

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

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In Part I of this review of Vincent Bugliosi's *Reclaiming History*, I discussed the book's genesis, the controversy about who authored what parts, and compared the ersatz trial Bugliosi participated in to what would have happened at a real trial with Oswald represented by a competent lawyer. With the actual rules of evidence in play, Bugliosi, or any prosecutor, would have likely been routed. In this regard, I examined pieces of key physical evidence, and showed how it would backfire on the prosecution. I also revealed how Bugliosi's two main witnesses against Oswald—Marina Oswald and Ruth Paine—would be serious liabilities on the witness stand. So much for Bugliosi's prosecution. In this second instalment I want to begin by showing how Bugliosi discounts or eliminates the evidence indicating Oswald's innocence.

### **II.1**

Like every Warren Commission revivalist since James Phelan, Bugliosi understands how large a problem the paraffin test poses for those who wish to convict Oswald. This was the chemical test done on Oswald by the Dallas police, which showed that he had no gunshot residue on his face from discharging a rifle. I wish that Bugliosi had used more originality in this regard. He doesn't. He recycles the old canard that since the round was sealed in the chamber, the nitrate powder and gas could not escape onto Oswald's cheek, even with the rifle up to his face (Bugliosi, p. 164). Remember, we are talking about a cheaply engineered, World War II vintage, mass-produced type of weapon. The truth in this case is the opposite—and it appears that the FBI knew about it, and then lied about it.

Former FBI agent Bill Turner did not buy Cortland Cunningham's testimony to the above—namely, that the Mannlicher-Carcano was so finely engineered that no residue would escape onto the gunman's face. So writing for the legal magazine *American Jurisprudence*, Turner conducted his own tests with Vincent Guinn (whom, as we have seen, Bugliosi trusts in other regards). Turner and Guinn found that the weapon discharged nitrates in abundance (letter from Bill Turner to Gary Aguilar, 17 July 2007). But actually, it's even worse than that. The paraffin test was an obstacle that J. Edgar Hoover seriously tried to surmount. He had the rifle particles even more finely tested than with paraffin casts. As Larry Hancock describes in his book *Someone Would Have Talked*, these tests were done in secret. No one was supposed to know about them—ever. But thanks to the indefatigable Harold Weisberg, we ended up finding out about the endless measures Hoover would take in order to convict the dead Oswald (Hancock, p. 73).

Once the paraffin tests came back as exculpatory, Hoover decided to order, first, spectrographic testing of the gunshot residue, and then Neutron Activation Analysis. The internal FBI documents reveal that the further testing showed that the chemical analysis showed nothing in the particles that could connect Oswald's cheek to the rifle, or his hands to the pistol in evidence for the Tippit shooting (*ibid.*). When these results came in, the FBI ordered the agents involved not to make their findings known to anyone, in order to protect the Bureau. Since these documents date from November and December of 1963, they predate the Warren Commission hearings. There were seven agents involved in testing the Carcano. This was the control group which acted as a reference for the other tests. These control firings "deposited heavy powder residues on all these subjects' cheeks, totally unlike the negative test on Oswald" (*ibid.*). So when Cunningham told the Commission "I would not expect to find residue on the right cheek of a shooter", he did so as part of an FBI cover-up (*ibid.*). Somehow, Bugliosi could not see through this Hoover-orchestrated charade.

The author also tries to revise the judgment about Oswald being a rather poor shot (p. xxviii): he says that all the critics have been wrong on this point for years. According to the author, Oswald actually was capable of attaining the amazing feat of precision shooting that the Warren Commission says he did—that is, getting off three shots in six seconds with two direct hits at a target moving away from him at a maximum range of almost three hundred feet. To put it mildly, the record doesn't support this remarkable thesis. After weeks of practice and intensive training, Oswald barely managed to attain a sharpshooter classification, by two points. This was one classification above the lowest possible. And this was with a semi-automatic, firing at still targets. The next time he took to the range he was even worse. He fell into the lowest category possible, that of marksman. And at a score of 191, by two points, he just missed falling out of that category completely. In other words, he was almost in the reject pile.

Let's hear from some Marine witnesses to reinforce this point. As Nelson Delgado said, Oswald on the firing line was "a pretty big joke" because he got a lot of complete misses. This is something that Delgado stated a good shot never did (Warren Commission, Vol. 8, p. 235). Further, in the film *Rush to Judgment*, Delgado told Mark Lane that Oswald just was not that interested in weaponry. He was always being scored for not taking proper care of his rifle or cleaning it regularly. Let's now turn to Sherman Cooley, who was interviewed by author Henry Hurt for his book, *Reasonable Doubt*. Cooley, a veteran hunter, was just as derisive as Delgado: "If I had to pick one man in the whole United States to shoot me, I'd pick Oswald. I saw the man shoot. There's no way he could have ever learned to shoot well enough to do what they accused him of doing in Dallas." (p. 99) James Persons told Hurt about Oswald's below-average coordination, which he thought was the major factor in his very poor marksmanship (Michael Griffith web site, "Was Oswald a Poor Shot?" 27 August 1996).

Hurt, who interviewed dozens of Oswald's fellow Marines, said that this eyewitness testimony was universal. He stated it thusly: "On the subject of Oswald's shooting ability, there was virtually no exception to Delgado's opinion that it was laughable." Further on, Hurt brings up the consensus of the testimony:

“Many of the Marines mentioned that Oswald had a certain lack of coordination that they felt was responsible for the fact that he had difficulty learning to shoot.” (*ibid.*, pp. 99–100)

Reinforcing this, when he was a member of a hunting club in Minsk, Russia, Oswald's fellow members considered him a bad marksman. This was reported by Richard Billings and Robert Blakey of the House Select Committee on Assassinations in their book, *Fatal Hour*. They stated simply: “Members of the club reported that Oswald had been considered a poor shot.” (p. 139) As Michael Griffith states on his web site, even Monty Lutz of the HSCA stated that he knew of no professional marksman who had ever duplicated what Oswald was supposed to have done—and he sources this to the London mock trial which Bugliosi writes about in *Reclaiming History*.

And true sharpshooter Lutz is not alone in this regard. Craig Roberts was a former Marine sniper who later wrote a book on the JFK case called *Kill Zone*. What prompted him to write that book was his reaction upon visiting the sixth floor at the Texas School Book Depository. This is how he describes it: “I turned my attention to the window in the southeast corner—the infamous sniper's nest ... I immediately felt like I had been hit with a sledge hammer. The word that came to mind at what I saw ... was: IMPOSSIBLE.” (p. 5) He goes on to say that he instantly realized that Oswald could not have performed the shooting feat, because he knew that he himself could not. And he was a professional. Later in the book, Roberts interviewed Sergeant Carlos Hathcock. Hathcock is a former senior instructor at the Marines Corps Sniper Instruction School at Quantico, Virginia. Some have referred to him as the most famous American military sniper in history. As Griffith points out, Hathcock had 93 *confirmed* kills in Vietnam. He toured the land conducting sniper schools for police SWAT teams. Roberts asked Hathcock if he thought Oswald could have done what the Warren Commission said he did. Hathcock said no. He then added that he had reconstructed the scenario at Quantico: the angle, moving target, time limit, etc. He told Roberts, “I don't know how many times we tried it, but we couldn't duplicate what the Warren Commission said Oswald did.” (*ibid.*, pp. 89–90) Again, we are talking about professionals: men who completely outclass Oswald in raw shooting ability. But further, these are professional assassins who practice their skills almost daily. There is no credible evidence that from the time Oswald returned to the USA from Russia that he practiced at all!

As with the paraffin test, there is evidence that the FBI and the Warren Commission knew just how bad a shot Oswald was. Realizing how much it hurt their case, they then tried to cover it up. In the aforementioned filmed interview Lane did with Delgado, Oswald's former colleague said that the FBI did not like what he had to say about Oswald's poor shooting skills. He told Lane that they tried to “break down” and get him to change his story. As he specifically said, “They tried to disprove it. They did not like the ... statement that Oswald, as far as I knew, was a poor shot.” The Warren Commission also realized that something was lacking in this aspect of their case. When Marine Corps officer Eugene Anderson testified about Oswald's poor last shooting performance, he tried to attribute it to the inhospitable atmospheric conditions: “It might well have been a bad day for firing the rifle—windy, rainy, dark.” (Lane, *Rush to*

*Judgment*, p. 124) Apparently, the Commission did not consult the US Weather Bureau. Lane did. The records reveal that there actually were ideal conditions: "... it was sunny and bright and no rain fell." (*ibid.*) Even the late Wesley Liebeler, assistant counsel for the Commission, understood that what they were doing with Oswald's rifle abilities was exaggerated and unjustified. He wrote this: "The fact is that most of the experts were much more proficient with a rifle than Oswald could ever be expected to be, and the record indicates that fact .... To put it bluntly, that sort of selection from the record could seriously affect the integrity and credibility of the entire report ...." (HSCA, Vol. 11, pp. 231–2) That kind of biased "selection from the record" bothered even Liebeler. It didn't bother Bugliosi.

## II.2

Like Gerald Posner, Bugliosi wants to put Oswald somewhere on the upper floors of the Texas School Book Depository (TSBD) near the time of the shooting. And, in fact, one of the techniques he uses is the same technique that Posner used: he cites differences between what a witness told one agency versus what he or she told another—in spite of the fact that it is common knowledge that many witnesses in this case have complained that what the FBI, the Warren Commission, or the Dallas Police recorded was not what they actually told them—for example, Julia Ann Mercer, Roger Craig, and Victoria Adams.

Adams is one of the central witnesses whose testimony places Oswald on the lower floors of the TSBD at the time of the shooting. She and her acquaintance Sandra Styles were in the building on the fourth floor, looking out the window at the motorcade. After hearing the shots fired, they ran down the stairs. During their flight down the stairs, Adams said they neither saw nor heard anyone behind them (McKnight, *Breach of Trust*, p. 113). This is crucial, because police officer Marion Baker told the Commission he saw Oswald about 75–90 seconds after the murder, drinking a Coke on the second floor. So Oswald had to have been tearing down those stairs to get to where Baker saw him at that point in time. The Commission realized that Adams presented a problem, and they acted on it. When Adams read her testimony, she was surprised to see that it said she started down the stairs 30–60 seconds after the shots. She immediately went to the US Attorney's office in Dallas and had it corrected to 15–20 seconds (*ibid.*, p. 399). Incredibly, the Commission never interviewed Styles. The FBI did talk to her, but the actual interview is not filed with interviews of the other TSBD employees (Warren Commission, CE 1381: Bugliosi alludes to a location for this interview in the Commission volumes, but his source for it appears to be wrong). According to McKnight, this Styles record has disappeared (McKnight, *op. cit.*). If you are counting, this is two ways that the Commission and the FBI deliberately tried to weaken Adams' testimony. There is a third.

Adams originally said that when she got off the stairs she noticed employees Bill Shelley and Billy Lovelady, and told them what she had seen from the window. But the Warren Report said that the two men had been to the railroad yards at the time of the shooting and then returned to the TSBD, so Adams had to have been wrong about the timing of her run down the stairs. Yet in the FBI inter-

views and Dallas Police interviews that Shelley and Lovelady gave on the day of the assassination, there is no mention of them running to the railroad yards after the shots. As McKnight notes, "Lovelady's and Shelley's altered April Commission testimony was essential to discredit Adams' account and pull the Commission's case against Oswald back from the brink of disaster." (*ibid.*, p. 114) So the Commission altered her testimony, refused to interview the woman who was right next to her, and then appears to have altered the testimony of two other people who could also have corroborated her story at the other end. Now, if Adams and Styles neither saw nor heard Oswald flying down the stairs within a half minute after the shooting, how could he have been on the sixth floor?

In the main text of *Reclaiming History*, in the chapter dealing with this issue (pp. 819–844), there is no mention of Victoria Adams nor Sandra Styles.

By leaving out of the main text the sordid aspects of what happened to Adams, Bugliosi can now go after Carolyn Arnold. Arnold was a secretary in the TSBD who told the FBI that she had seen Oswald on the first floor at about 12:25 (McKnight, p. 114). As with Adams, the authorities changed Arnold's statement to read that she saw Oswald "a few minutes before 12:15 PM" (*ibid.*). This would allow Oswald the necessary time to go back up to the sixth floor after she saw him. Like Styles, Arnold was never called before the Commission as a witness. Fifteen years afterwards, reporter Earl Golz sought out Arnold, who was still working at the TSBD. She was shocked at what the FBI had done to her testimony (*ibid.*, p. 115). Bugliosi actually uses the original FBI report to discredit her (*Reclaiming History*, p. 831): he says that her 12:25 time was first told fifteen years later. He also uses what Oswald was supposed to have said during interrogations to get him out of where Arnold said she saw him. Of course, with Oswald dead, that is pretty easy to do. He even uses the statement signed by TSBD employee Virgie Rackley against Arnold. This says that she accompanied Arnold outside. He says Rackley stated that she did not see Oswald at any time that day (Bugliosi, p. 831). But this pertains to her accompanying Arnold outside, not being with her inside—and it's inside where Arnold said she saw Oswald. Further, Bugliosi does not reveal what the FBI is doing in the statements he has chosen to quote from, e.g., with Rackley. These statements, from CE 1381, are similar to form letters that the Bureau made out, ostensibly to account for where the TSBD employees were at the time of the shooting. But there are two other key sentences in the statements. First, that each employee saw no stranger on that day inside the building; and second, that they did not see Oswald at the time that JFK was killed. So clearly, the FBI is trying to close down any avenue to conspiracy, and also to cut off Oswald's alibi by saying that at the exact time of the shooting, these witnesses did not see Oswald. So, yes, Arnold did not see Oswald at the exact time of the shooting: she saw him a few minutes before. (Bugliosi does not reveal that Arnold also said in her CE 1381 statement that after the shooting she never returned to the TSBD that day. This will figure into another myth that he tries to promulgate: that there was a TSBD roll call, with Oswald the only missing employee.)

Let me cite one more instance of Bugliosi picking and choosing which instance to quote, before I get to the capper in all this. According to the FBI, Bonnie Ray

Williams told them that he had been on the sixth floor eating his lunch until about 12:05. But before the Warren Commission, Williams denied saying this (Vol. 4, p. 103). When the Commission asked him for his best recollection in this regard, he said that he left the sixth floor at around 12:20. Consequently, the Commission ended up believing him. Bugliosi does not. In the main text, he has him leaving the sixth floor at somewhere between 12:06 and 12:12 (p. 31). What new, forensically sound and decisive evidence does he base this on? He says it should not have taken Williams that long to eat his lunch (End Notes, p. 23) Maybe Bugliosi is a fast eater. So am I—but I also know from experience that not everyone is.

The reader should note a recurring pattern, if he or she has not already: These are not random mistakes in the recording of important testimony; in each dispute, the original testimony has been altered in one direction: it allows the Commission the leeway to put Oswald on the sixth floor. Without the alterations, they can't. Between Williams on the sixth floor at 12:20, Arnold on the first floor at around 12:25, and Adams on the stairs right after the shooting, Oswald's placement on the lower floors at the time of the murder is all but puncture-proof.

But I've saved the best for last. Everyone who is a student of the JFK assassination is familiar with the peculiar case of Charles Givens. Givens was interviewed by the Dallas Police and the FBI on the day of the assassination. He talked about his whereabouts on that day: about taking his lunch period and visiting a friend in the parking lot before the murder. To the FBI, he added one piece of information: at around 11:50, he had seen Oswald reading a paper in the so-called domino room on the first floor, a place where some employees ate lunch (CE 2003, p. 27; CD 5, p. 329). On 2 December 1963, Givens was interviewed by the Secret Service. He said that the last time he saw Oswald upstairs was with a clipboard on the sixth floor at around 11:45. As Givens left, Oswald told him to send an elevator back up for him to take (Sylvia Meagher, *Texas Observer*, 13 August 1971). This is, then, how Oswald got into the domino room five minutes later.

As Meagher notes in her 1971 article, Givens now became a target. Lt. Revill of the Dallas Police Department (DPD) talked to FBI agent Robert Gemberling. Revill had dealt with Givens before, since he had been busted on a marijuana charge. Revill said that, based on his experience with Givens, he believed he would change his testimony for money. The date of this conversation is 13 February 1964.

On 8 April 1964, Givens was deposed by David Belin, alone. Now—four and a half months later—Givens changed his story. Somehow, in his interviews with the FBI, the DPD, and the Secret Service, he left out a rather important point: Givens told Belin that he forgot his cigarettes on the sixth floor, and went back up around noon. Lo and behold, he saw Oswald there near the southeast corner window. This makes no sense when compared to his earlier testimony. Why would Oswald ask for the elevator and go downstairs, just to go back upstairs? Yet, the new story was later enshrined in the *Warren Report* (p. 143). But Givens went even further when prompted by Belin. When he was asked by his sole

inquisitor if he had ever told anyone that he had seen Oswald in the domino room reading a paper at around 11:50, the witness replied that no, he had not (Warren Commission, Vol. 6, p. 354). So now, on cue, the original story is erased. About a month later, again on cue, Revill chimes in. The man who started it all tells the Commission that he had seen Givens on the day of the murder, and asked him if he had been on the sixth floor. Givens said that he had, and he had observed Oswald near the window (Warren Commission, Vol. 5, pp. 35–36). As Meagher points out in her article, this new April/May testimony by Givens and Revill appears to be suborned.

Needless to say, Bugliosi is so desperate to put Oswald on the upper floors that he says that we should believe Givens' April testimony before the Commission, not what he said in November and December. And how does he justify this? By using Revill's May testimony as corroboration! (*Reclaiming History*, p. 823; Source Notes, p. 101) He can do this with the unwitting reader, since he does not present Givens' evolving testimony in order, nor Revill's cooperation with the FBI. Finally, Bugliosi is so obsessed with putting Oswald on the upper floors that he ignores the fact that Revill's later testimony is inconsistent with his earlier statements in this regard. In his book, Bugliosi says that Revill talked to Givens about Oswald during the search inside the TSBD (Bugliosi, p. 823). Yet Givens was locked out of the TSBD after the assassination; Revill then escorted him to police headquarters for questioning (Warren Commission, Vol. 6, p. 355). So how could Givens be questioned by Revill inside the TSBD, if he was locked out and then escorted to Dallas headquarters? And the obvious question is this: If Givens told Revill about Oswald on the sixth floor at that time, why didn't Revill tell the DPD questioners, since he sent him over to the DPD in the first place?

Let me give the last word here to the murdered defendant. Oswald maintained during his brief period of detention that he had been on the first floor at the time of the assassination. When DPD homicide chief Will Fritz questioned him, "Oswald said he was leaving the building shortly after the shooting when two men, one with a crew cut, approached him, identified themselves as Secret Service agents, and asked for the location of the nearest telephone." (McKnight, p. 115) Fritz's description of what Oswald said was quite similar to what shows up in Secret Service agent's Thomas Kelley's notes of his own interview with Oswald—right down to the description of the man with a crew cut (*ibid.*).

The Secret Service finally interviewed two men who they thought fit Oswald's description. They were Pierce Allman and Terrance Ford, both employed by TV station WFAA. They were both in Dealey Plaza that day, and after hearing the shots they ran into the TSBD to look for a phone. They reported to the Secret Service that a man in front of the building who matched Oswald's description directed them to a phone. Later, when the men were again interviewed, neither was able to positively identify a photo of Oswald as the man who directed them to the phone. However, the report noted that Allman had a crew cut and "carried his press pass in a leather case, similar to cases carried by Federal agents and police officers" (*ibid.*). Need I add that in his entire chapter on this issue, Bugliosi never mentions Allman nor Ford.

### II.3

Bugliosi likes to repeat previous Warren Commission shibboleths about Oswald, whether they are accurate or not. For instance, he repeats the myth about Oswald being the only absentee from a so-called TSBD roll call. Two of his sources for this are an article by Kent Biffle written eighteen years after the fact; and CE 3131, which does not contain any information pertinent to its point (it pertains to fingerprints on the boxes). Many years ago, Jerry Rose wrote an article which began to expose this canard. First of all, there was more than one business located at the TSBD: it did not just house the warehouse operation for the school books. So even if there was such a roll call, it could not account for everyone in that building. So what real value would it have?

Second, as Rose pointed out (*The Third Decade*, Vol. 2, No. 4, p. 17), in March of 1964 it was discovered that there were *several* people missing from the TSBD from their lunch hour until 1:30. In fact, if one looks at the statements made in Commission Exhibit 1381—which Bugliosi sources more than once—you will see that several of them, like Gloria Holt, and the aforementioned Carolyn Arnold, were locked out or failed to return to the TSBD after the shooting. In fact, Holt stated that she was told by others that the building would be shut down, and so she went home. Now, if other people said this to her, then they must have done the same thing. As Mark Bridger pointed out last year, there is no evidence that any such roll call, in the normal usage of that phrase, ever took place. At most, there was an informal head count by Roy Truly of his own book warehouse employees—and the time for it is not definite. Even there, Oswald was not the only one missing. Bugliosi appears to have borrowed this roll call device from the Warren Commission, Dallas District Attorney Henry Wade, and Gerald Posner, among others. As Bridger shows (<http://www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=118224&relPageId=41>), this argument has little, if any, substance.

Bugliosi even tries to salvage the rather outrageous line-ups that the DPD put Oswald in on 22 and 23 November 1963. He acknowledges that there are honest objections to their composition, but he says they were probably inconsequential in the final analysis. He uses the example of a good identification as William Whaley, the cab driver who picked up Oswald and delivered him to his rooming house (End Notes, p. 93). He ignores the fact that Whaley's identification had little, if anything, to do with whether or not Oswald committed the crimes he was accused of. But he also leaves out the fact that Whaley saw two pictures of Oswald before he went to the line-up (John Armstrong, *Harvey and Lee*, p. 921). Bugliosi also uses another cab driver, William Scoggins, who was at the Tippit murder scene. According to Bugliosi, he is a good line-up witness who identified Oswald. On this occasion, Oswald was shouting out how it was unfair to place him in a line up in which he had only a tee shirt on, yet others were in sport coats. How could Scoggins not pick him out? But yet, Bugliosi missed reporting the fact that outside the line-up, when a series of photos was shown to Scoggins by the FBI, he was not sure about which one was Oswald (*ibid.*, p. 925).

This leads us to the murder of Patrolman J. D. Tippit. Quite naturally, Bugliosi thinks that there is no question about Oswald's guilt in this incident as well. As the reader can see at <http://www.marklane.com/writings/articles/VinnietisRound.pdf>, Bugliosi appears to distort Mark Lane's fine work on the Tippit murder—to the point that Lane has sent a letter to Tom Hanks and Gary Goetzman at their company, Playtone, threatening to sue if these are repeated in the production they are preparing, based on this book. Bugliosi deals with the mismatching of cartridges with bullets in an on-page footnote in his End Notes section (pp. 451–2). There were two Winchester bullets and two Remington bullets which hit the officer. But the shells were three Winchesters and one Remington. How does the prosecutor solve this problem? He says that one shot missed. And he does not in any way note the paradox of what he says in this instance, compared to what he said previously about the murder of JFK. With JFK, Bugliosi promulgates the myth of Oswald the excellent shooter—which, as we have seen, is false. Yet in this case, at very close range, he wants us to believe that this crack shot somehow missed. Also, as I noted in Part I, with the JFK shooting Bugliosi demands to know: if there were more than three shots, where did the extra bullets or shells go? As I noted previously, there is an answer to that question. Here, there is none that I know of. No one has ever found this missing bullet. But strangely—or not—the prosecutor does not even pose the question.

FBI agent Cortland Cunningham could not match the bullets recovered from Tippit's body to Oswald's alleged handgun (Warren Commission, Vol. 3, p. 465). So the shells became key. Bugliosi does not deal at all with the late-arriving and late-discovered cartridge cases. Once the FBI found that they could not match the bullets to the weapon, the cases were sent to the Bureau—six days later—even though they were not on the evidence summary (Jim Garrison, *On the Trail of the Assassins*, p. 200). But were these matching cases the ones found at the scene? Witness Domingo Benavides gave Officer James Poe two shells. Sergeant Gerald Hill told Poe to mark them with his initials. When Poe examined the shells for the Commission, he could not find his initials on any of them (*ibid.*, p. 201).

Bugliosi, in usual fashion, dismisses the now unmarked shells as an issue that cannot be resolved. He then adds “but such unresolvable points are common in the investigation of a complex, multifaceted murder investigation” (End Notes, p. 453). (Yet, elsewhere and in person, he insists that the Kennedy case is a simple one.) From here, he goes on to relate what he calls another such mystery, started by FBI agent James Hosty in his book, *Assignment: Oswald*. Hosty wrote that after Tippit's body was taken away by ambulance, Captain Westbrook found a man's wallet near the pool of blood where Tippit's body had been (*ibid.*). The wallet was Oswald's. This seriously conflicts with the official story, which has the DPD taking Oswald's wallet from him on the ride from his arrest at the Texas Theater to City Hall. There is even film of this incident, by TV station WFAA. Westbrook told FBI agent Bob Barrett that the identification was for a Lee Harvey Oswald and Alek Hidell. In the film, there are three men handling the wallet. Bugliosi tries to save the day by ending his three-page discussion with the conclusion that, in spite of the witness testimony to the contrary, it was Tippit's wallet, not Oswald's (*ibid.*, p. 456). Here's the problem with this

desperate hypothesis: at 2:00 p.m. that afternoon, three police officers went to Methodist Hospital to recover Tippit's effects. They were placed in an envelope and taken to DPD headquarters, where they were checked in at the Identification Bureau at 3:25 p.m. One of the effects was Tippit's wallet (Dallas Municipal Archives, Box 9, Folder 1, Item 17; Armstrong, p. 871). Incredibly, Bugliosi dismisses this fact: Even though the only item carried to the hospital was Tippit's handgun, he says that someone may have brought his wallet from the scene to the hospital—even though the only wallet picked up was the one with Oswald's ID.

But as desperate as he is to escape this "too many wallets" dilemma, he cannot. Why? Because if you look at the *Warren Report* (p. 15), you will see that Oswald supposedly left his wallet in a dresser drawer at the Paines' house on the morning of the assassination. That makes three wallets. Predictably, Bugliosi does not mention this fact in his discussion of the issue. Therefore, he does not have to address the troubling evidentiary point that, even if he is totally unjustified in transforming the Oswald/Hidell wallet into Tippit's, that still leaves an extra wallet to explain. And he doesn't.

But it gets even worse for the illustrious prosecutor. A witness said that the killer of Tippit leaned onto the police car—and, therefore, the police had the car dusted for prints. But, according to Bugliosi, only smudged prints were found (Bugliosi, p. 103). The police later told the Commission that the prints were not legible (*ibid.*). Bugliosi goes on at length—a full paragraph—about how this is not uncommon; he says, "Contrary to popular belief, this is typical." He goes on to say that actually it's quite rare to find clear fingerprints of the suspect at the scene (*ibid.*).

Here's the problem. The House Select Committee on Assassinations said that there *were* clear prints taken off the car. Detective Paul Bentley told that body in 1978 that Officer Doughty "lifted good prints from the exterior section of that door immediately below the rolled-down window" (HSCA interview of former Dallas policeman Paul Bentley, 15 June 1978). Both the good and the bad prints are located at the Dallas Municipal Archives. The Warren Commission examined neither. Dale Myers took the prints to a fingerprint technician in Wayne County, Michigan, named Herbert Lutz. Lutz compared the good car prints with Oswald's. Here's the problem for the prosecutor: they did not match (Dale Myers, *With Malice*, pp. 274–8). It is very hard to believe that Bugliosi did not know this: as described in Part I of this review, Myers is one of his unnamed ghost-writers—and he quotes from pages all around this section of *With Malice* in his End Notes. Remember, Bugliosi said in his Introduction that he would not knowingly distort or omit anything important. It is almost inescapable that he did in this instance.

But one can understand, from a prosecutorial point of view, why he would resist the second wallet at the scene, and the non-Oswald fingerprints on the car. If he accepts them, then it is clear that someone tried to frame Oswald for the Tippit shooting. Since the prints were not Oswald's, then either the assailant was not him, or there were two of them, and the killer dropped a mock-up of Oswald's wallet at the scene to frame him. Question: If the killer *was* Oswald,

why would he do that? But making Bugliosi's stance even more convoluted and unsustainable, he says in his Introduction that he could find no "speck of credible evidence that Oswald was framed" (p. xviii). If the above exculpatory evidence of the prints and the wallet is not credible, then what on earth is?

#### II.4

One way to explain the multiple wallets issue is a path that Bugliosi has to avoid at all costs. For if you were to accept the fact that he did have three wallets—which I do not—then the only sensible explanation for it is that he was some kind of intelligence operative, manipulating his identities—either that, or he was a career criminal, which we know he was not. This crucial issue, of whether or not Oswald was some kind of undercover operative, is one that is anathema to all Warren Commission supporters. But today, with all the releases of the ARRB, it is a point that is very hard to contest; indeed, it's a point that a writer contests in spite of the evidentiary record, not with support from it. Even David Kaiser in his shabby book, *The Road to Dallas*, conceded that Oswald was an intelligence operative. But since Bugliosi is backing the Warren Commission to the hilt, he can't. Let's examine what he does in order to deny who Oswald was.

Chronologically, take a look at the first important point which, in their Oswald biography section, Bugliosi and co-writer Fred Haines, following in Priscilla Johnson's footsteps, leave out. The authors describe Oswald enlisting and being active in the Civil Air Patrol (CAP) in 1955 (pp. 543–4). They even describe Oswald moving from the Lakefront CAP unit to the Moisant Airport unit. Now, any serious and lengthy biography of the complex figure of Oswald would have to understand that this is an important—perhaps crucial—event in his life. Why? Because it is here that Oswald meets David Ferrie, the rightwing extremist and CIA contract agent who he will later meet up with again in the summer of 1963. Also, because it is right after this that Oswald begins to express an interest in Marxist philosophy, and then decides to enter military service (*Warren Report*, p. 679). When I spoke with HSCA New Orleans investigator L. J. Delsa, he told me that he learned that recruiting young men into the service appeared to be one of Ferrie's functions as a CAP leader (see also Philip Melanson, *Spy Saga*, p. 43). Finally, the reason that Oswald switched units appears to be because Ferrie broke away from the Lakefront detail and formed his own platoon at Moisant. He had to do this because his leadership of the Lakefront unit became a "forum for his homosexual activities. There were reports of homosexual orgies involving the young cadets, nude gambling at Ferrie's residence, and free-flowing liquor." (Melanson, *ibid.*) Delsa told me that Ferrie was also introducing some of the youths to his friend Clay Shaw.

Now, how much space do Bugliosi and Haines spend on this key episode in Oswald's life? Four sentences—and they leave Ferrie out completely. In fact, right here, I have given you more information about Oswald and the CAP than they do. But to accent the point, it is shortly after this experience that Oswald tried to join the Marines. He wanted it so much that he lied about his age.

When he was rejected for being underage, he began studying his older brother's Marine Corps manual until he knew it by heart (*ibid.*).

Melanson understood how important this event was in Oswald's life. In his book on Oswald, which is actually shorter than the Bugliosi and Haines section in *Reclaiming History*, he devotes three paragraphs to the subject. And he notes six witnesses who attest to the fact that Oswald was in Ferrie's unit (*ibid.*). John Armstrong, in his long biography, *Harvey and Lee*, devotes four pages to the subject (pp. 122–5), and he cites even more affidavits and testimony of the CAP members who knew Ferrie or Oswald, or both. One could make an argument, exaggerating only slightly, that it was this experience that inspired Oswald to join the military, and eventually become an intelligence operative—which is why Priscilla Johnson ignores it, and Bugliosi and Haines discount and expurgate it.

The next revealing milestone in Oswald's life is his meeting with Palmer McBride and William Wulf at a New Orleans astronomy club (Bugliosi, p. 546). Now, McBride originally told the FBI that his meeting with Oswald was in 1957. The Warren Commission changed this to 1956, but it is almost a certainty that it took place in 1957. For instance, McBride said that he and Oswald went to see a production of the Russian opera *Boris Gudenov*. The only time this production played in New Orleans in that entire decade was in 1957. McBride recalled speaking to Oswald about the launching of the Russian satellite Sputnik, which occurred in 1957 (*The Assassinations*, pp. 104–5). How could he have talked to Oswald about a satellite that was not yet in orbit? The reason the Commission had to alter McBride's and Wulf's stories is that Oswald joined the Marines in October of 1956. If that was so, then who did McBride go to the production of *Boris Gudenov* with? Who did he discuss the launch of Sputnik with? Who did Wulf attend meetings of the club with, at a new location? All of these events must have occurred after 1956. Armstrong understood the importance of this period—when Oswald enlists in the Marines—as marking the time when the figure of Oswald begins to become complex, revealing the outlines of an intelligence recruit. (I must note that Bugliosi and Haines appear to understand the problem they face here: they mention that McBride and Oswald discussed the merits of President Eisenhower's space program, yet leave out the 1957 Sputnik launch as the genesis of that conversation.)

The authors have to explain—among other things—why, once in the Marines, Oswald studied Russian and took an exam in that language. As many have stated, this was indicative of a recruit receiving intelligence training for a future assignment. And Oswald would later, prematurely and suspiciously, leave the Marines, and almost immediately defect to Russia, therefore justifying the acquisition of the language. Bugliosi and Haines' sidestepping of this issue is precious: "... the test was designed to assess the proficiency of native speakers and students at the military's rigorous language schools, and Oswald had apparently acquired the language entirely on his own ..." (Bugliosi, p. 559). With this, two problems have been dodged. The first is the improbability of learning a language as difficult as Russian on one's own, without formal training. As most people in the field will tell you, Russian cannot be acquired by simply listening to records and reading Russian publications: it is simply too difficult (Melanson,

p. 12). And since we know that, by the time he got to Russia, Oswald spoke the language fluently, the notion that he was self-taught is almost jocular.

Second, it's what the authors leave out that again reveals their agenda on this point, and makes dubious the assertion that Oswald picked up Russian on his own. As early as 1974, Harold Weisberg petitioned the government for the early Warren Commission executive session transcript of 27 January 1964. It contained the now famous reference by Chief Counsel, J. Lee Rankin, about his efforts "to find out what he [Oswald] studied at the Monterey School of the Army in the way of languages" (Melanson, *ibid.*). As Rankin phrased it, there is no question in his mind that Oswald was there. This school, sometimes called the Defense Language Institute, was "the linguistic West Point for US military and intelligence personnel who need to learn a language thoroughly and quickly" (*ibid.*). There is no known official record of Oswald attending the school—which makes it appear that he was receiving the instruction off the official record.

As Melanson notes, the Monterey School was not a hobby school. It wasn't like a Berlitz for wealthy housewives wanting to pick up a little French for summer vacations in Paris. It was a school "for serious training relating to government work" (*ibid.*) And after making phone inquiries to the institution, Melanson states that the language studied was not at the discretion of the student: it was selected for the student by the government, according to its needs and assignments (*ibid.*) This language training in Russian would also help explain the obvious and bizarre paradox of a Marine during the Cold War exhibiting high interest in Russian culture and language acquisition. As Melanson notes, Oswald played Russian records so loudly that they could be heard throughout the barracks; he discussed Soviet politics; and he subscribed to Russian language periodicals. It got so conspicuous that his fellow soldiers, who might be shipped out to kill Russians any day, nicknamed him "Oswaldskovich" (*ibid.*, p. 10). Melanson terms the strange behavior Oswald's "Pinko Marine" period.

How do Haines and Bugliosi deal with this jarring dichotomy? This is how they describe the young Marxist's decision to join the Marines: "Clearly, the young Lee never found—or perhaps *never gave a thought to*—the incompatibility between his nascent Communism, whose goal was to end capitalism, and the US Marines, the corps whose gallantry on the battlefield was intended to preserve America's way of life—capitalism" (Bugliosi, p. 548; emphasis added). What makes this explanation so nonsensical is that less than two pages earlier, the authors have told us that Oswald took McBride to his house and showed him copies of Marx's *Das Kapital* and *The Communist Manifesto*, which McBride said Oswald seemed to be quite proud to own (*ibid.*, p. 546). The authors also detail how Oswald told McBride how interested he was about the virtues of communist ideology, and how he "praised Khrushchev for improving the lot of the workers in the Soviet Union and predicted that the workers of the world would soon rise up and throw off their chains" (*ibid.*). They also tell us that Lee told Wulf that "Communism was the only way of life for the worker" (*ibid.*). But after all this, the authors say that Oswald was somehow unconscious of the fact that he had now joined an institution whose prime purpose was to both defend and extend capitalism, and defeat his newfound philosophy of Marxism throughout the world. This notion, denoting an almost split personality, seems to me to be

simply untenable. But the authors have to maintain it, in order to avoid the logical conclusion that Oswald was an intelligence operative.

The other point that the authors must sidestep about Oswald's military service is his time at Atsugi, Japan: the huge CIA base from which the U-2 flew at the time. This base consisted of two dozen buildings termed the Joint Technical Advisory Group (Melanson, p. 8). Melanson calls Atsugi "the nerve center of the CIA's pervasive covert operations in Asia" (*ibid.*). The CIA flew Nationalist Chinese agents to parachute over Communist China from there. And the U-2 flew surveillance flights over China—which was a closely held secret that Oswald knew about. Now, Oswald was a radar operator who understood the latest developments in radar technology. When he defected to Russia, he offered to turn over to the Soviets radar secrets that he had learned in the Marines. He added ominously that he "might know something of special interest" to them (*ibid.*, p. 13). Clearly, this was a reference to the U-2. As Melanson notes, Oswald also "had access to a wealth of secrets concerning radio communications codes, radar installations, and aircraft deployment in the western United States" (*ibid.*, p. 14).

How do Bugliosi and Haines confront all of this intrigue about Oswald at Atsugi and his association with radar and the U-2? They say there is nothing there: it's much ado about nothing; a concoction by the nutty conspiracy theorists. They say that Oswald's unit had no dealings with the spy plane's operations, "nor is there any evidence that Oswald displayed more than a normal curiosity about the plane" (Bugliosi, p. 552). This, even though the Russians shot down the first U-2 seven months after Oswald defected.

Well, that is certainly the way that the Warren Commission wanted the whole subject treated. Lt. John Donovan was Oswald's superior officer in his radar squadron. He wanted to talk to the Commission about Oswald and the U-2 (John Newman, *Oswald and the CIA*, p. 45). Instead, he was told in advance not to fall off-topic (*ibid.*). In fact, as Newman notes, "When called to testify at the Warren Commission hearings, Oswald's Marine colleagues were not questioned about the U-2." (*ibid.*, p. 43) This bothered Donovan to the point that he inquired of other colleagues if *they* had been asked about the U-2. None were (*ibid.*, p. 45). So what was he asked by the Commission? On 5 May 1964, in Washington, John Hart Ely questioned him about such things as Oswald's social relations with his peers; his interest in international affairs; whether he read or knew the names of great philosophers like Hegel; and whether he spoke German. There were also questions about his proficiency as a football player. Donovan was even asked if he recalled Oswald's interest in music, and if Oswald played chess (Warren Commission, Vol. 8. pp. 289–303). If you can believe it, the term "U-2" is never mentioned. The only time anything of any relevance is discussed is when Donovan interjects the fact that, when Oswald defected, changes were made to aircraft call signs, codes, and radio and radar frequencies. And even then, Ely tried to shape this into being some kind of rotational or normal change, performed independently of Oswald's defection. But Donovan then entered into the record an important fact: That Oswald knew about the new MPS 16 height-finder radar gear. This was a new technology that went far beyond previous radar devices, and Oswald had been schooled on its

performance (Newman, p. 44). It was this technological secret that U-2 pilot Gary Powers felt the Russians used to shoot him down. Newman also adds that even though the Commission may have missed any connection between Oswald, the U-2, Atsugi, and the Powers shoot-down, there was surely something interesting to note about it: after Powers was knocked out of the sky, the CIA closed down Atsugi—but Powers did not fly out of Atsugi. The only connection between Atsugi and Powers was Oswald (Newman, p. 46).

## II.5

The next points in Oswald's brief life that would merit study—if one was trying to find out who he was—would be his application to Albert Schweitzer College, and his granting of a hardship discharge. These both occurred in 1959. They are related, because even before he left the Marines, he spoke about and took steps toward attending the European college. But both the college application and the military discharge are quite suspicious. As Melanson points out, the reason for Oswald being allowed to leave the Marines three months before his service was up was dubious, because the alleged hardship was inflated. He was discharged early to care for his supposedly injured mother. What so ailed her as to allow Oswald to escape from his military service early? A candy jar fell on her at work (Melanson, p. 12). She stayed home for a week. What makes it even more suspicious is that the actual incident took place in December of 1958, nine months before Oswald's discharge (*ibid.*). And she must not have needed much care, because Oswald only stayed with her a few days when he got out. He then left, and ended up taking a cargo boat to Europe, and then traveled by train to Russia.

Haines and Bugliosi call the hardship process a scam, and they blame Oswald for it (Bugliosi, p. 567). Here is my question: If it was a scam, how did Oswald benefit from it? He didn't benefit from it financially in any way; and all he had left on his military service was three months. Yet there are some rather interesting matters pertaining to this episode that somehow escaped the authors. In January of 1959, Marguerite Oswald went to visit Dr. Milton Goldberg. After examining her more than once, he said he could not be a part of her prospective suit to seek compensation from King Candy Company. But during her last visit with Dr. Goldberg she revealed to him that her son wanted to defect to Russia (Armstrong, p. 221). What makes this fascinating is that Oswald has nearly a year left on his service duty at this time: his actual defection is still nine months away. Further, he has not even applied for a discharge yet: that process did not begin until 6 July 1959. At that time, Oswald went to a Red Cross Center in El Toro, California. He told them that his mother had suffered an injury while working at Cox's Department store, and that she was filing suit against the store. But at the time of the accident, Marguerite was working for King Candy, at a counter they had at the Fair Ridglea Department Store (*ibid.*, p. 240)—and the suit had not been filed yet: it would not be until 11 August 1959, more than a month away. In the meantime, Marguerite had gone to at least two other doctors seeking treatment—which she knew she needed, for her son to get a hardship discharge.

The Red Cross helped the Oswalds secure all the paper work necessary for the discharge. On 17 August 1959, Oswald submitted his discharge application package. On 26 August, Lt. General Hayes directed that the application be reviewed by the Dependency Discharge Board. The Board approved it the next day (*ibid.*, p. 243). On 31 August, Hayes directed that Oswald be removed from active duty.

Now, with Marguerite's foreknowledge of Oswald's upcoming defection well in advance, and Oswald's lack of knowledge of basic facts about his mother's injury claim, one would think an attorney would at least raise an arched eyebrow about this affair—especially since there was no investigation by the military at either end, and the actual processing took only two weeks. All Bugliosi and Haines can say about the alacrity is that the request moved quickly through the chain of command (Bugliosi, p. 567). Even the Warren Commission had at least *some* curiosity about the speed of the whole process—but the Marines assured the Commission it was all rather normal (Armstrong, *op. cit.*). The HSCA dug deeper. They interviewed the senior member of the Discharge Board that reviewed Oswald's application. He said that the usual processing time was much longer: three to six months (HSCA interview with Lt. Col. B. J. Kozak, 2 August 1978). Far from being a scam, another way to look at it is that the episode seems to be cooperated on at both ends, and the military gave Oswald a little wink to let him know that there would be no investigation, so the charade would not be exposed. Why else would he run that risk, with only three months left in the service? If this is true, would Marguerite's knowledge of this escapade not be a good reason for her to suspect that her son went to Russia as a secret agent, a belief which Bugliosi mentions, but dismisses as odd (Bugliosi, p. 607)? If you eliminate all of the above evidence, you can present it as such.

In March of 1959, while in San Diego, Oswald filled out an application to go to college. The college wasn't in California; it wasn't even in the USA. It was in Churwalden, Switzerland. Furthermore, it offered no degrees. The small town of Churwalden was so remote that it had no bus or railway service to it, no library, no hospital, no fire department, and no police station (Armstrong, p. 227). And the college's financing appeared to come from the Unitarian Church, that the Paines were a part of. Another source of funding was the Friends of Albert Schweitzer College, which was headed by the famous Percival Brundage. Again, what Bugliosi does not say about this strange college application is more revealing than what he does say. He notes the application, and some things Oswald wrote on the form. As with the hardship discharge, he notes some false statements on the application, in order to call Oswald a liar (Bugliosi, p. 607). Then, in his End Notes, he writes that Oswald never attended the college (End Notes, p. 365). Somehow, he can't bring himself to ask the most obvious question about the school, or note the importance of the college to the FBI.

The obvious question, obvious to everyone but Bugliosi, is this: How the heck did Oswald ever learn of such a small and obscure college while on the other side of the world? This is a mystery that no one—not even the FBI—has ever been able to solve. How do we know the FBI could not solve it? Bugliosi ignores their oh-so-interesting search for Albert Schweitzer. After Oswald defected to Russia, Marguerite sent him some funds, but she never received any acknowl-

edgement back. In 1960, she received a letter from the director of Albert Schweitzer. He said that Lee had been expected there in April of 1960. He also said that Lee had sent them a deposit registering for the Spring 1960 session. Marguerite told FBI agent John Fain all this, and he forwarded it to J. Edgar Hoover. Hoover now started a worldwide search for Albert Schweitzer College, to see if Oswald was there (*Probe*, Vol. 3, No. 3). The search began in Paris, with the FBI detachment on the scene. They had no idea where the place was. They contacted the Swiss Police, who had no idea where it was either! It ultimately took them two months to find the place (*ibid.*). Yet Oswald knew where it was while living in San Diego.

Two other things make the school so interesting. First, Brundage was a major Unitarian Church officer from 1942 to 1954, when that church was cooperating with both the OSS and the CIA through the Dulles brothers. In fact, he later became a signatory to the incorporation papers of the notorious CIA proprietary Southern Air Transport (George Michael Evica, *A Certain Arrogance*, p. 223), which figured in CIA drug-running operations in the 1980s. Second, the college abruptly closed down in 1964, around the time the *Warren Report* was issued (*Probe*, *op. cit.*). Yet the college is barely mentioned in the *Report*, and Oswald only applied there: he never attended. Note the similarity: the CIA closed down its Atsugi base right after the Powers shutdown, which Oswald may have been involved in; and then the Brundage-backed, mysterious Albert Schweitzer College is closed down, right after the *Warren Report* is issued. Yet Oswald only applied there. Somehow, the normally acute Bugliosi could not detect these rather unsubtle giant doors closing down behind Oswald.

## II.6

Now, all this oddity and intrigue about Oswald is exceptional, because, as at that point in time, he had not even defected! But just to put it all in place, let me ask this: How many 20-year-old young men get an uninvestigated hardship discharge from the Marines in two weeks, and then apply to a college in Switzerland that no one has ever heard of—including the FBI and the national police—both in the space of six months? And then sail to Russia at the height of the Cold War.

But it gets even stranger. After leaving the USA, in Helsinki, Finland, Oswald is granted entry into Russia in just two days. Bugliosi notes this, and tells us that the Russian Embassy officer there had the authority to grant visas quickly. What he doesn't say is that this was the only Russian Embassy in Europe where the consul had the authority to grant visas in a matter of hours (Armstrong, p. 255). By not alerting the reader to this, he avoids these questions: Did Oswald know this? Is this why he chose Helsinki to depart for Russia from? If so, who told him this?

I have already written, in Part I, about Oswald's association with CIA asset Priscilla Johnson. This began in Moscow at the Metropole Hotel. After this, there are two strands to the Oswald saga that need to be pointed out, to show how Bugliosi treats them. These are: the matter of American defections to Rus-

sia at the time, and what the CIA does with Oswald's file in regards to his defection.

Regarding the first, in the End Notes, Haines and Bugliosi observe that American defections to Russia prior to this time period had been rare "in the pre-Gorbachev era" (End Notes, p. 366). And the authors then note by name two American men who had preceded Oswald in 1959: Robert Webster and Nicholas Petrulli (*ibid.*). In reality, in the generation prior to the sixties—forget the pre-Gorbachev nonsense—there had been only two US defectors to Russia. In the single year of Oswald's defection, this number was doubled to four (Melanson, p. 24). Two more followed closely behind Oswald (*ibid.*) By the end of the next year, 1960, the number was into the teens (*Probe*, Vol. 4, No. 3, p. 9; Armstrong, p. 306). Many of them followed the same entry route to Russia as Oswald had (Melanson, *op. cit.*). Several of them were from the military (Newman, p. 172). Bugliosi and Haines omit almost all of this; and when they mention Webster's association with Rand, they don't note its frequent work for the CIA; nor that its president, Henry Rand, worked for the OSS, the precursor to the CIA (Melanson, p. 25). And they also leave out this stunning fact: Webster met the 17-year-old Marina in Moscow in 1959, before she met Oswald—and Webster spoke to her *in English!*—which Marina Prusakova (her name at the time) was not supposed to have learned yet (Armstrong, p. 256). Now, what are the odds of a 17-year-old girl in the gigantic expanse of Russia meeting up with both the second and third American defectors to that country in a generation? What this says about both the possibility of an American defector program in place, and Russian knowledge of it, is so provocative that it is extremely difficult to believe that Haines and Bugliosi don't understand its significance. (I will later detail a culminating phone call on 23 November 1963, which may explain why the authors ignore this issue.)

The other disturbing aspect of Bugliosi's work regarding the defection is how he treats the discoveries of intelligence analyst John Newman in his important book, *Oswald and the CIA*. What he does is bifurcate them between the main text and his End Notes. He separates out the delayed opening of Oswald's "201" file, with James Angleton's placing Oswald on the very exclusive Watch List, meaning he was a subject of the illegal HT/Lingual mail intercept program. In the main text, Bugliosi mentions the late opening of Oswald's 201 file, which occurred thirteen months after his defection. He fails to note Richard Helms' reaction to this before the HSCA: the former Director of the CIA said he was amazed at this delay (Newman, p. 51). Bugliosi is not. Why not? He notes that the HSCA said there was no real set time interval for opening a 201 file on defectors. Newman scored this silly excuse when he noted that Oswald was not just a defector: he actually threatened to give up the secrets of the U-2 to the Soviets at the height of the Cold War (*ibid.*, pp. 38, 50).

But the other puzzling aspect of the late 201 file opening is Oswald's placement on the Watch List many months before. By separating out these two facts, Bugliosi does not have to explain the obvious paradox they present when they are juxtaposed. In my review of the reissue of *Oswald and the CIA*, this is the question that I said screamed out at the reader when these facts were presented in tandem. How could Oswald be on James Angleton's super-sensitive and very

exclusive Watch List, yet not have a 201 file? It would be like buying a Ferrari, yet not having a driver's license. In that review, I related how I asked Newman this question many years ago. He replied that one distinct possibility would be that Angleton was running Oswald as an "off the official books" agent.

But as discouraging about *Reclaiming History* as the above is, the following is even worse. In his End Notes (p. 690), Bugliosi uses another HSCA excuse in regard to *where* the pre-201 documents on Oswald went within the Agency. The author recites the Agency's reply to the HSCA on this point: low level documents of only "confidential" status were retained for only five years. Therefore, none of the dissemination records for Oswald's early documents survived past 1964. So the CIA could not tell the HSCA where those early papers on Oswald went, or who got them. The problem with this is simple: it's not true. Not only did they survive, but Newman found them (Newman, p. 51). And some of those papers were not classified as "Confidential". They were classified as "SECRET—EYES ONLY" (*ibid.*). Furthermore, even some of the papers classified as "Confidential" were found by Newman in the '90s (*ibid.*, p. 52)—thirty years after the CIA said they were destroyed. This may be shocking to Bugliosi, but it appears that the CIA lied to cover up the truth about Oswald—and, furthermore, that the HSCA accepted the lie.

What the CIA tried to conceal, and what Newman discovered, is this: the very early documents on Oswald went into a kind of "black hole" for thirty days after his defection. Then the very first files on Oswald appear, surprisingly, at the Office of Security. The next place they turn up is at Angleton's CI/SIG, his Top Secret mole hunting unit, which was closely linked to the Office of Security. This weird maneuvering by Angleton kept the files from going to where they should have, the Soviet Russia Division (Newman, p. 27). Newman adds that this strange routing seems deliberate, because if the papers had gone to the Soviet Russia Division, they would have been exposed to a wide array of officers. So the early routing is in keeping with the idea of Oswald being a private, off-the-books project of Angleton (*ibid.*).

## II.7

When Oswald returns to the USA from Russia with Marina, he spends the rest of his short stay on this earth in what, for a Marxist, must be considered two rather strange enclaves. In Dallas, he will be surrounded by the conservative White Russian community, into which he was introduced by his new intelligence-linked friend, George DeMohrenschildt. In New Orleans, he will insert himself into the right-wing world of anti-Castro Cubans and their CIA-associated allies. Now, in explaining Oswald, this behavior presents the same problem as the young communist zealot who somehow decides to join the Marines: it makes little sense. But instead of trying to explain it again as Oswald being unconscious of the paradox, Bugliosi does what Priscilla Johnson does: he doesn't acknowledge the problem in Dallas, and he denies it ever existed in New Orleans. Like Johnson, Bugliosi just chronicles his association with the White Russian community in Dallas, as if there was nothing really jarring about it (Bugliosi, pp. 642–697). The reader should understand that the Dallas White

Russians got their name from the Civil War in the Soviet Union after Lenin took power, around 1918–21. The Whites represented the forces of reaction to the Communist Revolution that Lenin had commanded. The Whites were initially backed by the aristocracy, who hated Lenin because what he was proposing would deprive them of their riches. The Whites were also aided by the Allies, who were still fighting Germany, but feared that the Russian Revolution would spread throughout Europe if Lenin was allowed to consolidate his new regime. The Whites wanted to destroy Lenin's regime and bring back the royal family to rule the country. Now, since Marx is the ideological father to Lenin, this presents a rather puzzling ideological problem in any biography of Oswald: why would a Marxist–Leninist hang out with those who wished to do away with Lenin? This is probably why Johnson and Bugliosi essentially ignore the problem.

In New Orleans, once Castro took power, the CIA began to bring in remnants of the corrupt and conservative Batista regime. The Agency placed them in places along the Gulf of Mexico, like Miami and New Orleans; for example, Sergio Archacha Smith. Once Allen Dulles convinced Eisenhower to place an economic embargo against Cuba, the CIA began to actually train these exiles, to one day overthrow the Marxist Castro regime. There was more than one of these training camps in the New Orleans area. People like Ferrie and Guy Banister were part of this anti-Castro network. So again, why would a self-proclaimed Marxist–Leninist, who wanted to organize a Fair Play for Cuba Committee chapter, be associated with these types who wanted to invade Cuba, kill Castro, and bring back capitalism to the island? Johnson addressed this part of the problem by just ignoring it. As we shall see, Bugliosi addresses it by doing something even worse: he denies it.

It was this weird placement of Oswald, amidst these two strange milieus, plus the complete lack of any communist or communist cell to attach him to, which makes his pose as a Marxist so hard to fathom. In 45 years, no communist has ever surfaced to say that he worked in tandem with Oswald. Further, having talked to some former communists, they have told me that, back then, one just did not do the things that Oswald did in New Orleans, like leafleting on a major city street at the noon hour. This would be counter productive in practical terms. First, people did not want to be seen taking communist literature in a southern city in public. Second, the FBI and local police would now certainly know who you were, and could tail you, and/or infiltrate your cell. Leafleting was done at night, to eliminate those problems, and you left the literature at the front door. The capper, of course, is the fact that Banister's address was printed on at least one of the pro-Castro flyers that Oswald was passing out. This convinced Jim Garrison that Oswald was not the Marxist the Warren Commission accepted him as. But Garrison did not know something even more incriminating: one of the pamphlets with Banister's address on it had been written by author and peace activist Corliss Lamont, back in 1961. The CIA had ordered 45 copies of Lamont's *The Crime Against Cuba*, from its first edition. But this edition had sold out the first year of the pamphlet's release. So the pamphlet had gone through three more printings in 1961 alone. The pamphlet Oswald was passing out in New Orleans in the summer of 1963 was from the *first* edition, which was issued when Oswald was in Russia, and sold out in the summer of

1961, two years previously (James DiEugenio, *Destiny Betrayed*, pp. 218–9). How could Oswald have gotten hold of this first edition while in Russia? A distinct possibility is that the CIA had it in stock, sent it to Banister, and he then gave it to Oswald.

Besides the discoveries of Jim Garrison about Oswald in New Orleans, and the work of authors like the late Philip Melanson, John Newman, and John Armstrong, today we also have anecdotal evidence about Oswald's intelligence status from people within both the FBI and the CIA—evidence that corroborates him being a CIA agent provocateur, and an informant for the FBI. First, we have Carver Gayton. Gayton was an FBI agent, whom fellow FBI agent Jim Hosty confided in after the assassination. After Hoover had transferred him out of Dallas, Hosty told Gayton in his new assignment, Kansas City, that Oswald was an informant for an older agent who had retired. This was before Hosty had been assigned Oswald's case. Hosty had been trying to reactivate Oswald by leaving notes under his apartment door. He added that the Oswald file had been sent to Washington right after the assassination (Armstrong, p. 766). This seems to have corroboration from the New Orleans end of the FBI also. When Oswald was arrested for disturbing the peace in New Orleans, he asked for an FBI agent to interview him. When that request came into the office, security clerk William Walter checked the security indices to determine if there was a file on Oswald. There was, and it carried an informant classification. He recalled agent Warren DeBrueys' name being on the jacket of that file—which makes perfect sense, since DeBrueys spoke Spanish, and handled the Cuban exile beat in New Orleans (William Davy, *Let Justice Be Done*, pp. 286–7).

Hunter Leake of the CIA's New Orleans field office told historian Michael Kurtz that the CIA used Oswald as a courier. He also said that Oswald was summoned to New Orleans in the April of 1963 because he was going to be used in certain operations. Leake also recalled the disbursements made to Oswald at the time. He went on to say that Richard Helms requested that Leake personally drive the New Orleans Oswald file up to CIA Headquarters in Langley after the assassination. (These disclosures were made in Kurtz's book, *The JFK Assassination Debates*, which has just been reissued in paperback.)

## II.8

In November 1963, two events occurred before Oswald died that appear to confirm his status as an intelligence agent, and that his journey to Russia was part of a false defector program. Otto Otepka is a man whose name does not appear in the index to Bugliosi's book. This is a grievous shortcoming for any author who is trying to tell the whole story about Oswald and the JFK case. In the spring of 1997, Lisa Pease wrote a fine article on Otepka for *Probe Magazine* (Vol. 4, No. 3, p. 9). Otepka worked in the State Department as a security analyst in the Intelligence and Research Bureau. In late 1960, he sent a memo to Dick Bissell at the CIA for information on a number of American defectors to the Soviet Union. Bissell turned this request over to James Angleton's Counter Intelligence staff, but not to the Soviet Russia Division, which had jurisdiction over defectors. Further, as John Newman notes, many of Oswald's documents

from this period bear the label “CI/OPS”, which means Counter Intelligence Operations. This would suggest that Angleton had an interest in the defector program (*ibid.*, p. 10). The eighth name on Otepka’s list was Lee Harvey Oswald (*ibid.*). Although Hugh Cummings actually sent the memo, Otepka originated the request. He sent it because neither the CIA nor military intelligence would inform him which defectors were genuine, and which were double agents (*ibid.*). When the CIA assigned the job to a researcher, they told her to work on some of the names, but not on others. One of the others was Oswald (*ibid.*). When the CIA sent back its reply in late November, Oswald’s name was marked SECRET (Newman, p. 172). It is very interesting that it is after this request from State that Oswald is finally given a 201 file—thirteen months after his defection. One has to wonder: if Otepka had never made this request, would CI/SIG ever have opened a 201 file on Oswald? Or would his papers have remained in their private domain?

This request marked another milestone at the other end. Otepka, who had been an award-winning employee, now saw his career slide downhill. And then both his career and his life become a Kafkaesque nightmare. First, he was taken off sensitive cases. Stories began to appear in the press that his job could be eliminated. He was asked to take another position in State, but he declined (*Probe, op. cit.*, p. 10). He was then called before a Senate Committee to explain his methods for issuing security clearances. This happened four times in less than three years. He still would not resign or suspend his defector investigation. Spies, phone taps, and listening devices were then planted in his office (*ibid.*, p. 11). His office started to be searched after hours, and his trash was scoured for any of his notes (*ibid.*). Even his house was under surveillance. Otepka could not understand what was happening to him. He could only conclude that the sensitive study of American defectors hidden in his safe was behind it all. That safe was later drilled into, after he was thrown out of his original office and reassigned. Whoever drilled it then used a tiny mirror to determine the combination. The safecracker then removed its contents (*ibid.*, p. 12). On 5 November 1963, Otepka was formally removed from his job at State. Later on, author Jim Hougan asked him if he had been able to figure out if Oswald was a real or false defector. Otepka replied, “We had not made up our minds when my safe was drilled and we were thrown out of the office.” (*ibid.*) Just two and a half weeks after his brutal departure from State, Oswald, the man he had studied for months on end, was accused of killing President Kennedy. In 2,600 pages, Bugliosi could not find the room to tell this important and riveting story. Why?

Probably because the call Oswald made the night before he died demonstrated why Otepka had to be stopped. On Saturday night, 23 November 1963, Oswald tried to make a call to North Carolina. Two phone operators manned the Dallas jail switchboard. Whenever Oswald attempted to make a call, the operators were tipped off in advance. Then two plainclothesmen came into the switchboard office. In an adjacent room, the two men would monitor the call (*The Third Decade*, Vol. 5, No. 3). When Oswald came on the line, he gave one of the operators a number to dial. The operator wrote it down and passed it on. After it was passed onto the two men, the operator then told Oswald the number was unresponsive—even though there was no real attempt to dial out (*ibid.*). The operator then hung up on Oswald, and threw the number into the trash. Curious, the

other operator later picked up the note paper out of the trash. It contained the numbers of two men, both named John Hurt. When the HSCA investigated the affair they found out that Oswald was trying to call a man named John Hurt who lived in Raleigh (*ibid.*) John Hurt turned out to be a former military counter-intelligence officer. When researcher Grover Proctor called him, he denied calling the jail, nor knowing who Oswald was prior to the assassination.

But here's the problem. Chief Counsel of the HSCA, Robert Blakey, later confirmed that the call was outgoing. So Hurt's reply to Proctor was a cleverly worded non-denial: it was Oswald trying to call Hurt. Blakey added to the gravitas of the matter by saying, "It was an outgoing call, and therefore I consider it very troublesome material. The direction in which it went is deeply disturbing." (*ibid.*, p. 7). But why would Oswald call Raleigh, North Carolina? Because the Office of Naval Intelligence (ONI) operated a huge base nearby at the coastal town of Nag's Head. Since Oswald received his language training in the Marines, he would have been under ONI's authority at the time he defected. And, according to former CIA officer Victor Marchetti, the Nag's Head base operated a training program for false defectors to be sent to the Soviet Union: "It was for young men who were made to appear disenchanted, poor, American youths who had become turned off and wanted to see what communism was all about." (*ibid.*) The intent was to have the false defector be recruited by the KGB. Then you would have a double agent in place, whom you could funnel disinformation through and receive information from. One could easily conclude that, in Oswald's time of crisis, he was trying to contact his handlers through a former, distant cut-out. He was the spy caught out in the cold: what did they want him to do? One could also conclude that it was this attempted call that guaranteed his execution.

What does Bugliosi do with this gripping call, which disturbs Robert Blakey to this day? He says that Hurt called the jail because he got drunk and wanted to express his disapproval about Oswald. When he could not get through he left his name and number (End Notes, p. 94). This is silly nonsense. The piece of note paper had two names and numbers on it, not one. And as we have seen above, it was an outgoing call, not an incoming one. This kind of desperate thrashing about reveals Bugliosi's clear intent, and the level of seriousness with which he approaches this subject. In fact, Bugliosi is so intent on denying who Oswald was that he actually quotes Warren Commission counsel David Slawson on the subject. Slawson tells Bugliosi, "I can assure you that if, *at any time*, we came into possession of any evidence at all that showed any kind of relationship between Oswald and the CIA, or in any way pointed toward CIA complicity in the assassination, we would have vigorously pursued it. But nothing like that ever surfaced." (Bugliosi, p. 1197; italics added) This is provably ludicrous. Let me demonstrate how.

In 1994, Slawson was invited to an early meeting of the Assassination Records Review Board., with other perceived authorities like John Newman and Robert Blakey. One of the Board members asked him a simple and direct question. It was about his service on the Warren Commission. Back in 1964, had he listened to the CIA recorded tapes, purportedly of Oswald, while the alleged assassin was in Mexico City? Slawson leaned back in his chair and replied coolly to

the Board with this: "I'm sorry, but I'm not at liberty to discuss that." (Newman, p. xiv, 2008 edition) Surprised at this answer, another Board member replied that he most certainly was at liberty to discuss it. By law, the ARRB was now the governing authority on all information pertaining to the JFK murder. So the Board asked him the question again. For a second time, he declined to answer. This conversation took place thirty years after Slawson served on the Commission. In the matter of John Kennedy's assassination, Slawson's allegiance was not to his country, the law, or to his dead president. His allegiance was, and will forever be, to the CIA and the Warren Commission.

On the subject of Oswald and the CIA, this is the kind of witness Bugliosi stands by. No other comment is necessary.