

Tom Hanks, Gary Goetzman, and Bugliosi's Bungle: A Comprehensive Review of *Reclaiming History* Part I

James DiEugenio

I.1

The hard part about writing this book review is that the author is Vincent Bugliosi, a man I know and like. In fact, it is hard to know the man and *not* to like him. In addition to his personal attributes of humor, self-effacement, and intelligence, he is a person of considerable literary achievement. For instance, he has written three valuable books about the Clinton/Bush years: *No Island of Sanity*, *The Betrayal of America*, and *The Prosecution of George W. Bush for Murder*. I would recommend any of these three books. They all have two common traits that give them virtue. First, they are all brief. They can literally be read in a day or two. Second, in all three cases, the author had a trifecta: he had the facts, the law, and morality on his side. This, of course, makes it easy going: a kind of downhill slalom ride.

The problem with *Reclaiming History* is that it has none of these advantages. First of all, the three books mentioned above are Chihuahuas in size. The Kennedy assassination book is the size of an Irish Wolfhound. (And as we shall see, its disposition is similar also.) The main text, along with Acknowledgements, runs to 1,518 pages. But there is an accompanying CD with the book. The CD contains two files. One of them is entitled Source Notes and the other is called End Notes. The former are footnotes and the latter is largely more text. The End Notes total 958 pages. The footnotes are 170 pages. So the grand total comes to 2,646 oversized pages. And I need to add one more qualifier to get the point across: the font size is small.

As the publisher foresaw, the inordinate length doomed the book to commercial failure. Even though Bugliosi got a few national media appearances, and even though the mainstream reviewers were kind, the book was remaindered in less than a year. The publisher, Norton, has now tried to redeem its investment by reissuing one section of the book in trade paperback. This section, the first of *Reclaiming History*, is entitled *Four Days in November*.

This leads to an analysis of the overall structure of this mastodon. The book has a rather long Introduction, and then is divided into what the author calls two Books. Book One is subtitled, rather pretentiously, "Matters of Fact: What Happened". This contains fifteen chapters. The first one, aforementioned, *Four Days in November*, is a kind of hour-by-hour reconstruction in narrative form of 22 November to 25 November. It is composed of a series of descriptive scenes, a kind of combination of novel with play. This allows facts to be presented in their real time continuum rather than out of context. If you can allow for the biased presentation—which means you have to be very familiar with the facts—this is

the best part of the book. The other chapters in Book One cover things like the subsequent investigations of the murders committed that weekend, Kennedy's autopsy, the Zapruder Film, a long biography of Lee Harvey Oswald, evidence of Oswald's purchase of the rifle, his presence in the so-called sniper's nest, what happened on the Grassy Knoll area, Oswald's possible motive, and a summation of his evidentiary guilt as presented by the noted prosecutor. This comes to well over half of the book text.

Book Two is titled, again rather pretentiously and also rather sneeringly, "Delusions of Conspiracy: What Did Not Happen". The first word of the sub-title tells you almost all you need to know about this long section. This book contains nineteen chapters. The first two introduce the concept of conspiracy and then outline the history of the critical community in the JFK case (Bugliosi disdains that rubric, opting for the more pejorative "conspiracy community".) He then goes through various aspects that the critics of the Warren Commission have investigated, like the idea of the Second Oswald, and suspicious deaths. He profiles the figures of Mark Lane and David Lifton. He then offers chapters on various suspects in the case like the Mob, the CIA, LBJ, KGB, etc. He concludes this part with an examination of the Sylvia Odio story and her possible relation to the Cuban exiles in a plot with Oswald; a long, strident all-out attack on Oliver Stone's film of *JFK*; and a summary chapter matching the end of the first book on why he concludes there was not a conspiracy.

To describe the book's length and overall design does not really tell you what the volume is about, because it leaves out the book's tone and attitude—which is, for this work, integral to understanding it. In fact, you can't really understand it without it. To begin to comprehend why this is important one must understand that there are two sides to Bugliosi. There is the charming, bright, witty raconteur I described above. And then there is the inside-the-courtroom pugnacious prosecutor who we meet in this book. The experience is like knowing a very nice gentleman who happens to be a boxer. You have a nice conversation with him in the dressing room, and five minutes later in the ring he is hell-bent on separating his opponent's head from his neck. That was my experience in reading the book. To give you an example of what I mean, consider the following quotes:

Waiting for conspiracy theorists to tell the truth is a little like leaving the front-porch light on for Jimmy Hoffa. (p. xiv)

... in the conspiracy community of the Kennedy assassination, where one's peers have turned their mother's pictures against the wall and are telling even bigger lies themselves, and where the American public is unaware of these lies, not only is this type of deception routinely accepted by most members of the community, but the perpetrators are treated as celebrities who lecture for handsome fees and sign autographs at conventions of Warren Commission critics and conspiracy theorists. (p. xv)

Although I had commenced my work on the case with a completely open mind I found there was absolutely no substance to their charges and that they have performed a flagrant disservice to the American public. Dissent is what makes

this country the great nation that it is, but this was not responsible dissent. This was wanton and reckless disregard for the facts of the case. (p. xvi)

Oswald ... was as guilty as sin ... [A]nyone who could believe he was innocent would probably also believe someone claiming to have heard a cow speaking the Spanish language. Secondly, there was not one speck of credible evidence that Oswald was framed.... (p. xviii)

But the above reasons are only ancillary to the principal reasons why I believe the conspiracy theorists have been successful in persuading the American public that their charges are true. To paraphrase Joseph Goebbels, the propaganda minister of Hitler's Third Reich, if you push something at people long enough, eventually they're going to start buying it, particularly when they haven't been exposed to any contrary view. (p. xxvii)

But the very best testament to the validity of the Warren Commission's findings is that after an unrelenting, close to forty-five year effort, the Commission's fiercest critics have not been able to produced any new credible evidence that would in any way justify a different conclusion. (p. xli)

And this is just the beginning. Later on, the ideas of medical critics like David Lifton and Doug Horne are referred to in the strongest terms as being "unhinged" (p. 1057), "delirious" (p. 1063), and "obscenely irresponsible" (p. 434). In talking about Dr. David Mantik, whom Bugliosi acknowledges has an M.D. and Ph.D., he explains Mantik entertaining some of their ideas like this: "within the world of insanity there is an internal logic. By that I mean one can frequently have a perfectly intelligent conversation with an insane person if one is willing to enter that person's world of insane suppositions." (p. 443)

Inevitably, with this kind of attitude, there are several instances throughout the nearly three thousand pages where the author equates the critics of the Warren Commission with those who believe that Elvis is still alive, or in alien abductions, or someone who claims he took a picture of Heaven (p. 435). It is nothing if not an argumentative book.

But even in the long Introduction, almost unconsciously, Bugliosi begins to lose ground. Like film-maker Robert Stone, in his incontinent attempt to attack the critics he tries to portray them as doing what they do for the aforementioned "handsome fees", and claims fans pay them for autographs (p. 873). Here's the big problem with this attempt at a pecuniary motive: Bugliosi has never been to the functions he is describing. So how can he know what happens there? How can he describe these speaking fees and autograph payees? He has been *invited* to attend. But he has not shown up. I can assure Bugliosi that I have been to many of these seminars and conferences since 1992 onward. No researcher I know has ever been paid to appear. No writer has ever been paid for an autograph. On the contrary, the writers almost always pay their own way to get there. And then they pay for their hotel rooms and meals. In other words, when I or other authors go to these affairs, we are *losing money*. We go for the opportunity to share new ideas or discoveries with others. That's all. Personally, I do not go to many any more because of the financial loss they incur. So the real situation is the opposite of how it is presented by Bugliosi.

In the long Introduction, Bugliosi makes a statement and uses an example that will supply a recurring motif for the book: it constitutes an attempt to show that much of the work of the critical community is unfounded. He states that the critics have always written that no rifleman has ever duplicated Oswald's feat at the Texas School Book Depository on 22 November 1963—that is, firing three shots, and getting two hits in the head and shoulder areas in less than six seconds. He says that this charge is not accurate. He then points to an example in the Warren Commission of a mysterious soldier named Miller (no first name given) who a commanding officer said actually bettered Oswald's feat. Now, Bugliosi's implication here is that this has been out there for years and the critical community has ignored it since it would undermine their arguments. Therefore you cannot trust them with even the evidence in the Warren Commission volumes (see p. xxviii). Here are the problems with Bugliosi's implication. First, you can read about this episode at, for instance, Warren Commission critic Michael Griffith's web site. So anybody who has a computer can access it there. You can also read all about Miller and his tests in Sylvia Meagher's classic critique of the Warren Commission, *Accessories After the Fact* (see pp. 107–109). And, in fact, she goes into this specific subject and testimony at greater length than Bugliosi does. But why would she do so if, as Bugliosi says, it undermines her case for Oswald's innocence?

Because when you examine the testimony completely it does not undermine the critics' case at all. Three "master marksmen" took two tries at duplicating what Oswald was supposed to have done. Now what does this qualification of "master marksman" mean exactly? As Meagher explains it, they were rated at the very top of the scale, not by the Marines, but by the NRA. In other words they were even better than the top shooters in the armed services by a level of two or more classes. In fact, they were so proficient they qualified for open competition and even the Olympic Games! Now compare this to Oswald who was one point above the minimum class possible when he left the Marines in 1959. Fair comparison, right? Further, while these men practiced all the time, there is no known credible witness who saw Oswald target practice with the rifle in question. So right off the bat, one would have to wonder why the Commission had the military pick these guys and not a shooter more comparable to Oswald. The results as displayed by Meagher show why. Of the three men only one of them bettered Oswald's time. But here's the catch: they cheated. Oswald was firing from 60 feet up, at a moving target. The three experts were firing from thirty feet up, at still targets. As Meagher notes, wouldn't it have been quite simple to just rope off Dealey Plaza, put these guys in the sixth floor window, place a convertible in the street below, and try a true experiment? If this was not done, why was it not done? Neither in the text at this point, nor in the corresponding End Note section, does Bugliosi tell you about the different settings, or pose the question as to why they were not the same. But several sentences later, after giving the reader this incomplete information, he pillories the critics as being "so outrageously brazen that they tell lies ... about verifiable, documentary evidence ..." (p. xxviii). A few pages later, in discussing how the critics have sliced and diced Gerald Posner's book, he comments they are "going to have a much, much, much more difficult time with me" (p. xxxviii).

Right after this, Bugliosi makes an even more dubious statement—one that I really wish he had not written. He prefaces it by writing that he is only after facts and objectivity; therefore, he will set forth the critics' arguments the way they want them set forth, before invalidating them. Then comes this: "I will not *knowingly* omit or distort anything" (p. xxxix, emphasis in original). He then tries to qualify this by saying there may be references in the millions of pages on the subject that he has simply never encountered. But how could he have missed those pages about the expert marksmen in Meagher's book? He sources her book often and uses her name frequently, usually in a negative way.

In the following pages of this review, I will try not to repeat that sentence about omitting or distorting anything excessively. My question is: why did he write such a thing, and why did his editor, Starling Lawrence, let him keep it in the Introduction? Clearly, whatever he says, his book is a prosecutor's case. No one can read the tome and not come to that conclusion. And this case is so big, and so many pages have been written and documents declassified, that to give both sides of each issue would necessitate a work the size of the Warren Commission. And, today, not even 26 volumes could do it. But further, who could write such a work? Only someone with pure objectivity about this case—which no one has. What one does is concentrate on certain areas, present evidence for your thesis, try to note the other side's objections, at least minimally, and then give sources for the reader to consult from that side if he wants to review their argument more completely. In this field, if one can do that, then you have acquitted yourself well. But to write what Bugliosi does on the matter of presenting both sides of each issue is just not possible, or even desirable. It's even a bit silly to try to even maintain.

I.2

Before proceeding to an extended critical discussion, I want to do two things in advance. First, I wish to describe the book's attributes. There can be little doubt that Bugliosi has done a ton of reading in the field. And not just on the assassination itself: there are intelligent discussions here about the life and presidency of John Kennedy. For instance, Bugliosi does a nice job in distilling what happened at the Bay of Pigs, and discussing the two major reports filed on that debacle: the Taylor Report, done for President Kennedy, and Lyman Kirkpatrick's for the CIA. The amount of secondary sources consumed for the work is really impressive, as one can see by browsing through the bibliography. And it's not just a list: in reading the text and looking at the footnotes, Bugliosi has really read the material and entered it into the book. Bugliosi could hold his own with almost any scholar on JFK's career and life—and, in almost every instance, that part of the book is rewarding and worth reading.

In any serious and long discussion of this book, I think it is hard to dodge the issue of who was responsible for what parts. As most people must know, more than once, and in public, David Lifton has stated that *Reclaiming History* was a cooperative venture. The other two writers were the late Fred Haines and Dale Myers. A look back at Bugliosi's writing career certainly advances precedents for the claim. About half the books Bugliosi has written have been co-ventures.

Helter Skelter was written with Curt Gentry. *Till Death Do Us Part* and *Shadow of Cain* were done with Ken Hurwitz. *And the Sea Will Tell* was co-authored with Bruce Henderson. *Lullaby and Good Night* was written with William Stadiem. Since *Reclaiming History* turned out to be such a large undertaking, and Bugliosi wrote at least four books in the meantime, it would seem as if this recurring practice in the author's career would reappear. Reading what he has to say on this issue and in talking to him about it, Lifton seems to have sound sources. The way Lifton states it, Haines was the first person brought into the project, and he spent a lot of time—at a fee of fifty thousand per year—to complement Bugliosi's work. It was Haines' idea to structure the opening section as a narrative. And Haines did a lot of work on the Oswald biography section—which is one of the worst parts of the volume. According to Lifton, Haines became ill and had to drop out of the project, so Myers was then brought on board. Myers did a lot of work on the technical aspects of the case, like the acoustics evidence and photography. But the two had a falling out. Therefore, Myers' name does not appear on the front cover of the book; and, since a settlement was arranged, he is not allowed to talk about the issue. Although Bugliosi specifically names both Haines and Myers in his Acknowledgments, understandably, none of this rather messy back-story is described. According to Lifton, both Haines and Myers were, at different intervals, scheduled to get a “with” credit on the front cover of the book—that is, the authorship would read “Vincent Bugliosi with Dale Myers”. Lifton believes that as much as a third of *Reclaiming History* may actually be the work of these two other men. Interestingly, in his Acknowledgments section, Bugliosi credits Myers as having more of a writing role than Haines (p. 1515). Now, if Haines played less of a writing role than Myers, and if Haines suggested the narrative approach in the Four Days in November section, and he and Myers wrote parts of it, then the book on the shelves right now is truly a cooperative venture. This makes it hard to specifically criticize parts of the book, because it is difficult to figure out who wrote what. At one time, I was actually going to solve that problem by just denoting “BHM” as the writer. But since Bugliosi finally assumed sole cover credit, and since he probably had final say over what went into the book and how it was composed, I will refer to him as the author.

There is another reason why this point should be discussed. As previously mentioned, Bugliosi makes little or no effort to be gentle in his disagreements with the critical community. In addition to the comments made above, he can write such things as

... simple common sense, that rarest of attributes among conspiracy theorists ...
(p. 1258)

But conspiracy theorists are not rational and sensible when it comes to the Kennedy assassination. (p. 1275)

... silliness is what all of the conspiracy allegations are about ... (p. 1277)

These are taken from just a twenty-page section of Book Two. Do the math, and you can figure out just how many of these types of pejoratives litter the book. In this regard, though, the falling out with Myers probably helped. Why? Because

as one can see on the website http://www.ctka.net/dale_1982.html, Myers used to be one of those nutty conspiracy theorists Bugliosi spends so much time belittling. In this interview with John Kelin, he talks about the assassination of JFK being a covert intelligence operation, how Kennedy's death opened up America to the dark side of its government, how he can prove beyond a reasonable doubt Oswald did not pull the trigger on either the president or the police officer, how he believes there was a shooter on the grassy knoll, and finally how, at the time of the murder, Oswald was actually on one of the lower floors of the building. Hmm. What happened, Dale? The evidence in the case did not change. If anything, the releases of the Assassination Records Review Board mostly seem to favor the concept of conspiracy. Yet, either Bugliosi does not know about what, to him, must be considered Myers' sordid past, or he doesn't care. But not telling the reader about it certainly spares both of them a lot of uncomfortable explanation. And some possible puzzling looks from the reading audience.

Finally, there is one other point that needs to be addressed in this aspect. Like most authors who undergo a St. Paul type conversion on the road to Damascus, Myers today does not like to talk about his previous position or how complete his makeover was. This places him in what I like to call "the Gang of Three", the other two members being Gus Russo and Todd Vaughn. Like most who undergo a total conversion, e.g., rightwing writer David Horowitz, they wake up in their new incarnations despising who and what they were. In other words, the zealotry in their new direction is even more rabid than in the original. There is no better example of this than Myers getting on national television in 2003 and proclaiming via his Gerald Posnerian computer simulation that the single bullet theory is not just a theory anymore. Because of the Myers-produced magic, it was now the single bullet fact. This simulation has been thoroughly skewered at least five times: once by David Mantik (*Probe*, Vol. 2, No. 3); twice by Milicent Cranor, in *The Fourth Decade*, Vol. 2 No. 4, and at <http://ctka.net/dale.html>; by Pat Speer (<http://www.patspeer.com/chapter12c%3Aanimania>); and by John Costella (<http://assassinationscience.com/johncostella/jfk/abc.txt>). The amazing thing about these critiques is this: there is very little overlap in the deconstructions. Which means that, on every possible angle, the Myers simulation was open to very effective attack. But this did not stop Gus Russo from getting his fellow convert on national television to state the ludicrous. The graduates of the St. Paul Seminary want to spread the word far and wide. And if they can make a buck in the process—hey, why not?

I.3

"My initial feeling was that if this were a simple assassination, as the Commission claimed, the facts would come together very neatly."

—Vincent Salandria to Gaeton Fonzi, 1964

Bugliosi spends over 2,600 pages trying to say that the facts come neatly together in the Kennedy assassination. How did this long venture get started? The genesis of the book was a mock trial Bugliosi did for London Weekend Television back in 1986. Bugliosi was the prosecutor; Gerry Spence was the defense

attorney. There were some 21 hours of video for the production, which was cut down to four and a half hours for the version on Showtime Channel. The Dallas jury ended up siding with Bugliosi.

To say the concept was flawed is an understatement. As Mark Lane has pointed out, one necessity of a real trial is a live defendant. In the mock trial done for HBO of James Earl Ray in the King case, he was actually around and testified. In this case, there is no doubt that Lee Harvey Oswald would have been the most important witness, by far. He could give you information that no one else could, and he could also corroborate important testimony about myriad crucial issues, e.g., where he was at the time of the shooting, his associations with people like David Ferrie, Clay Shaw, and Guy Banister, etc., etc. There was simply no way one could compensate for his not being there. (Surprisingly, on p. 361, Bugliosi wrote that it's better, for the cause of truth, that Oswald died.)

But that was not the only flaw in the production. In the version that I have seen excerpts of, and read about, Cyril Wecht presented the medical evidence for the defense, and Charles Petty for the prosecution. Neither one was associated with the actual autopsy. And this is a crucial matter in this case, because of all the controversy surrounding that aspect.

Third, Sylvia Odio was not there. She is probably the most important witness alive attesting to evidence before the fact of a conspiracy concerning the anti-Castro Cubans and the Central Intelligence Agency.

Fourth, Spence was not ready. One can see this by just looking at the ultimate selection of witnesses and his cross-examination of some of them, e.g., Ruth Paine. At that time, although there was not as much material on Ruth Paine as there is now, there was still enough to give her a thorough raking over the coals. Spence did not. (The reader will see what I mean on this point in section I.8 of this review.)

Finally, the trial never moved out of London. This was not a good idea. The actual evidence is located at the National Archives in Washington. So the attorneys were never allowed to present this material, and the jury was never allowed to see it. This is quite important in a case where there is much indication of evidence tampering. It is a theme I will return to later.

I could go on, but the reader can see that with all the constraints placed upon it, the trial's outcome could not come close to a real legal proceeding. But Bugliosi used this event to submit the first draft of this book, which was then entitled *Final Verdict*.

The centerpiece of Bugliosi's case against the dead Oswald is his alleged ownership of the rifle in evidence. And, in fact, Bugliosi actually uses the dead man's denials of this ownership as evidence against him (p. 965). Bugliosi discards the denials, and devotes two chapters in Book One convicting Oswald based on the rifle evidence.

One problem with claiming that this rifle was the rifle found at the so-called sniper's nest is that it was not the first weapon reported by the authorities. As any student of the case knows, the first reports were of a 7.65 German Mauser, not the 6.5 Mannlicher-Carcano. The press, District Attorney Henry Wade, and the police made these reports all in the space of the first 24 hours (Meagher, pp. 95–100). In fact, on 23 November 1963 Deputy Constable Seymour Weitzman executed an affidavit in which he said that he and Deputy Sheriff Eugene Boone discovered the Mauser on their search of the sixth floor of the book depository. The description in the affidavit is quite specific. Further, Boone later testified to the Warren Commission that Captain Fritz and Lt. Day also identified it as a Mauser. In fact, Boone filed two reports on the day of the assassination saying the rifle he found was a Mauser (Warren Commission, Decker Exhibit 5323). What makes this testimony so startling is that one does not have to be familiar with rifles to see that there is a serious problem here, because on the rifle in evidence it is clearly stamped "Made in Italy" and "Cal, 6.5". How could anyone say the rifle was a Mauser if it was made in Italy? The Warren Commission assigned this troublesome episode to the Speculations and Rumors section of the *Warren Report*, and said it was all a mistake (p. 645). Bugliosi agrees (*Reclaiming History*, p. 190).

But here's the trouble with this glib explanation: it's only *the beginning* of the problem with the rifle. At <http://jfkresearch.freehomepage.com/c2766.html>, a relatively brief photo essay on the subject by Jerry McLeer, the points about the serial number and the ballistics testing by the HSCA are telling. And this is what I mean about not having the original evidence submitted at the mock trial. Not that Spence would have dug this deep—but another lawyer, like, say, Carol Hewett, would have.

But again, not even this tells the whole story about the rifle. There is a serious question as to who ordered the rifle, and when. The Warren Commission states that Oswald ordered the rifle on 12 March 1963, in Dallas. He sent a money order for \$21.45 to Klein's Sporting Goods in Chicago. He allegedly ordered the rifle through an ad from *American Rifleman* magazine, and had the weapon sent via his alias of A. Hidell to his post office box (*Warren Report*, p. 119).

Now, here arises an important question which Bugliosi discounts: If you were planning on shooting the president, why would you do it with a rifle that you ordered through a mailed money order, when you could buy a rifle over the counter with cash and leave no paper trail? This is a very sensible question, especially in light of the facts which will be listed below.

As John Armstrong has noted, Oswald was working at Jaggars–Chiles–Stovall on 12 March 1963. According to postal records concerning the envelope and the money order, the letter had to have been mailed by Oswald between 8:00 a.m. and 10:30 a.m. that day. If we accept the postal records as genuine, then Oswald had to have left his work site that morning and walked eleven blocks to the General Post Office. While there he purchased a money order, but did not mail it from that location: he walked many blocks out of his way to mail the envelope at a mailbox, and then walked back to work. (This is indicated by the marking on the envelope, which tells us where he dropped the letter: Arm-

strong, *Harvey and Lee*, p. 450.) And apparently, no one at work noticed this absence. In his book, Armstrong prints the company records for Oswald's employment that day. Those records list the jobs he was working on and how much time they consumed. As he concludes, "According to these records Oswald was at work continuously from 8:00 a.m. thru 12:15 p.m. ..." (*ibid.*). If these records are genuine, how could he have taken the long walk he did?

Further, the FBI and Warren Commission state that the envelope arrived and was deposited by Klein's at the First National Bank of Chicago the following day, i.e., 13 March 1963 (*Probe*, Vol. 5, No. 6, p. 10). David Belin did the questioning on this point (*Warren Commission*, Vol. 7, p. 366), and he never blinked an eye at how an order could be shipped 700 miles, and then received and processed and deposited in one day—before the advent of computers, no less. (I send letters within the county of Los Angeles that do not arrive the next day.) Once the envelope arrived at Klein's, the company microfilmed the mailing envelope and the order coupon, but not the money order for \$21.45 (Armstrong, *op. cit.*) Things then get even more interesting. As Raymond Gallagher wrote (*Probe*, Vol 5, No. 6), "... the bank deposit slip, the extra copy provided by the bank at time of transfer, reads February 15, 1963, not March 13th. This is about one month *before* Oswald sent the coupon.... Of course, if the February date is correct, then C 2766 could not be the correct serial number on the rifle in the so-called backyard photographs."

The alleged money order deposited with the First National Bank of Chicago has none of the endorsements that the Vice-President of the bank, Robert Wilmouth, says it should have, i.e., stamps for the First National Bank of Chicago, the Federal Reserve Bank of Chicago, or the Federal Postal Money Order Center in Kansas City: this is evident by looking at the order itself (*Warren Commission*, Vol. 17, pp. 677–8). Wilmouth never testified before the Warren Commission. Further, the FBI did not find Oswald's latent fingerprints on the money order (Armstrong, p. 449).

The alleged coupon used to order the rifle is just as dubious. In his 1998 *Probe* article, Gallagher noted a discrepancy that Meagher first pointed out back in 1967—and it's a doozy: The rifle found on the sixth floor was not the model that the Commission said Oswald ordered in March of 1963. The Commission states that Oswald used a coupon from the February issue of *The American Rifleman* to order his Carcano (*Warren Report*, p. 119). A copy of this ad does not appear in the Warren Commission. Instead, a copy of the November 1963 Klein's ad appears at Vol. 20, p. 174. But this ad did not appear in *The American Rifleman*: it appeared in *Field and Stream*. If this ad appeared in November, what could it possibly have to do with the case against Oswald? Unless he ordered two rifles, which no one says he did. Further, the first ad is for a 36-inch Carcano rifle weighing 5.5 lbs. This is the one the Commission says Oswald ordered. The November ad is for a longer rifle of forty inches weighing 7 lbs. The rifle in evidence by the Warren Commission is allegedly 40.2 inches long, and with sling and sight weighs in at 8 lbs. In other words, by all accounts, the rifle the Warren Commission says is Oswald's is not the rifle that the Commission says he ordered.

The problem is that the Italian government had several factories making modified versions of the Mannlicher-Carcano rifle. There were at least two 40-inch versions of the rifle made. There were several versions of the 36-inch model. According to Armstrong, there were well over a million of the former made, over two million of the latter (Armstrong, p. 439). And here is the rub: Although FBI agent Robert Frazier tried to state that there was only one of *this type* of Carcano with the serial number C2766 (and that a letter prefix with a four digit number was the serial number standard), there is evidence in the Warren Commission volumes to contradict him. As Meagher pointed out, the report does not specify whether Frazier's "type" refers to the model, the year of manufacture, or the category of Mannlicher-Carcano rifle (Meagher, p. 105). In fact, the owner of Empire Wholesale Sporting Goods Limited actually told the Bureau that, in the thirties, Mussolini ordered *all* arms factories in Italy to manufacture the Mannlicher-Carcano. And since many companies manufactured the same rifle, "... the same serial number appears on weapons manufactured by more than one concern. Some bear a letter prefix and some do not." (Warren Commission, Vol. 25, CE 2562). Researcher Thomas Purvis has written that he owns a 36-inch MC carbine made at the Gardone factory in 1940. The serial number on this rifle is C 5522. Obviously, to get to that progressive number, the Gardone factory had to have stamped a previous rifle as C 2766. Also, in an article at the JFK Lancer site by Martha Moyer entitled "Ordering the Rifle", she writes that John Lattimer had a 40-inch Carcano with the serial number C 2766. (She also writes that there were other coupons for Carcano rifles found at the Paine residence.) So if you do the math as to the millions of Carcano rifles, and the multiple factories they were made at, you can imagine how many of the models had the C 2766 serial number on them. So how do we know the rifle in evidence is the same one that Oswald allegedly ordered? (As Purvis has noted, a real clue as to this riddle is that if you follow the FBI investigation of the rifle, the agents appear to have gone to Crescent Firearms, the wholesaler, before going to Klein's, the retailer.)

Now, Bugliosi, quoting Frazier, first discounts the serial number issue. Then later on in the End Notes section he says it doesn't really matter since we know that the rifle in evidence is Oswald's. As we have seen, with the work schedule cards and postal markings and bank deposit slip, this is hardly a clean-cut case. As Armstrong deduces, there is a very real doubt if Klein's even had a forty-inch Carcano in early 1963 (Armstrong, p. 448). But further, did Oswald pick up this rifle at his post office box? In order to ship firearms, the seller had to ship with a Form 2162. This was encoded in the Postal Code at Section 846.53a. When the Commission examined local postal inspector and FBI informant Harry Holmes, surprisingly, the issue did not come up (Armstrong, p. 452). On top of that, there was a problem with the alias "Hidell". If Klein's sent the rifle to Hidell and not Oswald, it should have been shipped back, addressee unknown. Holmes helped the Warren Commission out on this one: He said that packages are treated differently than letters in this respect; if a package arrives, a notice is placed in that person's box, and anyone who had a key to Oswald's box could pick up the package—without showing his or her ID. What Holmes left out was that they would still have to sign Form 2162.

One last point about Holmes: it is clear that he was alerting the FBI to subversive mails being sent to Oswald. In fact, he alerted FBI agent James Hosty that Oswald was in contact with the Fair Play for Cuba Committee in New York. (Bugliosi leaves out this part of Holmes' role in the case.) But we are to believe that Holmes never told the FBI about this five-foot long package the commie Oswald got from Klein's Sporting Goods in Chicago, even though they were one of the largest sellers of firearms in America at the time? Holmes also testified that the post office made exhaustive inquiries into the handling and delivering of that large package to Oswald's box—but no one remembered doing it.

As I said, the rifle is the centerpiece of Bugliosi's case against Oswald. As the reader can see, it is a questionable case. And I won't even go into the altered story of Marina Oswald, which resulted in her exquisitely rehearsed line before the Warren Commission when they showed her the rifle ultimately in evidence: "This is the fateful rifle of Lee Oswald" (George Michael Evica, *And We Are All Mortal*, p. 8). Suffice it to say that on the Oprah Winfrey show of 22 November 1996, Marina said, "I was a stupid girl and right now if you show me my husband's hunting rifle I am not sure, because up to this date I know nothing about this rifle.... It was a stick with metal. That's all a rifle is to me to this day." From the date Oswald allegedly received the Klein's rifle until his death, there is no known instance of his hunting with it.

Although I have touched on some of the major problems with the rifle, I could bring up several more that are just as troubling. For instance, the FBI actually changed the announced price of the rifle from \$12.78 to \$19.95, and further, they could never prove which precise deposit Klein's included Oswald's alleged money order with (Armstrong, pp. 457 and 475). Suffice it to say, as Salandria warned Fonzi, if it were a simple case the facts would come together neatly. They don't, and it gets worse.

I.4

Mr. Specter, how would you get CE 399 into evidence?

—Jim Lesar to Arlen Specter, Duquesne Conference, 2003

Bugliosi was invited to the above conference. He decided not to attend. It would have been interesting to hear his answer to the above question. If Oswald had lived, one of the things the prosecution would have had to establish is the validity of CE 399, the bullet that went through both President Kennedy and Governor Connally. This trajectory contains the single-bullet theory. Without it, there are too many bullets, thereby necessitating another assassin, ergo, a conspiracy. But to maintain CE 399 in court, the witnesses who discovered it would have had to identify it before it was admitted into evidence. For, as Lesar noted, any defense lawyer worth his salt—except maybe Spence—would have been all over this piece of evidence, realizing that it was the key to acquitting his client and exposing a frame-up.

Before letting Specter answer the question, Lesar turned to Bob Tanenbaum, the first Deputy Counsel of the HSCA under Richard Sprague. He asked Ta-

nenbaum if this would be a problem. Tanenbaum said it would be, since you had both a chain of custody question and an identification question. Specter blustered through painfully, and actually named Darrell Tomlinson as a witness, adding that he never led a witness during his Warren Commission service. As we shall see, Tomlinson would not be a good witness at all.

With the passage of time, Josiah Thompson's *Six Seconds in Dallas* has become a controversial book. The book had its detractors early on, such as Ray Marcus and Vincent Salandria. Later on, both Howard Roffmann and Milicent Cranor also criticized the book. But there is one section of the work that is still valuable: Thompson's discussion of which stretcher CE 399 was discovered on at Parkland Hospital. In a long, detailed, and illustrated analysis he concludes that the bullet was not discovered on either Kennedy's stretcher or Governor Connally's. From the description given by senior engineer Darrell Tomlinson, the man who first discovered it, Thompson concludes that the bullet was found on Ronald Fuller's stretcher, a little boy brought into the emergency ward at about 1:00 p.m. (Thompson, pp. 163–4). Specter did not want to hear this, so if you read his interview of Tomlinson in Volume 6 of the Warren Commission, you will see that he is intent on talking him out of his story. But, thankfully, the FBI and Secret Service had already interviewed Tomlinson.

Like Specter, Bugliosi does not like Thompson's conclusion here either. He knows just how dangerous it is to his case. So he handles it on the CD in his End Note file. Incredibly he just makes the whole chain of custody issue disappear. He calls it a "... giant non-issue. To paraphrase: Since we know that the bullet was fired from Oswald's Carcano rifle, and we know it wasn't found on Kennedy's stretcher, it had to be found on Connally's stretcher." (End Notes, p. 431) I should add here that Bugliosi uses this technique often. When he gets into a prickly situation, he declares that "we know that Oswald did it", so let's not discuss the details. Therefore the bothersome details are now irrelevant.

This issue, of both the stretcher and the details, directly relates to the identification of the bullet that Tomlinson and O. P. Wright found. As Thompson stated in the footnotes to his book, neither could positively identify CE 399 as the bullet they found that day (Thompson, p. 175). According to the FBI and the Warren Commission they said CE 399 "resembled" the bullet they picked up and "appears to be the same" (see CE 2011, and FBI Airtel of 20 June 1964). But, in fact, when, in 1966, Thompson interviewed Wright, he actually told him the bullet he found was a sharp-nosed bullet, not a round nosed one like CE 399. And Wright knew what he was talking about since he used to work in the Sheriff's office. This, of course, brings into question whether or not the FBI and Warren Commission reports on these identification interviews were accurate. Or did they misrepresent something?

Many years later, joined by Gary Aguilar, Thompson found out what really happened. The man the FBI said showed Tomlinson and Wright CE 399 for identification purposes, Bardwell Odum, said he didn't ever recall doing such a thing (*The Assassinations*, p. 284). How does Bugliosi confront this rather startling discovery? In two ways. First, he says that perhaps Odum forgot the episode. This is a little surprising. Was there ever a bigger case Odum worked on than

this? I doubt it. Further, Odum told Aguilar and Thompson that he knew Wright, “and would certainly not have forgotten such an episode if it had ever happened” (*ibid.*). The second method Bugliosi uses is to say that implying that the reports are false is to say that the FBI was in on the conspiracy to kill Kennedy. So therefore he wants Aguilar and Thompson to prove this charge (End Notes, p. 545). But if you read what Aguilar wrote about this in *The Assassinations*, he says no such thing. So why should he be asked to prove something he is not even implying? In court, the onus would be on Bugliosi to get CE 399 into evidence.

But why would you want to? In challenging the claims by Jim Marrs—that a lot of the Kennedy evidence could not be admitted into court—Bugliosi replies that he could get 95% of it into evidence (End Notes, p 442). But why? Why would you want people like Tomlinson and Wright testifying to the wrong bullet? Or Odum saying he never showed it to them? How could this possibly benefit the prosecution? It would, in fact, be a tremendous setback to the prosecution's case—both in practical terms, and also in the sense that the jury would now question the efficacy of the other evidence. Certainly you would want to keep those witnesses off the stand and try and convict Oswald with some other type of evidence—and just hope the defense would not try and introduce the exhibit or the testimony. In other words, you would keep your fingers crossed.

But it's actually even worse than that. When Thompson went looking for Wright, a few years back, he learned that he had passed away. But he did manage to locate his widow. At the Duquesne Conference noted above, he talked about his interview with her. She also worked at Parkland Hospital at the time of the assassination: she was one of the nursing supervisors. She reported to Thompson that, on the day of the assassination, more than one nurse approached her and said they had also picked up bullets that day. But in addition to that, one of the more interesting discoveries of the ARRB was an FBI evidence envelope from Dallas (FBI Field Office Dallas 89-43-1A-122). As Michael Griffith points out, although the envelope was empty, the cover indicated it had contained a 7.65 mm rifle shell found in Dealey Plaza after the shooting. The envelope was dated 2 December 1963. So the shell was found sometime between 22 November and 2 December 1963. This important piece of evidence had been hidden for three decades. (Maybe because it matched the caliber of the Mauser rifle reportedly first found?) In addition to this shell, there is Mark Oakes' work on the famous photo of what appears to be FBI agent Robert Barrett picking up a bullet slug in Dealey Plaza that day.

I bring this up because a common practice these days among “Krazy Kid Oswald” advocates like Robert Stone, Specter, and Bugliosi is to pose this question: Well, if there were more than three bullets fired, where did they go (*Reclaiming History*, p. 459)? The above answers that question, but it also exposes the emptiness of the charge. Because in any real crime scene investigation, Dealey Plaza would have been immediately cordoned off, and then details of the Dallas Police, supplemented by FBI technology, would have been channeled into the entire area. There would have been a foot-by-foot systematic check for shells, bullets, weapons, and anything else lying around from the shooting. That did not happen. Further, when Kennedy's limousine got to Parkland Hos-

pital, as photos show, it was not secured. In other words, like the stretcher inside the hospital, it was possible to go ahead and plant evidence. So this "Where did it go?" question is really a slick rhetorical device. It makes Warren Commission critics actually defend and rely upon the sorry crime scene practices that took place afterwards. We shouldn't have to. And Bugliosi should know better.

I.5

Let us now address the ammunition and cartridge cases. The FBI did an extensive search of all the gun shops in the Dallas area. They could find only two places which handled this type of ammunition. Neither of them recalled selling anything to Oswald. Now, there were three cartridge cases found at the scene that were on the floor, and there was one live round in the weapon. So the evidence says that Oswald had four bullets. No ammo company sells bullets by the round: they sell them by the box, usually twenty per box. This presents a real quandary, since no extra ammunition was found in Oswald's personal effects. Did someone give him four bullets and say, "See if you can kill Kennedy with those?" Did he ask someone for the ammo? Did he buy them in New Orleans or Mexico? But then what happened to the other 16 rounds, and the container box or boxes? This is one of those enduring mysteries about this case that no one has ever come up with a satisfactory conclusion to—including Bugliosi.

The Warren Commission labeled one of the shells reportedly found on the sixth floor as CE 543. The problem is that it is a dented shell. As we shall see, it would have been hard for the prosecution to get this shell into evidence at any trial of Oswald. As ballistics authority and expert marksman Howard Donahue has said, this dented shell could not have been used to fire a bullet that day. The weapon would not have fired properly (Bonar Menninger, *Mortal Error*, p. 114). As Josiah Thompson notes, it also had three identifying marks, revealing it had been loaded and extracted from a weapon at least thrice before. These were not found on the others. As Thompson further notes, "Of all the various marks discovered on this case, only one set links it to Oswald's rifle, and this set was identified as having come from the magazine follower. Yet the magazine follower marks only the last cartridge in the clip." (Thompson, p. 145) And the last cartridge in the clip was the live round, not this one. Further, the clip contained no fingerprints (*Warren Report*, p. 647). Nor did any of the cases (Warren Commission, Vol. 4, p. 253).

One of the things Thompson did was to test if CE 543 could have been dented when it was discharged. It could not (Thompson, p. 144). How does Bugliosi solve this problem? The same way Gerald Posner did (Posner, *Case Closed*, p. 270): he says it was dented during firing (Bugliosi, p. 928), using Monty Lutz from the HSCA as his authority. But Mike Griffith wrote Howard Donahue about this particular issue. Donahue replied, "there were *no shells dented in that manner by the HSCA* ... I have never seen a case dented like this." (Letter dated 11 September 1996, emphasis in original) Griffith also communicated with British researcher Chris Mills on this evidentiary point. Mills experimented with a Mannlicher-Carcano rifle on this issue. He said that the only way he achieved this denting effect was by using *empty* shells. And then he had to re-

peat the experiment sixty times to get the same effect. Mills concluded this could only occur with an empty case that had been previously fired, and then only occasionally (Michael Griffith, "The Dented Bullet Shell", 26 April 2001).

Author Michael Kurtz wrote an incisive account of CE 543 in his book *Crime of the Century*. Kurtz underlined Thompson's point that the only marks "linking the case to Oswald's rifle were marks from the magazine follower." Yet he goes on to write that this could not have been done on the day of the assassination since it was not the last round in the clip. But Kurtz also noted that the shell "lacks the characteristic indentation on the side made by the firing chamber of Oswald's rifle". He then adds that forensic pathologist Forrest Chapman concludes that CE 543 was probably "dry loaded". Because the dent was too big to support a bullet, it was not fired from the Carcano. Chapman also noted that "CE 543 had a deeper and more concave indentation on its base ... where the firing pin strikes the case. Only empty cases exhibit such characteristics." And Kurtz adds that when the FBI fired an empty shell for comparison purposes it also contained the dent in the lip and the deep firing pin impression. Kurtz concluded that CE 543 could not have been fired from the Carcano that day (Kurtz, pp. 50-51). In the face of all this, Bugliosi's repeated reliance on people like the HSCA's Lutz is troubling.

But even worse is his reliance on Larry Sturdivan. As everyone familiar with the case knows, Gary Aguilar did a long review of *Reclaiming History* that largely focused on Bugliosi's use of the Neutron Activation Analysis (NAA) evidence done by Vincent Guinn for the HSCA. Bugliosi actually spends four pages on this issue to tie the bullet fragment evidence to Oswald's rifle (*Reclaiming History*, pp. 811-4). As Aguilar discussed at length in his review, there is a huge problem with this: NAA has been thoroughly and completely discredited, to the point where the FBI has announced that it will not use it in court anymore (see <http://www.science.tamu.edu/articles/550/>, for instance). There have been two published studies by two teams of experts that have caused even the likes of Robert Blakey to shed his illusions about NAA. Blakey, today, actually calls the test "junk science". One study was done by metallurgist Rick Randich and statistician Pat Grant. The other was by metallurgist James Tobin and statistician Cliff Spiegelmann. To put it simply, they have pointed out that the basic flaw in Vincent Guinn's work (whom, by the way, Bugliosi used at the London mock trial) was that he had no knowledge of the way that metals melt in the smelting process and how this would impact the trace elements one gets from drawing samples. In other words, because of the way the elements coagulate, where you draw the sample from will have a strong effect in determining the trace element particles you end up comparing. (For a relatively brief overview, see http://www.ctka.net/death_of_naa.html.)

Bugliosi was aware of the Randich and Grant study, but the book came out before the second study. He does everything he can to blunt the impact of these discoveries on the viability of Vincent Guinn's work. In fact, in his five-page discussion of the matter in his End Notes (pp. 433-8), he spends about 80% of that space in defending Guinn rather than in elucidating the technical discoveries of this new work, which invalidate it. He even maintains that Guinn was correct in saying the metal alloy used in the making of Carcano bullets is

unique--when Randich, a metallurgist, has shown that it isn't: it is the same alloy used in the manufacture of about 75% of all rifle bullets. Guinn came to his faulty conclusion because he compared the metal alloy with *handgun* bullets. Bugliosi explains his continued Guinn defense by saying that the critical community will already be familiar with the Randich and Grant study, so he won't spend too much time on it. But, alas, how does he know that these will be the only people who read the book? He then gives Larry Sturdivan the final word in his discussion, by printing a letter he wrote solicited by the author.

This brings up a crucial point. When the movement to form the HSCA was heating up in the mid-seventies, one of the things many people desired was that the people hired by the committee be completely separated from the Warren Commission—the danger, otherwise, being that the results of technical tests would be the same, since the original people involved would have a bias against having their work overturned. Yet both Guinn and Sturdivan *did* work for the Warren Commission (DiEugenio and Pease, eds., *The Assassinations*, p. 77). But yet HSCA Chief Counsel Blakey had no problem having Sturdivan testify about the ballistics of the Carcano. But this is what is so odd about Sturdivan: he has an M.A. in Statistics, yet he testifies as an authority on things like ballistics, physics, wound configuration, trajectory analysis, and, for Bugliosi, NAA. He is literally a Man for All Seasons on the JFK case. If you need help in shoring up the findings of the Warren Commission, give him a call: it's one-stop shopping. But besides his lack of credentials (especially when compared to the figures named above), there is the aforementioned dilemma: he would have a hard time admitting that the verdict he helped create back in 1964 may have been wrong. To me, for Bugliosi to use Sturdivan is almost like trotting out the likes of Gerald Ford to testify to the thoroughness and efficacy of the Warren Commission investigation—which Bugliosi does (see p. 326).

I have concentrated so far in this review on what prosecutors call “core evidence”—that is, the alleged weapon, the ammunition, CE 399, CE 543, and the NAA tests used to link the fragments to Oswald's rifle. Consider the legal state of this evidence. Today, the NAA would not be used. Any prosecutor would have to think twice—maybe four or five times—before he even tried to get CE 399 and CE 543 into evidence. How could you even talk about the ammunition if you cannot even prove Oswald purchased it? And as I have taken time to show, there is a string of questions—at least ten of them—about whether or not the rifle in evidence was ordered by Oswald under the circumstances described in the *Warren Report*. Bugliosi's mantra throughout the book, and in person, is something like this: the JFK case is a simple case; it's the Warren Commission critics who make it complicated. The critics created none of the testimony, exhibits, or evidence noted above. It was all placed into the record by others. I have documented every claim I have made above. If the reader does not believe me, he can check the sources himself. It is all there as I described it. Bugliosi can argue against this record, or try to explain it away until the cows come home. It doesn't matter. These facts existed before he arrived on the scene, they exist right now, and they will exist when he leaves. His coming and going will be inconsequential to the evidentiary record.

To my knowledge, none of these extremely troubling legal issues were addressed at the trial in London. So what kind of trial was it? Who chose the witnesses, and why? What kind of defense lawyer was Spence? In reading a long review of the Showtime presentation (*The Third Decade*, Vol. 3, No. 1, pp. 16–24), it appeared to me to be more of a sideshow than a mock trial. For instance, although Eddie Lopez appeared, he could not talk about the specific contents of his HSCA Mexico City Report, because it was still classified. One can imagine that if that report had been declassified, a competent attorney like Carol Hewett or Richard Sprague could have read it, comprehended it, and understood the effect it would have in court. But having Lopez there without it would be like having the late James Humes testify by not being allowed to refer to his original autopsy or supplemental autopsy report. In his review, Rose lists fourteen witnesses for the prosecution and seven for the defense. Spence and the producers could find room for people like Tom Tilson and Paul O'Connor, but not Sylvia Odio or Humes. This is why Rose titles his article "Showtime's Show Trial". And he concludes that the producers went more for dramatic rather than evidentiary value—which is obvious. Suffice it to say, if the real rules of evidence had applied, there likely would have been no production at all—which is probably why all of the above was avoided.

I.6

One of the most disappointing chapters in the volume is the book-length biography of Oswald. It runs to almost 280 pages. It may as well have been written in 1977. The main witnesses utilized are Marina Oswald, Ruth Paine, the De-Mohrenschildts, and Kerry Thornley. The main secondary sources are works by Oswald's brother (published in 1967), by Albert Newman (in 1970), Oswald's Historic Diary (which is not historic since it was probably written in three or four sittings), and above all 1977's *Marina and Lee* by Priscilla Johnson. (The one exception is the 1995 Norman Mailer and Lawrence Schiller co-production, *Oswald's Tale*.) What emerges is essentially the Warren Commission biography (Appendix 13 in the *Warren Report*), with "Johnsonized Wax" applied. To understand what I mean by that term let us discuss the writer of Bugliosi's main secondary source, *Marina and Lee*.

As John Newman has written in *Oswald and the CIA*, after Oswald was alerted that he could stay in Russia after his defection, State Department official John McVickar told reporter Priscilla Johnson of North American Newspaper Alliance (NANA) that she should talk to Oswald. After being relatively tight-lipped for two previous American reporters, Oswald promptly arrived at her room at the Metropole Hotel and talked away for about four hours. This resulted in a 1959 news story published in a few newspapers in America through NANA. Now, immediately after the assassination, Priscilla recycled her story and altered it in the process. In an amazing piece of clairvoyance, she altered the character portrait of Oswald to something very close to what the Warren Commission would use—that of the alienated loner, without meaningful social contacts, claiming that he could not even speak Russian (which is simply not accurate). She then recalled thinking that this young man was the stuff of which fanatics were made. But there is not any trace of her feeling like this in her original story—

and the word “fanatic” was used in the headline to the story in some papers. She also dropped her original mentioning of Oswald being one of three defectors to arrive in Moscow in that time period. And she concluded with another new appendage that is full of fate and fearsome implication: “I’d wondered what had happened to him since. Now I know.” (Peter Whitmey, *Priscilla and Lee: Before and After the Assassination*, <http://www.jfk-info.com/pjm-1.htm>). Now, this article was circulated *before* Oswald was shot. But the portrait painted of him survived. In fact, later, Johnson repeated her performance for *Time*, *Christian Science Monitor*, *Harper’s*, and *Life* (*ibid.*).

Then a funny thing happened. After her long *Harper’s* piece came out, Johnson signed a six-figure contract with Harper and Row to co-author a biography of Oswald with Marina. Next, within months of Ruth Paine sliding out of Marina’s life, Priscilla arrived at the front door of her future co-author. As Whitmey writes, she then spent the summer and fall with Marina and several Secret Service agents in both Dallas, and Santa Fe, New Mexico (*ibid.*). And, as we shall see, just as Ruth Paine kept on discovering more and more evidence against Oswald, so did Johnson. During one of her last interviews with the Warren Commission, Marina revealed that, while going through some Spanish magazines, she and Priscilla had miraculously found the stub that Oswald had used for his bus ticket to Mexico City. This is when some were expressing doubt about how Oswald had entered that country (Warren Commission, Vol. 5, p. 602). The odd thing about *Marina and Lee* is that it did not come out for thirteen years, so Priscilla kept Marina Oswald to herself for a long time. In fact, one could say that the American people forced Priscilla’s hand in this regard: the book came out right after the formation of the HSCA. Most observers think it would have been even further delayed without that historic development.

Three years later, all the suspicions about Priscilla Johnson were crystallized. In 1967, Svetlana Stalin, daughter of the late Russian dictator, defected. While in India she contacted the American Embassy, and then spent six weeks in Switzerland. She then arrived in New York and signed a contract to write her memoirs with Harper and Row, the same company that had signed Priscilla Johnson to do the Oswald biography. Then, in *Time* magazine in April of that year, it was revealed that she was “staying at the home of Long Island socialite Stuart Johnson, whose daughter, Priscilla, is the translator of her book” (quoted in Whitmey’s *Priscilla and Lee*, Pt. 2). When people interested in the JFK case read this, the lights went on in their heads. The Stalin defection was a high-level national security project in which only those cleared by the State Department or CIA would be involved. Writers like Jerry Policoff now began to look with suspicion upon everything Johnson had ever written about Oswald—and he actually accused her of being a government agent. Johnson denied it all.

The releases of the ARRB have not been kind to Priscilla. Bugliosi seems to realize he has a problem in using her. So in his End Notes (p. 368) he tries to sidestep the dilemma. Instead of quoting the ARRB releases on Johnson, he cites the HSCA volumes. For instance, she was asked by the HSCA if, during her visits to Russia, she ever gave information to anyone affiliated with the CIA. She replied no. Bugliosi accepts this at face value (*ibid.*). But as Peter Whitmey documents in his previously-mentioned series, the question was adroitly tai-

lored—because the CIA debriefed her on her *return* from Russia. For instance, in one interview with “the Company”, the contact agent wrote that he thought that “Miss Johnson can be encouraged to write pretty much the articles we want ... I believe she would be interested in helping us in many ways”. The date of this interview is 7 December 1962, less than a year before the assassination. And as Whitmey notes, part of an interview she did with the HSCA was still not fully declassified by the mid-nineties, because the CIA had objected to about forty pages of it. That interview discussed one of her debriefings. As was later revealed by the ARRB, she ended up being classified as a “witting collaborator” by the CIA (*The Assassinations*, p. 435).

The problem with using Johnson’s book is not just her compromised position with the Company. If you study the book, she does there what she did with her second article: she paints a picture of an alienated, isolated ideologue, a sociopath with no meaningful human contacts, who eventually goes off the rails and commits the crime of the century. It is very slickly done. But she cuts evidentiary corners and uses unreliable witnesses to do it. Since Bugliosi (with Haines) follows in her footsteps, let us show what is wrong with the formula.

I.7

Johnson and Bugliosi both conclude that Oswald took a shot at General Edwin Walker in April of 1963. As noted previously, the narrative form both books use has its advantages, but it also has drawbacks: you end up using pieces of evidence that have a dubious provenance. The Dallas Police never even considered Oswald as a suspect in the Walker shooting for the eight months they investigated it, and the evidence used by the Warren Commission to link him to the crime did not surface until after the assassination. And, in fact, one of the pieces of evidence, the bullet fired that night, was transformed in size and color by the Warren Commission to tie it to Oswald’s alleged rifle.

As Gerald McKnight notes in his fine section on the Walker shooting in *Breach of Trust*, the Dallas Police always referred to the bullet fired into Walker’s home as being a steel-jacketed 30.06 bullet (p. 49). But in less than three weeks after the assassination the FBI now changed the bullet to a 6.5 caliber, copper-jacketed bullet. But Walker, who actually held the bullet in his hand, was stunned when he saw how the bullet had been changed while viewing it during the HSCA hearings. Walker was so shocked that he wrote letters to HSCA Chief Counsel Robert Blakey, Attorney General Griffin Bell, and the Dallas Police Chief, all protesting the bullet substitution and how it compromised “the integrity of the record of the Kennedy assassination” (*ibid.*, pp. 52–53). He wrote to Blakey in no uncertain terms: “The bullet before your Select Committee called the “Walker bullet” is not the Walker bullet. It is not the bullet that was fired at me and taken out of my house by the Dallas City Police on April 10, 1963.” (Armstrong, p. 511) (But to show just how powerful the forces arrayed against Oswald were, the bullet today in the National Archives allegedly tied to the Walker case is copper-jacketed. See Armstrong, p. 507.)

There were two other two pieces of physical evidence used to frame Oswald in the Walker shooting. One consisted of five photographs of Walker's house. The second was an undated handwritten note allegedly left for Marina by Lee in Russian, which ominously concludes that he may be in jail and how to find him there. One problem with the note is that it did not have Oswald's latent fingerprints on it (McKnight, p. 56) Question: How can you possibly write a note that fills up almost one side of a sheet of paper and not get your fingerprints on it? The problem with the pictures *and* the note is that they both surfaced after the assassination via Ruth Paine. The photos were found in her garage, and the note was found in a book turned over by her to the Irving Police on 30 November 1963 (Armstrong, p. 511). The latter is quite interesting, of course, since several Dallas Police searched the Paine residence for two days for evidence immediately after the assassination. Somehow, they failed to find the note. The books Ruth turned over were titled *Our Child* and *Book of Helpful Instructions*. Ruth said it was urgent that Marina have the books: she could not get along without them since she used both every day (*ibid.*, p. 512).

This reportedly happened on 30 November 1963. But something preceded it by one day, which has always been a puzzle, and may have been the impetus to link the dead Oswald to the Walker shooting: On 24 November 1963, a reporter named Hasso Thorsen called Walker for the West German newspaper *Deutsche National Zeitung*, published in Munich. He tried to elicit a statement to the effect that Oswald had fired at him. When questioned on his response by the Warren Commission, Walker said he told Thorsen that no, he did not think it was Oswald who shot at him. Yet, on 29 November 1963, an article appeared in that West German newspaper which said that Walker had reported that it was Oswald who *had* fired on him (Armstrong, p. 510). No one knows where this information came from—but, the next day, Oswald's incriminating note appears for the first time.

When the Dallas Police investigated the crime they suspected there was more than one person involved. When the FBI got involved later, they interviewed the two principal witnesses, Kirk Coleman and Robert Surrey. The agents in Dallas were impressed with Coleman's memory, and asked Washington if they wished them to continue the inquiry. But they warned that, if they did, Walker would have to be deposed, and this would create media glare. Washington demurred. Coleman never testified to the Warren Commission (McKnight, p. 58).

Now, the way Bugliosi deals with all this in the main text of *Reclaiming History* should be noted. He presents it largely in his biography of Oswald—which was written with Haines. Haines had been a screenwriter, so he suggested that this section, and the first, be written in a narrative form. So Bugliosi presents the note as being discovered by Marina on the night of the Walker shooting (pp. 690–1). He then says that the FBI first began to look at Oswald as a suspect in the Walker case on 30 November 1963—without, in the main text, mentioning the convenient timing of the West German article or the Ruth Paine book transfer (*ibid.*, p. 694). Then, in discussing the Walker bullet, he does not mention—at least in this section—how both color and caliber changed when it was transferred from the Dallas Police Department (DPD) to the FBI. As for the DPD and FBI investigations which concluded that two men were involved, he

consigns them to an on-page footnote without any comment (Bugliosi, pp. 690–694).

In light of this, what does Bugliosi use to bolster his Walker case? He says that “we know that Oswald attempted to murder General Walker because he confessed to his own wife that he did, nothing further is required to make the point” (*ibid.*). As we shall see, in a secret report about Marina, the HSCA did not agree (Armstrong, p. 520). They had serious problems with Marina’s testimony in this, and other, aspects.

One of the things Bugliosi retains from both Priscilla and Marina is the idea that Oswald kept a notebook about the Walker shooting which allegedly had maps, notes, pictures, etc., inside. This notebook was supposed to have been burned by Oswald (Bugliosi, p. 694). But then why would he not burn the alleged photos and the note? When the HSCA asked her if the notebook contained photos, she replied, “I think so.” When asked if the photos were attached to pages in the notebook, she said, “I don’t remember right now.” When asked the fate of the notebook, Marina said, “I don’t know.” (Armstrong, p. 515) Remember, this is about a year after publication of *Marina and Lee*.

The official story maintains that both the backyard photos and the Walker photos were taken with an Imperial Reflex camera. It is instructive to follow Marina’s testimony in this regard, since Bugliosi rests much of his case on the relation between that camera and those photos. After the two searches of the Paine residence, the police obtained three cameras, which were listed on the DPD inventory of 23 November 1963: one was an American-made Stereo Realist; another was a 35 mm Russian camera called a Cuera 2; and the third was listed as a small German camera with black case and chain (Warren Commission, Stovall Exhibit A). The last was the miniature Minox spy camera, which the FBI wanted to go away. All three produced pictures equivalent to 35 mm photos. None of these cameras could produce a finished print the size and shape of the backyard pictures, which was developed on 620 roll film (Armstrong, p. 492).

When the Secret Service first talked to Marina about the cameras, on 26 November 1963, she did not mention the Minox. She referred to a Russian camera, and one bought in the USA. When she was shown the backyard photos she became upset, composed herself, and said she recognized the background as the duplex on Neely Street (Warren Commission Exhibit 1792). The story now gets interesting: Two weeks after this interview, on 8 December 1963, Ruth Paine gave Robert Oswald a gray Imperial Reflex camera. This camera allegedly belonged to Oswald—but instead of giving it to the DPD or the FBI, Ruth gave it to Robert Oswald (Armstrong, p. 493). When the FBI interviews Marina on 1 February 1964, Marina now alters her story, ever-so-slightly: The Russian camera, the Cuera 2, was purchased by Lee in Minsk. The American camera was purchased by Oswald before his entry into the service. When Oswald went to Russia he left that camera with his brother Robert. When they returned from Russia, the American camera was returned to Lee. When shown photos of the two cameras, she said that the Cuera was the Russian one, and the Stereo Realist was the American one (Warren Commission Exhibit 1155).

Two days later, before the Warren Commission, when shown the Cuera, she identified it as the Russian camera. But she was not sure it was the camera she took the backyard photos with. When shown the Stereo Realist, she backtracked. She said she had not seen that camera before. When asked if she knew what happened to the American camera she had referred to, she replied, "I don't know." (Warren Commission, Vol. 1, p. 118) Upon returning to Dallas after giving this testimony, she moved into Robert Oswald's home in Denton, Texas (Armstrong, p. 493). Robert still had possession of the Imperial Reflex. When interviewed by the FBI on 18 February 1964, she said the Cuera was Lee's, but the Stereo Realist was not. But she added—without being asked—that the Walker photos had been taken with an American camera (Warren Commission Exhibit 1156). On 24 February 1964, Robert Oswald turned over the Imperial Reflex to FBI agent Bardwell Odum. The FBI now asked five of the DPD officers who searched the Paine residence if they had seen this camera there: four said no (Armstrong, p. 494). For some reason, the Bureau did not ask Robert why he kept the camera for 75 days. Now, after living with Robert Oswald, and having the camera now with the FBI, on 27 February 1964 the Bureau again asked Marina the type of camera she used to take the backyard photos. Speaking through an FBI interpreter, she said it was with an Imperial Reflex camera (*ibid.*). Before the Warren Commission on 11 June 1964, she identified the Imperial Reflex as the gray camera she took the photos with. That camera became Exhibit 750. During this hearing the Stereo Realist was not shown to Marina. But two months later it was turned over to Ruth Paine, who said it was hers all along. If so, why did it take her over eight months to request it back?

I could find no mention of the Stereo Realist or the Cuera in the index or pertinent passages of Bugliosi's huge book. Neither could I find a chronology of how Marina ultimately recalled the Imperial Reflex, forgot about the Stereo Realist, and how Ruth Paine finally remembered it was hers.

Further, Marina has claimed that, at the time, these were the only pictures she ever took. Now, if the only photos you ever took turned out to be as momentous as these, wouldn't you recall how you worked the camera? Marina didn't. When testifying before the HSCA, she was asked four different times how she took the backyard photos. Clearly, they were trying to test her on this, because the HSCA staff had clear doubts about her credibility as a witness. Each time she replied that you used the camera by raising it to your eye and lining up the shot through the viewfinder. For example, consider this question: "This camera, do you recall whether to take pictures with this camera you would look down into the viewfinder or whether you would hold the camera up to your eye and look straight ahead?" She replied that you look straight ahead. Wrong answer. With this type of camera you held it at your waist and looked down into the large rectangular viewfinder (Armstrong, p. 501).

When originally asked by the Warren Commission if she recalled the day she took the backyard photos, Marina replied that it was toward the end of February or the beginning of March. There were two problems with this. First, the alleged rifle was not shipped until the third week of March. Second, the newspapers being held by the Oswald figure in the photos were not sent until late March. The date ultimately decided on was 31 March 1963 (*ibid.*, p. 502).

One of Bugliosi's key scenes in the Four Days in November section of the book is Marina and Marguerite Oswald setting fire to a version of the backyard photograph so that the police cannot incriminate Oswald in the Kennedy murder (Bugliosi, p. 228). This is supposed to prove that Marina took the photos and was therefore trying to protect her husband. But listen to Marina talk about this before the HSCA. They ask her if she ever destroyed any of the photos she took of Lee. She replies: "Apparently I did. I forgot completely about it until somebody spoke about it. I think I did." They then ask her how many photos she destroyed. She said she did not recall. When asked *how* she destroyed the photo, she said: "Well, I have been told I burned it" She is then asked if anyone was with her when she did so. She again replies that she does not remember (*ibid.*, p. 503).

This is the woman who is used as the chief prosecution witness by both Johnson and Bugliosi. Late in the book, Bugliosi goes to visit Marina. He comments on her by saying that, early on, her credibility was good, but later, when she started talking to the critical community, it dipped (Bugliosi, p. 1485). The problem with this appraisal is that it is not accurate. Marina's credibility has always been in question. She was always afraid of being deported, and therefore was a very cooperative witness. But the fact that she *was* so cooperative, and yet still made many contradictory statements, should be the key to appraising her value as a witness. She has made contradictory statements on Oswald's rifle practice, on Oswald's activities the night of the Walker shooting, and on the ammunition he allegedly had. When asked by J. Lee Rankin if she had ever seen him clean his rifle, she replied, "Yes, I said before I have never seen it before. But I think you understand I want to help you" (Vol I, p. 14) Yes, we understand.

It is not accurate, as Bugliosi implies, that the early official bodies trusted Marina. In late June of 1964, Fredda Scobey, a member of Warren Commissioner Richard Russell's staff, wrote him a three-page memo on this point. In referring to other members of the staff, she wrote that several of them would be at a meeting to discuss the question of whether or not Marina should be further cross-examined. Scobey writes that "Marina directly lied on at least two occasions ... her answers could be a skillful parry of the questions It does seem to me that if her testimony lacks credibility there is no reason for sheltering her. The above spots where her veracity was not tested are perfectly obvious to any person reading the report ... and it might become a policy matter whether this decision to brush her feathers tenderly is well advised." (Armstrong, p. 515)

In 1978, the HSCA grew wary of Marina's highly questionable testimony. They collected all of her statements to the FBI, Secret Service, Warren Commission, and HSCA, and said it was like reading a nightmare. They actually drew up a secret report on the matter, entitled, "Marina Oswald Porter's Statements of a Contradictory Nature." The list of contradictory statements ran on for 29 pages. Several of the pages were on the Walker incident. The report concluded that they could not agree with the Warren Commission on Oswald's involvement in the Walker incident, simply because of the credibility issue involving Marina (*ibid.*, p. 520).

Bugliosi defends Marina's role as chief witness by attacking Sylvia Meagher's attempt to show the conflicts in her testimony (Bugliosi p. 351, Meagher pgs 238-241) But Meagher spends only four pages on the issue. The HSCA spent twenty-nine. In light of that, plus what I have pointed out here, any defense of Marina's testimony today is simply ill-founded.

I.8

Let's now go to Bugliosi's other chief witness for the prosecution, Ruth Paine, and, to a much lesser extent, her husband Michael. Bugliosi writes, quite accurately, that from the time she was introduced to the Oswalds via George De-Mohrenschildt and the White Russian community in Dallas, Ruth would become the single person closest to them. He then goes on to state that she became one of his star witnesses at the mock trial (Bugliosi, p. 676). In addressing the impressive body of work about the couple assembled by Carol Hewett, Steve Jones, and Barbara La Monica, Bugliosi calls it "mighty slim pickings", dismissing it as flimsy accusations about Ruth's father, William Avery Hyde (*ibid.*, p. 677).

Before addressing the "slim pickings", let us discuss the actions of the Paines in the wake of the assassination. As we have already seen, it was Ruth Paine who didn't notice the Oswald note (without his fingerprints) in the books she just had to send to Marina; it was Ruth Paine who, after the police had searched her residence twice, found and then gave the Imperial Reflex camera to Robert Oswald, which was then linked to the backyard photographs; it was Ruth Paine who then, after eight months, claimed the Stereo Realist camera as her own. Let us address an extremely interesting episode in which the Paines, instead of producing evidence to incriminate Oswald, helped make evidence disappear in order to conceal who he really was.

As alluded to earlier, when the police searched the Paine residence they found three cameras they attributed to Oswald: the Cuera, the Stereo Realist, and a small German camera. The last turned out to be a miniature Minox camera, so small, simple to use, and easy to conceal that in those days the FBI often referred to it as a spy camera. Officer Gus Rose said he distinctly remembered seeing it during the search. And, in fact, according to Hewett it was actually photographed by the DPD (*The Assassinations*, p. 238). An important thing to note at this stage is that on the first two lists of evidence, there was no mention of any light meter (*ibid.*).

A funny thing happened when the FBI took the evidence from the DPD. On their list of evidence, the Minox camera magically disappeared (*ibid.*) It had originally been numbered Item 375 in the joint DPD-FBI list. But when the FBI returned the evidence list to the DPD, Item 375 had now turned into just a Minox light meter (*ibid.*, p. 239). In fact, the Bureau wanted the transformation to be so complete that they tried to talk Gus Rose out of believing he had ever found a Minox (*ibid.*). This attempt was repeated three times and extended to H. W. Hill,

the property clerk for the DPD. The Bureau actually wanted the police to change their inventory list. Rose went to see Will Fritz and, after getting his approval, he told the FBI he would not change the inventory (Armstrong, p. 910). The story of the conflict between the two agencies, and the suppression and alteration of evidence, now began to be leaked to the press (*The Assassinations*, p. 239). The FBI, in Hewett's words, was now caught on the horns of a dilemma: their efforts to make the Minox disappear had been thwarted by an honest police officer. Even worse, his refusal to do so was now being circulated to the local press. This serious problem went all the way up to William Branigan, Chief of Espionage for the FBI. He called Gordon Shanklin, the Special Agent in Charge in Dallas, and told him the inventory lists did not match: the FBI lab had no Minox camera, only a light meter. Shanklin eventually and fraudulently replied that no Minox had been found (*ibid.*). J. Edgar Hoover himself now enters the picture. He told Shanklin that maybe he should talk to the police, Marina Oswald, or Ruth Paine to solve the problem (*ibid.*, p. 240).

That very day, FBI agent Bardwell Odum called Ruth Paine to inquire about whether the Paines owned a Minox. Ruth said that she recalled that her husband Michael had one, but dropped it into salt water and threw it away; she would ask him about it. The next day, Ruth called Odum and said that Michael still had the camera, and it was in a coffee can in the garage (*ibid.*). Odum visited the Paines that day, and Michael Paine gave him his Minox camera. He said he had told the officers it was in the garage, but they were not interested in it. Consider what is happening here: a multi-level charade, directed and arranged by Hoover, in which the Paines are willing participants. First, everyone must pretend the DPD did not find Oswald's Minox camera originally, and they did not record it. Second, everyone must now act as if this original camera has been mysteriously lost. Third, everyone must now pretend that this second Minox will now replace the first as evidence! But the Paines went even further in this little play: Michael told Odum that the light meter the FBI substituted for Oswald's Minox was also his. The Paines have now helped in the FBI's desperate attempt to separate Oswald from the miniature spy camera. With this crucial aid, the Bureau now announced that they had accidentally taken Michael's Minox, and they were therefore returning it to him. Michael later said that he had lost this camera (Armstrong, p. 910) To finish off the cover-up, when the Paines were called before the Warren Commission, neither was asked about the Minox camera (*The Assassinations*, p. 241).

When Marina Oswald was questioned by the HSCA, they questioned her about not one, but two Minox cameras. One was stored at the National Archives; the other came from an unidentified location. Marina could not identify either camera as Oswald's (*ibid.*).

But someone didn't get his copy of the script. Today, there is a Minox camera in the National Archives. If one believes the Paines and the FBI, it cannot belong to the Paines. John Armstrong has seen and tried to open this camera. He says it cannot be opened, and therefore the serial number cannot be checked (Armstrong, p. 910)

What does Bugliosi do with all this rather startling intrigue and purposeful deceit? He says that it doesn't matter. He says that lots of people owned Minoxes back then—that they were sort of like Polaroids, or Kodak Brownies. He calls up Bill Alexander, the assistant District Attorney in Dallas who prosecuted Jack Ruby, and, no surprise, Alexander says he owned one also (Bugliosi, *End Notes*, pp. 394–6). But if that truly was the case in 1963, why would the FBI and the Paines be so desperate to make Oswald's disappear? Why would they enact this little play I have described (which Bugliosi does not render in any detail)? And why would someone of Oswald's quite modest means buy such an expensive camera in the first place? Especially when he already had the Cuera! Bugliosi also presents some dubious information from Minox. He says that the serial number given out on Michael Paine's camera had to be wrong. Why? Because the Minox company only issued six-digit numbers for *registered* cameras, and the number given by the FBI contained five. What he doesn't say is that one of the cameras shown to Marina by the HSCA had a serial number containing seven digits (*The Assassinations*, p. 242). Either the Minox information given to Bugliosi was wrong, or the HSCA had a camera that was not registered—which would make sense if that camera had been issued for espionage purposes.

The actions of the Paines in the above drama, and the assassination itself, can only be understood if one looks at their histories, which Bugliosi does not describe in any detail. (Recall, he describes all of what I will now list as “slim pickings”.) As James Douglass mentions in his book *JFK and the Unspeakable*, it's very hard to look at the Paine family tree and not find some kind of espionage connection. Michael Paine worked at Bell Helicopter and had a security clearance—but he told the Warren Commission he didn't know the name of the classification (Douglass, p. 169). His stepfather, Arthur Young, was the actual inventor of the Bell Helicopter. His mother, Ruth Forbes Young, was descended from the Boston Brahmin Forbes family, one of the oldest in America. Ruth Forbes was a close friend of Mary Bancroft, OSS/CIA agent and girlfriend of Allen Dulles. In fact, Mary actually said once that she “... knew the mother of Michael Paine, where Oswald stayed. She was Ruth Forbes, a very good friend of mine.” (*ibid.*) Allen Dulles also commented on this fact by joking that the “conspiracy buffs would have had a field day if they had known ... he had actually been in Dallas three weeks before the murder ... and that one of Mary Bancroft's childhood friends had turned out to be a landlady for Marina Oswald” (Evica, *A Certain Arrogance*, p. 230)

Ruth Paine was the daughter of William Avery Hyde, an insurance underwriter. Right after the publication of the Warren Commission Report, he received a three-year government contract from the Agency for International Development. First approached by the CIA to run an educational co-operative in Vietnam, he was, from 1964–67, AID's Regional Insurance Advisor for all of Latin America. As later revealed by AID Director John Gilligan, the agency was infiltrated from top to bottom with CIA people: “The idea was to plant operatives in every kind of activity we had overseas” (Douglass, p. 170) In fact, Hyde's reports went to the State Department and the CIA. And although they attended a Quaker church in Dallas, they only did that because they could not find a proper Unitarian one in the area: they were both originally affiliated with that church. Evica describes this in *A Certain Arrogance*, and he exposes at length the con-

nections of the Dulles brothers, especially Allen, to using that church for intelligence purposes.

As many commentators have noted, the Paines met the Oswalds through the auspices of George DeMohrenschildt. In fact, some note that as DeMohrenschildt began to slide off stage, the Paines slid onstage in the lives of the Oswalds. The Paines were separated at the time they met the couple, and, quite naturally, Ruth gravitated towards Marina, and Michael towards Lee. Ruth made many approaches to Marina to get her under her wing, and finally asked her to move into her house. This had the effect of separating Lee from Marina at the time of the assassination, achieved by Ruth taking a cross-country trip that summer. One of her last stops before picking up Marina in New Orleans was to visit her sister, Sylvia Hyde Hoke. Sylvia was living in Falls Church, Virginia in 1963. Falls Church adjoins Langley, which was then the new headquarters of the Central Intelligence Agency (Douglass, p. 170). It was from Falls Church that Ruth journeyed to pick up Marina. After picking her up, she deposited her at her home in Irving, Texas, thereby separating Lee from Marina at the time of the assassination.

Some later discoveries made Ruth's itinerary in September quite interesting. It turned out that John Hoke, Sylvia's husband, also worked for AID; and her sister, Sylvia, worked directly for the CIA itself. At the time of Ruth's visit, Sylvia had been employed by the Agency for eight years. When Jim Garrison called her before his grand jury investigating the Kennedy assassination, he asked her about her sister, and this interestingly timed visit (*ibid.*, p. 171). He first asked her if she knew that her sister had a file at the National Archives which was classified. She replied that she did not. She said that she was not aware of any classification matter at all. When the District Attorney asked her if she was aware of any reason why it was being kept secret, she replied in the negative. When Garrison asked if she had any idea which government agency her sister was employed by, she said she had no idea. This is the same woman who, on the eve of the HSCA forming, was seen in the National Archives poring through her files.

Robert Adams of the Texas Employment Commission testified to having called the Paine household at about the time Oswald was referred by Ruth—via a neighbor—to the School Book Depository for a position. He called and was told Oswald was not there. He left a message for Oswald to come down and see him, since he had a position available as a cargo handler at a regional cargo airline. This job paid about a third more than the job Oswald eventually got at the Depository. Adams called the Paine household again the next morning about the job. He was informed that Oswald was not there, had attained employment, and was working (*ibid.*, p. 172). When questioned by the Warren Commission about this point, Ruth Paine first denied ever hearing of such a job offer: "I do not recall that." (*ibid.*) She then backtracked in a tactical way: she now said that she might have heard of the offer from Lee. This, of course, would appear to contradict both the Adams testimony and common sense—for if Lee had heard about the Adams offer, why would he take the lower-paying position?

Bugliosi writes a rather long endnote about how Marina and Ruth became separated after the assassination (End Notes, pp. 88–90). He writes about Ruth's disappointment in this, and how she felt that she had been thrown off by her friend. Bugliosi blames Robert Oswald, Marguerite, and even uses Priscilla Johnson's explanation that Ruth's sending Marina the Walker note in her books dragged Marina into Oswald's guilt in that incident. Bugliosi apparently missed the rather simple explanation for the separation that Marina gave the Garrison grand jury in New Orleans: when a citizen asked her if she still associated with Ruth Paine, she replied that she did not. When she was asked why not, Marina stated that it was upon the advice of the Secret Service. She then elaborated on this by explaining that they had told her it would look bad if the public found out the "connection between me and Ruth and CIA". An Assistant District Attorney then asked, "In other words, you were left with the distinct impression that she was in some way connected with the CIA?" To which Marina simply replied, "Yes." (Douglass, p. 173)

As Steve Jones has pointed out, there is an interesting FBI report about a man talking to students at a local college at Luby's Restaurant, and praising the Castro revolution. Someone thought this a little unusual for the Dallas area at the time, and an FBI agent interviewed some of the students. After one student described the man, the agent pulled out a picture of Michael Paine (*Probe*, Vol. 3, No. 4, p. 16). The student said that this was the man. This corresponds neatly with a story told by author Eric Tagg in his book *Brush With History*. Buddy Walthers was one of the officers at the Paine household on the 22 November 1963, and involved in the search. Walthers later talked about finding several "metal filing cabinets full of letters, maps, records and index cards with names of pro-Castro sympathizers". Sheriff Decker mentioned the metal boxes in his official report provided to the Warren Commission. This created quite a buzz, and therefore the Warren Commission made it go away in the Speculation and Rumors part of its Report (Larry Hancock, *Someone Would Have Talked*, pp. 552–4).

This name-collecting of leftist sympathizers continued with Ruth during the days of American involvement in the Contra War in Nicaragua. Sue Wheaton was a volunteer for a religious group who journeyed to Nicaragua to help the Sandinistas consolidate their revolution. There she met Ruth as part of another group. But Ruth's group ran a sawmill project on the east coast of Nicaragua, a Contra holdout and nexus of CIA-based activities. Further, Ruth was associated with a man named Jon Roise who was trying to recruit former Contra members to speak at Case Benjamin Linder in Nicaragua. Wheaton said that whenever she would encounter her, Ruth would be taking copious notes and be accompanied by others who would take snapshots and audiotape proceedings. Wheaton concluded that Ruth was taking down information about Americans in Nicaragua who opposed American policy there, and that she was probably then giving it to members of the American Embassy who she said she knew (*Probe*, Vol. 3, No. 5, p. 9).

Steve Jones followed up on this with another female worker who knew Ruth in Nicaragua and befriended her. When Ruth's surveillance activities finally became too suspicious in Nicaragua, the two women drove to Costa Rica for some

rest and relaxation. When they arrived near the Costa Rican camp, some people approached the car to help them out. When they saw it was Ruth, they walked away, moaning, "Oh, no, it's Ruth Paine. Keep her away from us. She's CIA." It got so bad that the pair had to leave (Steve Jones, *The Confessions of Ruth Paine*, at Deep Politics Quarterly.)

When the pair went back to the USA they remained friends. Wheaton actually won Ruth's confidence, who admitted to her that her father William Hyde had worked for the CIA. She even told her that she had an estranged daughter who would not talk to her until she came to grips with the evil she had done in her life. When the woman asked Ruth "What evil?" she clammed up. But the friend is certain that she was talking about the Kennedy assassination, since the assassination was the previous context of the discussion (*ibid.*).

Incredibly, the above—both the many specific acts and the copious background—is what Bugliosi calls "slim pickings". I disagree. It is all important background material that the reader should know in order to evaluate the acts of the Paines in 1963 and 1964, in full perspective, and with a critical eye. At the beginning of this review, I said I would try to withhold from attacking Bugliosi for his ill-advised comment about not knowingly omitting or distorting anything for the reader. But I have to note it here: this information is imperative in evaluating the Paines as witnesses.