

# The JFK Assassination: Why CIA's Richard Helms Lied about Oswald. Obstruction of Justice and The Rationale for Committing Perjury

## Part II

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Global Research, December 29, 2015

[WhoWhatWhy](#) 27 December 2015

Region: [USA](#)

Theme: [Intelligence](#), [Law and Justice](#)

*This is a rumination on lies — layer upon layer of lies — told by US intelligence agencies and other officials about what Lee Harvey Oswald, or someone pretending to be him, was allegedly doing in Mexico City just weeks before the Kennedy assassination. The original goal, it seems, was to associate Oswald, in advance of the events of Dealey Plaza, with the USSR and Cuba.*

*The essay focuses on tales told by Richard Helms, a top official of the CIA in 1963 who later became its director — and is based on a talk given by Peter Dale Scott.*

*Scott is the popularizer of the expression, “Deep Politics,” and a virtuoso when it comes to what sometimes seems like grabbing smoke — capturing proof, however elusive, of motives and objectives that could explain the machinations of US intelligence agencies — and then analyzing the residue.*

*Not all of the chicanery Scott describes is subtle. For example, in an apparent attempt to bring the Russians into the picture, someone delivered to the FBI's Dallas office a purported audiotape of Oswald calling the Soviet embassy in Mexico City. That failed, though, when FBI agents decided that the voice did not seem to be Oswald's.*

*Then, two days later, the FBI got on board the subterfuge by falsely reporting that “no tapes were taken to Dallas.” Because of this lie, an investigation more than a decade later by the House Select Committee on Assassinations would erroneously declare that there was no “basis for concluding that there had been an Oswald imposter.” (The existence of an Oswald impersonator in the months before the president's murder would in and of itself have been prima facie evidence of a conspiracy in Kennedy's death.)*

*And then there was the attempt to set up a Soviet agent...*

*You will probably not be able to keep up with each tall tale, nor does it matter. They have a cumulative effect, one that explains why it is impossible to study these documents without coming away believing in conspiracy.*

*There is dark humor here — reminiscent of the television sit-com of the 1960's, “Get Smart” —*

*about a secret agent who was always telling one lie after another, blissfully unaware that*

*each new lie not only undermined the last one, but any new one that came after:*

*Smart: I happen to know that at this very minute seven Coast Guard cutters are converging on this boat. Would you believe it? Seven.*

*Mr.Big: I find that pretty hard to believe.*

*Smart: Would you believe six?*

*Mr.Big: I don't think so.*

*Smart: Would you believe two cops in a rowboat?*

*Would you believe that the US intelligence community has been telling us the truth all of these years?*

*Essay based on talk given by Peter Dale Scott at Third Annual JFK Assassination Conference in Dallas, 2015. (Produced by TrineDay Books, Conscious Community Events, and the JFK Historical Group.)*

—WhoWhatWhy Introduction by Milicent Cranor

(This is Part 2 of a three-part series. For Part 1, please go [here](#), and for Part 3, go [here](#).)

## Helms's Rationale for Committing Perjury

We can begin to understand Helms's behavior from his repeat performance in the Watergate era, when he was fined \$2,000 and given a suspended sentence of two years in jail, for failing to tell the Senate Foreign Relations committee about CIA operations in Chile. As the *Washington Post* reported at the time, Helms's oath to the committee to tell the truth was at odds with an earlier oath he had taken when he was CIA director never to divulge classified information.

Helms had no hesitation in choosing to protect the CIA and its secrets, rather than serve the goals of truth and law and an open society. After exiting from the court, Helms promptly "described the conviction to the media as 'a badge of honor.'"[1] (Although the Post did not mention this, the CIA was also charged by the National Security Act of 1947 with the protection of its "sources and methods".)

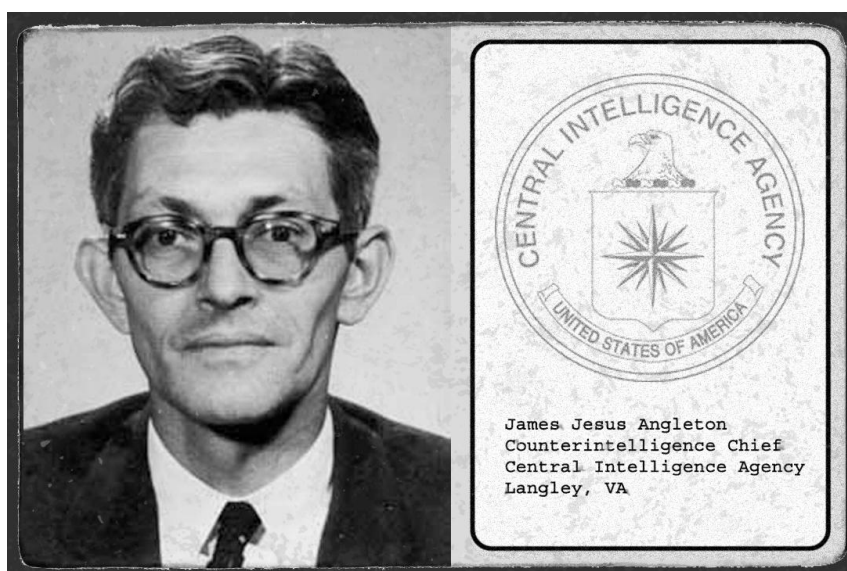
Helms faced the same legal dilemma after he swore to the Warren Commission to tell the truth, the whole truth, and nothing but the truth (5 AH 121). Helms was then asked "Can you tell the Commission as to whether or not you have supplied us all the information the Agency has, at least in substance, in regard to Lee Harvey Oswald?" Helms's answer was, "We have, all" (5 AH 122).[2] This was, I submit, both perjury, and obstruction of justice.[3] In 1964 the CIA secrets he protected concerned an operation involving the name of the man reported to have been the president's assassin.[4]

I am certain that lawyers had prepared the qualified question about "all the information the Agency has, *at least in substance*." It echoes Helms's earlier lawyerly language about "*substantive* developments... in the matter of Lee Harvey Oswald," that had bearing "on the *substance* of the Commission's request." [5] From the CIA's perspective, it was not a "substantive" fact that the CIA, five weeks before the assassination, was engaged in an

operation involving Lee Harvey Oswald. But for those seeking a solution to the assassination, this fact was, and still is, not only substantive, but crucial.

This can be said confidently on the basis of records since released. But there is also strong evidence that there were still more CIA records regarding Angleton's Oswald operation than the ones up to October 16 that the CIA chose to release in CD 347. A classified memo of 1975 from Angleton's newly appointed successor, George Kalaris, noted that "subsequently [to these records] there were several Mexico City cables in October 1963 also concerned with Oswald's visit to Mexico City, as well as his visits to the Soviet *and Cuban Embassies*." [6] However, as of 2015, the CIA has not yet released any cables which talked of Oswald in the Cuban embassy. [7]

As John Newman has noted, Win Scott, the CIA Chief in Mexico City, later wrote that he had sent cables on Oswald's contacts "with both the Cuban Consulate and with the Soviets." [8] But Ed Lopez of the HSCA staff stated in the Lopez Report that if any such cable was sent, "it is not in the files made available to the HSCA by the CIA." [9] In a 1994 interview, Newman asked Helms if it would be fair to say that in fact there *had* been "several cables" about Oswald's being in "both the Soviet and Cuban places." Helms's nonchalant reply was, "Sure." Helms's nonsensical explanation of their non-release: "they [sic, "they," not "I"] didn't want to blow their source." [10]



James Jesus Angleton Photo credit: Adapted by WhoWhatWhy from [National Counterintelligence Center / Wikimedia](#)

It will be most interesting to see if the CIA will finally release such cables in 2017, as required by law. Almost certainly, I believe, they would throw more light on the Angleton operation involving Oswald. Almost certainly, also, some key mysteries will probably remain.

Was the Lee Harvey Oswald of Dallas also the man identifying himself as Lee Oswald in Mexico City; or was the latter, as I strongly believe, an impostor who spoke broken English as well as broken Russian?

Was the Lee Oswald in Mexico City himself part of the Angleton operation, or was he someone sent by the assassination plotters to blackmail the CIA into a cover-up?

Did the Lee Oswald in Mexico talk in the Cuban Consulate about assassinating President Kennedy, as many have independently alleged, including former FBI director Clarence Kelley?[11]

Answers to these three questions would, I believe, lead us much closer to understanding both the assassination in 1963, and the cover-up ever since.

Even if we ignore the alleged missing cables, Helms was guilty of perjury that had a major political consequence. If he had told the truth, I doubt very much that the American public, already doubtful, would have been satisfied with the Warren Commission's banal assurance that it "found no evidence that...Lee Harvey Oswald... was part of any conspiracy" (WR 21). Helms' behavior, while understandable and even predictable given his institutional loyalty, was part of what I would have to call a systematic obstruction of justice.

## Obstruction of Justice by Others in the CIA

For Helms was assuredly not alone in concealing relevant information about Oswald. According to an FBI Report, CIA Counterintelligence Officer Birch D. O'Neal, on November 22, 1963, told the FBI that "there is nothing in CIA file regarding Oswald other than material furnished to CIA by the FBI and the Department of State." [12] John Newman's book, *Oswald and the CIA*, gives examples of CIA dissembling and outright falsehoods extending over the subsequent decades. [13]

Here is another relevant example. To obscure the outright CIA lie about "Latest HDQS info was... dated May 1962," someone rearranged the order of documents in the file prepared for the Warren Commission.

One cannot tell that from Warren Commission Document 692, "CIA Helms Memo to Rankin of 06 Mar 1964 with CIA's Official Oswald Dossier," at least not in the hopelessly garbled form of CD 692 that was deposited in the National Archives in 1975.

Here pages have been randomly shuffled, so that, for example, one page of a 1961 Moscow Embassy dispatch is page 93 of the file, and the next is page 108. The first UPI story about Oswald in Moscow, which should have been page 2 of CD 692, is instead page 122. [14]

We could not know the true order of the file prepared for the Warren Commission until it was re-released by the CIA in 1992. Then it became clear that the September 24 FBI report on Oswald's arrest had been relocated out of chronological order, to make it appear that it had been received after, and not before, the cable about "latest HDQS info."

This deception was compounded by an outright falsification, if not forgery. The FBI report had actually been read in the CIA in September and October. [15] However it was now preceded by an FBI cover slip from another report (the so-called de Brueys report), dated November 8. [16] To the November slip was added the CIA's label of the September report, DBA 52355. [17]

I would submit that whoever falsified the cover slip was also part of a systematic obstruction of justice.

Moreover the October 10 cable to the FBI made a significant omission, one that demands explanation. Ostensibly the message was to inform the FBI and other agencies that "an American male, who identified himself as Lee Oswald," had "contacted the Soviet embassy

in Mexico City.”[18]

One would expect that what the FBI most urgently needed to know was that the contact had perhaps been with Kostikov, whom the FBI believed was from the “wet” or assassination section 13 of the KGB. Yet the cable, inexplicably, suppressed any reference to Kostikov, while transmitting misleading details about the American’s age and height.

This omission is highly suspicious. If the FBI had known about Kostikov, one would normally expect Oswald to be, at a minimum, placed on the Security Index and put under surveillance by the FBI in Dallas, and for the Secret Service to be warned about him.[19] If these events had happened, the events in Dallas would have been different; and Oswald could not have served as (what I believe him to be) the “designated culprit” in the assassination plot.

(The whole process is very reminiscent of the CIA’s culpable failure, in 2000, to notify the FBI of the presence in America of two al-Qaeda members, Mohamed al-Mihdhar and Nawaz al-Hazmi, who would later be two of the alleged hijackers, or “designated culprits,” on 9/11.)[20]

It would appear that the Angleton operation, for whatever reason, wanted Oswald not to be surveilled or detained. We cannot leap to the conclusion that the intention was for Oswald to be a free man in Dallas on November 22; the ostensible purpose could well have been, for example, to protect the behavior of “Lee Oswald” in Mexico.

But here the illicit assassination plot may have been piggy-backed on the Angleton operational plot. For it is clear that, if there was an assassination plot against Kennedy with Oswald as designated culprit, Oswald needed to be free of detention or surveillance in Dallas on November 22.

The three cables suppressed and lied about by Helms were most relevant to an investigation of the assassination. Shortly before it the FBI had intercepted a letter to the Soviet Embassy in Washington, allegedly from Oswald. The letter referred to “my meetings with comrade Kostin” and noted that “had I been able to reach the Soviet Embassy in Havana as planned, the embassy there would have had time to complete our business.”[21]

Whether you believe this letter to be genuine or (as I do) false, it is *prima facie* evidence of a conspiracy – either a conspiracy involving Oswald and the Soviets (if true), or a conspiracy to frame Oswald (if false).

The Warren Commission came up with an elaborate explanation that the letter was both genuine and innocuous, by relying on a belatedly discovered “draft” of the letter that I believe to be even more demonstrably false than the letter itself.[22] To sum up, this conspiratorial letter from Oswald should have been more fully investigated, and it was inextricably linked to the cables suppressed by Helms.

I believe that some of those involved in all of this, possibly including Angleton, may have been culpably involved, not just in the cover-up, but in preparations for the assassination itself. And Helms may have known this, for he certainly took deliberate steps to protect whatever machinations CI was up to with the suppressed CIA cables.

We know that after the assassination, contact with the Warren Commission was initially assigned to John Whitten of the CIA’s Mexico desk, one of the signers of one of the October 10 cables. Then Helms, according to Whitten, transferred this responsibility to Angleton and



the CI staff.[23]

We have a CIA memo written after a meeting chaired by Helms in March 1964, reaffirming “the CI staff’s responsibility for coordinating all aspects of the Agency’s work on the Oswald case.”[24] A key person assigned to this task was Ann Egerter of CI/SIG, the Counterintelligence Special Intelligence Group.[25]

Ann Egerter had previously been one of the three people who signed off on both of the two mutually contradictory cables on October 10. In other words, those we know to have been responsible for *lying* about Oswald (in the two conflicting cables of October 10) were among those picked out by Helms to be in charge of the CIA’s response to the Warren Commission.

#### .Notes

[1] Timothy S. Robinson, “Helms Fined \$2,000, Term Suspended,” *Washington Post*, November 5, 1977.

[2] Helms’s reply requires the belief that all the substantive information in the cables was contained in the CD 347 summary. I submit that the most important information was not transmitted: the suppressed evidence that information that Oswald’s name was being used in an operation was not only substantial, it was most pertinent to determining Oswald’s status in the weeks before the assassination.

[3] In lying to the Commission, Helms may have been mindful of a decade-old agreement with Eisenhower’s Attorney General, exempting the CIA from reporting crimes of which it was aware to the Justice Department. This agreement was so secret that for almost two decades successive Attorneys General were unaware of it. See Scott, *Dallas ’63*, 11; citing Dorothy J. Samuels and James A. Goodman, “How Justice Shielded the CIA,” *Inquiry* (October 18, 1978), 10-11. Samuels and Goodman summarized a little-noticed Report from the House Committee on Government Operations that I (even with the help of university librarians) have been unable to locate in Congressional Research Service indices. I have however located a second, follow-up report: U.S. Cong., House, Committee on Government Operations, *Justice Department Handling of Cases Involving Classified Data and Claims of National Security*. 96th Cong., 1st Sess.; H. Rept. No. 96-280. Washington: GPO, 1979.

[4] In lying to the Commission, Helms was following the precedent of Allen Dulles, who in the early 1950s had “lied to Congress about the agency’s operations in Korea and China” (Weiner, *Legacy of Ashes*, 107).

[5] Warren CD 692, 3.

[6] Confidential Memorandum of September 14, 1975, for Executive Assistant to the DDO, from George J. Kalaris, Chief, CI Staff, re Lee Harvey Oswald, NARA #104, 20051-10173; in Newman, *Oswald and the CIA*, 462.

[7] Here, and elsewhere in this talk, one must keep in mind that Angleton allegedly had his own communications network. This was established for the legitimate purpose of counterintelligence, which amounted in practice to spying on the CIA itself.

[8] Newman, *Oswald and the CIA*, 416.

[9] Lopez Report, 176; Newman, *Oswald and the CIA*, 417.

- [10] Newman, *Oswald and the CIA*, 417-18; citing interview with Richard Helms, August 23, 1994. The source for the missing records was presumably the same as for the records released.
- [11] Scott, *Oswald, Mexico, and Deep Politics*, 93-99; citing Clarence Kelley, *Kelley: The Story of an FBI Director* (Kansas City: Andrews, McMeel & Parker, 1987), 268-69.
- [12] Warren CD 49, FBI Graham Report of 02 Dec 1963 re: Oswald/Russia, 22. In addition to the cables, the 201 file also contained a CIA memo on "Oswald, Lee Harvey" CD 692, p. 112 (in Newman, 470, cf. 466)]
- [13] E.g. the February 1995 reply to Jefferson Morley from the CIA Public Affairs Office concerning the October 10 cable discussed in this talk: "The cable referred to in your letter appears to focus only on the status of Oswald's citizenship" (Newman, *Oswald and the CIA*, 404).
- [14] The order of documents in the NARA serial sequence 104-10015- (where records from the Oswald 201 file are deposited) is also garbled.
- [15] Cover slip for FBI Letterhead Memorandum of September 23, 1963, NARA #104-10015-10046.
- [16] That November 8 is the date for the de Brueys report can be learned from the Russ Holmes work file, 104-10406-10096. In CD 692, the de Brueys report lacks its cover slip, which has been moved.
- [17] Oswald 201 File, Pre-Assassination File, September 1992 release, p, 177; Warren CD 692, p. 72.
- [18] NARA #104-10015-10052.
- [19] Without giving any reasons, the Church Committee categorically denied this in 1976: "It is important to note, however, that under the procedures then in effect, the inclusion of Oswald on Security Index would not have resulted in the dissemination of Oswald's name to the Secret Service" (Church Committee, "Final Report, Book V – The Investigation of the Assassination of President John F. Kennedy: Performance of the Intelligence Agencies," 51n29. One would like to know the process by which they arrived at this unexplained conclusion.
- [20] Scott, *The American Deep State*, 86-95.
- [21] Warren Report, 309; Warren CE 15, 16 WH 33; Scott, *Deep Politics and the Death of JFK*, 39-40.
- [22] See my argument in *Dallas '63*, 26-28.
- [23] Philip Shenon, *A Cruel and Shocking Act: The Secret History of the Kennedy Assassination* (New York : Henry Holt and Company, 2013)..
- [24] Memo for the Record by Lee Wigren, C/SR/CI/R, March 16. 1964, NARA #104-10007-10205: "Dooley also mentioned a meeting with Mr. Helms.... Dooley [C/CI/R&A] reiterated the CI staff 's responsibility for coordinating all aspects of the Agency's work on the Oswald case."
- [25] See e.g. "Office of Security Report Re Lee Harvey Oswald Address Book," Memo for the Record of 31 January, 1964, by Ann Egerter, CI/SIG, NARA # 104-10021-10009.

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