

MEMORANDUM FOR: All Interested Researchers

MEMORANDUM FROM: Mark Allen

SUBJECT: The HSCA Report and Lee Harvey Oswald in Mexico City

DATE: August 23, 1979

I was warned as early as last summer that I might be disappointed with the Committee report's section on LHO in Mexico City. That prediction proved exceedingly correct. In fact, the Committee's report does not resolve to my satisfaction any major question concerning Oswald's Mexican trip, despite the HSCA's six million dollars and its "unprecedented access" to Agency sources and methods. (See Report, pg. 19)

Perhaps I would have been more satisfied had the HSCA laid out all of its evidence. In particular, the Mexico section frequently cites a 300 page classified report entitled "LHO, the CIA and Mexico City" which was prepared by two Committee staff researchers. Nevertheless, what they have given us is findings and analysis which could hardly be expected to satisfy even the most gullible researcher.

In essence the Committee made one major finding in its Mexico section: that there was no Oswald impostor in Mexico City. But in making this finding the Committee dealt with several pieces of evidence which not only suggested impersonation, but raised other important issues as well. An analysis of these subfindings will reveal why the Committee's report is so flawed.

- A. THE MYSTERY MAN IN MEXICO (MMM) WAS NOT POSING AS OSWALD. THE CIA'S IDENTIFICATION OF MMM AS OSWALD WAS MERELY A "CARELESS MISTAKE" (Report, pg. 249)

Of course, no one ever contended that identifying MMM as oswald was not a mistake. Obviously he is not Lee Harvey Oswald. The real question is why the mistake was made. Was it because MMM identified himself as Oswald or because of some other less sinister reason? On this important point the report is silent.

I must also take exception with the Committee's representation of the significance of the MMM photos. The report tells us in a somewhat condescending tone that:

"In fact, the Committee established that the photograph (of MMM shown Marguerite Oswald on 11/23) was not even obtained at a time when Oswald was reported to have visited the Soviet Embassy in Mexico City." (Report 249)

Aside from the arrogance of the HSCA in stating they had established some-

thing that had been in the public domain for over seven years (CD 1287) this statement is also recklessly deceptive. For available CIA documents clearly state that the agency obtained photos of the mystery man outside the Soviet Embassy on the very day when Oswald was supposed to have visited there. (e.g. 948-927T) The fact that the particular photo shown Mrs. Oswald was taken after her son left Mexico is irrelevant in the face of documentary evidence that other photos of this same individual were obtained on the very day in question.

One further note on MMM: the HSCA was unable to identify him. I guess this means more books by Hugh McDonald! (Report 249)

B. THE REFERENCE TO AN OSWALD TAPE RECORDING FROM MEXICO IN AN 11/23 FBI REPORT WAS ALL A MISTAKE. NEITHER THE FBI NOR CIA HQS IN LANGLEY EVER RECEIVED A RECORDING OF OSWALD IN MEXICO.

It is a well known fact that the CIA intercepted and tape recorded two of LHO's contacts with the Soviet Embassy in Mexico. The Agency has maintained (through press leaks to Ron Kessler and Jack Anderson) that these tapes were destroyed prior to the assassination. However, an accidentally released 11/23/63 FBI report strongly suggested that at least one of these recordings existed after the assassination, and raised the spectre of Oswald impersonation as well. The relevant portion of the report stated:

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

This report states a concrete event: that FBI Agents who had conversed with Oswald in Dallas listened to a tape recording. The source of this information, J. Gordon Shanklin, knows what a tape recorder is. He can easily differentiate between the sound of a voice and a papyrus type substance in the form of a transcript. In fact, I dare say J. Gordon could correctly distinguish a reel of tape from a stack of papers at least 9 out of 10 times. So when the Committee says in so many words that the Dallas SAC mixed up a voice recording with a transcript, I have to be a little bit cynical. But even I am not a hopeless cynic. Perhaps there is a reasonable explanation. Unfortunately, it is not in the report.

What did the Committee do to investigate this matter? First, they talked to Dallas SAC J. Gordon Shanklin. He told the HSC that no recording was ever received. (Report 250) Three points: 1) Shanklin cannot be trusted. He is widely believed to have perjured himself before the Edwards Committee on the Hosty note, and would probably lie again if there were anything important to hide (e.g. it wasn't Oswald) 2) Washington Post reporter Ronald Kessler talked with Shanklin on this matter prior to last summer. According to Kessler, Shanklin merely said he had no recollection of it. He did not make the categorical denial found in the Committee report. 3) Even assuming no tape recording was actually received, this does not mean a recording was never heard. Such a recording might have been played via some secure form of communication arranged by CIA officials in Dallas. In fact, it would have been more likely for the agency only to have allowed the G-men to listen to the tape, rather than actually turning over this sensitive item to them.

The Committee also talked to FBI men James Hosty, John W. Fain, B. Tom Carter and Arnold J. Brown. They all stated they never listened to a recording of Oswald's voice. Hosty's life was severely disrupted by his association with Oswald. Why should he invite further trouble? Additionally, Hosty was never high in the FBI hierarchy to begin with. For such a sensitive item as this, he might well have been bypassed. Agents Fain, Carter, and Brown were Fort Worth Agents who talked with Oswald in 1962. To my knowledge they had not even entered the FBI investigation by 11/23. With Oswald sitting in the Dallas jail available to converse with any agent in town, there would hardly have been any reason for these men to have been consulted. Their statements prove nothing.

We also have some FBI cables, rushed to the Committee's offices only a month before they went out of business, which appear to back up the HSCA's conclusion. A still classified 11/23 Shanklin-Hoover cable is quoted as saying that only a report (translation; transcript) was given to the FBI and not an actual recording. Another Shanklin-Hoover cable, this one dated 11/25, also mentions the tape. It is quoted as saying: "there appears to be some confusion in that no tapes were taken to Dallas ... (O)nly typewritten (reports were) supplied ..." (Report 250)

Again, it must be emphasized that none of this precludes the possibility that FBI agents listened to a recording through some secure form of communication.

Secondly, if the reference to a recording was all a mistake, why didn't the cables just say so? Note there is nothing quoted in these cables which preclude the possibility that one of the tapes existed after the assassination. All the cables state is that such tapes were not available to the Bureau. Thirdly, I wouldn't completely rule out some CIA arm twisting on this matter.

The Committee's only other evidence supporting its conclusion is its "extensive file review" of CIA records and its analysis of "detailed testimony" by present and former agency officials. (Report 250) One has only to be familiar with the Warren Commission investigation to be cynical of this avenue of inquiry. In the former probe the CIA deliberately withheld material from the Commission because it involved sensitive sources and methods (or for more sinister reasons) and may never have leveled with them concerning the significance of the material they were holding back. Likewise the CIA may have held back material from the HSCA on the Mexico tapes for any of a variety of reasons. (e.g. the voice was not Oswald's; the contents of the tapes do not match the transcripts shown the Commission; they are hypersensitive about the public exposure to their operations were it learned the tapes still exist) As far as the testimony of CIA officials is concerned, I would like to know what officials testified, what direct knowledge they had, and what they said. Were they forced to rely on David Phillips or were more trustworthy sources brought in?

In summary, I'm not convinced. The Committee only talked to two FBI agents who might logically have heard the tape, both of whom have shown they would lie to official investigators. The FBI cables cited by the Committee, even if true, only establish that an actual tape was never taken to Dallas. It does not preclude a listening session via some secure form of communication. If the agents actually never listened to a recording I would expect the cables to say so. Finally, in the absence of any knowledge of what CIA material the Committee looked at and who they talked to, accepting their conclusion about a mistaken reference would require a supreme act of faith. Nothing they've done indicates they deserve it.

- G. THE CIA LEARNED OF OSWALD'S CUBAN CONTACTS IN OCTOBER, 1963, CONTRARY TO WHAT THEY TOLD THE WARREN COMMISSION IN 1964, THEIR OWN GENERAL COUNSEL IN 1967 AND THE NEW YORK TIMES IN 1975

Over the years the CIA has consistently maintained that it learned of

Oswald's contacts with the Cuban Embassy only after the assassination. The reason was presumably that Oswald used his name in the October 1 Soviet contact, but not the 9/28 Cuban call. (from the Cuban Embassy to the Soviet) Now comes the HSCA conclusion: the CIA's Mexico station somehow discovered Oswald's Cuban visits in October, 1963, well before the assassination.

Based on the evidence now available, I don't believe it. For instance, let's examine CIA item #17, a post-assassination agency cable from CIA HQS to the FBI. Paragraph #1 states: "Information from (deleted) Mexico (deleted) reveals significant facts about the activities of a "north american" who may be identical with Lee J. (sic) Oswald, who visited both the Soviet and Cuban Embassies in Mexico City on 28 September 1963."

If the CIA had really discovered Oswald's Cuban contacts in October, they would not have had to use the words "may be identical" in this 11/23 cable.

Additional evidence supports the view that LHO's Cuban contacts were not discovered before 11/22. The aforementioned 11/23 FBI report to the Secret Service and President Johnson does not mention Oswald's Cuban visits. Further, the previously cited FBI cables (which are quoted at Report 250) show that immediately after the assassination the CIA only turned over to the FBI a transcript of Oswald's 10/1 Russian contact and not the 9/28 Cuban call. By contrast, there is to my knowledge no firm documentary evidence supporting the Committee's conclusion. The HSCA seems to concede as much, as the Report only states that testimony from the CIA's Mexican sources established that the Cuban connection was made prior to November 22. (fnnt, Report 249)

One further point: if the CIA Mexico City station uncovered these Oswald Cuban contacts in October, why didn't they notify anyone? On October 10 CIA (Item #2) HQS cabled the Mexico station with information on Oswald and ended the message with the following instruction: "PLS keep HQS advised on any further contacts or positive identification of Oswald." On October 16 the Mexico station provided a memorandum to the American Ambassador on Oswald which closed with the following promise: "This office will advise you if additional information on this matter is received. (Item #9-5) Therefore, had the CIA Mexico station learned of LHO's Cuban visits they would have been obligated, both by orders from HQS and by their promise to the American Ambassador, to disseminate it. Yet there is no available documentary evidence to indicate that they did:

One's first reaction to all this might be: who cares? Why does it matter? I have several reasons for being interested in this issue. The first is that it probably involves CIA deception, either being practiced by employees of the Agency among each other or on the general public. The simple fact is that the CIA told the Warren Commission that Oswald's Cuban contacts were not discovered

until after November 22 (WR 777) and now the Mexico agents are telling the HSCA the opposite. Surely CIA HQS consulted Mexico before relating this information to Earl Warren, et. al., so it seems someone along the line probably lied. (but see my "most innocent" explanation below) And if the Agency will lie on a relatively minor point like this, they'd probably mislead us on more important Mexican matters. (e.g. the tapes)

My second reason for being interested in this issue concerns the reason for this glaring discrepancy between the Warren Report and the HSCA on this matter. I have three possible explanations as to what this conflict is all about, which I shall list in order of "most innocent" to "most sinister".

#### MOST INNOCENT

THE CIA OFFICIALS WHO TESTIFIED BEFORE THE HSCA WERE SIMPLY MISTAKEN. THEIR RECOLLECTION DIMMED BY THE PASSING YEARS, THEY WERE SIMPLY IN ERROR WHEN THEY STATED OSWALD'S CUBAN CONTACTS WERE DISCOVERED PRIOR TO NOVEMBER 22.

I reject this possibility because of my belief that they would remember correctly.

THE CIA LIED TO THE HSCA ABOUT ITS DISCOVERY OF THE CUBAN VISITS TO COVER UP SLOPPY INTELLIGENCE WORK.

Certainly the CIA could have uncovered Oswald's Cuban visits prior to November 22 by taking only one simple step. When Oswald contacted the Soviet Embassy on October 1, he told the Soviet guard he had also contacted the embassy the previous Saturday (September 28). All the CIA had to do was check its telephone intercepts for the latter date and it would have uncovered Oswald's 9/28 call from the Cuban embassy to the Soviets. I pointed this out to the Committee in two memoranda, and they certainly should have raised it with the CIA. Rather than admit that they did not take this logical step and have the HSCA conclude they were incompetent, the CIA Mexico employees may have told the Committee they actually made this connection, but never thought it important enough to tell anyone.

#### MOST SINISTER

THE CIA WAS FACED WITH THE FOLLOWING DILEMMA: EITHER ADMIT TAPES OF OSWALD EXISTED AFTER THE ASSASSINATION OR TELL THE COMMITTEE THEY MADE THE CUBAN CONNECTION PRIOR TO NOVEMBER 22.

As I pointed out to the HSCA in the Spring of 78, CD 1084d suggests that some voice comparison was made between the 10/1 Soviet tape and the 9/28 Cuban one. If the Committee in fact heard testimony that such a comparison

was made, it would have placed the Agency in somewhat of a bind. For it was the Agency's position that the tapes were destroyed before any comparison would have been made; that is, the tapes of Oswald were destroyed before the assassination, but the Agency supposedly had not associated the 9/28 Cuban call with LHO until after the 22d.

This would have left the CIA with two alternatives as to how to explain this anomaly. First, it could retract its original position and admit the tapes existed after the assassination. This would have caused all sorts of problems. By far the more palatable solution would have been to contend they made the Cuban contact prior to November 22. This would have explained how the comparison could have been made and the tapes destroyed prior to the assassination.

To summarize, in the absence of any firm documentary evidence that the CIA discovered Oswald's Cuban visits prior to the assassination (and in the face of some persuasive indications that they did not) I believe at this time that CIA officials testified falsely to the Committee on this point. Their reason for doing so may have been any of the three listed hypotheses or others I haven't considered. The full significance of this issue is not apparent at this time and may never be.

D. THE COMMITTEE WAS UNABLE TO OBTAIN ANY PHOTOGRAPHS OF OSWALD IN MEXICO CITY. HOWEVER, SUCH PHOTOGRAPHS MAY HAVE EXISTED BUT COULD HAVE BEEN LOST OR DESTROYED BY THE CIA. (Report 125, ftnt.)

The CIA has categorically denied they obtained any photographs of LHO in Mexico. A 1967 CIA internal memo stated: "CIA did not acquire, receive or hold a photograph of Lee Harvey Oswald taken in Mexico City before the assassination of President Kennedy." (CIA item #948-927T) CIA "spokesman" David Phillips wrote in his book, The Night Watch, "Finally there has been much talk of photographs taken of Oswald by the CIA in Mexico. There were none .... John and I spent several days studying literally hundreds of photographs available to the CIA before and during Oswald's trip to Mexico City. He did not appear in any of them." Night Watch at 142. Phillips was equally unequivocal on the CBS Special "The American Assassins" (November 26, 1975) "I know there are a lot of stories about photographs of Lee Harvey Oswald taken in Mexico. None were taken. There were no photographs of Lee Harvey Oswald." Dan Rather then asked Phillips: "What about the accusation that is made flatly sometimes that the pictures of Oswald were destroyed?" Phillips replied: "Absolutely untrue. I was there and I know."

Phillips may claim to know but the Committee wasn't so sure. A rather innocuous looking footnote on page 125 of the Report shows the HSCA to be surprisingly skeptical of CIA denials. It reads: "The Committee believed that photographs of Oswald might have been taken and subsequently lost or destroyed."

The HSCA is essentially saying it doesn't know whether to believe David Phillips and the CIA or not. On page 251 of the Report there is the provocative statement that the Committee had "reports" that such a photograph had been obtained. One would assume that there were enough unanswered questions concerning these "reports" that the Committee was left in some doubt.

I am also puzzled by the Committee's statement that photos of Oswald might have been subsequently destroyed. Does this mean before or after the assassination? The Report doesn't say. Naturally if the photos were destroyed after the assassination, a serious question would be raised as to why such destruction took place.

So after 27 months and 6 million dollars the investigation that was going to give us answers has left us nothing but question marks. One gets the impression that when the CIA and the HSCA met eye to eye, the Committee did a lot of blinking.

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8/79