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# THE LOPEZ REPORT AND THE CIA'S OSWALD COUNTERINTELLIGENCE SECRETS

Much of the government's failure to investigate thoroughly and honestly the murder of President Kennedy can be traced, it appears, to highly embarrassing secrets buried in the CIA's files. Indeed a central part of the cover-up can be attributed to one such secret alone. This secret, found in pre-assassination CIA cables, is that Oswald had been falsely linked to a senior Soviet KGB agent in Mexico, Valeriy Kostikov, in such a way as to create a misleading impression of a sinister KGB assassination plot.

As we shall see, the evidence is far from clear that the CIA itself was responsible for this false incrimination of Oswald. On the contrary, it is at least possible that the false impression was planted on the CIA by someone else impersonating Oswald, whose allegiance and purposes remain unknown. Another possibility is that the deception was created and fostered for unrelated intelligence purposes; and that other conspirators, not necessarily inside the CIA, took advantage of this embarrassing secret to blackmail the government into covering up.

What is clear is that, for some years, elements within the CIA have been either creating or transmitting false information to their superiors, and later to Congress, about their true relationship to the Oswald-Kostikov story. This possibility, long suspected, is now confirmed by new evidence recently declassified by the CIA and released through the National Archives.

The new revelations come in the so-called "Lopez Report," an anonymous staff study (entitled "Lee Harvey Oswald, the CIA and Mexico City") prepared in 1978 for the House Select Committee on Assassinations by two junior members of the Committee's staff, Edwin Lopez and Dan Hardway. The declassification and release of this Report were not authorized by the CIA until August 1993. Even today, parts of the sections dealing with Oswald and Kostikov remain heavily censored, and one short key section is deleted entirely.

The new evidence does not clear up the mystery; indeed it deepens our sense of what we do not know. But we can see more clearly the areas in which the CIA has been covering up: alleged links (which were probably false) between Oswald, on the one hand, and Soviet and/or Cuban intelligence on the other. And we can trace how the disclosed secret, of the falsified Oswald-Kostikov link in CIA cables, leads back to larger secrets in CIA files which are still undisclosed, and still actively protected by the CIA.

In the recent 1993 CIA releases, which I have so far barely skimmed, it is clear from the large numbers of redactions and withheld documents that extensive secrets are still being hidden in CIA files. That the secrets are there, however, does not necessarily mean that they originated with the CIA. On the contrary, one is reinforced in the impression that the files of other government agencies are involved: of Army, Navy, and Marine Intelligence, and the FBI.<sup>1</sup>

In this respect it is particularly intriguing to learn that the United States in Mexico City had fully staffed stations, not just for the CIA and FBI, but also for Army Intelligence (which had an operational interest in Cuban exile anti-Castro groups such as Alpha 66).<sup>2</sup> (If we are to believe the redacted CIA cables about Lee Henry Oswald in Mexico City, the Mexico City CIA Station was directed to share its information with the Navy, but not the Army.)<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> Cf. Peter Dale Scott, Deep Politics and the Death of JFK (Berkeley and Los Angeles: University of California Press, 1993), 257-60, etc.

<sup>&</sup>lt;sup>2</sup> Gaeton Fonzi, The Last Investigation (New York: Thunder's Mouth Press, 1993), 266.

<sup>3 4</sup> AH 216; Lopez Report, 145; CIA Cable DIR 74830, 10/10/63.

#### The Alleged Oswald-Kostikov Conversation

At the heart of this mystery was an alleged intercept by CIA electronic surveillance of a phone call on October 1, 1963, from someone who identified himself as "Lee Oswald." This was a local call to the Soviet Embassy in Mexico City, in which the alleged "Oswald" talked of his contact with a KGB Agent called Valeriy Kostikov. We shall see that there are reasons to suspect that the man who represented himself as Oswald in this call was in fact someone else impersonating him.

The truth about this phone call has remained obscure ever since its interception, partly because the CIA reaction to it has been so consistently mysterious, and misleading. On October 8, 1963, the CIA station in Mexico City, in their report on the phone call, supplied a physical description (and later six photographs) of someone who was in fact not Lee Harvey Oswald but someone else.<sup>4</sup> This so-called "mystery man" (as he has been known since photographs of him reached the public) was described as "approximately 35 years old," with a receding hairline.<sup>5</sup>

This confusion, or falsification, was compounded by CIA officials at Headquarters two days later. They responded with two messages, both misnaming Oswald as Lee Henry Oswald. One of these messages transmitted back to Mexico City the quite different description of the 24-year-old Lee Harvey Oswald in their files.<sup>6</sup> The other forwarded to the FBI and other agencies the description, as if it was Oswald's, of the mystery man, "approximately 35 years old."<sup>7</sup>

We now know that the same people drafted both messages at the same time, and that the first, drafted by at least three people, was signed off by a high-level officer, the Assistant Deputy Director for Plans.<sup>8</sup> The misinformation in the cables is unlikely to have been accidental, from inattention, as CIA officers have since claimed. The Mexico City cable "caused a lot of excitement" at Headquarters, because it appeared that a former defector had made contact with a KGB agent.<sup>9</sup>

We shall consider later the hypothesis that these three Oswald cables were deliberately falsified, as part of what the CIA itself calls a "deception program." What emerges immediately is that Oswald, supposedly an insignificant loner, had been the subject of high-level CIA cable traffic shortly before the assassination. It will not be easy to determine why in this traffic numerous key details about Oswald had been systematically falsified. (Even his name, as in earlier CIA documents going back to 1960, was misrendered as "Lee Henry Oswald.)<sup>10</sup> What is clear is that this false information about Oswald came chiefly from one particularly secret section of the Agency, that concerned with Counterintelligence.

There is nothing in this new evidence, still partly censored, to implicate these CIA elements in the Kennedy assassination. What is indicated rather is some embarrassing secret or series of secrets about Oswald or his CIA file, which would appear to have originated some three years earlier in a possibly unrelated operation.

This secret evidence, which implicated Oswald falsely with an alleged KGB assassin, may however have been exploited by the Presidents' murderers: to ensure that the U.S. Government, to protect world peace and also its operations from disclosure, went along with the hypothesis that Lee Harvey Oswald acted alone. The "lone assassin" hypothesis about Oswald, even if as implausible as the "KGB assassin" hypothesis, had the advantage of not threatening nuclear war.

<sup>10</sup> Lopez Report, 144-47. Cf. discussion of Oswald in FBI, Secret Service, and Dallas Police files as "Harvey Lee Oswald," in Scott, Deep Politics, 277, 374-75.

<sup>&</sup>lt;sup>4</sup> Lopez Report, 137-38. According to an uncorroborated source cited by the Lopez Report, this man may have been "Yuriy Ivanovich Moskalev, a Soviet KGB officer" (Lopez Report, 179).

<sup>&</sup>lt;sup>5</sup> Lopez Report, 138.

<sup>&</sup>lt;sup>6</sup> CIA outgoing cable DIR 74830 Oct 10; 4 AH 216; Lopez Report, 144. By falsification I mean, not complete fabrication, but contamination of true information with details that are clearly false (chiefly, but by no means uniquely, the false name "Lee Henry Oswald" that the CIA originated back in 1960).

<sup>7</sup> CIA outgoing cable DIR 74673 Oct 10; 4 AH 219; Lopez Report, 146.

<sup>8</sup> Lopez Report, 144.

<sup>9</sup> Lopez Report, 143.

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One can speculate further that if the truth about the CIA's Oswald secret had been disclosed to a court of law, the FBI's legal case against Oswald as a deranged lone assassin might well have collapsed. In this case, the CIA, by suppressing and lying about its internal secrets about Oswald, would have allowed Oswald to be framed.

#### CIA Counterintelligence and the Oswald-Kostikov Story

Although this CIA secret remains hidden, recent declassifications make it clear who was lying about Oswald, and when. False information, often the daily business of CIA officers, appears to have been generated about Oswald from two sources. One was a very small but very powerful unit, the CI/SIG (Counterintelligence Special Investigation Group), within the CIA's Counterintelligence (CI) staff. The other source was a group of officers within the CIA's station in Mexico City, at least one of whom was allegedly a Counterintelligence officer.11

From these two sources we can guess that the CIA Oswald secret had to do with a sensitive CIA counterintelligence operation. We know that CI/SIG's primary mission, since it had been set up by CI Chief James Angleton in 1954, was in effect to spy on the rest of the CIA. As Angleton himself told the House Select Committee on Assassinations in 1978, he set up the CDSIG in 1974. investigate the allegations (promoted at the time by FBI chief J. Edgar Hoover) that the CIA itself might have been penetrated by the KGB.<sup>12</sup> Partly to ensure that the CI/SIG would not be too sympathetic to the rest of the CIA, Angleton entrusted it to an ex-FBI agent, Birch D. O'Neal.<sup>13</sup> O'Neal had been part of a wartime FBI overseas Alternative with the CIA's predecessor agency, the OSS. It self told the House Select Committee on Assassinations in 1978, he set up the CI/SIG in 1954 to

has been suggested that Hoover so mistrusted the CIA that he arranged for some of his FBI/SIS veterans to resign from the FBI and join the CIA as penetration agents. FBI veterans in the Agency (many of them close to Angleton) included O'Neal, William Harvey (Angleton's predecessor as Counterintelligence Chief), Mexico City Station Chief Win Scott, and at least one other relevant officer (George Munroe) of the Mexico City CIA station.<sup>14</sup> According to Dick Russell, Munroe was "the CIA's leading surveillance man in Mexico City, responsible for the electronic bugging of the Soviet and Cuban embassies."15

The falsified "Lee Henry Oswald" cables of October 1963, which became part of a CI/SIG file on "Lee Henry Oswald" going back to 1960, were supervised by officers of this small Angleton-FBI veterans clique in CI. One can imagine that this clique had used their falsified file on "Lee Henry Oswald" as part of the CL/SIG's search for a KGB penetration agent, or "mole," within the CIA's ranks. This search became particularly active in 1963, the year of falsified cable traffic about Oswald.16

It is certain however that the effect of the falsified Oswald documentation, consciously or accidentally, was to incriminate him falsely as an apparent KGB assassin. One day after the assassination, the CIA Counterintelligence staff speculated on the sinister implications of Oswald's alleged contact with Kostikov; and it continued to do so for years after.<sup>17</sup> For Kostikov was not just a known KGB agent; he was suspected by Counterintelligence officials in the FBI and CIA of working for the KGB's Department Thirteen, which according to a contemporary CIA memo was "responsible for sabotage and assassination."18 This falsified picture of Oswald as a potential KGB assassin, though

13 David Wise, Molehunt (New York: Random House, 1992), 158, 160.

<sup>16</sup> Mangold, 108; Edward Jay Epstein, Deception (New York: Simon and Schuster, 1989), 75-77.

17 CIA Doc. # 34-538, Memo of 23 Nov 1963 from Tennant ("Pete") Bagley, Chief, SR/CI; Schweiker-Hart Report, 25; Peter Dale Scott, Deep Politics, 54.

18 Bagley memo of 23 Nov 1963; Schweiker-Hart Report, 92; Scott, Deep Politics, 39; Edward Jay Epstein,

January 25, 1994

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<sup>11</sup> Lopez Report, 101; interview with Edwin Lopez, 10/9/93.

<sup>12</sup> HSCA, Deposition of James Angleton, 145-47, as summarized in Tom Mangold, Cold Warrior (New York: Simon and Schuster/Touchstone, 1991), 57.

<sup>14</sup> Curt Gentry, J. Edgar Hoover (New York: Norton, 1991), 392.

<sup>15</sup> Dick Russell, The Man Who Knew Too Much (New York: Carroll and Graf, 1992), 239.

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never used by the Warren Commission against him, almost certainly contributed to the Warren Commission's determination to close the case as the work of a lone assassin.<sup>19</sup> The alleged Oswald-Kostikov-Department Thirteen connection must have seemed particularly ominous after the Commission was informed by Richard Helms that

- 4 -

The Thirteenth Department headquarters, according to very reliable information, conducts interviews or, as appropriate, file reviews on every foreign military defector to the USSR to study and to determine the possibility of utilizing the defector in his country of origin.20

CIA and FBI officials have since said that their respective agencies made mistakes in their handling of the Oswald case prior to Kennedy's murder. Yet the Counterintelligence staffs of CIA and FBI, who were responsible for the alleged mistakes, were also given the responsibility for investigating the Kennedy assassination afterwards. The CI/SIG in particular, which had misrepresented Oswald within the CIA, was given responsibility for liaison on the assassination with the CI staff in the FBI, who were given secret FBI reprimands for having failed to put Oswald on the FBI's Security Index.21

FBI and CIA officials, especially those in CI, continued to conceal and misrepresent the facts, first to the Warren Commission, and later to the House Committee.22 A typical example was a CIA Counterintelligence memo recommending that Helms "wait out the Commission" in its request for CIA documents, which justified the withholding of information about the "mystery man" problem in Mexico City, because the "items refer to aborted leads."23 The least damning excuse for CI personnel having been put by their superiors in a position to do this is that Oswald (or at a minimum the erroneous Oswald record, salted with errors) was indeed part of some covert intelligence operation.

## Possibility of an Oswald Impostor in Mexico City

Thanks to the Lopez Report, we now know how shaky, if not implausible, were the foundations of the original CIA claim in 1963 that Oswald had met with Kostikov.24 On October 1, 1963, two months before the assassination of President Kennedy, CIA surveillance at the Soviet Embassy in Mexico City overheard a man, who apparently spoke in broken Russian, identify himself as Lee Oswald, and talk of his contact with Kostikov, an Embassy Consular official.25

Legend (New York: Reader's Digest Press/ McGraw-Hill, 1978), 16, 237; U.S. Cong., Senate, Committee on the Judiciary, Murder International Incorporated, Hearing, 89th Cong., 1st Sess. (Washington: G.P.O., 1965).

19 Scott, Deep Politics, 113; William Manchester, Death of a President (New York: Harper and Row, 1967), 730; see also below.

20 Memo of 1/31/64 from Helms to Warren Commission Counsel J. Lee Rankin, "Information Developed by CIA on the Activity of Lee Harvey Oswald in Mexico City, 28 September - 3 October 1963," CIA Document 509-803.

21 11 AH 476, 485; Scott, Deep Politics, 61-67.

22 Schweiker-Hart Report, 54; 3 AH 535; Scott, Deep Politics, 63 (FBI CI); Lopez Report, 141, 148-50, 183-84, etc.

23 11 AH 63, 491; CIA internal memo of 3/5/63 from Ray Rocca of CI, reporting the recommendations of CI Chief James Angleton.

<sup>25</sup> Lopez Report, 78-79. The transcript is in English, which is said to indicate "either English or Russian." But the translator of an earlier conversation on September 28, which was in broken Russian, later identified the two speakers as being the same, while his wife identified the October 1 conversation from the transcript as being in Russian (Lopez Report, 83).

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<sup>24</sup> This section was written before the publication by Oleg Nechiporenko of a book corroborating the meeting from sources who would normally appear to be definitive: Kostikov himself, supported by two of his colleagues in the Soviet Embassy, Pavel Yatzkov and Nechiporenko. At this point in my text, I originally expressed skepticism about the book, on the basis of the advance report of it in Posner (p. 183). Having since both read the book and spent hours with Nechiporenko himself, I am now convinced that both the man and the book have to be taken seriously (see below). For reasons I shall explain later, however, I still believe that the Lopez Report hypothesis of a possible Oswald impostor in Mexico remains a viable one, neither proven nor disproven.

The newly released evidence in the Lopez Report makes it likely that this man, who identified himself as Oswald, was in fact an impostor. It is almost certain, moreover, that a Mexico City CIA official misrepresented the conversation in order to prevent this likelihood from being disclosed.26

From the time of the Warren Report to the present, key facts about this alleged Oswald-Kostikov contact have continued to be suppressed. Despite these gaps in the public record, there is new evidence for four propositions indicating a conspiracy in Mexico City to incriminate Oswald.

- --- The first is that Oswald was impersonated at the Cuban Consulate in Mexico by someone else, a man over thirty, about five foot six, thin, with blonde hair. (The Oswald arrested in Dallas was aged twenty-four, five foot nine, and had brown hair.)
- --- The second is that someone who phoned the Soviet Embassy in Mexico City, identified himself as Lee Oswald, and referred to his meeting with Kostikov, was in fact not Oswald at all, but someone whose Russian (unlike Oswald's) was extremely poor.
- --- The third is that a tape of this phone conversation, which could have proven conclusively whether Oswald was or was not being impersonated, was preserved by the CIA for some time longer than was originally claimed; almost certainly (despite misleading denials) it survived the assassination.
- --- The fourth is that CIA officials in Mexico City helped to conceal the truth about these matters, by lying to their own superiors in Washington, and later to the House Select Committee on Assassinations. In particular these officials, along with members of the CI/SIG staff in Washington and others, complicated the matter still further, by circulating a false description of the alleged impostor, one that in fact fitted neither him nor the man he impersonated.

It is important to repeat that these CIA lies do not prove the involvement of CIA officials in the conspiracy to kill the President. As we shall see, however, CIA behavior appears to have augmented the fear at that time of unnecessary war, which is said in turn to have motivated Chief Justice Earl Warren's pursuit of Oswald as a lone assassin.

# The Short Blonde Older Oswald Impostor

In 1978 the House Select Committee heard testimony from two former Cuban Consulate officials, Consul Eusebio Azcue and Silvia Duran. Each testified separately that the "Oswald" whom they dealt with was short, blonde, and over 30.27 The corroboration was the more significant in that Azcue was first deposed by the Committee in Cuba, and Duran, a Mexican national, in Mexico City. The two witnesses said they had not been in touch with each other for some years.

Nevertheless critics were reluctant to make too much of this discordant testimony. One reason is that Duran (3 AH 118), unlike Azcue (3 AH 139), thought that the visitor to the Consulate was the same as the man killed by Jack Ruby in Dallas. Another reason was because the Warren Report contained an alleged summary of a Duran interview in 1963, containing nothing which would distinguish the man she interviewed from the assassin in Dallas. This summary is cited by Gerald Posner, in his recent book Case Closed, to support his statement that Silvia Duran "positively identified the visitor as Oswald," and to suggest, wrongly, that Azcue is alone in describing the visitor as a short older blonde.28

One new revelation is that Duran's interview summary from 1963, as published in the Warren Report, was rewritten and censored. For the first time we learn that the original report of Duran's interview by the Mexican Security Police (DFS), seen in November 1963 by the Mexico CIA station

<sup>26</sup> Lopez Report, 171; cf. discussion below.

<sup>27 3</sup> AH 69-70 (Duran); 3 AH 136, cf. 152 (Azcue). For what it is worth, Duran described Oswald as as blond and balding (poco pelo, 3 AH 104). This description recalls the description of Oswald, or "Oswald," by Alfred Osborne alias John Bowen, the mysterious Englishman who sat next to him in the bus that brought him to Mexico City. Osborne/Bowen also described "Oswald"'s hair as "blond and thin" (25 WH 37; 25 WH 573).

<sup>28</sup> Posner, Case Closed, 188-89.

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but never by the Warren Commission, was significantly different. More specifically she described him as an "individual who was blonde, short, dressed unelegantly and whose face turned red when angry."<sup>29</sup>

This description actually reached the staff of the Warren Commission from the CIA.<sup>30</sup> But some months later these words were removed from a rewritten summary of Duran's testimony, and only the rewritten, censored summary was published by the Warren Commission.<sup>31</sup> According to the Lopez Report, it was the CIA who "deleted Duran's description of Oswald as blonde and short."<sup>32</sup> The public record indicates that the rewritten summary came from the Mexican Security Police or DFS (Dirección Federal de Seguridad) in their Ministry of Government.<sup>33</sup> But as the House Committee recognized, these Mexican authorities collaborated very closely with the CIA. (The Minister was said to be "in Scott's pocket" and may have been on the CIA payroll.)<sup>34</sup>

One can see why it would have been embarrassing to the Warren Commission's lone assassin hypothesis to have published Silvia Duran's description of him as blonde, short, and "dressed unelegantly." The visa application submitted by Oswald to Duran showed a photograph, said by Posner to have been taken the same day "at a nearby shop recommended by Duran."<sup>35</sup> As in no other photo or description of Oswald, the "Oswald" in this unique photograph is dressed like a Harvard student, with a dress shirt, necktie, and pullover sweater. As we shall see, former KGB officer Oleg Nechiporenko, describing his encounters with "Oswald" in the Soviet Embassy, denies that the visitor wore such attire, and agrees with Duran that he was dressed inelegantly. Thus Nechiporenko, used by Posner and others to rebut the "impostor" hypothesis, can also be cited on the other side, to support the discordant testimony of Duran and Azcue.

Further evidence that the Oswald in the Cuban Consulate was an impostor has just been made public in a new book by former House Committee investigator Gaeton Fonzi. According to Fonzi, the CIA actually had two "assets," or double agents, working inside the Cuban Consulate at the time of the "Oswald" visit. These two assets were located and interviewed in 1978 by Ed Lopez, without the Agency's permission. The assets told Lopez

that the consensus among employees within the Cuban Consulate after the Kennedy assassination was that it wasn't Oswald who had been there. The assets said that they reported that to the Agency but there were no documents in the CIA file noting that fact.<sup>36</sup>

In any case, anti-conspiratorial books like *Case Closed* will no longer be able to claim that Azcue was unsupported in his allegations of a short blonde impostor. Azcue's claim is further supported by the fact, long rumored but never before officially corroborated, that the CIA, with thorough photographic surveillance of both the Cuban and Soviet Embassies, had at least ten opportunities to

<sup>30</sup> WCD 347 (CIA Document # 509-803); CIA memorandum of 31 January 1964. Also WCD 426; memo of 14 February 1964 from Richard Helms to Commission Counsel J. Lee Rankin.

31 24 WH 565.

32 Lopez Report, 190.

33 WCE 2123; 24 WH 680, 682. Cf. Scott, Deep Politics, 105.

<sup>34</sup> Scott, Deep Politics, 123, 336; Philip Agee, CIA Diary (Harmondsworth, Middlesex: Penguin, 1975), 275-76, 524-26, 553.

<sup>35</sup> Posner, Case Closed, 182. The FBI could never locate the shop: thus the Warren Report concluded that Oswald brought with him "passport photographs which he may have obtained in the United States" (WR 734; cf. 25 WH 589).

<sup>36</sup> Fonzi, *The Last Investigation*, 293-94. The presence of HUMINT or human intelligence assets inside the Cuban Consulate appears to explain some of the extensive redactions in the released Lopez Report. It may also help explain the astonishing footnote 319 to the Report, on page A-23. This refers to a call between "a woman named Silvia" and a Consulate employee named Guillermo Ruiz (the cousin of Alpha 66 leader Antonio Veciana, another CIA asset). Silvia asks Ruiz for the Consul's telephone number, and "Ruiz says that the number is 11-28-47." This number, which critics had hitherto assumed to be the publicly available one, is the number for the Cuban Consulate entered with Duran's name in Oswald's address book (16 WH 54). If it was publicly available, it is hard to understand why Silvia Duran would have had to telephone Ruiz to obtain it.

<sup>29</sup> Lopez Report, 186.

photograph Oswald, yet CIA records at the time of the assassination allegedly did not contain a single photograph matching the man arrested in Dallas.<sup>37</sup>

We now learn from the Lopez Report that CIA experts told the Committee it was unlikely that the surveillance could have failed to photograph Oswald. Some of them, furthermore, reported that photos of Oswald were taken and delivered to CIA headquarters near Washington. Winston Scott, then Chief of the Mëxico City CIA station, later wrote in an unpublished memoir that "persons watching these embassies photographed Oswald as he entered and left each one, and clocked the time he spent on each visit."<sup>38</sup> After Scott died, this memoir was retrieved and sequestered by CIA Counterintelligence Chief James Angleton. Allegedly Angleton also made off with a profile photo of Oswald entering the Soviet Embassy.<sup>39</sup>

It remains to be learned whether a search of the photographic surveillance product would show photos of a man who was short, blonde, and over thirty. The CIA did release some photographs to the Committee, and Silvia Duran, when shown these, failed to identify any of them as her visitor. But the CIA never released the photos from the special "pulse camera" which they had just installed to watch the Cuban Consulate, shortly before Oswald's visit. Worse, when the Committee asked for the "pulse camera" photos, the CIA replied, falsely, that this camera had not been in operation until three months later.<sup>40</sup>

## Did an Oswald Impostor Phone the Soviet Embassy?

The possibility of an impostor at the Cuban Consulate raises the question of why, on October 8, 1963, the CIA Station reported that one week earlier someone had telephoned the Soviet Embassy in Mexico City, identified himself as Lee Oswald, and referred to a previous meeting with the Soviet Consul.<sup>41</sup> According to the cable of October 8, 1963 sent from the Mexican City CIA Station to Headquarters, this individual said he "spoke with Consul whom he believed to be Valeriy Vladimirovich Kostikov" (4 AH 212). In contrast, according to the summary of the transcript quoted in the Lopez Report, "Oswald...said that he did not remember the name of the Consul with whom he had spoken. Obyedkov [the guard with whom "Oswald" was currently speaking] asked if it had been Kostikov....The man outside replied affirmatively and repeated that his name was Oswald."<sup>42</sup>

The difference could be immensely important. If the cable is accurate, "Oswald" (whether the real Oswald or an impostor) is responsible for initiating the impression of a sinister KGB connection. If the transcript is correct, and the name of Kostikov did not come from the lips of the alleged "Oswald," that impression was created by a misleading CIA cable. In the first case, a conspiratorial deception could have been foisted on the CIA by someone else. In the second case, the deception arose within the CIA itself.<sup>43</sup>

<sup>43</sup> A third account of this conversation, transmitted by House Committee investigator Gaeton Fonzi, would, if accurate, be even more conspiratorial. According to Fonzi, the CIA told the Warren 'Commission it had "tape recordings of Oswald telephoning the Soviets and asking for a 'Comrade Kostin.' (That, the Agency said, was a code name for Valery Kostikov, a Russian officer in charge of the KGB's Department Thirteenth, which was responsible for assassinations and sabotage.)" (Fonzi, 283). This version raises the question of how "Oswald" could have known a KGB code name, "Kostin," which the real Lee Harvey Oswald allegedly used afterwards in a letter of November 9, 1963, to the Soviet Embassy in Washington (WR 309-11; Scott, Deep Politics, 39-40). So far I have found no documentary evidence for Fonzi's claim.

<sup>37</sup> CIA Doc. # 59-23, MEXI (Mexico City CIA cable) 7035 of 23 Nov 1963.

<sup>38</sup> Lopez Report, 23.

<sup>&</sup>lt;sup>39</sup> Lopez Report, 87-88, 88-89; Posner, 187; Fonzi, 295. On November 16, 1993 a PBS Frontline television report on Oswald referred to Win Scott's claim that "persons watching these embassies photographed Oswald as he entered and left each one." PBS also elicited from Richard Helms the response, "He [Scott] couldn't produce the photograph."

<sup>40</sup> Lopez Report, 13-30; footnote 363 on p. A-25.

<sup>41</sup> Lopez Report, 78-79, 136.

<sup>42</sup> Lopez Report, 79.

Whatever the facts, the report of this conversation cast a lengthy shadow over the investigation of the President's murder. After the assassination, it led senior CIA officials to talk of an Oswald-Kostikov meeting, which they took as possible evidence of a high-level Oswald-KGB plot. (These senior officials included Win Scott, the head of the Mexico City CIA station, James Angleton, the chief of CIA Counterintelligence, Angleton's deputy Ray Rocca, and Angleton loyalist Tennant Bag-ley at CIA Headquarters.)<sup>44</sup>

For some time it has been suspected that the caller was not Oswald. The newly declassified Lopez Report and CIA cables reveal that CIA translators who listened to the tape identified the caller as someone who had phoned the Embassy three days earlier and spoken "broken," indeed "terrible, hardly recognizable Russian."<sup>45</sup> This could hardly be Lee Harvey Oswald, who reportedly spoke Russian reasonably well even before his three years in the Soviet Union. (Oswald had spoken Russian for two hours in California with his aunt, Rosaleen Quinn, who had been studying Russian for over a year with a Berlitz tutor in preparation for the the State Department's foreign language examination. Ms. Quinn reported to author Edward Jay Epstein that Oswald "had a far more confident command of the language than she did.")<sup>46</sup> Marina Oswald, when she met Oswald in 1961, "found his Russian so fluent that she simply believed he was from a different Russian-speaking region."<sup>47</sup>

Furthermore the misleading incrimination of Oswald, by linking him to the alleged KGB assassinations expert Kostikov, was reinforced by members of the Mexico City CIA Station. A memo was prepared (by an unidentified Ms. X) stating that it had been "determined" (as opposed to "claimed") that Oswald "had been at the Soviet Embassy on 28 September 1963 and had talked with" Kostikov. Though the discussion concerned a visa, which would make the Kostikov contact seem more innocent, the memo did not show this. Instead it claimed, in language which the Lopez Report found "misleading," that "we have no clarifying information with regard to this request."<sup>48</sup> Almost certainly these allegations were "determined" by comparing the intercepts and transcripts of September 28 and October 1, which a) were indeed determined to have been made by the same caller, b) contained no further evidence of an actual Oswald-Kostikov meeting, and c) were known to be part of a sequence of intercepts which clearly had as their subject Oswald's request for a Soviet visa.<sup>49</sup>

CIA Headquarters, which was concerned about the Kostikov contact and had asked to be informed, did not learn about the visa request until after the assassination. According to the Lopez Report, witnesses suggested that information not directly transmitted to CIA Headquarters may have been provided to them indirectly through the FBI.<sup>50</sup> It is clear that some information not in the CIA cables (such as alleged Oswald visits to the Embassies on September 27) did reach CIA Headquarters. It is possible that this information was communicated through a CIA Counterintelligence back channel, since CI maintained its own communication network and cipher that was independent of the regular CIA cable traffic.

<sup>45</sup> Lopez Report, 77; MEXI (Mexico City CIA cable) 7023 of November 23, 1963; DIR (CIA HQ cable) 84915 of November 23, 1963.

<sup>49</sup> Lopez Report, 73-79, 162, 170-72. The House Committee determined that by October 16, the date of Ms. X's memo, all four intercepts "had been linked to Oswald" (Lopez Report, 170). A post-assassination cable confirmed that "no other info available" (Lopez Report, 183).

50 Lopez Report, 181.

<sup>44</sup> CIA Document # 34-538, Memo of 23 November 1963 from Bagley to ADDP Karamessines.

<sup>46</sup> Epstein, Legend, 87; Summers, Conspiracy, 154; WR 685; 24 WH 130.

<sup>&</sup>lt;sup>47</sup> Hurt, *Reasonable Doubt*, 211; WR 703; WCE 1401, p. 261; WCE 994, p. 5. Posner recognizes that the caller's broken Russian on September 28 is a problem. His response is to distinguish between the two callers on September 28 and October 1: "the tape referred to," Posner writes, "may not even have been a recording of Oswald" (Posner, 187). This solution does not deal with the fact that the CIA translators and officers identified the speaker of broken Russian on September 28 with the caller on October 1 who introduced himself as 'Lee Oswald.' Someone, not Oswald, who introduced himself as Oswald, could only be an impostor.

<sup>&</sup>lt;sup>48</sup> CIA Document # 9-5, Memo of 16 October 1963 to the Ambassador from [deleted]; Lopez Report, 170-72; Scott, *Deep Politics*, 41. In *Deep Politics* I wrongly suggested that the author might have been David Phillips; we now learn that the author was a woman with "very much the Counter-Intelligence mentality" (Lopez Report, 171, 101).

#### Was the Tape of This Conversation Destroyed?

The evidence is extremely confused as to how long the CIA preserved its tape of the October 1 phone conversation, which could have proven conclusively that Oswald was being impersonated. Having studied the CIA files and listened to many witnesses, the authors of the Lopez Report concluded that tapes of the two conversations, on September 28 and October 1, were preserved at least until mid-October, by which time Langley had expressed interest in the Oswald-Kostikov contact. A key piece of evidence was a note placed in the files by Annie Goodpasture, an officer in the Mexico City station. She wrote "The caller from the Cuban Embassy [on September 28] was unidentified until HQ [Langley] sent traces on Oswald and voices [on the two tapes] compared by [deleted: (the translators)]."<sup>51</sup> All of a brief section of the Lopez Report, entitled "Voice Comparisons," is deleted.

Yet the same officer sent a cable on November 23 saying, in part, "Station unable compare voice as first tape [of September 28] erased prior receipt of second call [of October 1]." The Lopez Report twice called this statement "highly unlikely," as inconsistent with sworn testimony, other CIA cables, and what was known of CIA procedures. Once we question this account of the destruction of the tapes, all CIA accounts of when they were destroyed become more suspect.

In both FBI and CIA records, there are indications that the tapes, which could have proven a conspiracy to incriminate Oswald, survived the assassination, yet were withheld from authorities after Oswald had been arrested for the murder of President Kennedy. This would of course appear to be a serious, possibly criminal, interference with a criminal investigation, one denying both justice to Oswald and the truth to law enforcement and the American people. It is likely moreover that numerous attestations by officials to the tapes' erasure are either false or deliberately misleading.

According to an FBI message to the Secret Service on November 23, that was not released to the public until 1975, a CIA source

had reported that an individual identified himself as Lee Oswald, who contacted the 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."<sup>52</sup>

We learn now for the first time that this memo was based on a telephone conversation between J. Edgar Hoover's subordinate Alan Belmont, and Gordon Shanklin, head of the Dallas FBI. This phone call took place just before noon on November 23. At 7:30 PM, CST, Shanklin cabled Hoover and said, "It should be noted that the actual tape [of the October 1 call] has been erased." On the same day the Mexico City CIA Station informed its Headquarters "Regret complete redheck shows tapes for this period already erased."<sup>53</sup>

Because these two cables do not say when the tapes were erased, they do not refute Hoover's statement that FBI agents in Dallas had listened to them. The House Committee, in its published report, cited yet another FBI report that "no tapes were taken [from Mexico City] to Dallas." But this does not refute Hoover's statement either, since the FBI agents could, and indeed very probably would, have listened to the recordings in a long-distance telephone call. The Committee's Report concluded that the FBI and CIA in the U.S. never received "a recording of Oswald's voice."<sup>54</sup> But this language, repeated three times, does not address the real issue: did they receive a recording of the voice of someone else, not Oswald, who identified himself as Oswald?

The inconsistencies in the CIA's accounts of the tapes, as revealed by the 1978 Lopez Report, suggest that officers in the Mexico City Station acted, as early as one day after the assassination, as

<sup>54</sup> AR 250. I am reliably informed that the Report used this evasive and misleading phrase after careful deliberation and consultation.

<sup>51</sup> Lopez Report, 162.

<sup>52</sup> AR 249-50; Scott, Deep Politics, 41-43.

<sup>53</sup> Lopez Report, Addendum, 1-3.

if they had something to hide from their own Headquarters. It seems likely, moreover, that they were prevaricating when they said that the tapes had been erased.

Warren Commission Counsel David Slawson has since confirmed to investigators, including myself, that he listened to an Oswald tape inside the Mexico City CIA station in the spring of 1964.<sup>55</sup> His memory on this crucial point has been corroborated by two other Warren Commission counsels, William Coleman and David Belin. Members of the Win Scott family recall that a vinyl recording, which Scott had identified to his wife as being of Oswald, was retrieved by Angleton after Scott's death and taken to CIA headquarters.

Key redactions in the Lopez Report, as censored by the CIA before release in 1993, still prevent the American people from knowing what the Mexico City CIA station was up to in 1963. On the basis of what has been released, however, one can tentatively conclude that Oswald was indeed impersonated in Mexico, that a false trail was laid which linked him to an alleged KGB assassin agent, and that some individual officers in the Mexico City Station acted conspiratorially: first to strengthen this false trail, and later to cover it up.

### Oleg Nechiporenko and the Oswald Impostor Hypothesis

Informed readers are no doubt asking themselves why I have spent so much time discussing the possibility of an Oswald impostor in Mexico City, without mentioning the rebuttal testimony that might seem to be definitive, from three former KGB officers in the Soviet Embassy, including Kostikov himself. All three have said that the Oswald of Dallas did visit the Soviet Embassy on September 28, and that he brandished a revolver much like that which is said to have been used by Oswald on November 22 to murder Officer Tippit.

The answer is that I first drafted a version of this essay before Col. Nechiporenko's book had appeared. I have since had occasion, not only to read and re-read his book, but to spend several hours with the Colonel himself, an intelligent and engaging person. Indeed I had the post-Cold War and post-structuralist historical experience of standing with the Colonel and many others on the grassy knoll in Dealey Plaza, each of us holding a candle in a commemoration of the 30th anniversary of President Kennedy's murder.

And yet prolonged reflection on this topic has persuaded me, not only that the hypothesis of a possible Oswald impostor remains a viable one, but that portions of what the Colonel has to tell us can be used in support of it.

It is important first of all to distinguish between what we learn from the Colonel himself, and what we learn from his book, which is less reliable. I learned this when I asked the Colonel at breakfast about his relations with the DFS and their senior official Miguel Nazar Haro, who as we shall see I consider important, perhaps crucial, in this case. On hearing the name of Nazar Haro, he laughed and said first, "I knew him well;" and then "He's in my book!" I then gave him my copy; his brow furrowed as he searched but failed to find what he was looking for. He finally fixed on page 83, and said, "This is the place, but they must have taken him out." On the page there were references to an "FDS-a" -- clearly the DFS (Federal Directorate of Security), but the "-a" made no sense to me. He looked at the page again, and said: "That's a mistake; I don't know where that came from."<sup>56</sup>

It is relevant here that the DFS in general, and Nazar Haro in particular, were both important assets of the CIA Mexico Station in 1963, and also significant sources of disinformation about Oswald as part of an international Communist conspiracy. I assume that the "they" who deleted Nazar Haro from the book may well be from the same part of CIA that is said to have edited Khrushchev's memoirs before their publication, and possibly the memoirs of Stalin's daughter

<sup>&</sup>lt;sup>55</sup> Fonzi, *The Last Investigation*, 286-87n. Slawson explained to me that he was concerned only to establish the accuracy of the transcripts, not the identity of the speaker.

<sup>&</sup>lt;sup>36</sup> Cf. Oleg M. Nechiporenko, translated by Todd P. Bludeau, Passport to Assassination (New York: Birch Lane/Carol, 1993), 83.

#### Svetlana Allelueva.

I was already suspicious of the book because it seemed to fit so well into the "Posnermania" of late 1993. On the one hand it validated the Warren Report precisely where it was weakest, in its otherwise unsubstantiated portrait of Oswald as a deranged gunman. (Before these three KGB agents came forward, the only credible sighting of Oswald with a gun had been made by Marina Oswald; others had claimed to have seen him shoot, in concatenated and possibly conspiratorial testimony, but the Warren Commission had systematically refuted them.)57

- 11 -

On the other hand, Nechiporenko's book rebutted the newly-declassified Lopez Report precisely where it was most indicative of a conspiracy. It first reassured us that the Oswald in contact with the Soviet Embassy in Mexico City was indeed no impostor. The book seems virtually to have in mind the alleged impostor who was short, blonde, and over thirty, when it writes that the Oswald visitor to the Consulate was "apparently twenty-five to twenty-seven ... of medium height ... and ... a brunet."58

Additionally, and perhaps even more importantly, it appeared to determine that Lee Harvey Oswald had indeed met with Valeriy Kostikov on September 28, 1963, just as Ms. X had "determined" in her memo of October 16.59 The CIA station, in other words, was validated in what threatened to become the most controversial features of their pre-assassination handling of the Lee Harvey Oswald matter.

I was admittedly prejudiced against the forthcoming Nechiporenko book by other favors which in recent months KGB files and veterans had performed for post-Cold War propaganda campaigns in this country. I thought particularly of the alleged KGB report of an 1970s interview with a senior North Vietnamese official, allegedly confirming that the Vietnamese had indeed used significant numbers of American MIA's (Missing in Action) as slave labor in that period. Thanks to anachronisms in this alleged KGB document, it had been easily exposed as a forgery; and eventually it was debunked by the CIA and other U.S. intelligence agencies.60

Another reason to doubt the Nechiporenko story of the September 28 visit is that it has been told again, differently, by another ex-KGB officer, Gen. Nikolai Leonov. Though the substance of the story remains the same (Oswald appearing at the Embassy, and brandishing a revolver), the date of the alleged visit is one day later, on Sunday, September 29, and Leonov recalls that, other than the guard at the front gate, he was the only person to receive Oswald.<sup>61</sup> The near duplication of the story, far from increasing its credibility, makes us realize how easy it would be, in the year of Posnermania, for penurious KGB officers to pick up a little hard currency by joining the Warren Commission chorus.

Both Leonov and Nechiporenko claim that they reported Oswald's flamboyant visits to KGB Headquarters.<sup>62</sup> Nechiporenko adds that when Anastas Mikoyan came to President Kennedy's funeral in November 1963, he brought with him the KGB "materials" on Oswald in the Soviet Union, "to give to the Americans."63

This draws our attention to what is, with or without the Oswald-revolver story, one of the more intriguing "black holes" in the documentation of the case. The CIA and FBI both drew heavily on the Oswald correspondence supplied at the time by the Soviet Embassy in Washington, which corroborated the fact that both Oswalds had been in correspondence with the Embassy about returning to the Soviet Union. Soviet (presumably KGB) documentation on Oswald was also used to corroborate the details of his supposed defection (WR 692, WCE 985). But there is no use by the Warren Commission of Soviet documentation to corroborate or refute the questionable stories about Oswald's

<sup>57</sup> Scott, Deep Politics, 284, 291.

<sup>58</sup> Nechiporenko, 68.

<sup>&</sup>lt;sup>59</sup> Nechiporenko, 75-81. This is the meeting at which Oswald allegedly brandished a revolver.

<sup>&</sup>lt;sup>50</sup> San Francisco Chronicle, January 25, 1994, A10.

<sup>61</sup> National Enquirer, November 22, 1993.

<sup>62</sup> Ibid.; Nechiporenko, 81.

<sup>63</sup> Nechiporenko, 110.

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visits to the Soviet Embassy in Mexico. Other Soviet-supplied materials on Oswald were used to bolster the Warren Report, but no effort was apparently ever made to obtain their Mexico Oswald documents, on a matter which in November 1963 was considered crucial to the proof or disproof of an international conspiracy.

It is striking that Nechiporenko's book, which quotes liberally from KGB documents on Oswald in the Soviet Union, has no citations from the documents which he and Kostikov allegedly filed from Mexico. A search should be made in Moscow to find the alleged reports of the Oswald-revolver story from Nechiporenko and Leonov. One should also, apparently for the first time, request the Mexican Government to supply its files on Oswald's Mexico visit. (Nechiporenko claims that the Oswald-revolver story was "forwarded to Mexican authorities through their foreign affairs ministry.")<sup>64</sup>

We have just seen that, whatever one makes of the Oswald-revolver story, there are useful facts in Nechiporenko's book. Though he often draws on some of the West's more discredited sources (Priscilla McMillan, Eddowes, Hugh MacDonald, even David Phillips), at other times the book is startingly accurate. For example, Nechiporenko excerpts from the Schweiker-Hart Report the important information that FBI info on Oswald was directed in mid-November to the counterintelligence branch of the Special Affairs Staff in charge of Cuban operations (SAS/CI), and thereafter, on November 22, to counterintelligence (specifically CI/SIG).<sup>65</sup>

In my present state of imperfect understanding, Nechiporenko is a mystery, not unrelated to the mystery of Nosenko, that other volunteer of KGB information about Oswald. Readers of this essay will recall that the core of Nosenko's story, in 1964 and again to the House Committee in 1978, was that Oswald was of "no interest" to the KGB (2 AH 464). The same message is the core of Nechiporenko's book as well, which repeats the same words, "no interest," at least six times.<sup>66</sup>

## How Nechiporenko Raises New Questions About the Oswald-Kostikov Story

Whatever the full background, neither Nechiporenko nor his book can be simply dismissed. His account is detailed, plausible, corroborated by two other intelligent plausible eyewitnesses: Pavel Yatzkov and Valeriy Kostikov himself. I am now satisfied that some form of Oswald (or "Oswald") - Kostikov meeting may well have occurred. At the same time, one cannot use Nechiporenko to "close" the case, as Posner tried to do without having seen his published book.<sup>67</sup> On the contrary, Nechiporenko introduces a number of new pieces of evidence which complicate the already murky story of Oswald in Mexico still further.

I have already mentioned that Nechiporenko corroborates Silvia Duran's description of Oswald as "dressed unelegantly," and definitely not in the shirt, tie, and sweater of his visa photograph allegedly taken the same day.<sup>68</sup> Much more important, in my view, is his emphatic denial that there could have been any telephone calls to the Soviet Embassy on September 28, a Saturday on which, he insists, the Embassy was closed down, and the only personnel present were those who had gathered for a volleyball game.<sup>69</sup> In other words, if Nechiporenko is right, we have to question what has

68 Nechiporenko interview, November 20, 1993, Dallas.

<sup>69</sup> Ibid. As for the October 1 phone call, he reports that Obyedkov does not remember it. The Nechiporenko story of Embassy volleyball games on Saturdays is corroborated by declassified CIA Cable MEXI 7060 of 26 November.

<sup>64</sup> Nechiporenko, 179.

<sup>&</sup>lt;sup>65</sup> Nechiporenko, 171-72; Schweiker-Hart Report, 24; cover-sheets to DBA 55777 (FBI de Brueys Report of 25 Oct 1963) and DBA 55715 (FBI Kaack Report of 31 Oct 1963). David Phillips, detached temporarily from Mexico City to Washington, appears to have been the recipient of the documents in SAS/CI.

<sup>&</sup>lt;sup>66</sup> Nechiporenko, 94, 96, 109, 111, 221, 231. The words allegedly occur in the November 1963 report of KGB Chairman Semichastny to the Soviet Party Central Committee (p. 111). Nechiporenko's book is sympathetic neither to Nosenko, who is accused of "moral bankruptcy" (p. 228), nor to the view of his CIA tormentors, Angleton and Bagley, that Nosenko was a KGB plant" (p. 245).

<sup>&</sup>lt;sup>67</sup> Posner, *Case Closed*, 183, etc. Nechiporenko's book is by no means a simple defense of the Warren Report, against whose narrative he raises a number of subtle and cogent points (e.g. p. 209).

hitherto been considered the hardest evidence of all: the record of electronic surveillance transcripts, which show a Duran-Oswald-Soviet Consulate telephone conversation on September 28.

Here too Nechiporenko corroborates Silvia Duran on a point where, given the transcript record, no one (except possibly the authors of the Lopez Report) has hitherto believed her. She has maintained that the Cuban Consulate was closed on Saturday, September 28, and that on that day she neither met with Oswald nor telephoned the Soviet Embassy about him.<sup>70</sup> This is flatly at odds with the transcript record, hitherto deemed unimpeachable, which says that "at 11:51 a.m. [September 28] Silvia Duran called the Soviet Consulate [and] said there was an American citizen at the Cuban Consulate."<sup>71</sup>

Having contemplated this conundrum at some length, I am now inclined to question the transcript record, which at a minimum can be shown to have been altered (or censored). This alteration may have been either accidental, or deliberate, perhaps in order to reinforce the October 16 memo, which "determined that Oswald had been at the Soviet Embassy on 28 September 1963 and had talked with...Kostikov." A fuller, and presumably more accurate account of the transcript, in Mexico City Station cable 7023 of 23 November, separates the visit to the Consul from the visit of the same day, 28 September:

MEXI 7023 of 23 Nov 63:

On 28 Sep 63 Silvia Duran Cuban Emb called Sov Consul saying Northamerican there who had been Sov Emb and wish speak with Consul.

Uniden Northamerican told Sov Consul quote "I was in your Emb and spoke to your Consul. I was just now at your Emb and they took my address."

Sov Consul says "I know that".

#### TRANSCRIPT of 28 Sept intercept (Lopez Report, 76-77):

At 11:51 a.m. Silvia Duran called the Soviet Consulate. She said that there was an American citizen at the Cuban Consulate who had previously visited the Soviet Consulate. The Soviet asked Silvia to wait a minute. Upon his return to the telephone, Silvia put the American on the line....

Russian: What else do you want?

American: I was just now at your Embassy and they took my address.

Arrest tool 1

Russian: I know that.

<sup>&</sup>lt;sup>70</sup> Lopez Report, 246; 3 AH 49. Duran testified that she made only one telephone call to the Soviet Embassy, on Friday September 27 (3 AH 51); and that on Saturdays the Cuban Consulate doorman never let people in (3 AH 50). Since as early as CIA Cable MEXI 7023 of 23 November 1963, the CIA has maintained that its transcript record shows a second, independent call by Duran, with Oswald present, on Saturday, September 28 (Lopez Report, 76-77). Consul Azcue, who also spoke to Oswald, recalled three visits, and deduced that the third was probably on September 28 (3 AH 132-33; Lopez Report, 204). But he confirmed that on Saturdays the Consulate was not open to the public (3 AH 133). So did Consul Alfredo Mirabal Diaz, a witness who did not speak to Oswald, and who only recalled two visits (3 AH 173-74; Lopez Report, 205-06).

<sup>&</sup>lt;sup>71</sup> Lopez Report, 77. Nechiporenko's book (110-11) reminds us that the initial post-assassination KGB report on Oswald "states that Oswald visited the Soviet Embassy in October 1963 and requested political asylum in the USSR." The report cited a KGB "special report from Mexico no. 550 dated 3 October 1963." Nechiporenko and his book are insistent that the only Oswald visits were on September 27 and 28. The allegation of an additional October visit should be set against what the Lopez Report has to say about a possible missing intercept transcript in which Oswald asked for assistance from the Soviet Consulate (Lopez Report, 83-88).

Note that the Cable provides no evidence of an Oswald-Kostikov meeting at the Soviet Embassy on September 28, as had been "determined" in the October 16 memo of Ms. X.<sup>72</sup> (The meeting could just as easily have been on September 27, a date corroborated by Duran, Kostikov and the September 27 transcripts).<sup>73</sup>

However the two visits had been collapsed into one when CIA Headquarters transmitted the contents of cable MEXI 7023 to the FBI (who already possessed the October 16 memo):

DIR (CIA HQ cable) 84915 of 23 Nov 63 to FBI:

On 28 September 1963 Silvia Duran of the Cuban Embassy in Mexico City telephoned the Soviet Embassy and said there was a "North American" with her who wanted to speak with the Soviet Consul. The "North American" came on the line and said that he had just been to the Soviet Embassy and had spoken to their Consul adding that the Soviets had "taken his address." The Soviet Consul acknowledged he knew this was true.

With the cables declassified, we can now see that this corroboration of the September 28 Oswald-Kostikov meeting (and thus of the October 16 memo) had no foundation in the cable from Mexico City it purported to transmit.

Believers that the case is closed will say that these minute falsifications in the postassassination cable traffic are of no significance, now that Nechiporenko and Kostikov have corroborated that the September 28 meeting did take place. Their critics may in rebuttal raise questions about the timing of the new Nechiporenko revelations, precisely when the shaky basis for the October 16 allegations has first been exposed.

For the present I must remain in the middle. The conflicting data we now have on Oswald's (or "Oswald"'s) visits in Mexico City demand a resolution we cannot currently provide. No source is above suspicion; and Nechiporenko's insistence that there could not have been a telephone call on September 28 should probably persuade us to look more critically at the transcript record than any-one has done in the past.

In the meantime I shall continue to consider the hypothesis, as yet neither proven or disproven, that a false trail was laid in Mexico City, linking Lee Harvey Oswald to the KGB's assassination capabilities.<sup>74</sup>

# The Oswald Cables: An Unrelated Deception Operation?

One can only speculate as to the reasons why this false trail was laid. It seems unlikely however that those responsible acted without some kind of authorization, and even more unlikely that this authorization would have overtly contemplated the murder of the president. It is far more likely that these cables were sent as part of a CIA deception operation, and that this deception operation went back at least three years, to the time of Oswald's alleged defection to the Soviet Union.

<sup>&</sup>lt;sup>72</sup> By the rules of palaeography one is accustomed to prefer the more difficult or complex variant (the difficilior lectio) -- in this case, MEXI 7023. At the same time, one of the commonest errors of transcription comes from homoioteleuton or common endings: the eye of the naturally lazy transcriber skips from the first instance of a repeated passage (in this case "your Emb and") to the second instance, and thus accidentally deletes what falls between ("spoke to your Consul. I was just now at"). By this accident of homoioteleuton the impression of a Saurday September 28 meeting at the Soviet Consulate may have been falsely, but innocently, created, perhaps even before the October 16 memo. The re-creation of this impression in the DIR 84915 cable of 23 November (see below) has no such excuse, only that of the bureaucratic tendency to preserve allegations already in the file.

<sup>73</sup> There is additional testimony that the transcript record was edited to omit one additional intercept, in which Oswald asked for financial assistance (Lopez Report, 83-88, mentioned above at footnote 58).

<sup>74</sup> According to Nechiporenko in interview, Department Thirteen of the KGB dealt not with assassinations but with the development of assets and contingency plans for future war situations.

As I write in November 1993, it is premature to speculate with too great precision what that deception operation (or operations) might have entailed. In the course of writing this essay I have received some three thousand items from the CI/SIG's 201 file on Oswald. The cover sheets on the pre-assassination reports on Oswald (from State, FBI and the Navy) show these reports being circulated to ten or more sections of the CIA's Clandestine Staff, not only in CI but in the SR or Soviet Russia Division, including SR's Counterespionage (later renamed Counterintelligence) Branch. This was headed by Tennant "Pete" Bagley, one of Angleton's "closest allies and strongest supporters in the Soviet division."<sup>75</sup> And Counterespionage, as defined by Angleton, involved not just understanding of but hostile operations against an enemy.<sup>76</sup>

Oswald may have been part of these hostile operations; alternatively he (or someone using his name) may have been a target. In June of 1960 an FBI memo to the State Department, signed by J. Edgar Hoover (and later added to Oswald's 201 file), raised the possibility that the person using Oswald's passport and other credentials in the Soviet Union was in fact an impostor.<sup>77</sup> Oswald was subsequently watched within the State Department by Otto Otepka and other members of its Office of Security, who collaborated with the FBI's Counterespionage Division and the CIA's Counterintelligence Staff in the search for Soviet penetration agents.<sup>78</sup>

Otepka's frustrations in pursuing the Oswald matter, which he shared with me fifteen years ago, are instructive. As a right-winger who shared Angleton's profound mistrust of the Soviet Union, he feared that Oswald's defection had something to do with the KGB. He found it anomalous that Oswald received a visa to enter the Soviet Union from Finland in only two days (rather than the one-to-two weeks it normally took); and also that the USSR granted Oswald an exit visa a month and a half early.<sup>79</sup> Above all, as a security officer who had spent a lifetime studying State Department procedures, he claimed to know for a certainty that Oswald in 1963 had been granted a passport when he should not have. His efforts to learn why were resisted by his own superiors at State, which compounded his suspicions of a subversive conspiracy.<sup>80</sup> Otepka was not alone in his suspicions.

Six months after the Hoover memo, in December 1960, Ann Egerter of the CI/SIG staff opened a 201 file on Lee Harvey Oswald, but gave it the falsified name of "Lee Henry Oswald." The same Ann Egerter was one of the CIA officials who in 1963 drafted the falsified cables about "Lee Henry Oswald" in Mexico City.<sup>81</sup>

The CL/SIG, which opened the 201 file on Oswald, also had a file on him through their mailopening or HT/LINGUAL program, operated jointly with the FBI and the CIA's Office of Security.<sup>82</sup> And the letter "D" on the cover-sheet of Oswald's 201 file suggests yet another super-secret Counterintelligence operation. The CIA's STAFF D was a SIGINT or signals intelligence operation, run in conjunction with the National Security Agency, or NSA.<sup>83</sup> Because of the ultra-secrecy involving NSA and SIGINT, Staff D became the hiding place for other CIA ultra-secrets as well. In 1961,

<sup>79</sup> William J. Gill, *The Ordeal of Otto Otepka* (New Rochelle, NY: Arlington House, 1969), 324-26. The one-to-two-week figure is confirmed by the Warren Report (WR 258).

<sup>82</sup> Cl/SIG's responsibility for HT/LINGUAL can be deduced by comparing AR 205 at footnote 74, with the footnote to 11 AH 476. Both make reference to the testimony of an ex-FBI agent heading Cl/SIG (i.e. Birch D. O'Neal, 11 AH 476) who "had jurisdiction over the HT-Lingual project files" (AR 205). This HT/LINGUAL project may well explain why a CI card was opened on Oswald in 1959 with the notation "Cl/Project/RE" (AR 206). The "Projects Branch" within CI processed the information from HT/LINGUAL, and indexed the names (David C. Martin, Wilderness of Mirrors [New York: Harper and Row, 1980], 70).

<sup>83</sup> 4 AH 206 (cover-sheet); Peter Wright, Spycatcher, 145; Martin, 127; (STAFF D).

<sup>75</sup> Wise, Molehunt, 234. Cf. Mangold, Cold Warrior, 249.

<sup>76</sup> Mangold, Cold Warrior, 61.

<sup>77 11</sup> AH 432; New York Times, February 23, 1975, 32.

<sup>78 26</sup> WH 45; cf. 22 WH 21.

<sup>80</sup> Interview with Otto Otepka, September 1978.

<sup>&</sup>lt;sup>81</sup> AR 201 at footnote 40; Lopez Report, 143-46. Though Ms. Egetter is not specifically named in the Assassination Report as "the individual who was directly responsible for opening the 201 file," the document number of her classified interview on 5/17/78, 014731, is identified as Ann Egetter's in the Lopez Report on page 143 at footnote 570.

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when William Harvey headed Staff D, he was assigned the task of developing the CIA's assassination project, ZR/RIFLE, because "D was the perfect cranny in which to tuck a particularly nasty piece of business."84

The false name of Lee Henry Oswald may have been used by the CI/SIG to deceive investigators into the death of President Kennedy. The FBI reported that Birch D. O'Neal, the Chief of the CI/SIG, told them that the CIA had no CIA-generated material "in CIA file regarding Oswald," perhaps since all of the CIA cables in the CI/SIG file had been about a slightly different name.85

But it is hardly likely that the CI/SIG 201 file on Lee Henry Oswald, opened in 1960, was opened for this purpose. It is more likely that Angleton's spies in the CI/SIG, mistrustful not only of the KGB but also the rest of the CIA, set up the 201 file with the same motive as Otepka's researches in State, to learn more about suspicious operations in their own agency.

The false "Lee Henry Oswald" cables of 1963, for example, have the features of what Angleton himself called a "marked card" operation. This is a special form of deception operation, in which falsified information, "like a bent card, is passed through an intelligence channel to see where it ends up."86

In other words if Angleton (like Hoover and Otepka) mistrusted what "Lee Harvey Oswald" was up to, it made sense to put "marked cards," or falsified cables, in his CI/SIG 201 file on "Lee Henry Oswald." By this means he could learn who wanted to gain access to this false information, and also who they shared it with. With its special taint, "Lee Henry Oswald" information, if it turned up in the KGB, could have come from no other source. The "mole" (if one existed) could thus have been found.

Such a hypothesis may sound more like the fiction of LeCarré than the dreary realities of Washington bureaucracy. But by all accounts the mentality of LeCarré characters was the mentality of those in CI/SIG. Angleton allegedly believed, and the CI/SIG files contained, charges that Kennedy's roving ambassador Averell Harriman was a KGB agent; just as ten years later CI/SIG files would contain similar charges about Henry Kissinger.87

The issuance of a passport to Oswald in June 1963, which according to Otepka he should have been denied, would certainly have aroused the suspicions of those who could imagine that Harriman was a KGB agent. Nor should we trivialize the Oswald matter by comparing Lee Harvey Oswald, or even Lee Henry Oswald, to the paranoid Harriman allegations.

Quite the contrary. On the basis of what we know about the story of Lee Harvey Oswald as a lone defector to the Soviet Union, it is indeed possible, if not likely, that Angleton, Hoover, and Otepka, were all quite justified in mistrusting it.

# Did the Oswald Cables Become Part of the Assassination Plot?

Even if the "Lee Henry Oswald" deception began as an unrelated matter, however, there are reasons to suspect that at least some of the falsified Oswald cable traffic of October 1963 was instigated (whether inside or outside the CIA) as part of a plot to assassinate President Kennedy.

As I have argued in my book Deep Politics and elsewhere, the key to this successful conspiracy appears to have been the false incrimination of Oswald in two successive phases of what I have called a dialectical cover-up. In the first phase, false but credible evidence was planted in government files to suggest that Oswald was part of a Soviet or Cuban conspiracy. The resulting threat of a devastating and unnecessary nuclear war was then used to persuade men of high status to

<sup>86</sup> Epstein, Deception, 77.

87 Mangold, 330.

Martin, 121. The ZR cryptonyms (e.g. ZR/KNICK, ZR/BEACH) were normally assigned to CIA radio monitoring projects collecting data for the NSA (Agee, 348, 351, etc.).

<sup>85</sup> WCD 49.22; Peter Dale Scott, Crime and Cover-Up (Santa Barbara: Open Archive Press, 1993), 12.

DRAFT

P.D. Scott

accept a "phase two" fiction, equally false but much less disastrous in its consequence, that Oswald was not a "KGB assassin," but a "lone assassin."

This two-phase account of how the "lone assassin" theory came to be promoted is quite consistent with Earl Warren's narrative of how he reluctantly accepted the chairmanship, which he initially declined, of the Warren Commission. Warren said that President Johnson  $\gamma_A$ 

then told me of the rumors floating around the world. The gravity of the situation was such that it might lead us into war, he said, and, if so, it might be a nuclear war. He went on to tell me that he had just talked to Defense Secretary Robert McNamara, who had advised him that the first nuclear strike against us might cause the loss of 40 million people. I then said, "Mr. President, if the situation is that serious, my personal views do not count. I will do it."<sup>88</sup>

Why was the situation that serious? Rumors by themselves, "floating around the world," have virtually never caused a major accidental war. The Oswald-Kostikov rumors, however, unlike virtually all other "phase one" stories of Oswald as a KGB assassin, were floating around at the very top of the Counterintelligence staff of the CIA, as well as elsewhere in the government. It remains to be proven whether the falsified cables contributed to the decision at this time to place the nuclear forces of the U.S. on an alert, mobilized for possible retaliation against either Cuba or the Soviet Union.<sup>89</sup>

James Angleton and Ray Rocca, the head of the CIA CI staff and his aide, continued for some time thereafter to promote the importance of the Oswald-Kostikov meeting, and the resulting "phase one" case that Oswald was a KGB assassin. In this they were not alone, but were joined by others, notably Mexico City CIA Station Chief Win Scott.<sup>90</sup>

But their advocacy, while influential, was countered by the "phase-two" lone-assassin advocacy of others in government who were even more powerful, above all FBI Chief J. Edgar Hoover and Chief Justice Earl Warren. This could have been an honest disagreement among colleagues, in their assessment of the degree of Soviet (or Cuban) involvement.

Another, more conspiratorial possibility is that, from the outset, some of the "phase one" ("KGB-assassin") and "phase two" ("lone-assassin") advocates had colluded, in order to activate the dialectical cover-up. One is particularly struck by the on-going, and ultimately unauthorized intimacy between CI Chief James Angleton, perhaps the leading "phase one" advocate in the CIA, and FBI Counterintelligence (or Counterespionage) Chief William Sullivan, perhaps the chief architect of the ultimate "phase two" story that Oswald acted alone.

Investigation of the Kennedy murder led to a great institutional rift between two longtime collaborators: CI in the CIA and Counterespionage in the FBI. In January 1964 an alleged KGB defector, Yuri Nosenko, arrived in Washington with important but controversial backing for the "phase two" story. He claimed that he himself "had had an opportunity to see the KGB file" on Oswald, and thus "was able to state categorically that Oswald was not a Soviet agent and that no officer of the KGB had ever interviewed or debriefed him."<sup>91</sup>

This convenient but suspicious assurance found almost immediate backing from a power not usually friendly to KGB gifts: J. Edgar Hoover. In the CIA however, Nosenko was handled by CI officials who treated him from the outset as a false defector with a false story.<sup>92</sup> This disagreement soon led to a permanent estrangement between Hoover and Angleton, and an order from Hoover that FBI agents should henceforth have no further dealings with the CIA.<sup>93</sup>

<sup>88</sup> Earl Warren, Memoirs (Garden City, NY: Doubleday, 1977), 357-58; reprinted in 11 AH 7.

<sup>&</sup>lt;sup>89</sup> Michael R. Beschloss, The Crisis Years: Kennedy and Khrushchev 1960-1963 (New York: Edward Burlingame/HarperCollins, 1991), 675.

<sup>90</sup> Lopez Report, 23-24.

<sup>91</sup> AR 101.

<sup>92</sup> Mangold, 173-91; Wise, Molehunt, 134, 139, 143, etc.

<sup>93</sup> Gentry, 418, 645-46.

What is most striking in this split between the two agencies is that the friendship between Angleton, the Nosenko-attacking "phase one" advocate in the CIA, and Sullivan, the Nosenkosupporting "phase two" advocate in the FBI, continued unabated. "Contrary to Hoover's instructions," Curt Gentry has written, William Sullivan continued to meet with Angleton, "although both were careful to keep such meetings discreet."94 Ultimately Sullivan's closeness to the CIA was one of the factors leading Hoover to force his resignation.

Angleton and Sullivan are said to have expressed opposing views about the credibility of Nosenko, and indeed about the whole issue of whether Oswald was a "KGB" or a "lone" assassin. These were among the most divisive issues separating the two agencies, so it is hard to imagine that two men who disagreed ideologically on them could have remained such close friends.

An alternative possibility is that the "phase one" and "phase two" views expressed by these two friends did not express their innermost convictions. One can speculate that perhaps, despite their promotion of opposing views, the two men were actually in agreement for some other agenda, whether dealing with the assassination or an unrelated counterintelligence matter. In this case Angleton and William Sullivan may well have been the key to an integrated, dialectical cover-up.

It is of course not conceivable that Angleton and Sullivan could by themselves have pulled off the cover-up. But what heightens the possibility of the two men's collusion in cover-up is precisely the special treatment given them at this time by their superiors. Angleton's CI/SIG was clearly responsible for the falsified "Lee Henry Oswald" cables that constituted the CIA's most recent embarrassing Oswald secret; yet Richard Helms, Angleton's superior as CIA Deputy Director of Plans, arranged for Angleton to co-ordinate the CIA's investigation of Kennedy's murder. He further directed that CI/SIG itself be responsible for liaison with the FBI on this matter, and for Angleton's deputy Ray Rocca to handle liaison with the Warren Commission.95

The situation within the FBI was even more paradoxical. Hoover was so angry at Sullivan's pre-assassination oversight of the Oswald matter that he approved a secret reprimand of Sullivan and other members of his counterintelligence staff. Yet Sullivan, and some of his reprimanded subordinates, were given tight control of the Oswald investigation (in liaison with CI/SIG) after Kennedy's murder.96

The least conspiratorial explanation for this collusive cover-up is that the Oswald secret overlapped with some on-going project concerning both the CIA and FBI. Yet it is hard to believe that this on-going project had nothing whatever to do with the assassination. One is particularly struck by the apparent coincidence (already noted) that William Sullivan, during World War Two, had been the head of the FBI's Special Intelligence Service (SIS) in Latin America. As such he had been the superior of Mexico City Station Chief Win Scott, as well of CI/SIG Chief Birch D. O'Neal, and of others who have figured prominently in the Kennedy assassination story. One of these was Dallas District Attorney Henry Wade, who on November 22 allegedly planned to indict Oswald for murder "in furtherance of an international Communist conspiracy."97 (Among the others are also William Harvey and Robert Maheu, who oversaw the CIA-mob assassination plots against Fidel Castro, and William Gaudet, whose Mexican travel permit immediately proceeded Oswald's).98

If there was a group within the government who cooperated with mob elements to kill the President, it may well have been within this small but powerful clique of ex-FBI CIA agents, mostly in Counterintelligence, and close to James Angleton. For as we have seen, they, and they alone, would have had the power to manipulate the "Lee Henry Oswald" deception operation, in such a way as to activate a "phase-one/phase two" dialectical cover-up.

<sup>94</sup> Gentry, 646; cf. 418, 734.

<sup>95 11</sup> AH 57, 476.

<sup>96</sup> Scott, Deep Politics, 63-67; AR 243.

<sup>97</sup> PBS, Frontline show on Lee Harvey Oswald, November 16, 1993. Cf. Posner, 348n.

<sup>98</sup> Scott, Deep Politics, 96-97, 107, 112.

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P.D. Scott

#### Collusion to Promote a War?

As early as one day after the assassination, CIA Headquarters acted, correctly, as if they feared that independent actions, by the CIA station in Mexico City and its Mexican assets, might embroil the CIA in a war against Cuba. On November 23, after the Mexico City Station had requested the Gobernación Ministry of Mexico to arrest Silvia Duran, Headquarters reacted urgently, both by telephone and by Flash Cable. Langley rightly feared that the arrest "could prejudice U.S. freedom of action on the whole question of Cuban responsibility."99 Indeed the interrogation of Duran was conducted in just this way by the Mexican Security Police (DFS), controlled by the Gobernación, so as to pressure her, vainly, to admit she was the "link for the International Communists" in a conspiracy to kill Kennedy, 100

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Such a confession, if it had been obtained, could indeed easily have led to war. At the time, the U.S. nuclear forces were on an alert; and senior U.S. officials, notably U.S. Ambassador to Mexico Thomas Mann, were arguing that Cuba was indeed involved in the assassination.<sup>101</sup> Transcripts of President Johnson's telephone calls in this period, newly released fom the National Archives, confirm that he talked repeatedly of the threat of nuclear war. 102

Citing an internal FBI source, retired FBI agent James Hosty, who was disciplined (some say scapegoated) for his preassassination handling of the Oswald file in Dallas, has alleged that

At least one of the declassified cables, signed by Richard Helms, confirms the goncern in the CIA. What was the the first perusal of the newly declassified CIA documents indicates that proponents of the KCP. A first perusal of the newly declassified CIA documents indicates that proponents of the KCP.

Could those pressuring to retaliate against Cuba have included in their numbers those who plotted to kill the President? One clue is the involvement of the DFS, the Mexican police who attempted to extract an inflammatory confession from Silvia Duran, with international drug trafficking, and hence with American organized crime. In Deep Politics I focused on the double role of DFS Chief Miguel Nazar Haro as both a major CIA asset (close to Win Scott) and also as a major figure in organized smuggling, both of drugs and of stolen cars, between the U.S. and Mexico.<sup>106</sup> I related this to pre-assassination reports in FBI files that Jack Ruby, as well as the Chicago mob in general, had also been important in Mexican-U.S. drug trafficking.107

- 104 DIR 85469 of 27 Nov 63 to Mexico City (CIA Doc # 178-620).
- 105 Scott, Deep Politics, 275.

106 Scott, Deep Politics, 104-05, 336. See also Peter Dale Scott and Jonathan Marshall, Cocaine Politics: Drugs, Armies, and the CIA in Central America (Berkeley and Los Angeles: University of California Press, 1991), 34-36.

107 Scott, Deep Politics, 131-33, etc. I wish now that I had written more about the Mexican crime connections of Sam Giancana and Richard Cain (both allegedly involved in the CIA-mafia plots against Castro). Cain is additionally reported to have assisted the DFS, possibly in bugging operations against the Cuban and Soviet Embassies.

<sup>99</sup> CIA FLASH cable 84916 of 23 Nov 1963 (CIA Doc. 37-529). Lopez Report, 185; Schweiker-Hart Report, 25.

<sup>100 3</sup> AH 91, cf. 86, 102; Scott, Deep Politics, 123.

<sup>101</sup> John Davis, The Kennedys (New York: McGraw-Hill, 1985), 549-52. Cf. Mann's cables MEXI 7072 of 26 Nov 1963 and MEXI 7104 of 27 Nov 1963.

<sup>102</sup> Wall Street Journal, October 18, 1993, A16.

<sup>103</sup> Wall Street Journal, October 18, 1993, A16. Cf. Schweiker-Hart Report, 41; 3 AH 568-69.

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Only with the release of the Lopez Report do we learn that in 1978, Nazar Haro, then still only the assistant chief of the DFS, was the senior DFS official coordinating with the visit of Edwin Lopez and other HSCA staffers to Mexico City.<sup>108</sup> This is indeed relevant to the assassination story, because the DFS in 1978 appears to have been less than fully cooperative with the House Committee investigators. In particular they failed to make available one of their members, Manuel Calvillo, who was apparently also a Mexico City CIA asset with a "pen name."<sup>109</sup> Juan Manuel Calvillo Alonsowas involved in, and an apparent CIA source for, an inflammatory story (from the Mexican writer Elena Garro de Paz) linking both Oswald and Silvia Duran to an international Communist plot.<sup>110</sup>

How eloquent then is the implication of the Lopez Report, that with respect to Calvillo, the Mexican government was possibly lying.<sup>111</sup> And that, even more importantly,

The Committee believes that there is a possibility that a U.S. Government agency requested the Mexican government [i.e. the DFS] to refrain from aiding the Committee with this aspect of its work.<sup>112</sup>

There is no pretext in this area of "sensitive" sources or "on-going operations." The appearance of this particular cover-up is one of a lying co-conspirator being protected by his employers in two government agencies. It is the recurrence in the record of this kind of cover-up that suggests that the CIA's hidden Oswald secrets involve not just unknown intelligence operations, which might hypothetically be defensible, but also collusion by some individuals that is on the surface indicative of guilt.

110 Lopez Report, 209; 3 AH 304; Scott, Deep Politics, 123.

112 Lopez Report, 232.

<sup>108</sup> Lopez Report, 270.

<sup>109</sup> Lopez Report, 209, 231-32, 279-80, 286, A-58.

<sup>111</sup> Lopez Report, 232.

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