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DOCUMENT INFORMATION

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FROM : ROCCA. CHIEF, CI/R&A
TO : DDCI
TITLE : MEMO:NEW BOOK: "INQUEST" BY EDWARD JAY EPSTEIN
DATE : 06/16/66
PAGES : 7
SUBJECTS : LIEBELER, WESLEY
EPSTEIN, E.J.

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CIA HISTORICAL REVIEW PROGRAM
RELEASE IN FULL 1998

ORIGINAL
DRAFT BY
A.E. DOOLEY
✓

16 JUNE 1966

MEMORANDUM FOR: Deputy Director of Central Intelligence

SUBJECT : New Book: Inquest by Edward Jay Epstein

REFERENCE : Memoranda dated 10 June 1966 from Walter Pforzheimer to DDCI, Same Subject

1. This memorandum is for your information. The book Inquest by Edward Jay Epstein and reference memoranda have been reviewed and we concur with Mr. Pforzheimer's observations.

2. Photograph of Unidentified Person. Epstein states on pages 93-94: "Wesley Liebler was one of the few staff lawyers who had direct contact with CIA agents... Liebler, in attempting to identify a heavy-set man in a CIA photograph, found that the photograph itself had a curious history. On November 18, 1963, the FBI received it, together with a report on Oswald's September 27, 1963 visit to the Cuban Embassy in Mexico City, and forwarded both to its Dallas field office... It was routinely taken on September 27... across the street from the Cuban Embassy...."

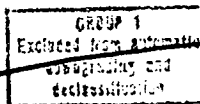
3. Epstein, and his principal source, Wesley Liebler are wrong on three counts--the date, the place, and the method of transmittal. The allegation can be refuted both in CIA files and in the Commission Report itself. The photograph was given to the FBI on November 22, 1963 (Mr. Helms' affidavit, Commission Report, Volume 11, page 469. The picture appears in Volume 16, page 638). The photo was taken in front of the Soviet Embassy on October 4, 1963, and not the Cuban Embassy. It was hand carried by an FBI agent from Mexico City to Dallas. Liebler requested the affidavit and was most anxious to use the exact date but finally yielded on this point.

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4. Both the photograph of the unknown individual and subsequent affidavits relating to it had an unusual background. Oswald was in Mexico from 26 September 1963 to 3 October 1963 (Commission Report, page 299). The picture used by the Commission actually was taken one day after Oswald left Mexico. His departure date, however, was not learned until some time after the assassination. The photo was furnished by our Mexican station to the FBI on 22 November 1963 shortly after the assassination in the belief it was Oswald as pictures of the real Oswald were not available at the time. The Commission Report says that the picture was given to the FBI because it was thought at the time that the individual might have been associated with Oswald (page 364). FBI Special Agent Bardwell Odum showed the photograph to Marguerite Oswald on the evening of 23 November 1963. For security reasons, he had trimmed out almost all of the background. In doing so, he made a triangular cut around the unknown individual's head. Marguerite said she never saw this individual before, but after Jack Ruby killed her son she proclaimed [to the world] that the picture was that of Jack Ruby. To disprove this allegation, the Commission obtained a copy of the photograph from FBI headquarters and showed it to Marguerite Oswald while she was testifying on 10 February 1964. Unfortunately, the photograph furnished ^{by the Commission} by FBI headquarters was cropped differently from the Odum exhibit. It had even more background deleted and closely followed the contours of the individual's body. When she saw this photograph, Marguerite protested that it was not the same picture because the "top two corners were cut differently" and because the man depicted was not Jack Ruby (Commission Report, page 364).

5. When the time came to write the report, the Commission decided it was necessary to obtain affidavits from the FBI and the CIA to settle the issue once and for all. On Friday, 17 July, 1964, Liebler telephonically requested us to submit an affidavit concerning the origin of the photograph. Mr. Arthur Dooley of this Staff went to see Liebler on Monday, 20 July, to discuss further the nature of the affidavit. Liebler furnished him with copies of affidavits prepared by Special Agent Odum and FBI Inspector James R. Malley to use as guidelines. No mention was made by Mr. Dooley of the Soviet Embassy or any foreign installation in Mexico City. Liebler was asked whether the Commission could recall Mrs. Oswald to the stand and show her the picture exhibited to her in Dallas by Special Agent Odum. He indicated that the

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Commission did not wish to have any further dealings with her and did not consider the matter of sufficient importance to take this step. He further stated that he would be away on a mission for the remainder of the week and would follow up the matter upon his return. (Memorandum to Mr. Rocca, dated 20 July 1964).

6. The CIA affidavit was sent by letter on 23 July 1964, to Mr. J. Lee Rankin, the Commission's General Counsel, at which time we requested that the "photograph not be reproduced in the Commission Report because it would jeopardize a most confidential and productive operation. In addition, it could be embarrassing to the individual involved who as far as this Agency is aware, had no connection with Lee Harvey Oswald or the assassination of President Kennedy". Mr. Liebeler subsequently reviewed our affidavit and recommended a minor revision in the format. On 7 August 1964 the second and final version of the affidavit was hand carried to Mr. Liebeler. This is the document that appears in the Commission Report. Both CIA affidavits were prepared in the office of the CIA legal counsel. Throughout the entire dealings of this Agency with Mr. Liebeler regarding the photograph, there were no unusual occurrences other than the fact that Liebeler preferred more details made public whereas we adhered to our policy of not divulging classified information that could endanger the security of the United States or impair our operations and relations with other countries.

7. The FBI wrote a letter to the Commission on 4 May 1964, which itemized information regarding Oswald in the FBI's possession up to 22 November 1963, the date of the assassination. Paragraph 58 mentions the CIA release dated October 10, 1963, which alerted the FBI, Department of State, and Department of Navy to Lee Oswald's contact with the Soviet Embassy in Mexico City on October 1, 1963. Paragraph 61 describes a "cablegram to this Bureau from our Legal Attache in Mexico dated October 18, 1963, which furnished information from CIA classified 'Secret - Not To Be Further Disseminated,' reporting that Lee Oswald had contacted Soviet Vice Consul Valeriy V. Kostikov of the Soviet Embassy, Mexico City, Mexico, on September 28, 1963. Our Legal Attache indicated he was following this matter with CIA and was attempting to establish Oswald's entry into Mexico and his current whereabouts." (Commission Report, Volume 17, pages 811, 812). No mention is made of the photograph in this FBI letter to the Commission for the obvious reason that it did not possess the same before the assassination.

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8. Epstein is also refuted effectively on page 777 of the Commission Report, which states: "In October 1963, the Passport Office of the State Department received a report from the Central Intelligence Agency that Oswald had visited the Soviet Embassy in Mexico City. The report said nothing about Oswald's having visited the Cuban Embassy in Mexico City, a fact which was not known until after the assassination." (Actually the information was in the files of our Mexican station, but was not disseminated until after the assassination when it came to light during an intensive file review.)

9. Relations With the President's Commission. Epstein asserts that "the staff had only very limited assistance from the Central Intelligence Agency"; that, according to Liebeler, the "CIA was so secretive it was virtually useless to the Commission"; and that "in all, the CIA submitted only about forty-five reports, and these pertained mainly to investigations conducted abroad and to foreign newspaper reports." The Commission Report, itself, belies these allegations. There is generous use therein of CIA information and the Commission specifically commends CIA for its full cooperation and valuable assistance. (Commission Report, pages 224, 305, 327, 433; Volume 5, page 129, to cite a few). J. Lee Rankin, the Commission's General Counsel, made the following comments in a letter to this Agency dated April 21, 1964: "On behalf of the Commission I would like to thank you and your representatives for the fine cooperation which was extended to representatives of the Commission during the course of their work in Mexico City from April 8 through April 13, 1964. I am informed that Mr. Scott, the Chief of your station in Mexico City, was particularly generous with his time and advice and, in fact, contributed greatly to the success of our mission in Mexico." Mr. Howard P. Willens, a top administrative aide to Mr. Rankin, told Mr. Dooley on 15 May 1964 that the Commission was winding up its investigation. He was highly complimentary of CIA referring to the Agency personnel he encountered as "real professionals". (Memorandum dated 19 June 1964).

10. Access to CIA Information. In his book, Epstein provides the organizational framework of the Warren Commission. After naming the Commission members, he describes J. Lee Rankin, its General Counsel, and identifies his two chief assistants as Howard Willens, on loan from the Department of Justice and Norman Redlich, a New York University law professor. He then

discusses the remaining members of the staff and their responsibilities. Attorneys W. D. Slawson and William Coleman were assigned to investigate "possible conspiratorial aspects" of the case. Their main interests were Oswald's movements outside the United States, and whether any other person or group influenced Oswald in the assassination. (Mr. Slawson, Mr. Coleman, and Mr. Willens made the trip to Mexico City). Attorneys Albert Jenner and Wesley J. Liebeler were to explore Oswald's background and motives to delineate factors which might have caused him to assassinate the President. Attorney Samuel Stern, a former law clerk to Chief Justice Earl Warren, was principally concerned with presidential protection. The writing and editorial chore was primarily the responsibility of Norman Redlich and Alfred Goldberg, a senior US air force historian. Howard Willens also assisted in later revisions.

11. All of the above individuals, in varying degrees, had a direct interest in knowing all facets of Oswald's life, including his trip to Mexico and his sojourn in the Soviet Union. The great majority of the investigative reports accumulated during the Commission's inquiry were nonclassified. The bulk of these were reports of the FBI which had operational responsibility for investigation of the Oswald case. The CIA, of necessity, had to classify practically all of its material for security reasons. This meant numerous exchanges of correspondence and personal conversations and the substitution of sanitized material when information was deemed to be absolutely essential to the Commission's Report. This undoubtedly exasperated Liebeler at times and some of the other attorneys who were not accustomed to dealing with classified material and international problems.

12. According to various passages in Epstein's book, Liebeler considered himself "definitely not establishment" and an individual who "sometimes played the role of devil's advocate on the staff". When asked what the Commission did, Liebeler replied "In one word, nothing". When Liebeler submitted his chapter on Oswald's motives, Redlich and Rankin found "it was too psychological" and Goldberg was given the task of rewriting it. Referring again to this same chapter at a later point, Epstein declared that although it was considered the "most brilliant chapter", the Commission found it "too subtle" and "too sympathetic". Goldberg therefore revised the chapter and rewrote portions of it.

13. Liebeler is cast throughout the book in a heroic role tangling with bureaucrat resistance from all quarters. He is not only critical of CIA but the FBI and, primarily, the Commission. Liebeler obviously was guilty of a security breach in providing classified material to the author of Inquest. In all the books and articles published to date regarding the Warren Commission, this is the first known instance where reference has been made to the photograph being taken in front of a foreign embassy in Mexico City. Liebeler undoubtedly was frustrated because he was not given a completely free hand during the investigation and now is venting his feelings, and probably augmenting his pocketbook, through this book.)

14. Activities in Soviet Union.^{Nossenko} On page 146 Epstein makes the following comment regarding Oswald's shooting ability while in the Soviet Union: "In fact there was information indicating that 'Oswald was an extremely poor shot and it was necessary for persons who accompanied him on hunts to provide him with game.'" The information was attributed to a Soviet KGB file on Oswald "furnished by Yuri I. Nossenko, a Soviet Intelligence Staff Officer who defected in February 1964". Epstein states that "this file casts light on Oswald's rifle proficiency in the Soviet Union" but was not published or referred to by the Commission. A report on Lee Harvey Oswald by FBI Special Agent James F. Morrissey of Washington, D.C., dated March 11, 1964, contains several interviews with Yuri Nosenko (pages 22-35) and mentions the KGB file. On page 32, Nosenko stated that "Western newspaper reports describe Oswald as an expert shot; however Oswald's file contained statements from fellow hunters that Oswald was an extremely poor shot and that it was necessary for persons who accompanied him on hunts to provide him with game." Once again Epstein's source is Liebeler. The report of Special Agent Morrissey bears the classification confidential. There is no indication in the FBI report that Nosenko furnished the KGB file but rather was speaking from recollection. On page 34 of the FBI report Nosenko stated that he did not want any publicity in connection with his information but said that "he would be willing to testify to this information before the Presidential Commission, provided such testimony is given in secret and absolutely no publicity is given either to his appearance before the Commission or to the information itself." *First public disclosure*

15. The Attorney General, in a letter to this Agency, dated July 12, 1965, listed 59 classified CIA documents in the files of the President's Commission. These files are now in the custody of the Office of Presidential Libraries in National Archives. The

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list included "documents not published by the Commission and those that could readily be determined had been published only in part." *The total publications by the Agency to the Commission were 59.*

16. Doctor Robert H. Bahmer, Deputy Archivist of the United States was interviewed by Mr. Dooley on 16 February 1965 regarding the Commission files which were then being readied for permanent retention by National Archives. Doctor Bahmer said that his organization has been a major custodian of classified documents over the years and rigidly observes all regulations respecting the same. He remarked that he expected no difficulty with CIA material since this Agency had taken precautions to classify its sensitive documents. (Memorandum dated 17 February 1965). done
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17. On 15 June 1966, the Mexican Branch notified the Mexican Station by cable regarding the book Inquest and advised to take whatever precautionary steps are deemed necessary to protect current operations.

Raymond G. Rocca
Chief, CI/R&A

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