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THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

4/SCA

Office of Legislative Counsel

OLC 79-0113/d
15 February 1979

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
House of Representatives
Washington, D.C. 20515

Dear Mr. Blakey:

It had been indicated earlier, in discussions with members of your staff, that the section discussing Luisa Calderon and other topics was not intended for unclassified publication. Mr. Gabrielson understands from your recent comments that it now is your desire that it be published in unclassified form. (U)

If Mr. Gabrielson's understanding is correct, it comes as something of a surprise, as you undoubtedly realize that the draft treats in explicit detail a number of sensitive intelligence activities and arrangements that we are obliged to protect. It is doubtful that the subjects treated, without reference to the quality of that treatment, could properly be discussed at all in published materials. As written, analysis and views are so closely interwoven with sensitive materials that it does not lend itself to sanitization. After you have reviewed these comments, it might be useful for us to consider them together. We have classified it Secret in its present form and request that you handle it accordingly. (U)

There are two areas of comment on the draft. The first, as noted above, has to do with the detailed treatment of highly sensitive subject matter. The second has to do with the extensively incorrect treatment of the substance. An advance summary of the latter might be useful, as the separate comments may be fragmented. The following comments are therefore offered at this point: (U)

(1) A telephone conversation by Calderon is assigned an inference--quite tenuous and therefore debatable--based on an early mistranslation of what she said. That inference was then used as the basis for critical treatment of the Agency's not reporting it to the Warren Commission. When the correct translation was brought to the attention of your investigator--quite frankly, seriously further weakening the basis for the original inference--your investigator held to

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his original thesis, continuing to use the incorrect translation, blandly preserving the original rationale, although discussing the correction in a way that seems to deliberately confuse it. That the author was wed to the treatment he had already contrived seems to be the kindest explanation. (S)

Having asserted significance for Calderon, based on the mistranslation (the assertion continuing after the translation showed it to be in error), the author then seizes on a suspicion of a DGI defector that Calderon might have been a CIA--or American--agent. Without reference to what the defector knew (which was nothing), the fact is that CIA did know. Calderon was not a CIA agent. That is quite clear. And given the Inter-Agency Source Register, it was further clear that she was not registered to any other American intelligence organization. To cap it, local operating conditions were such that CIA had further reason to know that Calderon was not an agent. Why CIA should report to the Warren Commission the suspicions of an uninformed defector, known to be incorrect, presents a major question as to the thought processes of the author of the draft report. (C)

The draft next asserts that Calderon's possible connections with the DGI, and similar possible contacts with Oswald during his visit to Mexico City, were withheld from the Warren Commission by CIA. It is noted that this is in error. The 19 June 1964 memorandum cited at page 0000085 of the draft report makes it clear that this information was made available to Mr. Willens of the Warren Commission. It was reviewed by your investigator in June and August 1978. (U)

The assertions by the draft about a possible connection between Calderon and American intelligence are simply in error. The assertion of withholding information about the possibility of ties between Calderon and the DGI, and about possible contacts with Oswald, are gross error. That leaves the telephone conversation to stand by itself, so far as any shred of significance is concerned. (C)

The overall Calderon discussion is better fiction than professional fact and analysis. Having decided to assign to her some significance, the treatment twisted and turned to keep the conclusion alive as each assertion proffered in support collapsed. And in doing so, left intact the mistranslation that seems to have sown the seed from which it germinated in the first place. (U)

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(2) An erroneous working summary by a Warren Commission investigator (Mr. Slawson) is seized by the author of the draft report as the basis for arguing that CIA did not provide information from telephone intercepts to the Warren Commission until early April 1964. Depicting this as a "delay," the assertion is then made that in some way it prejudiced the Warren Commission's investigation (in the face of testimony to the contrary by Warren Commission people about the cooperation of the Agency). The assertions of the author, substituting his conclusions for fact, must be doubted. (S)

When the present HSCA draft was first reviewed some time ago, the author's attention was drawn to a 31 January 1964 memorandum from Mr. Helms to Mr. Rankin, indicating that the nature of it had been discussed some two weeks earlier between the two men. It is even indicated that the sensitivity of the sources was discussed in the earlier exchange between the two men. Your draft makes it clear that the FBI had told the Warren Commission about the sources, and it is quite possible that Rankin--if not Slawson--knew. That Rankin signed a letter on the subject can be likened to letters that you and I have signed to one another, and that have not always been read carefully (as I know from one or two discussions with you). (C)

The point is that the 31 January 1964 letter reported in extensive detail what CIA then knew about Oswald's activities in Mexico City. This included the very material that the author of the report said was not provided the Warren Commission until April 1964. While the sources were not specified in the letter, their reliability was endorsed emphatically in a strikingly unequivocal manner. There has been no significant addition to that information since then. (C)

It is not useful at this point to try and reconstruct the failure of the Warren Commission investigator to focus on and react to the facts in the 31 January letter. That the information had been available to him is a matter of record, if the draft report can be trusted. That he did err in this regard is the unavoidable fact. Your investigator, having built his argument originally on an erroneous description of this fact, nevertheless seeks to preserve the original argument even after the initial basis for it essentially has been destroyed. He is determined to perpetuate the error of the Warren Commission investigator, and displays far less objectivity and flexibility than did that gentleman. (U)

In the confused but categorical treatment of the subjects, the author betrays his unfamiliarity with intelligence reporting procedures.

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One may take issue with the practice, but understanding it should restrain the sweeping statements made in the draft. It is standard procedure to report the facts, with an evaluation of the source, but not a specification of the source. That practice was followed in the written report, although it appears that oral elaboration probably was provided as well. As a result, the HSCA draft report is badly confused in its treatment of facts and sources, and has sought to salvage the argument by referring to "original source material" as a handwritten editorial insert. This transparent effort to preserve the false presentation merely emphasizes its tendentious nature. (U)

(3) Having sought to establish a non-reporting by CIA in the Calderon case, and of the material available from telephone taps, the author reached down into his bag of ready assertions and claims that this was due to CIA's concern for sources and methods. It should be most clear that CIA has no problem reporting the facts, or in protecting its sources in doing so. Well established practice makes this clear. The gratuitous observation that the FBI failed to report out of respect for CIA's sensitivities, without a shred of evidence, serves merely to emphasize the aberrant quality of the author's analysis. (S)

Having introduced this unsupported assertion as a statement of fact, the author tries to use it to reinforce his earlier assertions. He ascribes practices to the Agency in forms that either are incorrect completely or that are unrecognizable as described by him. It is clear that he is extensively uninformed about the way the Agency functions in the reporting field. (U)

The detailed comments follow. (U)

Fourth page. Handwritten notes. Substitute A-1 for Donald Bensen. (S)

Page 003. The two references to IGR in the second paragraph should be TFR. (U)

Page 005. Reference is made to "the Agency's sophisticated document retrieval system." This is a reflection of the inexperience and lack of knowledge on the part of the writer. The ADP systems are not all that unusual, in addition to which there are a number of manual systems that cannot be called "sophisticated." The author has been told this, but persists in the description. While it is a minor point, it nevertheless is an imprecise description. (U)

Page 006. The footnote indicates the intention to use the symbol A-1 in lieu of the cryptonym APMUG. Please do so in all places. I note pages 78, 81-85, 90, 94, and 95. (S)

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Same page. Clark Anderson's name without "e." (U)

Page 060. References to photograph operations and Win Scott should be deleted. (S)

Page 061. References to Win Scott should be deleted as should be the coverage of the Cuban and Soviet Embassies in Mexico City by CIA. Once more, Slawson's errors are used by the author to support criticism of CIA. (S)

Page 062. Delete Mexico City and photo operations. (S)

Page 063. Delete Mexico Station and photo operations. (S)

Page 064. Delete Mexico City and CIA photo operations. (S)

Page 065. Delete telephone and photo operations and Mexico City. (S)

Page 066. Delete photo operations. (S)

Page 070. Delete Mexico City Station. (C)

Same page. References in first quote should be CD 674. (U)

Page 071. Delete CIA Station in Mexico. (C)

Page 073. Telephone intercepts and Mexico Station. Delete. (S)

Page 074. This detailed discussion cannot be declassified. An excerpt from a casual telephone conversation five hours after the assassination of President Kennedy, is assigned a significance by the HSCA draft that the actual words do not support. The draft then attempts to build a further case for the significance of the speaker, thereby reinforcing its asserted significance. It then returns to the conversation, criticizing CIA for not reporting a meaningless item that did not merit reporting. (S)

The following presentation in the HSCA draft provides the basis for the present comments:

During the course of the conversation, the unidentified caller asked Luisa if she had heard the latest news (of the assassination). Luisa replied in a joking tone:

"Yes, of course, I knew (sic) almost before Kennedy." (Ibid.)

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Paraphrasing the CIA's telephone intercept transcript, it states that the caller told Luisa the person apprehended for Kennedy's slaying was "President of one of the Committees of the Fair Play for Cuba." Luisa replied that she also knew this. Luisa inquired whether the person being held for the killing was a "gringo." The unidentified caller replied, "yes." Luisa told her caller that she had learned nothing else about the assassination and that she had learned about the assassination only a little while ago. The unidentified caller commented: (S)

"We think that if it had been or had seemed...public or had been one of the segregationists or against integration who had killed Kennedy, then there was, let's say, the possibility that a sort of civil war would arise in the United States; that contradictions would be sharpened...who knows."

Luisa responded:

"Imagine, one, two, and now, that makes three. (She laughs.)"

The HSCA presentation then quotes a memorandum by a CIA employee, written in 1975, based on the above mistranslation of what Luisa Calderon said. The translation apparently was accepted at face value. The memorandum discusses the telephone conversation as the only item in the intercept coverage "that contains the suggestion of fore-knowledge of expectation." (S)

In fact, the translation on which that is based, and that is used in the HSCA draft, is in error. The author knew this, but still elected to employ the mistranslation, probably because however tenuous the significance given it, the argument (developed before the correct translation was brought to his attention) is best served by using it instead of the correct one. (S)

In handling the reams of information that it receives, CIA regularly appraises information before disseminating it. It does not disseminate bad reporting. In the present instance, when the transcript was received at Headquarters, the correct meaning was noted. It should have been translated as follows: (S)

"Yes, of course, I found out (learned about it) almost before Kennedy."

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The context and timing of the conversation is clear. It was a joking conversation (as admitted in the HSCA draft), five hours after the assassination, when the television news broadcasts had been filled with details. Luisa Calderon and her unidentified caller both had the same incorrect information about Oswald's association with a Fair Play for Cuba Committee (it was learned later that there was no such committee, and that Oswald had developed a sham Committee, apparently to develop credentials). Calderon, however, did not know as much as her caller, not knowing that the assassin was a "gringo," having to ask. Joking about the death of a public figure she probably considered unfriendly to Cuba, she made the casual remark: (S)

"...I learned about it almost before Kennedy."

The draft seeks to give this major significance, retaining the incorrect translation and all, although followed by her elaborating statement "that she had learned about (it) only a little while ago." It warranted no attention then, nor does it merit it now. Its treatment is inaccurate (tenaciously holding to the mistranslation that made it a question at all) and exaggerated beyond reason. (S)

Page 075. We agree with the statement appearing following the quotation--"Standing by itself, (the) cryptic comments do not merit serious attention." Read in the context discussed above, this correct judgment is reinforced. (C)

Page 077. The correct citation of the CSCI in the next to last paragraph; was 1965, not 1963. It post dates the Warren Commission. (U)

Page 080. We would prefer no reference in an unclassified report to what is in the Calderon 201 file. (C)

Page 081. Langosch/Swenson. Replace true name with pseudonym. (C)

Page 084. Langosch/Swenson. (C)

Page 085. The 19 June 1964 memorandum reported showing a number of debriefing reports to the Warren Commission investigator. Among them were reports of the defector's reference to Calderon's possible DCI connections, as well as her reported contact with Oswald during his Mexico visit. The HSCA investigator seems to have become confused in his notes of this exchange. The facts do not support his statements. (U)

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Page 101. The statements about CIA's "withholding" are worth addressing again. CIA did not withhold. The author takes a very thin-- if not non-existent--interpretation of significance in a telephone conversation, and uses it as the basis for making strong statements of an unqualified nature. He then seeks to reinforce the tissue of his case with a series of hopefully mutually supporting untrue statements on other points. While there may be disagreement on the significance of Calderon's statements (if the Committee feels committed to staff attitudes) there can be no disagreement with the record. CIA did report the defector's statements about Calderon's possible DGI ties and possible Oswald contacts. (S)

Same page. The presentation of the whereabouts of the memorandum bearing the sequential number 40 serves to demonstrate the author's inability to surrender a position once he had become committed to it, whatever the evidence. (U)

The question arises from a memorandum of the debriefing of a Cuban defector on the subject of Oswald. Memoranda of debriefings of the defector were numbered sequentially, and the one on the debriefing about Oswald does not bear the number 40, which it would be expected to bear in that sequence. (C)

Certain things are clear. There was one complete debriefing of the Cuban on the subject of Oswald. There is a memorandum of such a debriefing, at the time it should have occurred, but it does not bear the number. There is no memorandum in the file, numbered 40. It so happens that there was a follow-up question on one subject, and this resulted in a debriefing of the defector on that question. The significance of this event is that it provides the answer to why the memorandum of the debriefing on Oswald did not bear a number. (C)

The follow-up memorandum recites the handling of the earlier debriefing and memorandum. It states that the memorandum was dictated to a secretary in CI Staff (which was a different component from that handling the debriefing, and which also was responsible for the Agency's support of the Warren Commission inquiry.) The memorandum was typed in that component. Simply stated, the secretary who typed the memorandum was not a part of the component that usually handled these memoranda, and was not a part of the procedure that provided the sequential numbering. (C)

p. 78 - CALDERON's ties to Cuban intelligence were reported to the Warren Commission on June 18, 1964. (CIA Doc. FOIA No. 739-319, 19 June 1964] "However, the Committee has determined from its review that the CIA did not provide CALDERON's conversation of November 22 to the Warren Commission. Consequently, even though the Warren Commission was aware that CALDERON had connections to-intelligence work, as did other Cuban Embassy officers, the vital link between her background and her comments was never established for the Warren Commission by the CIA. The Agency's oversight in this regard may have foreclosed the Commission from actively pursuing a lead of great significance."

p. 85 - The Warren Commission as of June 19, 1964, had little if no reason to pursue the Luisa CALDERON lead. It had effectively been denied significant background information. This denial may have impeded or prevented the Commission's pursuit of CALDERON's potential relationship to OSWALD and the assassination of President Kennedy. But even ff the Warren Commission had learned of CALDERON's background and possible contact with OSWALD it still had been denied the one significant piece of information that might have raised its interest in CALDERON to a more serious level. The Warren Commission was never told about CALDERON's conversation of 22 November 1963."

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CALDERON, Luisa (OLC 79-0113/f, 26 February 1979)

CIA did tell the Warren Commission that CALDERON was reported to have DGI ties and that she was reported to have been in contact with OSWALD during his Mexico visit. This plus the questions of her remarks, is dealt with extensively in comments on an earlier draft. The HSCA assertion that the conversation "contained indications of possible fore-knowledge of the assassination" is at least an extravagant overstatement; as you know, we don't think the interpretation is correct, based as it is on a mistranslation, and that taken out of context.

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