

Oswald was very likely Roberto Ruiz. The FBI discovered an instance in which several witnesses had made this mistake.⁴² While investigating a report that Oswald had been in Oklahoma on November 17 with several other men who might possibly be confederates, the Bureau established that the witnesses had seen Ruiz.⁴³ Thus we appear to have two, independent instances of this confusion of identity. Both men were five feet nine inches tall, had brown hair, and weighed approximately the same.

Around the time of the assassination, an agent of the Alcohol, Tobacco and Firearms Bureau (ATFB) of the Treasury Department was working undercover in Dallas gathering evidence against a local gun shop owner for violating the National Firearms Act.⁴⁴ The undercover ATFB agent learned that Roberto Ruiz and another Cuban had contacted the gun shop owner about the purchase of machine guns, bazookas and "other heavy equipment." The gun shop owner confided that Ruiz had made purchases from him and that Alpha-66 had a large cache of arms somewhere in Dallas.

The undercover agent was interviewed by the Secret Service on December 16, 1964 (in order for the Service to learn more about Ruiz). In the Secret Service interview, the ATFB agent stated that he had "recently" worked undercover gathering evidence, thus indicating that the cache of arms referred to was probably in existence on November 22 when the President was shot.

But there is more to this gun shop than simply helping to establish that the commandoes of Alpha-66 were well armed at the time of the assassination. It seems that an exhaustive search by Federal authorities revealed that this was one of the only two

gun shops in Dallas where bullets for a Mannlicher-Carcano rifle could be obtained.⁴⁵ The gun shop owner told the FBI that he had sold ten boxes of Mannlicher-Carcano ammunition in 1963, but it is not known to whom. ~~Moreover,~~ It was not only Ruiz who resembled

Oswald: it seems that, according to a federal agent, the gun shop owner looked like Oswald's "twin."

The ammunition that would fit Oswald's gun was uncommon in the United States in 1963. The shells found on the sixth floor of the Texas School Book Depository (where the shots that killed the President were allegedly fired from) were quickly traced to the manufacturer: the Western Cartridge Company of East Alton, Illinois. Oswald's ammunition was from a batch of four million rounds manufactured by Western Cartridge in 1954. An FBI document reveals that shortly after the assassination, an FBI agent made an interesting allegation about the manufacture--one which the Bureau would proceed to ignore. The depository shells were allegedly manufactured under government contract (DA-23-196-ORD-27) for the United States Marine Corps. But a high-ranking FBI criminalist, R.H. Jevons, claimed that this type of ammunition "does not fit and cannot be fired in any of the USMC weapons." Jevons' memo concludes: "This gives rise to the obvious speculation that it is a contract for ammunition placed by CIA with Western under a USMC cover for concealment purposes."⁴⁶ Jevons' "speculation" has never been confirmed nor disproved.

In 1976 investigative journalist Dick Russell discovered some additional information.⁴⁷ He interviewed ATFB agent Frank Ellsworth, the man who had worked undercover in investigating the

gun shop and its dealings with Ruiz and Alpha-66. Ellsworth broke his silence and told Russell an intriguing story. Immediately after the assassination Ellsworth was summoned to Dallas Police headquarters where, as the local federal firearms man, he was brought in to question Oswald concerning the alleged assassination weapon. Ellsworth was shocked when he entered the interrogation room and confronted the prisoner, for he thought Oswald was the man he had been investigating in the months prior to the assassination.

"Oswald was sitting in a chair about ten feet from the door," Ellsworth recalled, "and all I could see was headlines that I'd just turned loose the man who killed the President." Ellsworth later discovered that he was wrong, much to his relief. It was not Oswald that he had been investigating but another man in Dallas who was Oswald's "twin." That man turned out to be the gun shop owner.

Ellsworth revealed that the owner had been interrogated by federal authorities after the assassination and was found to have been "nowhere near downtown Dallas" at the time of the shooting. Ellsworth claimed that a number of federal, state and local officials were aware of the look-alike situation: "we talked about it. We laid it to rest and satisfied ourselves that it was merely coincidence."

The notion of an Oswald impostor apparently cropped up long before the assassination. It was referenced in a January 3, 1960 FBI memo, which none of the Warren Commission's lawyers could recall having seen (nor could relevant FBI or State

Department officials).⁴⁸ The document was initialed by Hoover and went out under his name. It states that, among other things, "Since there is a possibility that an impostor is using Oswald's birth certificate, any current information the Department of State may have concerning the subject will be appreciated."⁴⁹ Former Commission Counsel David Slawson, who had not seen the memo even though his investigative responsibilities related to it, opined when the memo surfaced that, "It conceivably could have been something related to CIA. I can only speculate now, but a general CIA effort to take out anything that reflected on them may have covered this up."⁵⁰

Since Oswald was in the U.S.S.R. during this period, one might presume there would be concern that an Oswald impostor was lurking about in Russia.⁵¹ If so, this should have caused great concern among the sleuths in U.S. counterintelligence. But it apparently did not. Even though Oswald was unaccounted for during part of his stay in the U.S.S.R. and Hoover and the State Department referred to the possibility of an impostor, he was given his U.S. passport to return to the U.S. weeks before he had completed his travel plans. This, despite a specific State Department request that the passport be issued only at the last minute so as to reduce the potential for Soviet mischief in misappropriating the valid passport for espionage purposes.

Whether there was any domestic impostor data or warnings in U.S. files, we do know of one instance where Oswald's name was usurped. Recall the January 20, 1961 incident at a truck dealership in New Orleans, while Oswald was in the Soviet Union. A Cuban and an American sought a bid for ten pickup trucks,

implying that the vehicles were to be used for a special purpose and should be sold at cost (this was six months before the Bay of Pigs invasion and an active buildup was underway). The men claimed to be with the anti-Castro group Friends of Democratic Cuba. The American, in his early twenties, allegedly identified himself as "Lee Oswald" and printed the name on the bid form.

Legend-building for Oswald extended beyond the provocative, sometimes overlapping impersonations of him in Mexico and Texas prior to the assassination. It also included some artifacts and events concocted after the crime.

Chapter 9

Legend II: Artifacts and Evidence

"Don't believe the so-called evidence against me."

--Lee Harvey Oswald to his brother Robert,
Dallas County Jail, Nov. 23, 1963

After the assassination, Dallas police claimed to have found two incriminating photos in the garage at the Paine home in Irving where the Oswalds were staying. In the infamous photos Lee is standing in the Paine's yard dressed in black, holding leftist political literature in one hand and a Mannlicher-Carcano rifle in the other, while wearing a holster containing a revolver. One of the photos was published on the cover of Life magazine, captioned "Armed for Murder."¹ The picture did much to establish Oswald's guilt, leftism, and his derangement in the minds of millions of Americans.

When police confronted him with a blow-up of the picture, he calmly asserted that the face was his but had been superimposed on the body. He claimed never to have seen the photo before. Stating that he knew about photography (which was true), he contended that persons unknown to him had forged the item. He further asserted that, in time, he would be able to demonstrate this.²

Indeed, the pictures seemed replete with anomalies. Critics alleged, for example, that in one photo Oswald's nose casts a V-shaped shadow; in the other, his nose is in a different position because his head is slightly cocked. But the V-shaped shadows appear identical in both pictures. The shadows should have shifted at least slightly from one picture to the other when the position of the nose changed.³ The chin in both pictures manifests a fine horizontal line--possibly betraying the grafting of Oswald's face onto the body of another man. The chin in the pictures is broad and rather square, with no cleft. Oswald's is narrow, pointed, and has a cleft.⁴ One picture is taken at closer range than the other. Logically, the figure in the first picture should be somewhat larger than in the second picture--which it is. The problem is that the heads, measured just above the chin, are of identical size.⁵ Using Oswald's height as a baseline, calculations show that the rifle held in the pictures is 2.4 inches longer than the weapon found in the depository: either the rifle in the picture is not the alleged murder weapon or the body holding the rifle is shorter than Oswald's⁶

Oswald is holding two different kinds of left-wing newspapers: The Worker, the newspaper of the American Communist Party, and The Militant, the paper of the Trotskyite Socialist Workers Party.⁷ The two publications, like the organizations which produced them, represent sharply conflicting ideological viewpoints. For someone conscious about ideological distinctions, as Oswald was supposed to have been, holding both The Worker and The Militant is somewhat odd--not unlike posing with copies of National Review and Nation to portray an

ideological orientation toward American politics.

The incriminating photos smacked of forgery. In 1977 the Canadian Broadcasting Corporation retained an expert to study them. Major John Pickard, from the Canadian Department of Defense, concluded that the photos manifested "the earmarkings of being faked."⁸ Journalist Anthony Summers retained another consultant, with the backing of the BBC. Detective Superintendent Malcolm Thompson, a past president of the Institute of Incorporated Photographers and of the Evidence Photographers International Counsel, had spent a lifetime in police identification work and was recommended to the BBC by both Kodak and Scotland Yard. Thompson found that the photos had been retouched in at least three places (Oswald's head, the rifle butt, and a pillar in the background of the scene). He also noted the anomalous shadows. Because of the disparity in the chins, Thompson asserted that the rest of Oswald's face had been grafted onto someone else's body and chin. Thompson concluded the photos had been faked.⁹

Experts often disagree. Despite all the problems manifested in the photos, the House Assassinations Committee retained a panel of distinguished experts who concluded that the pictures were authentic. The experts admitted that, "It is possible to make a fake photograph that we would not be able to detect."¹⁰ Nevertheless, the panel addressed the anomalies (and Thompson's allegations) point by point and concluded that they were the natural results of various facets of film processing and/or picture taking. Thompson ultimately deferred to the HSCA experts

on many points but remained troubled by the striking differences in the chins when the rifle pictures are compared to pictures of the real Oswald.

In 1967 George de Mohrenschildt brought forward another copy of the infamous picture. He claimed to have discovered it among some of his possessions that had languished in storage since 1963 when he went to Haiti. The photo was allegedly wrapped in paper and nestled in a stack of old phonograph records gathering dust in a Dallas warehouse.¹¹ Unlike the two photos found by police in 1963, George's had an inscription on the back. It read: To my friend George, from Lee Oswald 5/IV/63. There was an additional inscription as well--one most damning to Oswald. It was written in Russian Cyrillic script. Translated it read: Hunter of fascists ha ha ha!!!¹²

How self-incriminating! Except that the Hunter-of-fascists inscription was not written by Oswald. According to the House Committee's handwriting experts, it was not Oswald's handwriting, nor that of Marina Oswald or George de Mohrenschildt or his wife Jeanne.¹³

The experts ruled out Marina and the de Mohrenschildts because the inscription had been written by someone not versed in the Cyrillic alphabet, as were these three. This deduction does not preclude the possibility that George de Mohrenschildt wrote it himself, in purposefully defective Cyrillic. The experts did not exclude his participation based on scientific analysis of handwriting samples. In this sense their work was inconclusive.

In 1967 when de Mohrenschildt surfaced the new photo, the Warren Commission Report and the authenticity of the original

photos were under sharp attack by critics, ~~of the Commission~~. If the photos were not a forgery, the autograph certainly was not authentic.

In the mid-to-late 1970s new and troublesome information surfaced which further clouded the already murky record regarding the number, origin and chain of possession of the infamous photos. In 1976 the Senate Intelligence Committee was examining the roles played by intelligence agencies in investigating the President's assassination. The Committee discovered yet another picture showing a different pose of Oswald with the rifle--a photo which seemed to be in the same series as those previously made part of the official record.¹⁴ It was possessed by the widow of a Dallas police officer who said her late husband obtained it while performing his official duties after the assassination. He had told her that one day it would be very valuable. The most serious question spawned by this revelation is not the efficacy of historical souvenir hunting by a police officer but why an item of such obvious importance to the case never found its way into the official record. Just how many of these controversial photos were there and who had them, when, and how?

The matter is further complicated by the 1978 assertions of Dallas commercial photographer Robert Hester.¹⁵ He had done photo work for the Dallas police and FBI following the assassination. Hester contended that he saw a rifle picture, or some version of it, on the very day of the President's murder, one day before the police allegedly found ~~them~~ ^{the photos} among Oswald's

possessions. Moreover, Hester remembered the rifle photo he saw as being a color transparency. All the known Oswald-rifle photos are black and white.

Another key evidentiary item was the "sniper's nest" discovered on the sixth floor of the Texas School Book Depository. According to the official conclusions of the Warren Commission and House Committee, depository employee Oswald, acting entirely alone, stacked two dozen boxes full of books in a semi-circle shield to hide himself from fellow workers. He also placed several boxes near the window so he could shoot from behind them. In 1978 the House Committee's panel of photographic experts made a rather startling discovery which the Committee all but ignored.

There were two photographs of the sniper's-nest window taken shortly after the shooting ended. They were snapped by two different photographers: bystander James Powell and professional photographer Tom Dillard, who was riding in the press vehicle in the presidential motorcade. Using sophisticated, high-tech methods of analysis which compared these photos to others, the experts verified the testimony of the photographers that both pictures were taken after the last shot had been fired at the President. The Dillard photo was taken first; Powell's was taken sometime between thirty seconds and two minutes after Dillard's.¹⁶

In the Dillard photo only two book cartons are visible in the window. The panel discovered that the Powell photo manifests "several additional boxes."¹⁷ To the naked eye it appears to be either two or three new boxes. The experts conducted extensive

trigonometric calculations and shadow analyses to see if the change was real--if the objects were really additional boxes rather than images created by shadows or a different viewpoint. The conclusion was that they were real: "The additional boxes visible in the Powell photograph were moved during the interval between the Dillard and Powell photographs."¹⁸

The Committee's final report blandly states that, "There is apparent rearranging of boxes within two minutes after the last shot was fired at President Kennedy."¹⁹ This single sentence is the only mention of what is actually an evidentiary bombshell whose logical implications the Committee refused to confront. Describing this as "rearrangement" gave the reader the false impression that a box could have fallen or been nudged. What the experts actually discovered is that someone was constructing what would become known as the sniper's nest, after all of the shots were fired.

Inside the book depository there were no employees on the sixth floor during or immediately after the shooting (except, allegedly, Oswald). No one saw Oswald leaving the sniper's nest or departing the sixth floor. Law enforcement personnel were not yet on the upper floors and would not discover the nest until nearly a half hour later. Who was up there feathering the nest? Was someone planting the rifle and shells and creating the nest to incriminate Oswald?

Why would Oswald move extra fifty-pound boxes into place after shooting the President? Just after the shooting, he was encountered by a Dallas policeman and the depository manager as

he stood calmly drinking a soda on the second floor.

Reconstructions done by investigating authorities place this encounter at between one minute thirty seconds and two minutes after the ~~shooting~~ ^{gunfire.} There has been controversy about whether Oswald could escape the sixth-floor nest, hide the rifle, and descend four flights of stairs--the elevator was not available to him--in time for the encounter. Secret Service reenactments got Oswald down in time, but some corners were cut (throwing the rifle down instead of concealing it among the boxes). Even then there was little time to spare. It simply would not have been possible for Oswald to be up on the sixth floor moving boxes (possibly up to one half minute after the last shot) and arrive on the second floor in time to be seen by the officer. Oswald was neither breathing hard nor acting suspiciously: the policeman, who pointed his gun at Oswald, let him go when the Depository manager said he worked there. The officer then went upstairs in search of the gunman.

There are also oddities with the evidence linking Oswald to the alleged murder weapon. For example, all official reports and most historians and journalists assert that his fingerprint was found on the alleged murder weapon. But this evidence would never have been allowed in court because it was not properly validated. After Dallas authorities had twice told the press that no Oswald prints were found on the rifle, and after the FBI laboratory in Washington examined the weapon and found no prints, it was flown back to Dallas. Shortly thereafter, local authorities announced they had found Oswald's palm print on a portion of the rifle that can only be accessed when it is

disassembled. Because the requisite procedure of photographing the alleged print before it was lifted from the rifle was not followed, there is no way to certify that the print came from the weapon instead of from Oswald's cell.²⁰

Another suspect item of evidence relates to the mail-ordering of the rifle. Adrian Alba operated the Crescent City Garage in New Orleans, located next to Reily Coffee where Oswald worked. In addition to serving the general public, the garage housed and maintained U.S. government cars. The local Secret Service and FBI offices were nearby. Oswald frequented the garage's waiting room on his breaks: there was a coffee pot and a soda machine. There were also numerous gun magazines because Alba was a hobbyist. According to Alba, Oswald manifested a keen interest in how to order guns by mail. He asked questions about it.²¹ Oswald would leaf through the gun magazines and occasionally borrow one.

After the assassination authorities found among Oswald's effects two coupons for mail-ordering guns. One was an ad offering the Mannlicher-Carcano rifle from Klein's Sporting Goods in Chicago. Moreover, researcher Paul Hoch discovered that the jagged edges of the clipping perfectly meshed with those found in one of the magazines obtained by the FBI from Alba's waiting room. Oswald's fingerprint was allegedly found on the magazine itself.

There are problems with this evidence. Before the FBI and Secret Service descended on the garage, a stranger showed up at 9:00 a.m. the day after the assassination. The man told an

employee that he was one of Alba's "very best friends" and had come to borrow some magazines. He was allowed into the waiting room. Then, he simply disappeared.²² Alba does not know who the stranger was. But someone had unsupervised access to the magazines before the FBI seized them. Destroying evidence could not have been the stranger's mission since an Oswald print and a space matching the ripped-out coupon were found in one of the magazines: planting evidence seems a more likely possibility.

The alleged Oswald magazine found in Alba's garage was a June 1963 issue of American Rifleman. However, records produced by Klein's Sporting Goods showed that Oswald had ordered his rifle from the February issue.²³

Following the crime, information targeting Oswald as the suspect surfaced very quickly--under mysterious circumstances. He was focused on as the exclusive suspect at a time when numerous depository employees had not been accounted for or cleared. There was no logical reason to single out Oswald. He had been confronted on the second floor by a policeman and the depository manager within minutes after the shooting and had, in a sense, passed the test by not appearing out of breath or suspicious. Moreover, police would pursue him with information which could not have come from the available, overt sources.

Shortly after Oswald encountered the policeman inside the building, he departed and took a bus to his Dallas apartment. Why did the police pursue him? Roy Truly, the depository manager, claimed to have brought Oswald's name to the attention of authorities after he and the policeman had encountered Oswald on the second floor. According to an FBI report of November 23,

Truly "tried to account for the employees under his supervision about fifteen minutes after this [encounter] and OSWALD was missing. He advised Chief Lumpkin and shortly thereafter Captain FRITZ, both of the Dallas Police Department, of this."²⁴ As Truly described it to the Warren Commission:

When I noticed this boy was missing, I told Chief Lumpkin, "We have a man missing here." I first called down to the other warehouse and had Mr. Akin pull the application of this boy so I could get--quickly get his address in Irving and his general description, so I could be more accurate than I would be.²⁵

One would think that even though Oswald had left the depository, he would not be at the very top of Truly's suspect list (Truly and the policeman had, in a sense, already checked out Oswald). He was by no means the only employee unaccounted for. Fifty people worked there at various times. Truly had no punch-card system to determine precisely when each employee entered and left. It would have been virtually impossible for him to quickly glance around and accurately determine who was or wasn't there and who had come and gone.

At least a dozen employees besides Oswald were not accounted for--two were even within Truly's immediate purview. Harold Norman and James Jarman were at work that day and were outside watching the motorcade when the shooting took place. Yet Truly did not know that these two men had been outside the building, and were therefore beyond suspicion, until after he allegedly told the police about Oswald.²⁶ Only Oswald was pursued, almost

instantly.

Most likely, the Dallas police did not target Oswald because of the information provided by Truly. The chain of this alleged information has too many missing links. Even if the chain were complete, Truly did not have the information that police came up with.

Captain Will Fritz told the Warren Commission, "Mr. Truly then came with another officer and told me that a Lee Harvey Oswald [italics added] had left the building."²⁷ Not quite. Truly actually told Fritz that "Lee Oswald" was missing.²⁸ By the time Fritz testified before the Warren Commission, the whole world knew the alleged assassin as Lee Harvey Oswald. But at the time of the assassination, Truly knew his employee only as Lee Oswald. Oswald had never listed his middle name on any of his employment forms--the very forms Truly allegedly consulted so he could give the police Oswald's address.²⁹ Nor did Oswald ever call himself by his full name when interacting with fellow employees on various jobs.

The only address listed in Oswald's depository employment records was 2515 West 5th Street, Irving Texas, where he and Marina and his two young daughters stayed at the Paine home. But the Dallas Police were operating several steps ahead of Truly's information, even though he was supposedly their source. Magically, officers did not rush out to Irving but instead showed up at Oswald's current Dallas apartment at 1026 N. Beckley Street. The depository had no knowledge of the N. Beckley address, nor did Marina Oswald or the Paines: Oswald had kept it

Robert

secret. ^{author} Sam Anson also asserts that when police arrived at N. Beckley they asked the landlady the whereabouts of a "Harvey Lee Oswald".³⁰

On the list of depository employees compiled by the Criminal Intelligence Section of the Dallas Police, there were twelve employees unaccounted for. At the very top of the list was their first-and-only suspect: "Harvey Lee Oswald."³¹

Neither the Dallas address nor the Harvey Lee could have come from Truly or depository records. Where did this information come from? It is clear from post-assassination investigations of the Secret Service's procedures that the Service's Protective Research Section had no file on Oswald: he did not manifest any of the characteristics which would cause the Service to open a file on him, given their 1963 data system.³² The FBI was not in contact with the Dallas Police about Oswald until after his arrest.³³ FBI agent James Hosty, who oversaw Oswald's FBI files, referred to the former Soviet defector as "Lee Oswald" when discussing Lee's case with the police after the arrest.³⁴ FBI files on Oswald prior to the assassination never--to the author's knowledge, based on examination--referred to him as Harvey Lee. The Dallas Police claimed to have no files on Oswald whatsoever, and none were ever found. Army Intelligence in San Antonio checked their files following Oswald's arrest. They found a file on a Lee Harvey Oswald.³⁵

There is no known instance in which Oswald ever used the name Harvey Lee Oswald--not for any of his myriad cards, letters, post office boxes, etc. He used the name alias A. J. Hidell. He used the name O. H. Lee to rent the Dallas apartment that he

moved into the day before he took a job at the depository. He used the name Osborne when ordering FPCC application forms from a New Orleans printer. He generally referred to himself as "Lee Oswald." But he never used Harvey Lee. Yet it appeared on the top of the list of depository employees.³⁶

There exists an intelligence practice of having two files on a person--John Baker Doe and Baker John Doe. The regular name is used for overt material; the transposed one, for covert material. With technical veracity, an intelligence organization can say that it has little or no material on John Baker Doe.

The name Harvey Oswald did appear two times, without the Lee--in two of the legend-building incidents. Harvey Oswald appeared at the Selective Service Office in Austin to complain about his Marine Corps discharge (while the real Oswald was making his trip to Mexico). Then in November, Harvey Oswald allegedly tried to cash a check in a supermarket in Irving, Texas. The real Oswald was not in Irving at the time.

There is an intriguing but unexplained reference to "Harvey" in Oswald's CIA file. In 1978 former CIA Director Richard Helms was testifying before the House Assassination Committee when he was asked about a CIA memo dated November 25, 1963. The document mentioned consideration of "the laying on of interviews with Lee Harvey Oswald" in 1960, which caused Committee counsel Goldsmith to ask if the CIA had ever contacted Oswald. Helms responded negatively.* Goldsmith also asked about the "Harvey"

* This testimony is excerpted from Committee hearings and appears in Appendix B.

reference:³⁷

MICHAEL GOLDSMITH: I would like to draw your attention to the last line on this memorandum. It makes reference to the Harvey story.

HELMS: Yes.

GOLDSMITH: Do you know what Harvey story that is referring to?

HELMS: No, I do not.

In the absence of an Agency explanation one can only speculate as to the reference's meaning. Did it relate to the CIA's own data on Oswald? ~~As recall the CIA document that listed~~
~~Harvey Lee Oswald as a~~ Was the "story" one of the incidents in which an Oswald impostor used the name Harvey Lee? Or did it refer to William Harvey, the blustering, gun-toting CIA officer who headed the Agency's Executive Action Unit, formed to assassinate foreign leaders. We will probably never know.

The Criminal Intelligence Section of the Dallas Police sent out a cable the night of the assassination. It was a secret one and was not declassified until May 1973. It originated with police intelligence then went from the 4th Army Command in Texas to the U.S. Strike Command at MacDill Air Force Base in Florida (a rapid-deployment force).³⁸ The urgent message contained two false statements. "Don Stringfellow, Intelligence Section, Dallas Police Department, notified 112th Intelligence Group, this headquarters, that information obtained from Oswald reveals that he had defected to Cuba in 1959 and is a card carrying member of the Communist Party."³⁹

In Mexico only two months earlier, Oswald had tried to go to

Cuba for the first time and had proffered a Communist Party ID card, although the FBI knew that the real Oswald had never joined. There was no indication from Oswald's interrogators that he asserted the false data. Was the police intelligence unit just sloppy or was it being fed information from federal intelligence sources trying to blame Castro for the President's assassination? At least one intelligence agency had direct ties to local police. Elsewhere, the author has documented the extensive, clandestine relationship between the CIA and the intelligence units of major metropolitan police departments during the 1960s and 1970s.⁴⁰ The CIA is also seems to have been involved in one post-assassination attempt to portray Oswald as a hired gun working for Castro: the story of "D".

The day after Jack Ruby murdered Oswald in the basement of the Dallas police station, a Castro-conspiracy story cropped up. The source, a man identified only as "D," came to the U.S. Embassy in Mexico City and asserted that he had directly witnessed Oswald plotting to assassinate the President.⁴¹ D alleged that he had observed Oswald at the Cuban Consulate in Mexico receiving \$6,500 from two men. According to D, one man said to Oswald that he wanted someone killed. Oswald replied, "You're not man enough. I can do it."⁴²

D's revelation was flashed throughout Washington (to the FBI, the State Department, and the Johnson White House) by the CIA's Mexican station.⁴³ But why should this story be believed? The answer came twenty-four hours later. ~~Man said~~ The Agency set the wires humming again with a follow-up message: information from a "sensitive and reliable" CIA source had

confirmed D's story⁴⁴ (electronic surveillance of the Cuban consulate perhaps?).

Richard Helms brought D's story to the Warren Commission.⁴⁵ In his memo describing the evidence he did not reveal D's identity to the Commission. It remained for the FBI to discover that D was one Gilberto Alvarado, a Nicaraguan intelligence agent who claimed that his mission was to spy on the Cuban consulate in Mexico.⁴⁶

Despite the CIA's supposedly "reliable" corroboration of D's story, it did not hold up under scrutiny. For one thing, as with so many other incriminating incidents, Oswald was elsewhere when D had him plotting in the Cuban consulate: he was visiting the New Orleans office of the Louisiana State Unemployment Commission.⁴⁷ D finally retracted his story and claimed that he had dreamed up the whole thing as a way of gaining entry to the United States so that he could participate in anti-Castro activities there. When the State Department continued to be interested in his story--perhaps in light of less-than-persuasive account of why he had perpetrated the hoax--Alvarado retracted his retraction, only to be judged a liar by a polygraph machine.⁴⁸ The FBI (which had primary investigative responsibility in the assassination) was by this time understandably curious about who, in fact, Alvarado was and what lay at the bottom of his multi-layered deceit. The Bureau did not have a chance to find out. The Agency thwarted the Bureau's repeated attempts to interrogate D.⁴⁹ The FBI was frozen out; the bizarre incident was finished.

The machinations of intelligence-related intrigue and deception that surrounded Oswald in life from Moscow to New Orleans to Mexico to Dallas continued after his death. On a long trail of rather crudely executed fabrications from Sylvia Odio's living room to the shabby, stucco Cuban Consulate in Mexico City to the sixth floor of the Texas School Book Depository, the legend of violent, unstable pro-Castroite was built upon a foundation created by Oswald himself, in his role as agent-provocateur.

Chapter 10

Cover-Up

"And ye shall know the truth and the truth shall make you free."

--John: XXIII, inscribed on the marble wall of the lobby at CIA headquarters in Langley, Virginia

~~"The ideal covert operation is one that remains secret from inception to eternity."~~

--CIA Inspector General Lyman Kirkpatrick described the ideal covert operation as one that would remain secret "from inception to eternity."¹

The CIA has continuously obstructed pursuit of the truth about Oswald. In its dealings with the Warren Commission, the Rockefeller Commission and the House Assassinations Committee, it has been both deceptive and recalcitrant in answering the questions posed about Oswald's links to U.S. intelligence and his associations and activities at the time of the assassination.

In 1963-4 the Agency tried to squelch what the Warren Commission had termed the "dirty rumor"--that Oswald worked for U.S. intelligence. The Commission worried about the rumor, only to be told by one of its members that inquiries into this matter

were likely to go nowhere, because it was, "a terribly hard thing to disprove.... How do you disprove it?"²

These were the words of Commissioner Allen Dulles, and his expertise on this matter was indisputable. Dulles was one of the CIA's founding fathers. He was consulted in 1947 when the Agency was created by Congress. The following year President Truman appointed him to a three-man commission whose task was to monitor the progress of the fledgling intelligence agency. Truman made Dulles Deputy director of CIA in 1951; Eisenhower made him Director in 1953.³ Dulles' eleven year reign came to an abrupt and rancorous end in 1961 when President Kennedy fired him during the post-Bay-of-Pigs shake-up of the Agency.

In what must surely rank as one of the more historically significant conflicts of interest, Dulles was appointed by President Johnson to the commission responsible for assessing whether Oswald was linked to the CIA and whether the CIA was linked to the assassination. During most of a crucial period concerning Oswald's possible relationship to the Agency ~~(1959 to 1962)~~ (when he defected to Russia) ~~as CIA Director~~, Dulles was serving as CIA Director. Thus he was in the position of investigating events that occurred under his own stewardship.

Dulles admonished his commission colleagues that proving that Oswald was not a CIA agent was all but impossible because of the Agency's characteristics: it compartmentalized its activities, did not keep paper records of all of its work, coded much of its data in "hieroglyphics," and sometimes would not reveal the identity of its agents even when its officers were put under oath.⁴ After arguing that a definitive conclusion was not

possible, Dulles did a complete turnabout and offered to provide one. In order to assuage the continuing concerns of his fellow commissioners, he said he could produce an affidavit that Oswald was not an Agency employee:

Depending as of the time we are talking about, I might have a little problem on that--having been Director until November, 1961, it would depend upon as of what time he was supposed to have been an agent of the CIA. The only problem--there is no problem so far as making an affidavit to the period up to November 26, 1961, if you want me to....⁵

If it was sworn affidavits that would induce the Commission to forget the dirty rumor, the Agency was prepared to provide a bevy of them--surely at Dulles' suggestion. In direct conflict with what Dulles had told the Commission about the impossibility of a definitive conclusion, the CIA prepared four draft affidavits which said that Oswald had never been connected with the Agency, either directly or indirectly. These documents were never signed or notarized or forwarded to the Commission. Four identical affidavits were prepared for four of the CIA's top administrators--Deputy Director Marshall Carter, Deputy Director for Intelligence Ray Cline, Director of Security Robert Bannerman, and Deputy Director for Plans Richard Helms. The statements asserted the following:⁶

Lee Harvey Oswald was not an agent, employee, or informant of the Central Intelligence Agency;

the Agency never contacted him, interviewed him, talked with him, or received or solicited any reports or information from him, or communicated with him, directly or indirectly, in any other manner;

the Agency never furnished him any funds or money, or compensated him, directly or indirectly, in any fashion; and

Lee Harvey Oswald was never associated or connected, directly or indirectly, in any way whatsoever with the Agency.

This denial would later be used, almost verbatim, by then CIA Director John McCone in his testimony before the Warren Commission.

A CIA internal memorandum declassified in 1976 reveals that Dulles met with a CIA administrator (probably James Jesus Angleton) who was sent by Deputy Director Richard Helms to discuss "certain questions which Mr. Dulles feels the Warren Commission may pose to CIA."⁷ First on the agenda, not surprisingly, was the dirty rumor. Dulles counseled that the allegation that Oswald was connected with the CIA should be met with a reply that was "straightforward and to the point." The reply should contain language "which made it clear that Lee Harvey Oswald was never an employee or agent of CIA." Furthermore, Dulles instructed, the response should state that "neither CIA nor anyone acting on CIA's behalf was ever in contact or communication with Oswald." The memo concludes by

expressing agreement with Dulles that "a carefully phrased denial of the charges of involvement with Oswald seemed most appropriate."

Dulles' helpful suggestions to his Commission colleagues were not confined to intelligence matters. At an executive session early on in the Commission's deliberations, Dulles sought to relieve the group of much of its investigative burden before any witnesses had been heard. He wanted to put the Kennedy assassination in what he offered as historical context: that it fit the pattern of U.S. history in which assassinations were perpetrated by lone gunmen.⁸

DULLES: I've got a few extra copies of a book that I passed out to our Counsel. Did I give it to you, Mr. Chief Justice?

WARREN: I don't think so.

DULLES: It's a book written about ten years ago giving the background of seven attempts on the lives of presidents.

WARREN: I have not seen it.

DULLES: It's a fascinating book, but you'll find a pattern running through here that I think we'll find in this present case. I hate to give you a paperback, but that's all there is.

REP. FORD: When was the book written?

DULLES: 1952. The last one is the attack on Truman. There you have a plot, but these other cases are all habitual going back to the attack on Jackson in 1835. I found it very interesting.

MCCLOY: The Lincoln assassination was a plot?

DULLES: Yes, but one man was so dominant that it almost

wasn't a plot.

Dulles' conflict of interest edged toward obstruction of justice when he maintained close contact with his former colleagues at the Agency throughout the Commission's investigation. James Jesus Angleton, the CIA counterintelligence chief who, for a time, served as liaison officer for the Agency dealings with the Commission, told Congress in 1976 that he "informally discussed the assassination with Dulles while the investigation was in progress."⁹ In fact, Dulles saw fit to coach CIA officers concerning their testimony before the Commission. A heavily censored document obtained from the CIA under the Freedom of Information Act reveals that Dulles coached his former colleagues on how to deal effectively with the dirty rumor when confronting the Commission.¹⁰

Angleton, who was in contact with Dulles, in turn coached the FBI as to how the Bureau might look out for CIA interests. The Bureau functioned as the Commission's primary investigative arm and provided it with most of the information used to write its final report. Angleton passed information to the Bureau concerning the Commission's investigation.¹¹ He also wrote a memo instructing the FBI on how it should respond when queried about the dirty rumor. To avoid different replies from the two agencies (FBI and CIA) Angleton offered the CIA's response in writing so that Director Hoover would be sure to respond thusly:¹²

(1) Q: Was Oswald ever an agent of the CIA?

A: No.

(2) Q: Does the CIA have any evidence showing that a conspiracy existed to assassinate President Kennedy?

A: No.

Dulles had two routes of influence: directly, from inside the Commission; indirectly, from himself to Angleton (and other of his former colleagues), then from Angleton to the FBI back to the Commission. All channels carried the same message--lone assassin, no Agency affiliation.

The CIA not only insisted that Oswald was not their agent but also that he was not even a subject of continuing interest. Despite his defection to the Soviet Union and its possible links to the U-2, the Agency claimed to have no interest in him when he returned to the U.S.--to the extent that the CIA claimed never to have contacted him.

Dulles' successor as CIA Director, John McCone, testified before the Commission using the same broad, nearly cosmic, denial that had appeared in the unused affidavits:

My examination has resulted in the conclusion that Lee Harvey Oswald was not an agent, employee, or informant of the Central Intelligence Agency. The Agency never contacted him, interviewed him, or talked with him, or received or solicited any reports from him, or communicated with him directly or in any other manner.... Oswald was never associated or connected directly or indirectly in any way whatsoever with the Agency.¹³

McCone, who had been a Wall-Street lawyer before Kennedy brought him in to head the Agency, provided this iron-clad

guarantee based upon the expertise of his deputies who were more knowledgeable than he. Outsider McCone's track record for keeping tabs on the clandestine careerists was not good: he was fired by President Johnson, in part, for not knowing about his own Agency's assassination attempts on Castro.¹⁴

Richard Helms, who in 1963 was the CIA's Deputy Director for Plans, extended McCone's guarantee of disassociation from Oswald even further, to include the minds of CIA personnel. He told the Commission, under oath, that the Agency had nothing on Oswald, "either in records or in the mind of any individuals that there was any contact had, or even contemplated with him."¹⁵ Such extreme assurances now ring hollow, if not suspicious, because their absolute nature is in conflict with the Agency's own claims (from Dulles as well as others) concerning the impossibility of such assurances, given the CIA's complex internal-security procedures and its convoluted chains of command. Moreover, a CIA document previously described directly refutes Helms' claim. The November 25, 1963 memo refers to events in 1960 and states that Helms had discussed "the laying on of interviews with Lee Harvey Oswald."

Despite the steadfast denials there were hints of an Agency interest in Oswald. A photo of him taken in 1961 in a public square in Minsk happened to turn up in Warren Commission materials. The source of the photo was the CIA, even though it had claimed that it never monitored Oswald's defection. The Commission noted that the picture was allegedly taken by a "tourist" who did not know Oswald. It concluded that the photo

represented nothing more than coincidence.¹⁶

The CIA's explanation was that the picture was one of a batch of photos routinely obtained from tourists traveling abroad.¹⁷ There were, the Agency claimed, 160 pictures in this batch, and Oswald coincidentally happened to appear in one of them. It is a startling coincidence: out of millions of people in Russia and tens of thousands in Minsk, Oswald is accidentally, but clearly, photographed. Then, out of the 160 photos, the Agency again just happens to pick Oswald's as one of five selected to be retained. Why, if the Agency had no interest in him whatsoever? The two CIA employees who handled the photos testified before the House Select Committee on Assassinations and provided two less-than-compelling explanations. One stated that the Oswald photo was retained because it also included the picture of a Soviet Intourist Guide; the other stated that the picture was kept because it showed a crane in the background.¹⁸

In accepting these explanations we are asked to believe that CIA data gathering is so detailed, so catholic that it finds Intourist Guides and cranes to be subjects of inherent interest, while defectors to the USSR who possess knowledge about the Agency's spy plane are not subjects of interest.

In 1977 the House Assassinations Committee was interested in Richard E. Snyder, the consular official in the U.S. Embassy in Moscow who handled Oswald's defection and return. Some researchers suspected that Snyder was a CIA agent using diplomatic cover.¹⁹ Snyder testified to the House Committee that he had worked for the CIA for only eleven months, 1949-50, and that he had no contact with Agency between 1950 and 1970 (when he

wrote to inquire about employment).

The Committee requested Snyder's CIA file. They discovered that it had been "red flagged," and maintained on a "segregated" basis, because of a "DCI [Director of Central Intelligence] statement" and a "matter of cover" concerning Snyder.²⁰ The Committee pursued this and discovered that the DCI statement in question "presumably" referred to comments made about the Oswald case in 1974 by then Deputy Director for Plans Richard Helms.

Snyder's file had been red flagged so that all inquiries about him would be referred to a particular office--the Directorate of Operations. This would seem to be very sensitive treatment for the dossier of a pure diplomat whose only relationship to the Oswald case was to process a defection in which the Agency claimed to have no interest. The Agency was unable to explain the reference to cover because, said the Committee, "according to its [CIA] records, Snyder had never been assigned any cover while employed [by CIA]."²¹ Regardless of Snyder's status, the reference to cover could have another meaning--a meaning which the Committee never considered: it could have referred to Oswald's cover.

The Committee did not regard the Agency's explanations about Snyder's file as "satisfactory." For one thing, the file revealed that he had been working for the Agency as a "spotter" for the year 1956-57, after his contact with the Agency was supposed to have ended. As a spotter Snyder worked at a University campus in the U.S. where his role was to obtain "access to others who might be going to the Soviet Union."²²

Regarding Oswald's file, HSCA further discovered an apparent shortfall of documents. A 1964 internal CIA memorandum (stamped "Secret, Eyes Only") stated that no fewer than thirty-seven documents, including twenty-five cables, were missing from the file. The Agency explained that the documents were not really "missing" but had been checked out of the file at the time the memo was written in 1964. This explanation might have carried more weight if the CIA had proved that the papers were returned, by producing them for the Committee. But the documents were never provided.²³

The Agency's sensitivity concerning Oswald's case as it related to other defectors is manifested in another internal memo dated April 5, 1972, found by the author in the CIA's general file on the JFK assassination. It states, "Today the [deleted] staff advised me that the Director had relayed via the DDP (Deputy Director for Plans) the instruction that the agency was not, under any circumstances, to make inquiries or ask questions of any source or defector about Oswald."²⁴

With regard to mail being sent to and from the Soviet Union by Americans, the Agency was interested in everyone's mail-- except, of course, Oswald's. In 1976, during hearings unconnected with the assassination, the Senate Intelligence Committee discovered that a massive CIA project to intercept mail to and from the Soviet Union had been in operation during Oswald's defection (1959-1962).²⁵ Under this program thousands of letters were routinely opened and photographed over a period of years. A special laboratory was set up at LaGuardia Airport in New York. CIA agents opened bags of Soviet-bound mail and

tested for secret coding and invisible ink.²⁶ Yet the CIA's mail-intercept file contains only a single Oswald letter, written to his mother in 1961. Oswald's family kept copies of more than fifty letters exchanged during his stay in Russia.

Why did the Agency have only one Oswald letter? The explanation to the House Committee was that the mail intercept "only operated four days a week, and even then proceeded on a sampling basis."²⁷ We are asked to believe the implausible: that letters from ordinary tourists were of interest while forty-nine letters to and from a defector were missed because he was of no special interest. For its domestic mail-intercept program the Agency developed a lengthy list of individuals and organizations to be targeted. The number of Soviet defectors was small and, logically, their mail should have been of particular interest.

The CIA's vaunted data-gathering network was a sieve when it came to Oswald. He would trip through organizations, buildings, and political contexts in a variety of geographic locations in the U.S. and abroad, and extensive CIA surveillance would always miss him. Cameras would malfunction when Oswald passed through; huge networks of Agency spies and informers would miss him while he was in their presence; data-gathering efforts would produce extensive files concerning Cuban politics in the U.S. (both pro and anti-Castro), but would never produce a jot concerning Oswald's protracted involvements in these arenas.

Among the artifacts discovered after the assassination was Oswald's "historic diary," found among his effects. It purportedly is his account of life in Russia during his

defection. While the House Committee's experts certified the authenticity of the handwriting, they also concluded that the "diary" was written in one or two sittings rather than over the span of two and a half years Oswald spent in Russia.²⁸ The diary's pidgin-English style conflicts sharply with the quite articulate way in which Oswald spoke, and with other examples of his writing.

In this letter written in 1963, for example, he expresses himself quite well, though by no means flawlessly (there are spelling and syntax errors):

As you will notice on the membership blank there is a place for those who do wish to subscribe to the national mailings for a fee of \$5.00, that fee will go directly to you in New York.

As soon as any member has paid dues adding up to five dollars in any year, I will forward that fee to you and then you may handle it as if it was a usual application for membership in the national F.P.C.C."²⁹

In marked contrast, here is how the "historic diary" describes Lee and Marina's wedding, replete with horrendous errors of spelling and syntax:

We are married. At her aunts home we have a dinner reception for about 20 friends and neboribos who wish us happiness (in spite of my origin and accept which was in general rather disquiting to any Russian since for. are very rare in the soviet Union even tourist. After an evening of eating and drinking in which...started a fright

and the fuse blow on an overload circite we take our leave and walk the 15 minutes to our home.³⁰

It has not been established as to when and where this "diary" was written, much less why. One would imagine that the strikingly odd syntax would have raised some eyebrows at our nation's premier spy agency. Not so. In fact, the CIA used the diary to analyze the time and motion and events of Oswald's defection. It became the Agency's base line for scrutinizing whether he had been recruited by the Soviets as a spy.³¹ Based partly on the diary, Deputy Director Richard Helms assured the Warren Commission that there was nothing unusual about Oswald's defection, nothing exceptional.³²

The authenticity of the diary was never questioned by the Agency. Even if Oswald did write it, choosing the style of a Russian struggling through elementary English, it is not an authentic document: it was used as a contemporaneous record but was concocted in two or more sittings. Was the Agency especially trusting of the Soviets, especially incompetent in analyzing the diary, or did it have a level of knowledge concerning Oswald, his defection, and even his diary that precluded the question of authenticity--a question that seemed so obvious to those less informed about what Oswald was really doing in Russia?

There was plenty of cause for concern. The U.S. Embassy in Moscow notified the State Department that Oswald had left his Moscow hotel and his whereabouts were unknown. This disappearance lasted for nearly six weeks. Was he being debriefed? attending a Russian spy school? Despite the Embassy's

concern, the Warren Commission decided that he "probably" did not leave Moscow and was really hole up in his hotel room--a conclusion based largely on his diary.³³ But, as Sylvia Meagher perceptively noted, the "diary" had only one blanket entry dated Nov. 16- Dec. 30. Meagher asks why Oswald made more detailed, daily entries before this period but could not find time to "record his meals and emotions during a six week period of being holed up in his hotel room."³⁴ This question apparently never troubled the Agency.

In 1975 President Gerald Ford (a member of the Warren Commission) appointed the Rockefeller Commission to investigate domestic-spying abuses by the CIA. The Commission also looked into possible CIA involvement in the assassination. It's chief counsel was David Belin, who had been a counsel for the Warren Commission and had written a book defending its conclusions.³⁵ In 1975 one subject of intense curiosity among researchers was the Dallas chapter of the anti-Castro commando group Alpha-66, headquartered on Harlendale Street at the time of the assassination. As previously described, the CIA-sponsored group was well armed and its leader had been mistaken for Oswald. Paul Hoch, one of the most scholarly and respected assassination researchers, brought this matter to the attention of the Rockefeller Commission.

It was not until 1982, with the release of CIA documents to researchers using the Freedom of Information Act, that the Agency's response to the Rockefeller Commission was made public. The terse, nonsensical reply was that Agency files contained, no record of any CIA contact with an anti-Castro group in

Dallas. No Cuban organization is listed in the 1963 Dallas telephone directory. Dallas city map and 1963 criss-cross directory reveal no street named Harlendale."³⁶

Beyond the ludicrous notion that the way to find Alpha-66 is to check the phone book--presumably in the yellow pages under commandos--there is, and was in 1963, a Harlendale street in Dallas. It is a long one, nearly impossible to miss.

In 1984 I initiated a Freedom of Information Act request to obtain Rockefeller Commission documents dealing with CIA activities in Dallas in 1963. The Commission's papers are held by the Ford Presidential Library in Ann Arbor, Michigan. Don. W. Wilson, then director of the library, denied my request, claiming that the documents are part of President Ford's papers and "did not originate as Federal records": thus the Freedom of Information Act did not apply.³⁷

What is perhaps more disturbing than the CIA's protracted record of cover-up concerning Lee Harvey Oswald is that in twenty-five years of being queried by various commissions and committees, all possessing official standing, the Agency has never been compelled to account for its actions or inactions regarding Oswald, his file, or matters of central relevance to him.

Chapter 11

Beyond Disinformation

It [the CIA] would agree with historian David Hackett Fisher that history is not what happened but what the surviving evidence says happened. If you can hide the evidence and keep the secrets, then you can write the history.

--Thomas Powers, The Man Who Kept the Secrets:
Richard Helms and the CIA¹

It is a complex and arcane matriculation: from the U-2 base to Moscow to New Orleans to Clinton, then to Mexico and to the Texas School Book Depository. Always there are mysteries: unexplained activities in Mexico, disappearances in Russia and Dallas, unknown routes to and from the Soviet Union. There is favorable treatment from the U.S. government: loans, quick passports, an early discharge from the Marines. Always the government fails to treat Oswald in the usual manner: it conducts no damage assessment, posts no look-out cards, conducts no debriefings, dispenses no punishments. At the same time, CIA-related programs, people and projects are a constant presence in Oswald's life, as are the Agency's opportunities to monitor *him*.
~~Oswald:~~

There is Oswald's veneer of leftism behind which his interactions are just the opposite. The pinko Marine retains his security clearance and perhaps even studies at the government's Monterey School. The defector who may have peddled secrets is given swift and friendly treatment by some of the most anti-communist bastions of our government. The FPCC chapter president is enmeshed in the Cuban Grand Central Station of anti-Castroism at Camp Street. The civil rights observer goes to Clinton with communist-hater David Ferrie. Back in Dallas, the Soviet defector nestles into the ^{Anti-Communist} ~~receiving~~, Russian-exile community under the wing of George de Mohrenschildt. To trip through all of these arenas of clandestine activity and to do what Oswald did cannot be explained as the innocent sojourn of a confused ideologue.

To conclude that he was a Soviet agent one must imagine total incompetence in our national-security apparatus, blowing numerous chances to discover him at the time of most obvious suspicion (when he recanted and returned to the U.S.). One must also try to imagine what the Soviets would have had in mind. Did the KGB really want to spy on the FPCC or CORE? Did it believe that Oswald could discover U.S. secrets or assassinate our President by becoming a conspicuous pro-communist who purposely brought his activities to the attention of the FBI by requesting to see an agent and regaling him with tales of FPCC activity?

Still, the mainstream media remains captive to decades of secrecy and disinformation regarding Oswald: much of it emanating from the CIA. Intimations by CIA officers that the only missing pieces of the Oswald puzzle and the only valid

questions of conspiracy relate to the Soviet Union was endorsed on January 7, 1990 by the New York Times.^{*} In an editorial in its Sunday edition entitled "Mysteries That Matter," the paper urged that with the dramatic thaw in the cold war, "Eastern Europe's new governments have a rare chance to serve both justice and history by unlocking the secret archives of their former communist masters." Among the mysteries that matter to the Times is, "Who Was Lee Harvey Oswald?":

According to the Warren Commission, the man who killed John F. Kennedy in 1963 was a psychotic, acting alone. Not so, according to tireless conspiracy theorists, who speculate that Oswald, who had visited Moscow, was a KGB "asset" in Dallas. Perhaps East European archives can finally resolve conflicting stories from various Soviet defectors about Oswald's ties, or lack of them, with Soviet intelligence.

The editorial concludes with the democratic imperative that "An honest reckoning of the past is a crucial step to a more open society." It apparently has never occurred to the Times' editors that, in Oswald's case, this applies to U.S. intelligence as well (and, in fact, more so).

The only variable as salient and consistent as the CIA's

* See the testimony of former CIA director Richard Helms before HSCA (Appendix B) where he asserts that without access to the files of communist intelligence agencies, it will be difficult to finalize conclusively the JFK case.

presence in the contexts in which Oswald appeared is the Agency's alleged disinterest in monitoring him: as a defector who might be returning to the U.S. as a Soviet spy, as a pro-Castro activist who might be trying to infiltrate the Agency's anti-Castro network. The best explanation for all this is that the dirty rumor is true: Lee Harvey Oswald was a U.S. intelligence agent.

Such a role does not, ipso facto, mean that elements of U.S. intelligence were involved in the assassination, any more than John W. Hinckley, Jr.'s attempted assassination of President Reagan can be laid at the doorstep of the Colorado college he attended. Spies can become deranged and commit individual acts of violence, like persons in any other occupation. But Oswald was being framed to appear leftist and guilty, whatever his role in the assassination. This occurred while he was still doing intelligence work in Dallas (tinting the left Kremlin red). His intelligence milieu was populated with characters whose animosity toward President Kennedy was venomous: Ferrie, anti-Castro Cubans, and surely Guy Bannister.

The shadowy figures who surrounded him (de Mohrenschildt, Ferrie, Bannister, some of the anti-Castro Cubans) were CIA connected. This does not mean that the Agency as an institution conspired to assassinate the President. In the convoluted, compartmentalized world of covert action, certain networks and their activities may be only loosely accountable to CIA headquarters. The impetus for an operation may come from a deputy director's office in Langley, Virginia; but it may then be implemented by CIA agents in the field who hire contract agents, like David Ferrie was alleged to have been. As former CIA

Director Allen Dulles told his Warren Commission colleagues, someone in the field might not tell his own superior that he had hired someone. One of the things we learned from the Iran-Contra affair is that in the clandestine world it is difficult to determine who is really working for the government, as opposed to those who pretend they are or think they are.

Elements of the CIA's anti-Castro network (including the Cubans and their CIA case officers) could easily have conspired to assassinate the President, using Oswald as the centerpiece of the operation. It is clear that Oswald was framed, whether he was a gunman or a patsy. He was also moved by his handlers along a path leading to the assassination: as he quit his job and moved to Dallas, traveled to Mexico City, perhaps mail-ordered the rifle to his left-wing post office box.

The conspiracy may have been a renegade one involving between a half dozen and a dozen men who had control of Oswald and of a shadowy network that surrounded him.² Given the nature of this arena, one would not have to look very far to find trained killers. Such a renegade element may have acted on its own in assassinating the President. Or it may have had the overt or tacit support of persons farther up the shadowy chain of allegiance and deception, a chain stretching from New Orleans and Dallas back to Washington. ¶ One of the characteristics of intelligence work is that some operatives are accustomed to acting on instructions from their controllers in the field with little or no knowledge of where in the chain of command and accountability (if there is one) the order originated.

Therefore, it is possible for someone with control over a network to misappropriate it. The men impersonating Oswald may have been performing a task, per instruction, with no idea who Oswald really was or what plan of action was unfolding. The conspiracy would not have to be massive, institutionally sponsored, or involve only witting participants--not on this turf.

Investigative journalist Seymour Hersh said in 1975, "I've read a lot of stuff about Jack Kennedy's assassination.... My feeling about the conspiracy theory is this: that if after the statute of limitations is up, if somebody doesn't write a book for a million dollars, then there was no conspiracy."³ But Mr. Hersh would probably not dispute a conspiracy in the murder of former Teamsters' Union President James Hoffa, despite the absence of a book or a valid confession. It was former CIA Inspector General Lyman Kirkpatrick who asserted that the ideal clandestine operation was one that remained secret "from inception to eternity." In 1976 the CIA admitted to a Congressional Committee that since 1961 it had conducted some nine hundred covert operations of various kinds. Some of these, or some additional ones that have not been admitted, have remained secret from the press, the public and probably Congress itself. Only within the last few years it came to light that the CIA and military intelligence were relocating suspected Nazi war criminals to the U.S. These fugitives from justice were provided with new identities by their patron agencies, who deemed them useful for one purpose or another. The secret was kept for almost half a century.

One of the ways that criminal and clandestine organizations

keep secrets is to murder those who might reveal them. Some of the people who knew the most about Oswald's links to U.S. intelligence, and may have had important information about the assassination, died violent deaths: Oswald himself, murdered; Ferrie and de Mohrenschildt allegedly perished by their own hand, before they could be thoroughly questioned. There may be others. Every assassination is not, as some are wont to believe, a conspiracy; but successful conspiracies to commit murder do occur. Even outside of the clandestine arena of covert action and spying, some murder conspiracies remain unsolved.

Many journalists, politicians and analysts reject a conspiracy in this assassination because, they assert, it would require too many people: various agencies, Commissions, and individuals throughout government joining in a massive, coordinated effort to hide the truth. Such a cover-up would be impossible, it is asserted, because someone would blow the whistle. This argument neglects the fact that there are a variety of reasons why agencies or individuals engage in a cover-up. Knowingly trying to assure the success of an assassination conspiracy is only one. Very likely, much of the cover-up perpetrated in the JFK case was done out of self-protection or to preserve other secrets; it was done by people having no direct knowledge of the conspiracy.

For example, it is unlikely that Oswald was being groomed as a pawn or hit man when he posed as a defector to spy on the Soviets. After the assassination, those who orchestrated his defection would be desperate to cover it up: in order to protect

the larger program(s) of which it was a part, to protect the covers of those involved, to avoid being in the unenviable, if not untenable, position of saying, "Yes, Oswald was our agent in his Soviet days but that was then; we had nothing to do with the assassination."

The CIA's handling of the Mexico City episode may be another example of a cover-up spawned by self-protection rather than conspiratorial design. Agency personnel who had knowledge of the photos and audio tapes of captured an Oswald impostor would not have to be privy to the assassination plot to want to suppress the data. Proof of an impostor would point to the conclusion that Oswald was framed. This would create a firestorm of investigation and suspicion, engulfing vital Agency projects and assets. It would also raise questions about the credibility of the Agency's assertions that he had been an ordinary defector, no one special or sinister.

If some office or officers within the CIA had a picture of the impostor, they had photographed a conspirator, or conspirator's agent, at work. What if it was someone known to the Agency or someone whom its massive, computerized data base at Langley could identify? If it turned out to be an anti-Castroite who was Agency sponsored, the CIA would have evidence implicating its own assets in the President's murder. The choice of whether to inflict extensive, perhaps permanent, damage on the organization or to suppress the evidence was probably a very clear one for those involved.

Someone who knew Oswald's background in U.S. intelligence might have perceived him as the perfect centerpiece for the plot

precisely because of this. It could easily have been predicted that, in the aftermath of the President's murder, agencies with information on Oswald's spooky past (especially the CIA) would immediately cover-up, to insulate themselves from suspicion and scrutiny. The morning after the assassination an untold number of intelligence officers in various agencies or branches must have been panicked about their Oswald file(s) and the problems it could cause them. Conspirators could have correctly calculated that the possessors of such files would attempt to freeze out or stonewall any official investigators who inquired about Oswald. Thus, the cover-up could be quite extensive while the conspiracy could be rather small and tight-knit.

Despite the passage of time, the cover-ups and the inadequacy of official investigations, there is more we can learn about Oswald and the crime with which he is so intimately associated. For starters, withheld files should be released. Approximately five percent of the Warren Commission's papers remain secret after nearly three decades. In 1985 there was supposed to be a legally mandated review of these documents in order to determine which of them could be released. There was no further disclosure and the next such review is in 1995. Numerous CIA documents are among the still-classified Commission records. The Agency also refuses to release most of the data it provided to the House Assassinations Committee between 1976 and 78.

As of this writing, the FBI is still withholding an estimated fifteen percent of its original case file on the assassination. Researchers have noted that the Bureau is

particularly resistant to disclosing documents relating to Mexico City: Oswald's alleged activities, the story put forth by CIA source "D" (that Oswald was paid by Castro's agents to shoot the President), Oswald photos and tapes, etc.

In addition to public disclosure, the CIA should also be required to find or account for what is known to be missing from Oswald's file and for what data it clearly should have on him but professes not to have. This could be accomplished by a Congressional oversight committee and does not require a full-blown reinvestigation of the case.

As for Congress, it should begin by passing the long-overdue legislation that would eliminate its own secrecy cloak. After the House Select Committee on Assassinations disbanded in 1978, it declared its voluminous records to be "Congressional materials," a status that allows them to be withheld from the public until the year 2028.⁴ Unlike most governmental records, "Congressional materials" are sealed for fifty years and cannot be accessed through the Freedom of Information Act (FOIA). Public disclosure via FOIA applies to all executive-branch agencies (including the CIA) but does not apply to Congress, which decided to exempt itself when passing this landmark legislation for the public right to know. Many CIA and intelligence-related documents long sought after by serious students of the case were obtained by the House Committee from various agencies, only to end up in a black hole of legislative secrecy, sealed more tightly than when the agencies possessed them.

Unlike many events that cry out for valid explanation, for

historical clarity, those involving what Allen Dulles termed "the craft of intelligence" are more difficult to fathom. The document that might be the Rosetta Stone of accurate understanding may not simply be locked in someone's vault awaiting posthumous exposure: it may be nonexistent. Moreover, the impetus for secrecy and disinformation ^{do not} fade completely with the passing decades, as demonstrated by the CIA's interactions with the House Committee in 1978.

In 1963 Alpha-66 was one of the most violent CIA-backed Cuban exile groups. They were in Dallas and well armed at the time of the assassination. It had openly defied President Kennedy's ban against launching raids on Cuba from the U.S. The group continued its activities and was still conducting strikes against Castro in the early 1980s. In the summer of that year a five-man assassination squad, allegedly sent from the U.S. to kill Castro, was captured in Cuba. Alpha-66 not only took credit for the foiled attempt but did so at a press conference in Miami. Said one Cuban diplomat, "What got Castro mad was not just that the hit squad was sent after him, but that Alpha-66 was allowed to hold a press conference in Florida promising to try again, all without any sign of concern from the U.S. government."⁵ If Alpha-66 and its offshoots still enjoyed Agency patronage in the 1980s, any incriminating secrets involving the Kennedy assassination would most likely be perceived by the CIA as a potential threat to its ongoing operations. The cover-up would continue.

All of this notwithstanding, there is more we can learn, and