questions, the weight of the evidence supported the conclusion that Oswald was the individual who visited the Soviet Embassy and Cuban consulate. Silvia Duran, who dealt with Oswald at three different times, told the committee she was certain that the individual who applied for an in-transit visa to Russia via Cuba was Oswald. (28) She specifically identified the individual in the photograph on Oswald's visa application form as the Lee Harvey Oswald who had visited the Cuban consulate. (29) Moreover, Duran stated that Oswald's visa application was signed in her presence. (30)

Duran's statements were corroborated by Alfredo Mirabal who succeeded Azcue as Cuban consul in Mexico City in 1963. Mirabal testified that on two occasions, from a distance of 4 meters, he had observed Oswald at the Cuban consulate and that this was the same person who was later photographed being shot by Jack Ruby. (31) Further, the committee was given access by the Cuban Government to Oswald's original visa application, a carbon copy of which had been supplied to the Warren Commission. Testimony before the committee established that each of these forms had been signed separately. (32) The application papers were photographed, and the signature on them was then studied by the committee's panel of handwriting experts. The panel's analysis indicated that the signature on both forms was that of Lee Harvey Oswald. (33) Finally, reliable evidence of a sensitive nature provided to the committee by the CIA tended to indicate that

* Elena Garro's allegation is discussed in more detail in section I C 2, supra.

* Cuban Consul Azcue indicated to the committee that consular practices in 1963 prohibited applications from being removed from the consulate premises to be filed out elsewhere. Silvia Duran stated, however, that applications could be filed out elsewhere.

the person who contacted the Soviet Embassy was the same Lee Harvey Oswald who had visited the Cuban consulate. (34)

It can be said that the fact that the Agency's field sources noted Oswald's movements outside the United States was an indication of effective intelligence work. Nevertheless, the CIA's handling of the Oswald case prior to the assassination was deficient because CIA headquarters was not apprised of all information that its field sources had gathered with respect to Oswald, and headquarters, in turn, was thereby prevented from relaying a more complete résumé of Oswald's actions in Mexico City to the FBI, which was charged with responsibility for the Oswald security case.

The committee was unable to determine whether the CIA did in fact come into possession of a photograph of Oswald taken during his visits to the Soviet Embassy and Cuban consulate in Mexico City, or whether Oswald had any associates in Mexico City. Nevertheless, other information provided by the CIA, as well as evidence obtained from Cuban and Mexican sources, enabled the committee to conclude that the individual who represented himself as Lee Harvey Oswald at the Cuban consulate in Mexico was not an impostor.

(2) *The CIA and the Warren Commission.*—The CIA took the position that it was not to conduct a police-type investigation of the assassination of President Kennedy. According to the testimony of former Director Richard M. Helms, its role was to provide support for the Warren Commission's effort by responding to specific inquiries. (35) Nevertheless, because the CIA was the Commission's primary source of information beyond U.S. territorial limits with respect to the question of foreign complicity in the assassination, the committee sought to evaluate both the quality of the CIA's handling of the foreign conspiracy question and the Agency's working relationship with the Commission. (36)

The Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities also studied the performance of the intelligence agencies in conducting their investigation of the assassination and their relationship with the Warren Commission. The Senate committee's report emphasized the Agency's failure to pursue certain leads to a possible Cuban conspiracy or to apprise the Warren Commission of CIA assassination plots against Fidel Castro. (36) In response, the CIA prepared a Task Force Report (1977 TFR) on the accuracy of the Senate committee's analysis. In its investigation, the committee reviewed the 1977 TFR and used it as a starting point in assessing the timeliness and effectiveness of the CIA's responses to the Warren Commission's periodic requests for information. (37)

The CIA investigation of the Kennedy assassination was focused at the outset on Oswald's trip to Mexico. It was managed at Washington headquarters by the desk officer responsible for intelligence activity related to Mexico. Immediately following the assassination, the desk officer was instructed by Richard Helms, then Deputy Director for

Plans, to coordinate efforts to compile and evaluate incoming information pertaining to the assassination. The desk officer was assigned this responsibility due to his past experience conducting internal CIA security investigations and because Oswald had visited Mexico 2 months prior to the assassination. (38) The cable traffic this officer coordinated was voluminous.

By late December 1963, it had become apparent that the CIA's interest in information related to the assassination had extended beyond Oswald's trip to Mexico. It encompassed Oswald's defection to the Soviet Union as well as the possible involvement of foreign powers in an assassination conspiracy. Consequently, responsibility for coordinating CIA investigative efforts was shifted to the counterintelligence staff, which had worldwide resources and expertise in investigating sabotage, guerrilla activities and counterespionage. (39)

The second phase of the Agency-information collection effort, designed principally to respond to the work of the Warren Commission, was coordinated by Raymond Rocco, Chief of Research and Analysis (CI/R & A) for the counterintelligence staff. CI/R & A was the counterintelligence staff component particularly concerned with research and analysis related to counterintelligence and the formulation of policy based on the analysis. Rocco was the CIA's working-level contact point with the Warren Commission; consequently he was in a position to review most CIA information pertaining to the assassination, which comprised a heavy volume of incoming cable traffic. (40) Due to compartmentalization, however, Rocco did not have access to all materials potentially relevant to the Warren Commission investigation. For example, Rocco had no knowledge of efforts by the CIA to assassinate Fidel Castro in the early 1960's. (41)

An examination of the functioning of the Warren Commission indicated to the committee that its staff assumed the CIA would expeditiously provide it with all relevant information rather than merely furnish data in response to specific requests. (42) An analysis by the committee showed that the Warren Commission's view was not shared by certain high-ranking officials of the Agency, including Deputy Director Helms. In fact, the CIA did not always respond to the Commission's broad request for all relevant material. In testimony to the committee, Helms said the CIA's general position was that it should forward information to the Commission only in response to specific requests. (43) Helms indicated that he did not inform the Warren Commission of the anti-Castro plots because he was never "asked to testify before the Warren Commission about * * * [CIA] operations." (44) This attitude caused, in the view of the Senate committee, an interpretation of the Warren Commission investigation that was too narrow in scope. (45)

* The committee agreed that this was an unacceptable explanation for the CIA's failure to inform the Warren Commission of the anti-Castro plots. It was apparent that the Commission was unable to make a specific request for information about the plots since it was unaware of their existence. In this regard, the observations of the Senate committee are worth quoting:

"Why senior officials of the FBI and the CIA permitted the Warren Commission to go forward in light of these deficiencies, and why they permitted the Warren Commission to reach its conclusions without all relevant information is a serious, possible bureaucratic failure and embarrassment, possibly the extreme compartmentalization of knowledge of sensitive operations and events have contributed to these shortcomings. But the possibility exists that senior officials in both agencies made conscious decisions not to disclose potentially important information." (46)

* Results of the committee's investigation of how effectively the CIA pursued the question of foreign complicity can be found in sections II C 1 and 2.

For the committee's analysis of the significance of information that the CIA failed to provide the Warren Commission, see section I C 2.

The CIA also failed to provide the Warren Commission with all information in its possession pertaining to Luisa Calderon, a Cuban consulate employee in Mexico City suspected of having ties to the Cuban intelligence service. Calderon, ~~who was~~ alleged in 1964 by a Cuban defector to have been in contact with an American who might have been Oswald during the period of time of Oswald's visit to Mexico City, engaged in a conversation approximately 5 hours after the assassination in which she indicated possible foreknowledge of the assassination.* The Warren Commission, however, was not apprised by the CIA of this conversation. (The CIA was unable to explain the omission, but the committee uncovered no evidence to suggest that it was due to anything but careless oversight.) (47)

With the exception of that which was obtained from sensitive sources and methods, CIA information, in general, was accurately and expeditiously provided to the Warren Commission. In cases of sensitive sources and methods, rather than provide the Commission with raw data that would have meant revealing the sources and methods, the substance of the information was submitted in accurate summary form. (48)

As a case in point, the committee determined that within two days of the President's assassination, CIA headquarters received detailed reports of Oswald's contacts with the Soviet Embassy and Cuban consulate in Mexico City in late September and early October 1963. (49) Accurate summaries of this material were given to the Warren Commission on January 31, 1964, but direct access to the original material (which would have revealed sources and methods that were sensitive) was not provided until April 1964, when Warren Commission investigators traveling abroad met with a CIA representative who provided it to them. (50) One Warren Commission staff member who reviewed the original material wrote on April 22, 1964, memorandum, which indicated the impact of this material:

[The CIA representative's] narrative plus the material we were shown disclosed immediately how incorrect our previous information had been on Oswald's contacts with the Soviet and Cuban Embassies [in Mexico City.] Apparently, the distortions and omissions to which our information had been subjected had entered some place in Washington, because the CIA information that we were shown by [the CIA representative] was unambiguous on almost all the crucial points. We had previously planned to show the [CIA representative] [Commission Assistant Counsel W. David] Slavson's reconstruction of Oswald's probable activities at the Embassies to get [his] opinion, but once we saw how badly distorted our information was we realized that this would be useless. Therefore, instead, we decided to take as close notes as possible from the original source materials at some later time during our visit. (51)

* The substance of that conversation is covered in section I C 2 on a possible Cuban conspiracy. The CIA maintained that the original Agency report summarizing this conversation was inaccurately translated and that, when accurately translated, it was apparent that there was no basis for sending the original conversation to the Warren Commission, and regard it as a defunct, covered by the CIA's review translation of the report and did not report it as defunct. Moreover, it is noted that the original translation was either the translation of the report rendered specifically and accurately, or the Agency's review translation of this conversation.

The committee did note that these distortions may have merely been the product of the staff member's inaccurate analysis of the available material, since the record reflected that he had reviewed a CIA memorandum dated January 31, 1964, that accurately summarized these records. (52) Nevertheless, as a result of his direct review of the original source materials, he was able to clarify considerably his analysis of Oswald's activities in Mexico City.

Another instance in which the CIA's concern for protecting its sensitive sources and methods resulted in delayed access by the Warren Commission had to do with a photograph that was referred to when CIA headquarters was informed on October 9, 1963, that Oswald had contacted the Soviet Embassy in Mexico City. The photograph was described as apparently depicting an American initially believed by some CIA personnel to be Oswald. (53) It was also the photograph that was apparently shown to Marguerite Oswald after the assassination. (54)

The circumstances of the photograph's origin as well as the fact that the individual in the photograph bore no resemblance to Oswald were known to the CIA shortly after the assassination. (55) Nevertheless, the Warren Commission was not told those details by the CIA until late March 1964. (56) The Commission had requested an explanation of the photograph on February 12, 1964, having inadvertently learned of its existence from the testimony of Marguerite Oswald. (60)

The committee did not conclude that the CIA's handling of information derived from sensitive methods and sources, in fact, substantially impeded the progress of the Warren Commission, but it did find that the Agency's policy with respect to this information was inconsistent with the spirit of Executive Order 11130 that "[a]ll executive departments and agencies are directed to furnish the Commission with such facilities, services and cooperation as it may request from time to time."

(3) *Post-Warren report CIA investigation.*—The committee found that the CIA, as had the FBI, showed little or no inclination to develop information with respect to the President's assassination once the Warren Commission had issued its report. Three cases in point that emerged in the aftermath of the investigation and seemed relevant enough to warrant more careful consideration than they received have been described previously in this report.

In the case of Yuri Nosenko, the Soviet defector who claimed that, as an officer of the KGB, he handed the Oswald file¹¹ the CIA failed to capitalize on a potential source of critical evidence. By employing inexperienced interrogators who lacked interest in or knowledge of Oswald or the assassination, and by subjecting Nosenko to hostile interrogation, the CIA lost an opportunity to elicit information that might have shed light on Oswald, his wife Marina,

¹¹ One CIA officer indicated that since the photograph was not of Oswald, there was no need to inform the Warren Commission about it. Thereby jeopardizing a sensitive CIA source and method. (57) Further, CIA documents show that even when the Commission requested information of the Agency with respect to the provision of intelligence sources and methods inhibited immediate compliance with the request. (58) The CIA believed, nonetheless, that as the photograph was referred to in the first report that CIA headquarters received on Oswald's contact with the Soviet Embassy. (59) It was directly relevant to the Warren Commission investigation and should have been made available promptly. See section I C 1.

and a possible KGB connection to them. In a few cases of two Mexican citizens who claimed to have had contacts with Oswald in Mexico City in the fall of 1963, Elena Garro de Paz and Oscar Contreras,¹² the CIA took only perfunctory action, consequently failing to gain insight into actions by Oswald that might have had a bearing on the assassination.

5. THE WARREN COMMISSION PERFORMED WITH VARYING DEGREES OF COMPETENCY IN THE FULFILLMENT OF ITS DUTIES

- (a) *The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination*
- (b) *The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President. This deficiency was attributable in part to the failure of the Commission to receive all the relevant information that was in the possession of other agencies and departments of the Government*
- (c) *The Warren Commission arrived at its conclusions, based on the evidence available to it, in good faith*
- (d) *The Warren Commission presented the conclusions in its report in a fashion that was too definitive*

President John F. Kennedy was the fourth American President to be assassinated, but his death was the first that led to the formation of a special commission for the purpose of making a full investigation. In earlier assassinations, the investigations had been left to existing judicial bodies:

In the case of Abraham Lincoln in 1865, a military commission determined that John Wilkes Booth was part of a conspiracy, and the Office of the Judge Advocate General of the U.S. Army saw to the prosecution of six defendants, four of whom were hanged. The assassins of James A. Garfield in 1881 and William McKinley in 1901 were promptly tried in courts of law and executed.

In the aftermath of the Kennedy assassination, it was decided by President Lyndon B. Johnson and his advisers that a panel of distinguished citizens should be given the responsibility for finding the full facts of the case and reporting them, along with appropriate recommendations, to the American people.

The Commission was authorized by Executive Order 11130 to set its own procedures and to employ whatever assistance it deemed necessary from Federal agencies, all of which were ordered to cooperate to the maximum with the Commission, which had, under an act of Congress, subpoena power and the authority to grant immunity to witnesses who claimed their privilege against self-incrimination under the fifth amendment. (1)

Chief Justice Earl Warren was selected by President Johnson to head the Commission. Two senior Members of the Senate, Richard B. Russell, Democrat of Georgia, and John Sherman Cooper, Republican of Kentucky, were chosen to serve on the Commission, as were two from the House of Representatives, Hale Boggs, Democrat of Louisiana, and Gerald Ford, Republican of Michigan. Two attorneys who

¹² See section I C 2

had long been active in Government service, Allen W. Dulles, former Director of the CIA, and John J. McCloy, former president of the World Bank, were also named. (2) J. Lee Rankin, former Solicitor General of the United States, was sworn in as General Counsel on December 16, 1963, and 14 attorneys were appointed within a few weeks to serve as assistant counsel. (3)

The Commission did not employ its own investigative staff. Instead, it relied on agencies in place—the FBI and Secret Service for domestic aspects, the CIA for activities involving foreign countries.

In September 1964, following a 9-month effort, the Warren Commission published a report that not only included its conclusions and recommendations, but also a detailed analysis of the case. The Commission had seen its task to be:

*** to uncover all the facts concerning the assassination of President Kennedy and to determine if it was in any way directed or encouraged by unknown persons at home or abroad.

While the committee concluded that the Warren Commission failed in significant areas to investigate "all the facts and circumstances" surrounding the tragic events in Dallas, the committee also found that assigning the responsibility for that failure needed to be approached with utmost caution and care. In large measure, the Warren Commission's inadequacies in investigating important aspects of the President's assassination were the result of failures by the CIA and the FBI to provide it with all relevant evidence and information. (4)

It has been the contention of the CIA and FBI that they gave full and complete responses to all specific requests of the Warren Commission, placing responsibility with the Commission for assuming it would receive the relevant materials automatically. (5) This apparent misunderstanding, in the view of the committee, compromised the effectiveness of the process by which the Warren Commission arrived at its conclusions.

The committee observed that during the course of its hearings, numerous former Warren Commission members and staff attorneys testified that the general atmosphere of Government had changed during the years since President Kennedy's death. They repeatedly noted that they had been significantly more disposed toward trusting the CIA and FBI in 1963 and 1964 than they would have been in 1978. (6)

As it began to prepare its report on the performance of the Warren Commission, the committee took note of the high level of professionalism, dedication, and integrity it found to have characterized the members and staff of the Commission. The committee noted that criticisms leveled at the Commission had often been biased, unfair, and inaccurate. Indeed, the committee believed that the prevailing opinion of the Commission's performance was undeserved. The competence of the Commission was all the more impressive, in the opinion of the committee, in view of the substantial pressure to elicit findings in only 9 months. (7) It was evident to the committee that the Commission could have productively used several more months for its investigation, although the committee recognized that this was a judgment based on the benefit of years of hindsight.

Oswald - memo

Thoroughly bad, unfair, incompetent & dishonest

In addition, the W.C. did know about the plots (Mafia)
and about Gurno & Calderon from the FBI