104-10143-10016

OLC #77-0245

JFK ACT 1/19/99 RELEASE

25 January 1977

Media HSCA 77-0032

MEMORANDUM FOR: Chief, Counterintelligence Staff

FROM : Russell B. Holmes
CI Operations Group

SUBJECT : Article by Norman Kempster Appearing in The Los Angeles Times of 1 January 1977 and Entitled "CIA Withheld Data on Oswald". (Copy Attached)

1. The undersigned takes umbrage at the continual irresponsibility of the American press in its reporting on Lee Harvey Oswald and the Agency's alleged mishandling of the case. It is particularly galling when the Chief Counsel, Richard A. Sprague, of the House Select Committee on Assassinations, releases to the press statements which, as cited by Norman Kempster, are both inaccurate and detrimental to the Agency and which the Agency has not been given the opportunity to refute.

2. It is evident from such releases that the Agency is once again to be laid open to public scrutiny by a hostile press aided and abetted by an unsympathetic Congressional Committee. In other words, the Agency has been already charged and will be tried and sentenced without being allowed the basic rights of any defendant before a court of law, although any argument presented by the Agency in its own defense would probably be rejected out of hand.

3. The inferrence of Sprague's public statements (as cited by Kempster) pertaining to the Agency's alleged mishandling of the Oswald case is that the Agency was dishonest; that it deliberately withheld pertinent information from the Federal Bureau of Investigation and the Warren Commission. Sprague's judgement (based upon incomplete investigation) does not coincide with the impression he left with Agency representatives during his first visit here on 24 November 1976 "that he will not prejudge (emphasis added) the Agency

CIA HISTORICAL REVIEW PROGRAM RELEASE IN FULL 199

E2 IMPDET CL BY 008885

20689

for any sins of 'omission or commission'". (Memorandum dated 29 November 1976 from O/SA/DO/O.)

4. In light of the inaccurate and misleading statements attributed by Kempster to Sprague, the following comments are offered in rebuttal.

a. "The CIA withheld from the FBI for almost two months in 1963 information that Lee Harvey Oswald had talked with Cuban and Soviet officials about his desire to visit those countries. . ."

Comment: Oswald's name did not surface in Mexico City until 1 October 1963 when a hitherto unknown male telephoned the Soviet Embassy. During this telephone call, the caller identified himself as "Lee Oswald". On 8 October 1963, the Mexico City Station cabled to Headquarters the highlights of the transcript of the conversation.

(1) On 1 October 1963, an American male who spoke broken Russian and said his name was Lee Oswald (phonetic), stated he was at the Soviet Embassy on 28 September when he spoke with a consul whom he believed to be Valeriy Vladimirovich Kostikov. Oswald asked the Soviet guard, Ivan Obyedkov, who answered, if there was anything new regarding a telegram to Washington. Obyedkov upon checking said nothing had been received yet, but the request had been sent.

(2) Mexico Station said it had photographs of a male who appeared to be an American entering the Soviet Embassy at 1216 hours, leaving at 1222 on 1 October. His apparent age was 35, athletic build, about six feet, receding hairline, balding top. Wore khakis and sport shirt.

(3) No local dissemination was being made by the Station. [MEXI 6453 (IN 36017), 8 October.]

(Note: Cablese has been rendered here into readable English, without substantive changes or omissions. Cryptonyms and pseudonyms have been omitted or put into clear text.)

The above information was received in Headquarters on 9 October; the following day Headquarters incorporated

this information in an electrical dissemination to the Federal Bureau of Investigation, the Department of State, the Department of the Navy, and the Immigration and Naturalization Service.

(1) On 1 October 1963 a reliable and sensitive source in Mexico reported that an American male who identified himself as Lee Oswald, contacted the Soviet Embassy in Mexico City inquiring whether the Embassy had received any news concerning a telegram which had been sent to Washington. The American was described as approximately 35 years old, with an athletic build, about six feet tall, with a "receding" hairline.

(2) It is believed that Oswald may be identical to Lee Henry [sic] Oswald, born on 18 October 1939 in New Orleans, Louisiana, a former U.S. Marine who defected to the Soviet Union in October 1959 and later made arrangements through the United States Embassy in Moscow to return to the United States with his Russian-born wife, Marina Nikolaevna Pusakova [sic] and their child.

(3) The information in paragraph (1) is being disseminated to your representatives in Mexico City. Any further information received on this subject will be furnished you. This information is being made available to the Immigration and Naturalization Service [Director 74673, 10 October 1963.]

(Note: It should be pointed out that for some unknown reason the Headquarters desk responsible for making the dissemination neglected to include the information that Oswald had visited the Soviet Embassy on 28 September 1963.)

It was not until 22 November 1963, when the Station initiated a review of all transcripts of telephone calls to the Soviet Embassy that the Station learned that Oswald's call to the Soviet Embassy on 1 October 1963 was in connection with his request for a visa to the U.S.S.R. Because he wanted

to travel to the U.S.S.R. by way of Cuba, Oswald had also visited the Cuban Embassy in an attempt to obtain a visa allowing him to transit Cuba.

Inasmuch as Oswald was not an investigative responsibility of the CIA and because the Agency had not received an official request from those agencies having investigative responsibility requesting the Agency to obtain further information, the Station did nothing other than ask Headquarters on 15 October 1963 for a photograph of Oswald. [MEXI 6534 (IN 40357), 15 October 1963.] On 24 October 1963, Headquarters sent a request to the Department of the Navy for a photograph of Oswald. [DIRECTOR 77978, 24 October 1963.] It was not until 26 November 1963, however, that the Navy Department apparently responded to this request by sending directly to the Mexico City Station a photograph of Oswald.

In response to a question from the Warren Commission, the Federal Bureau of Investigation, on 6 April 1964 stated that

> "The investigation of Oswald in 1963 prior to receipt of the Central Intelligence Agency communication dated 10 October 1963 was directed toward the primary objective of ascertaining the nature of Oswald's sympathies for, and connection with, the FPCC (Fair Play for Cuba Committee) or subversive elements. The Central Intelligence Agency communication which reported that a man, tentatively identified as Oswald, had inquired at the Soviet Embassy concerning a telegram which had been sent to Washington did not specify the nature of the telegram. This contact with the Soviet Embassy interjected a new aspect into the investigation and raised the obvious questions of why he was in Mexico and exactly what were his relations with the Soviets. However, the information available was not such that any additional conclusions could be drawn as to Oswald's sympathies, intentions or activities at that time. Thus, one of the objectives of the continuing investigation was to ascertain the nature of his relations with the Soviets considering the possibility that he could have been recruited by the Soviet Intelligence Services. The Central Intelligence Agency communication dated 10 October 1963 stated that any further information received concerning Oswald would be furnished and that our liaison representatives in Mexico City were being advised. On

SECRET

18 October 1963, one of our FBI liaison representatives in Mexico City was furnished this information by Central Intelligence Agency and he arranged follow-up with Central Intelligence Agency in Mexico City for further information and started a check to establish Oswald's entry into Mexico. Subsequent to the assassination, Central Intelligence Agency also advised us of Oswald's contact with the Cuban Embassy in Mexico City at the time of his visit there."

[Commission Exhibit No. 833 (FBI Letter to J. Lee Rankin dated 6 April 1964).]

b. "Chief Counsel Richard A. Sprague said that the committee staff had learned that a CIA message describing Oswald's activities in Mexico to federal agencies such as the FBI had been rewritten to eliminate any mention of his request for Cuban and Soviet visas. The message was sent in October, more than a month before the Nov. 22, 1963 assassination."

Comment: It is not CIA practice to disseminate raw information in the form it is received from the field. Field reports are received in Headquarters where they are first reviewed by the action desk. The information is then written in a form suitable for dissemination to the intelligence community, including additional information, if available from the Agency's central counterintelligence files, to make the report more meaningful to the recipient (s).

Upon learning that on 1 October 1963 an American identifying himself as Lee Oswald had telephoned the Soviet Embassy, the Mexico City Station cabled to Headquarters on 8 October 1963 the highlights of Oswald's conversation with the Embassy. Because the Station at that time did not know that Oswald was Lee Harvey Oswald and that he had come to Mexico to apply for visas to the Soviet Union and Cuba, the Station reported only that information obtained through telephone tap operation against the Soviet Embassy.

On 10 October 1963, the day after it received the information relating to Lee Oswald and his contact with the Soviet Embassy, Headquarters incorporated this information in an electrical dissemination to the community and included a brief summary of biographic information obtained from central counterintelligence files on the possible identity of Lee Oswald.

Since Headquarters had no indication before 22 November that Oswald had gone to Mexico to apply for Cuban and Soviet visas, there was no question of eliminating any mention of Oswald's request for such visas.

Within its limitations and capabilities, Mexico Station had complied with the Agency regulations pertaining to reporting on Americans abroad. The Station had informed Headquarters which in turn had alerted those agencies with an investigative or policy interest in Oswald as an American in the United States. Headquarters also instructed the field station to inform the local representatives of those agencies.

As mentioned above, the action desk in Headquarters neglected, for unknown reasons, to include the fact that Oswald had visited the Soviet Embassy on 28 September 1963. Had this information been included it would have indicated to recipients of the report that Oswald had more than a fleeting reason to be in contact with the Embassy; however, as already stated, the reason for the 28 September contact and the subject of the telegram to Washington were, at that time, unknown.

c. "The CIA's decision to withhold information was reversed shortly after Kennedy was killed."

Comment: This statement is patently false and misleading. It is totally incompatible with Sprague's remarks to Agency representatives in Headquarters on 24 November 1976, i.e., "he will not prejudge the Agency for any sins of 'omission or commission'".

d. "Sprague told a press conference that it was impossible without more information to know why the CIA had censored its own message."

Comment: If Sprague needed more information, why did he not ask the Agency for an explanation, instead of making it appear to the public that the Agency has been dishonest in its dealings with the intelligence community? The defendant is being discredited before being brought to trial. Is this the way the American legal system works?

e. "But he said the incident raised two interesting questions: what might the other agencies have done differently if they had been more fully informed and why did the CIA decide to remove 'information that was considered pertinent enough to be put in an initial draft of the message?'"

Comment: As already mentioned, the Agency did not know initially why Oswald was in contact with the Soviet Embassy in October 1963. It was only after the news of the assassination had reached the Station that the Station initiated a review of its holdings. As a result of this review, the Station learned that Oswald had also visited the Cuban Embassy and that Oswald's contacts with the two embassies were in connection with his desire to travel to the Soviet Union by way of Cuba.

As to what "other agencies" might have done had they had more information, attention is drawn to the FBI's comment in response to the Warren Commission's question. According to the FBI's response, some investigation had been initiated on or about 18 October in Mexico. By the 25th of October FBI Headquarters had informed its field office in New Orleans "that another Agency had determined that Lee Oswald was in contact with the Soviet Embassy in Mexico City in the early part of October 1963." The New Orleans field office in turn informed the Dallas office which had jurisdiction over Oswald's place of residence. [For further detail see IV H 447 and 459.] There was, however, no request, official or otherwise, from any of the responsible departments and agencies in Washington for further details as to Oswald's presence in Mexico and his reasons for contacting the Soviet Embassy.

f. "The committee said its staff investigators had recently questioned a former CIA agent who had 'personal knowledge' of Oswald's visits to the Soviet and Cuban embassies in Mexico. As a result of that interview, the report said, staff members were sent to Mexico, where they found and questioned additional witnesses."

Comment: Sprague's characterization "a former CIA agent" is probably in reference to David Phillips. The latter's "revelations" to staff investigators (and also to Ronald Kessler) were unfortunate to say the least, in that they were inaccurate, so far as we know. There is no indication in the Oswald files that Oswald wanted to make a deal with the Soviets in return for a free trip to the U.S.S.R. The "additional witnesses" in Mexico, it is believed, are Boris Tarasov and his wife, both of whom had been under contract with the Agency in 1963. We have not been informed, officially or otherwise, by Sprague what Phillips and the Tarasovs told the staff investigators. The Agency should get in touch with these people to find out what exactly they said to the investigators and upon what did they base their statements. The Agency has the authority under existing regulations to take this action.

g. "'These witnesses had never been sought out before by any investigative body, notwithstanding the fact that they had important information concerning statements by Lee Harvey Oswald in Mexico within 60 days of the assassination of President Kennedy,' the report said."

Comment: If "these witnesses" include people other than the Tarasov's it would be impossible, at this time, to make an appropriate comment. The fact remains, however, that if Sprague has obtained additional details, he should hold such information and not make it public until the Agency has had a chance to review it and comment. There are many examples in the Oswald files of statements made by people claiming to have knowledge of Lee Harvey Oswald which have been proven to be fabrications. One such person was Gilberto Nolasco A l v a r a d o Ugarte who, on 26 November 1963, came to the U.S. Embassy in Mexico City. He claimed he had been in the Cuban Consulate in Mexico City on 18 September 1963 when a man he later recognized to be Lee Harvey Oswald received $6,500 in cash to kill an important person in the United States. After thorough investigation by Mexican authorities, the Mexico City Station, and the FBI, it was concluded that Alvarado had completely fabricated his story about Oswald.

5. The undersigned believes that if Sprague continues to reveal publicly information pertaining to the Agency's handling of the Oswald case and its support of the intelligence community, the Warren Commission et al, without allowing the Agency to review the information before it is made public, careful consideration must be given to what our relations with the House Committee are to be. As yet, no modus vivendi has been reached with Sprague as to how the Agency will work with the Committee Staff. The lack of such an agreement can only adversely affect our relations with the committee particularly in light of Sprague's expressed hope "that he could count on Agency personnel to assist him in the analysis of the material provided."

6. The undersigned recommends (a) that the contents of this memorandum be brought to the attention of the Inspector General and the Legislative Counsel, and (b) that the latter express to Sprague the Agency's consternation over the proliferation of inaccurate and misleading statements appearing in the press on the Agency's role in the "Oswald Case." The undersigned further recommends that the Legislative Counsel might explain to Sprague that it is assumed the newspaper article by Norman Kempster misrepresents his position as he stated it to officers of this Agency.

R. B. Holmes

Russell B. Holmes

cc: OLC
IG
SA/DO/O

CIA Withheld Data on Oswald

Assassinations Panel Issues Report to House

BY NORMAN KEMPSTER
Times Staff Writer

WASHINGTON—The CIA withheld from the FBI for almost two months in 1963 information that Lee Harvey Oswald had talked with Cuban and Soviet officials about his desire to visit those countries, a House committee reported Friday.

The Select Committee on Assassinations indicated in a report to the full House that its investigation of the murder of President John F. Kennedy would focus early in 1977 on a trip Oswald had made to Mexico City in October, 1963.

Chief Counsel Richard A. Sprague said that the committee staff had learned that a CIA message describing Oswald's activities in Mexico to federal agencies such as the FBI had been rewritten to eliminate any mention of his request for Cuban and Soviet visas. The message was sent in October, more than a month before the Nov. 22, 1963, assassination.

The CIA discovered Oswald's presence at the embassies through its routine surveillance of those facilities. Because Oswald had once defected to the Soviet Union, the CIA and FBI had been interested in his activities even before the Kennedy assassination.

The CIA's decision to withhold information was reversed shortly after Kennedy was killed. The agency reported Oswald's efforts to visit Cuba and the Soviet Union both to the FBI and to the Warren Commission, which concluded that Oswald was the assassin and had acted alone.

Sprague told a press conference that it was impossible without more information to know why the CIA had censored its own message.

But he said the incident raised two interesting questions: what might the other agencies have done differently if they had been more fully informed and why did the CIA decide to remove "information that was considered pertinent enough to be put in an initial draft of the message?"

There were no firm conclusions in the report, which the 12-member committee prepared after the first three months of its investigation into the murders of Kennedy and civil rights leader Dr. Martin Luther King.

Technically, the committee goes out of business Tuesday with the end of the session of Congress in which it was formed. The purpose of the year-end report was to urge the new Congress to reestablish the committee and to give it $6.5 million to pay for the first year of what could be a two-year investigation.

"In the three months since its establishment, the committee has initiated preliminary investigations into new and previously unpursued leads in both assassinations," the report said.

The committee said its staff investigators had recently questioned a former CIA agent who had "personal knowledge" of Oswald's visits to the Soviet and Cuban embassies in Mexico. As a result of that interview, the report said, staff members were sent to Mexico, where they found and questioned additional witnesses.

"These witnesses had never been sought out before by any investigative body, notwithstanding the fact that they had important information concerning statements by Lee Harvey Oswald in Mexico within 60 days of the assassination of President Kennedy," the report said.

The report said also that the committee staff had interviewed a person who asserted that he had discussed the King murder with James Earl Ray, who pleaded guilty to the crime. The unidentified witness said that Ray had told him about contacting an associate in Europe to receive further instructions. The story, which was told to reporters by a committee member several weeks ago, has not been verified.

In a letter to New York Times columnist Anthony Lewis, Ray offered this week to testify under oath at a committee hearing. But Sprague and Walter F. Fauntroy, the District of Columbia's congressional delegate and the chairman of the King subcommittee said that no decision had been made on accepting Ray's offer.

However, Sprague indicated that it probably would be accepted.

"Any and all people who have relevant information will be interrogated," Sprague said.

In a personal statement issued in conjunction with the report, Rep. Henry B. Gonzalez (D-Tex.), who is to become committee chairman in the new year, said a thorough investigation was needed to answer hundreds of pressing questions.

Gonzalez said that the committee hoped to discover whether former FBI Director J. Edgar Hoover's now well-known animosity toward King had affected the FBI's investigation of the assassination.

However, Gonzalez said, the committee's work could go well beyond the killings of Kennedy and King.

"The committee can shed light on the larger issue of political murder and violence," Gonzalez said. "We should not forget that President Ford had his own narrow escapes; no member of the House should forget that the Capitol Building was bombed. . ."

He said the committee's ultimate task was "to find out not just what happened but why."