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(b) Rockefeller 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 Rockefeller 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 Rockefeller Commission concluded that the "great majority of the CIA's domestic activities were within 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 unabridged 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) CIA presentation 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, including a comprehensive examination of the known and contacting pertinent information and analysis were conducted and passed to 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 29, 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 interim visa to Russia via Cuba. (8) One CIA headquarters determined that Oswald was a former defector to the Soviet Union, his both headquarters personnel and CIA intelligence sources abroad. (9) Headquarters, however, was not informed about Oswald's visit in honor 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 29, 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

² The Agency maintained that prior to the assassination, its field sources had not actively tracked Oswald. The person who visited the Cuban consulate in October 1963, therefore, contacted Oswald in Mexico City 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 impostor.

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 impostor 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.

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 impostor 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 impostor 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 allegations are discussed in more detail in section I C 2, supra.

* Cuban Consulate Agents subjected to the committee that consulate practice 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.