

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

Part VII:

Bugliosi on the FBI, or, How Hoover Didn't Cover Up Anything in the JFK Case

James DiEugenio

VII.1

"Justice is only incidental to law and order."

— J. Edgar Hoover

To believe *Reclaiming History*, one has to ignore the character, life, and record of the man who made the above statement, plus the ramifications of what the statement means. But Vincent Bugliosi *has* to ignore it: he has to make the reader believe that once the FBI took over the investigation, J. Edgar Hoover led a flawless, relentless inquiry to find out who killed President John Kennedy.

Before I started *Reclaiming History*, I thought that Bugliosi would recognize the huge problem that this presented for him; that is, he would understand that he had to level with the reader on the issue of the FBI's problematical inquiry. With what we know about J. Edgar Hoover and the Bureau today, Bugliosi couldn't deny that the FBI caused the Warren Commission to have major credibility problems; for, as we shall see, even members of the Commission admitted this. Yet he does no such thing; if anything, he actually goes the other way: he actually tries to—there is no other word to use—*praise* the work that the FBI did. In this day and age, this is almost shocking. But once you understand the underlying technique, you are onto the game.

One of Bugliosi's prime objectives here is to create an argumentative and rhetorical construct: one in which there really are no shades of gray—which is why Bugliosi goes to such lengths in demonizing the critical community. In his universe, anything or anyone that supports the Warren Commission verdict—of Oswald as lone assassin—is good, credible, and trustworthy; anyone or anything that casts doubt on Oswald as the lone assassin is bad, unbelievable, and unworthy. It doesn't matter whether the fact, exhibit, or testimony has value or not, is credible or not, or is corroborated or not. In that sense, *Reclaiming History* is not really an empirical or fact-based book; it is more of a religious exercise. (As Bugliosi's Dallas District Attorney source Bill Alexander once said, the Single Bullet Theory is like the Immaculate Conception: one believes it or one does not.) Since Hoover and the FBI were by far the main investigative arm for Bugliosi's Holy Grail, i.e., the Warren Commission, they are part of the faith that he must protect—at any cost.

Since the book is so (unnecessarily) long, there are two parts to Bugliosi's defense of the FBI. The first part is where he lays down the background of the agency; let's call this the historical backdrop. The second part is where he attempts to analyze and evaluate their performance. As we will see, Bugliosi curtails both parts. But one can see his dilemma: for how could their conclusions be accurate if their practices were so flawed? In other words, it would make the reader think: How could they have done all that wrong, yet got it right? So in his writing on the FBI, Bugliosi somewhat resembles a trapeze artist doing a high-wire act: he has to walk a very narrow and delicate path; and if he veers an inch from that straight and narrow trail, he's in the net below.

Unfortunately for him, many of us are not concerned with walking the straight and narrow with the likes of J. Edgar Hoover, Clyde Tolson, and Cartha DeLoach. Time and knowledge have taught us what they were really about. Therefore, we are not on a high wire walk with him; we can actually veer from that preordained path without fear of falling.

In the '80s and '90s, there were four lengthy biographies that changed the image of Hoover and the FBI forever. They were, in order, *Secrecy and Power* by Richard G. Powers, *The Boss* by Athan Theoharis, *J. Edgar Hoover: The Man and the Secrets* by Curt Gentry, and *Official and Confidential* by Anthony Summers. While he was alive, there had been journalistic hints and traces of just what an ogre J. Edgar Hoover actually was; but since he was in such a powerful position, he and his toadies could keep a lid on most exposés of the Bureau. But after his death, and with the accumulation of declassified files on many despicable FBI campaigns (e.g., COINTELPRO operations against Martin Luther King and the Black Panthers), the image of the Bureau took a terrible beating—from which it has yet to fully recover.

Consider this statement by Bugliosi: “J. Edgar Hoover, since his appointment as FBI director in 1924, at once formed and effectively ran perhaps the finest, most incorruptible law enforcement agency in the world ...” (Bugliosi, p. 1234). This statement is difficult to swallow whole, but the use of the word “incorruptible” makes it completely indigestible. Right after this, Bugliosi spends about four pages on a relatively brief overview of some of the unsavory acts committed by Hoover's FBI. He does mention a few of the COINTELPRO operations that Hoover authorized (*ibid.*, pp. 1235–6); and he does call Hoover a megalomaniac who was “beset by obsessions, paranoia and insecurities ...” (*ibid.*, p. 1234). But he gets himself off the hook by saying that there is no credible evidence saying that Hoover ordered the death of President Kennedy (*ibid.*, p. 1238)—which reveals the rhetorical argument I tried to explain above.

Bugliosi furthers this red herring by writing in his End Notes the following statement: “Since many conspiracy theorists suspect FBI Director J. Edgar Hoover of being behind the assassination ...” (End Notes, p. 695). Here's the problem: I know of no credible Warren Commission critic of any stature, of any generation, who holds to this position. What almost every credible critic believes is that Hoover deliberately covered up the true circumstances of the assassination. (And, as we shall see, the evidence for this is simply insurmountable.) So

the pertinent questions then come down to: (1) Why would Hoover do such a thing? (2) Were there precedents for this type of behavior?

Concerning the former, the motivation for Hoover is something that Bugliosi seriously underplays: that is, the conflicts between Hoover and the Kennedys, and the FBI Director's lifetime friendship with Lyndon Johnson. (The latter is something that Bugliosi almost completely ignores.) In those four pages I mentioned above, and to a slight extent in his End Notes (p. 704), Bugliosi barely mentions just how serious these conflicts were. But in reality the Kennedys thought Hoover was a weird and bizarre personality. In fact, Robert Kennedy actually called Hoover senile, frightening, and "rather a psycho" (Anthony Summers, *Official and Confidential*, pp. 279–280). Let's spell out what Bugliosi underplays:

1. In 1961, Attorney General Robert Kennedy was about to begin the largest campaign against the Cosa Nostra in American history—yet this was a group that Hoover actually denied even existed. Kennedy had to drag Hoover into this campaign, and it is questionable if Hoover ever would have done it on his own.
2. President Kennedy was the first President to actually take an interest in and move on civil rights. This was something that Hoover would have never taken action on in a hundred years—because, as every recent commentator has demonstrated, he was a racist.
3. Hoover was still devoting a large amount of resources to anti-Communist activities in 1961. RFK thought that this was silly, and started discouraging it. He famously commented that a large percentage of these so-called communists were FBI informants.
4. RFK was perhaps the first Attorney General who actually exercised some degree of authority over Hoover; for instance, he had a private line into his office (Summers, p. 278); another: he made Hoover withdraw from private circulation a negative dossier he had compiled on Martin Luther King (the circulation of which was approved by Johnson after JFK's death: Curt Gentry, *J. Edgar Hoover: The Man and the Secrets*, p. 571). To say the least, Hoover resented this imposition on his domain. He called RFK an "arrogant whippersnapper" and a "sneaky little sonofabitch" (Summers, p. 279).
5. Because of the above, RFK had planned on replacing Hoover after President Kennedy won re-election (Gentry, p. 536; Summers, p. 316). This was something that Hoover could feel comfortable that his friend Lyndon Johnson would not seriously consider. In fact, Johnson waived the mandatory retirement age when Hoover reached 70 years old.

The conservative Director of the FBI did not like the liberal Kennedys, either personally or politically. And he hated RFK: one close acquaintance describes Hoover as being almost driven over the edge by his relationship with RFK (Summers, p. 330). Hoover would rant and rave about the Attorney General,

“saying god-awful things” about him. “He despised him and didn’t hide the fact.” (*ibid.*, p. 279) Hoover was much closer to Johnson on the issues of anti-communism, and the pettiness of his personal politics—what we call the “politics of personal destruction” today—than he was with the Kennedys. For example, RFK grew to resent Hoover’s constant attempts to drive a wedge between himself and King (Gentry, pp. 501–3). Hoover did this by using his eternal standby: King was a pinko who had agents of Moscow in his camp. This old ploy was something that the unsophisticated Johnson would fall prey to. And as LBJ ratcheted up the Vietnam War, and as King grew more opposed to it, Hoover convinced Johnson that the anti-war movement was communist-inspired (*ibid.*, p. 605). As Johnson and King fell out over the War, the President welcomed the “sex tapes” Hoover gave him on King: Johnson actually played them for his friends (*ibid.*, p. 570). Another way to phrase the antagonism between the two was given by David Talbot: RFK and Hoover represented to each other what was wrong with America (Talbot, *Brothers*, p. 1).

All of the above is crystallized in Hoover’s phone calls to the Attorney General on the day of the assassination. Hoover never called RFK at home; but on this day he did. After his wife gave him the phone, Hoover told RFK the following: “I have news for you. The President’s been shot.” (*ibid.*) As Talbot describes it: “Hoover’s voice was blunt and matter-of-fact. Kennedy would always remember not just the FBI chief’s words, but his chilling tone.” (*ibid.*) Twenty minutes later, Hoover phoned again and said, “The President’s dead,” and promptly hung up (*ibid.*, p. 2). Hoover could be so cavalier and carefree since he knew that Johnson felt the same way about RFK as he did; he knew that, caught between himself and Johnson, Bobby Kennedy would now be reduced to being just another Attorney General, whom Hoover could largely ignore—which is what happened. After President Kennedy died, Hoover did not, at first, answer Robert Kennedy’s direct-line phone calls: he’d just let the phone ring. Then, after a decent interval, he had the phone removed from his office and put on his secretary’s desk (Summers, p. 315). RFK got the message. Two weeks after the assassination, he said to a colleague, “Those people don’t work for us anymore.” (*ibid.*, p. 332) And, in fact, to use just one example, although the war against organized crime did not disappear, it significantly declined after 1963 (*ibid.*).

With all the above background sketched in, the question can be asked: What would be in it for Hoover to seek out a complex and multi-layered conspiracy to kill President Kennedy? Wouldn’t he just want to go ahead and ratify anything the Dallas Police did to get the thing over with and subjugate RFK? Which, as Summers demonstrates, is what he did (Summers, p. 315).

Now the necessary second question I asked in relation to Hoover’s behavior in the JFK case was: Were there precedents for cutting corners, altering testimony, and faking evidence in Hoover’s background and record? In light of the books I mentioned above, this is almost a ridiculous question to ask, as it refers back to the quote I used to begin this essay. When Hoover was in on any kind of case that was high-profile or politically charged, he had no compunctions about being Machiavellian in his approach to the law or the court system. And we can start right at the beginning of his career. Hoover was in on the planning, the execution, and the eventual prosecution of one of the largest violations of civil

rights, the Constitution, and legal procedure in American history, namely, the infamous Palmer Raids of 1919–20, when thousands of Americans were abducted out of their homes, beaten, detained, tried, and deported, simply because they were suspected of being leftists or union sympathizers (Hoover detested both). After they were illegally detained, Hoover wanted no bail or lawyers for those in jail (Gentry, p. 94), even though he later admitted that the raids were illegal (*ibid.*, p. 136; after all, Hoover did have a law degree). This was such a miscarriage of justice on such a large scale that Hoover later tried to deny his involvement in it—when, in fact, he was one of the two main operators running it from headquarters (Anthony Summers, *Official and Confidential*, p. 38).

But that's not the worst of it. Hoover was furious that this operation turned out to be so controversial, so he started keeping files on the lawyers who opposed the raids and defended the innocent (Gentry, p. 99). And it was later discovered that Hoover and the other perpetrators had planted *agents provocateurs* and informants inside union cells to manufacture evidence for the subsequent trials (*ibid.*, p. 101).

A special target of Hoover's wrath at this time was the great leftist labor leader Emma Goldman. He was determined to have her deported. How did he achieve this? He altered the trial testimony of Leon Czolgosz, the assassin of President McKinley, to make it look like she had encouraged him to shoot the President (*ibid.*, p. 88).

What is important to realize about both of these heinous acts is this: Hoover was not even Director of the FBI at the time. So between 1919 and 1963, he had forty-four years to hone his craft in the fields of violating legal rights, misrepresenting the facts of a case, altering and planting evidence, and perpetuating cover-ups. To go through the myriad times he did this would take a small book, so let's just mention a few instances.

In the famous Lindbergh kidnapping case, Hoover had his longtime assistant—some would say his flunky—Charles Appel say that Bruno Hauptmann's handwriting matched the samples on the ransom demands, even though Hoover knew that Hauptmann's fingerprints did not match "the latent impressions developed on the ransom notes and the ransom money". Hoover later wrote that he harbored serious doubts about the state of the evidence against Hauptmann. And Charles Lindbergh indirectly commented on Hoover's role in that case by saying that, if not for the FBI's role, Hauptmann would have never been apprehended, brought to trial, and finally executed. Hoover always resented Lindbergh for making that revealing remark (*ibid.*, p. 163).

In 1934, some of the most powerful corporate interests in America were worried about the populist aspects of FDR's New Deal. After visiting Europe and studying how fascism had grown there through the use of veterans groups, they decided to use that strategy in a military takeover of the White House. They approached General Smedley Butler to be their accomplice. They actually told him that they wanted to stage a *coup d'état* by his leadership of a half-million veterans. They would first remove the Vice President and the Secretary of State, then force Roosevelt to resign. The campaign was already in operation, had millions

of dollars in financing, and the DuPont family would use their company Remington Arms to create the weaponry needed. After nearly a year of meetings with the coup plotters, Butler took his testimony to Hoover. What did the Director say about this treasonous act? That there was no evidence that a criminal statute had been violated, so he didn't have the authority to start an investigation (*ibid.*, pp. 202–4).

Whatever one thinks of the Alger Hiss case, the FBI either planted or built the famous Woodstock typewriter to link Hiss to the documents in Whittaker Chambers' possession, because the typewriter in evidence could not have belonged to the Hisses. (See homepages.nyu.edu/~th15/lowenthaltyp.html for a good essay on the typewriter.) I should add here that Hoover later admitted that to alter a typewriter to match a known model could be done (Summers, p. 167).

Harvey Matusow was a former journalist and stage actor who later worked as a campaign aide to Joseph McCarthy. He provided information smearing folk-singer Peter Seeger, hurting his career, as well as labor leader Clinton Jencks, which sent him to prison. In 1955 Matusow wrote a book in which he confessed that he had had been an FBI agent and was paid by the Bureau to perjure himself about members of the American Communist party. (For more on Matusow, see buffaloreport.com/020315matusow.html.)

In addition to being a prime mover behind the Palmer Raids, which caused the first Red Scare, Hoover was just as instrumental in causing what is referred to as the second Red Scare, in the late '40s and early '50s. He did this by aiding Richard Nixon and his cohorts at the House Un-American Activities Committee, and his cohort Joseph McCarthy in the Senate. As Gentry notes in this regard, Hoover understood that the testimony, information, and evidence he funneled to Congress was, in most cases, not reliable. He did it because he understood that in the congressional arena the standard of proof would be reversed: the accused *would have to prove his innocence* (Gentry, p. 354). This resulted in the ruination of lives through blacklists, the destruction of reputations, and at least a dozen suicides. As Curt Gentry concluded, McCarthyism was in large part the creation of Hoover. (I should add here that one of Hoover's informants in Hollywood was Screen Actors Guild President, Ronald Reagan [*ibid.*].)

When President Eisenhower wanted to set up a Civil Rights Commission, Hoover argued against it by manufacturing evidence that the Ku Klux Klan was pretty much defunct—which was completely false (*ibid.*, p. 441).

In 1956, Hoover launched the first of the illegal COINTELPRO operations. These escalated in time to include the famous attempt to blackmail Martin Luther King into committing suicide, and the—no other word will do—murderous campaign against the Black Panthers which resulted in the death of several members, including Fred Hampton and Mark Clark (Summers, p. 384). The tactics used included penning false and inflammatory letters, and planting *agents provocateurs* within the ranks (*ibid.*).

When anyone would rise up and try to expose Hoover's unethical and illegal practices, Hoover would manufacture evidence, pass it on to his allies in the

media, and it would be used to destroy them. An example is Hoover's campaign against Congressman Cornelius Gallagher. First, the FBI wire-tapped his telephone, and then they broke into his home to steal documents. Hoover then used the fruits of these illegal acts to concoct a story that Gallagher was a tool of the Mob, and that a gangster had died in his home while lying in bed with his wife. As Anthony Summers has written, there was no evidence for any of these accusations in any of the files of any government agency at the time. Hoover created it all—including phone transcripts—and destroyed Gallagher's political career in order to quell criticism of his illegal practices—and also to serve as a warning to others (Summers, pp. 208–213).

Hoover's regime was so unethical and cronyish that its effects on the FBI lasted long beyond his death in 1972. For example, in the '90s, chemist Fred Whitehurst went public with how the fabled FBI crime lab had contaminated and misplaced evidence, and even changed his reports in order to strengthen cases for the prosecution (*Probe*, Vol. 2, No. 6).

Before we begin to examine what Bugliosi calls the FBI's "fine" investigation of the JFK case, it is necessary to underline the point made above: Hoover was not at all uncomfortable with the manipulation—and sometimes the creation—of testimony and evidence; and he did it in a variety of ways. This is an issue Bugliosi does not address in his book. Secondly, in most of the above cases, the accused at least had the benefit of an attorney; but in the Kennedy case, Oswald never had a lawyer—either in life or in death—and the body that was meant to represent him, the Warren Commission, joined Hoover in his effort to frame Oswald and shove any evidence of conspiracy under the rug. In other words, for a man like Hoover, the Kennedy case was easy pickings.

VII.2

"There are those who date Hoover's decline from November 22, 1963 ... Up until that awful day Hoover ... was virtually untouchable."

—William Turner, *Hoover's FBI*

How concerned was J. Edgar Hoover about who actually killed President Kennedy? On November 23, 1963, he was at the track with his long-time companion and colleague, Clyde Tolson. Between races, Hoover conducted the investigation from an office phone there, with Tolson running down the bets (Summers, p. 315). In order to quiet domestic fears of any kind of foreign conspiracy, both Lyndon Johnson and Hoover desired a report as quickly as possible. But Hoover had another reason in mind: he wanted to get his report out before Bobby got over his period of mourning (*ibid.*, p. 317).

The FBI report was the first official inquiry into the assassination. It was submitted on December 9, 1963. If anyone thinks that I have somewhat overplayed Hoover's animosity for the Kennedys, and his desire to have the JFK case eliminated from his docket as quickly as possible, then all they have to do is read it (www.maryferrell.org/mffweb/archive/viewer/showDoc.do?docId=10402&relPageId=2). Today it is referred to as the FBI Summary Report, but the title placed

on it by Hoover was “Investigation of Assassination of President John F. Kennedy: November 22, 1963”. In light of what we know today it is a shoddy, pathetic, and—there is no other way to term it—deliberately deceptive piece of work. Although the document fills about 400 pages, the actual written report itself is about one hundred in total; and, at that, it makes plentiful use of sub-heads, and the typing is double-spaced. As to the quality of the inquiry, this report mentions the alleged bag found near the Depository window as the bag that Wesley Frazier says Oswald carried to work that day (Vol. 1, p. 5), and it later shows a picture of this alleged bag (Vol. 2, Ex. 4)—yet it does not tell the reader that (a) no picture of the bag was taken by the Dallas Police as it was lying on the sixth floor; and (b) the picture they depict does not resemble the picture of the bag in the hands of the Police taken in front of the Depository. (See my discussion of this issue in Part VI, Sections VI.1 and VI.2, of this review.)

And that's just the beginning. The FBI Report spends all of two pages on the murder of Officer J. D. Tippit; and because the Dallas Police held the autopsy report on his death so closely, the report has him being shot three times instead of four (Vol. 1, p. 2). Yet of those two pages, less than half of the text describes the actual circumstances of the shooting; most of the material is a description of Oswald as an “avowed Marxist, a former defector to the Soviet Union and the self-appointed Secretary of the New Orleans Chapter of the Fair Play for Cuba Committee, a pro-Castro organization” (*ibid.*). Later on (p. 9), the Report identifies one witness to the shooting, Mr. Scoggins. They then identify another, whom I suspect is the notorious Helen Markham—yet since they do not name this witness, I cannot be sure. And, if you can believe it, that's about it for the murder of Tippit. To list just one glaring omission: there is no mention of the timing problem; that is, how could Oswald have reached the scene of the crime as fast as he did, if he was last seen by his landlady standing at a bus stop at 1:04 p.m. (Henry Hurt, *Reasonable Doubt*, p. 144)? This would mean that, according to a witness who checked his watch, Oswald traversed the nearly one-mile distance in about six minutes. There is also no mention of the first Police reports, which described the shells found at the scene as being ejected from an automatic—yet Oswald was supposed to have been carrying a revolver (*ibid.*, p. 156).

To my knowledge, the FBI Report was the first time that any official body tried to pin the attempted murder of General Walker on Oswald—which actually reverses the Dallas Police's stance, since, in eight months, they never even considered Oswald as a suspect. The FBI report revises the Dallas Police Department verdict in all of one and a half pages (Vol. 1, pp. 20–21). It uses two pieces of evidence in this regard: the testimony of Marina Oswald, and the mysterious note describing what Marina should do if her husband ever got into trouble. It leaves out the fact that the note surfaced after the assassination of JFK through the very suspicious Ruth Paine; and although Oswald allegedly wrote over a page of this note, his fingerprints were not on the paper (Gerald McKnight, *Breach of Trust*, p. 56).

How does the FBI deal with the incredibly important episode of Oswald in Mexico City? In less than three pages (Vol. 1, pp. 69–71). But, unbelievably, the Report spends less than one page—actually two paragraphs—on what he did there

once he got to his Mexico City hotel. In other words, there is no enumeration of the number of trips to both the Soviet and Cuban consulates, no discussion of the phone calls made or the taping of those calls, not even any mention of any specific witness who saw Oswald there. And, of course, there is no noting of what happened to the photos and audio tapes of both consulates by the CIA; nor mention of all the problems the FBI had in obtaining records of Oswald's mode of entry and exit into the country, including the destruction of the bus manifests for both his way there and back.

The discussion of the murder of Oswald by Ruby is just as bad. Subtracting the biographical material, it's about 26 pages. It includes this gem of a sentence: "Ruby refused to advise the FBI how he got into the basement or what time he entered." (Vol. 5, p. 11) And, evidently, Hoover was not really interested in those details—because, if you can believe it, the name of Officer Roy Vaughn is not in the Index to the Report. This is the policeman who was stationed at the Main Street ramp to check on any unauthorized persons entering the police basement. Since Ruby said that he entered that way, and Vaughn said that he did not, Hoover prevents any dissonance in the Report by not mentioning the differing accounts of this key event. I should add here, to indicate how thorough the FBI inquest into this key issue is, that the Report includes exactly two exhibits in regards to this shooting. The first is the famous photo of Ruby killing Oswald. The second is a diagram of the City Hall basement. That's it.

In the entire Report there is not one mention of George DeMohrenschildt, Michael Paine, or David Ferrie—even though, as we know today, the FBI was almost immediately aware of all these people, and how important they were in Oswald's life. Finally, the Report is not annotated, so in the vast majority of instances, the reader does not know where the information is coming from.

A large part of the Report consists of a biography of Oswald. This begins in Volume 1 on page 22, and ends about fifty pages later; in other words, it consumes about half of the actual written Report. The rest of the Report is a collection of exhibits the FBI got from the Dallas Police.

Just how lacking in distinction was the summary Report? When it was presented to the Warren Commission, they decided they could not make it the keystone of their inquiry; in fact, it was not included in the publication of the 26 volumes. That tells you how abysmal it is.

But there was more to it than that. In a Warren Commission executive session transcript of January 22, 1964, Chief Consul J. Lee Rankin expresses his reservations about how Hoover conducted the investigation, because, in his previous and lengthy experience with the FBI, "... [I]t is hard to get them to say when you think you have got a case tight enough to convict somebody ... [T]he FBI, they don't do that. They claim that they don't evaluate" But in this case they had: they concluded that Oswald shot Kennedy by himself, and that Ruby shot Oswald by himself; and, furthermore, that the two men did not know each other, and that there was no conspiracy in either case.

Rankin also noted the fault in Hoover's investigative methodology: "Secondly, they have not run out all kinds of leads in Mexico or Russia and so forth ... But they are concluding that there can't be a conspiracy without those being run out. Now that is not my experience with the FBI."

Former FBI agent Bill Turner noted this same point to me. The thing that struck Turner as being so bad about Hoover's investigation of the JFK case was that individual leads were not followed to their ultimate conclusion. As described to me, Turner said that there were three main steps in any FBI inquiry: (1) collection of all pertinent leads; (2) the following out of all leads to their ultimate end; and (3) the collating of all information garnered into a complete and accurate report. Turner told me that without the second phase, the third phase was not really possible. And that is what he found so appalling about the FBI Report into the JFK assassination: to him, it was so apparent that the second step had been systematically and rigorously circumvented, that there had to have been interference from above; FBI agents simply did not proceed like that. Therefore, as noted by Rankin, for Hoover then to have broken with FBI policy a second time—and specifically named Oswald as the sole killer—was even more extraordinary, for by the time the Report was submitted, Hoover was aware that Johnson would be appointing the Commission; in other words, the FBI would not be the final arbiter of a verdict in the Kennedy case; they would be serving a client: the Warren Commission. Yet Hoover had come to a conclusion for the Commission before it had even begun its work or assembled its staff. As Rankin put it: "They are concluding that Oswald was the assassin ... that there can't be a conspiracy. Now that is not normal ... Why are they so eager to make both of these conclusions." (Summers, p. 321) In fact, there are indications that this is what Johnson wanted. When Senator Richard Russell tried to beg off serving because of the time involved, Johnson replied, "There's not going to be any time to begin with. All you got to do is evaluate a Hoover report he's already written." (Anthony and Robyn Summers, "The Ghosts of November," *Vanity Fair*, December 1994, p. 90)

The underlying problem was that Hoover never wanted the Commission to exist (Summers, p. 317)—but once Johnson did construct it, Hoover actually wanted to helm it (*ibid.*). Failing that, he did the next best thing: he sent them a Report that was not just descriptive, not just informational, but was conclusive in every aspect. In this regard, upon reading the FBI report, Senator Russell was as surprised as Rankin: "They have tried the case and reached a verdict on every aspect." (George O'Toole, *The Assassination Tapes*, p. 213) Returning to that January 22, 1964 transcript, Rankin came to the same conclusion: "They would like us to fold up and quit ... They found the man. There is nothing more to do. The Commission supports their conclusions, and we can go home and that is the end of it." As Hale Boggs added, "This closes the case, you see."

Both Turner and Rankin were correct: Hoover had broken with traditional FBI investigatory structure. As Curt Gentry writes, the titular head of the FBI investigation, Alan Belmont, got the drift. The day of Oswald's murder, he wrote Clyde Tolson that he was sending two supervisors to Dallas to review the findings on the Oswald matter and prepare a memo for the Attorney General setting "... out the evidence showing Oswald is responsible for the shooting that killed

the President” (Gentry, p. 547). The agents in the field also got the message: Oswald had acted alone; therefore, any evidence to the contrary would be most unwelcome (Gentry, *ibid.*). As FBI supervisor Laurence Keenan told Anthony Summers: “Within days we could say the investigation was over. Conspiracy was a word that was *verboden*. The idea that Oswald had a confederate or was part of a group or a conspiracy was definitely enough to place a man’s career in jeopardy ... Looking back, I feel a certain amount of shame. This one investigation disgraced a great organization.” (*op. cit.*, *Vanity Fair*, p. 117) FBI agent Harry Whidbee, who worked on the Kennedy investigation, said it was a “... hurry up job ... We were effectively told: ‘They’re only going to prove Oswald was the guy who did it. There were no conspirators, and there was no international conspiracy.’ ... I had conducted a couple of interviews and those records were sent back again and were rewritten according to Washington’s requirements.” (*ibid.*) While working for Jim Garrison, Mark Lane conducted a May 1968 interview with FBI employee William Walter, which reinforced Whidbee’s testimony about Washington rewriting FBI reports: Walter told Lane that initial reports were rewritten in Washington to support the official story. Congressman Don Edwards was a former FBI agent who investigated the JFK case. He said, “There’s not much question that both the FBI and the CIA are somewhere behind the cover up. I hate to think what it is they are covering up—or who they are covering for.” (*op. cit.*, *Vanity Fair*) Finally, in this regard, there are the words of FBI counter-intelligence chief William Sullivan, who admitted: “There were huge gaps in the case—gaps we never did close.” (*op. cit.*, *Vanity Fair*, p. 88)

It is interesting and illuminating to trace Hoover’s reaction to Kennedy’s murder in regard to his attitude about the case against Oswald. Within two hours of Oswald’s arrest, Hoover was “... quite convinced they had found the right party” (*ibid.*, p. 90). It is crucial to note here that this was before the FBI had received any of the evidence from the Dallas Police. The next day, once he began to get reports from his analysts about the evidence, he told Johnson, “The case as it stands now isn’t strong enough to be able to get a conviction.” (*ibid.*) On Sunday, after Ruby killed Oswald, Hoover told Johnson the following: “The thing I am most concerned about is having something issued so we can convince the public that Oswald is the real assassin.” (*ibid.*) This telling comment actually preceded the more famous one in the Justice Department memo by Nicolas Katzenbach, which states a very similar aim thusly: “The public must be satisfied that Oswald was the assassin.” (Jim Marrs, *Crossfire*, p. 459) And it may be that Katzenbach took his cue from Hoover. In other words, the true facts of the case didn’t matter; what mattered was the perception in the public mind that Oswald was the killer of Kennedy; everything else could be swept under the rug in order to attain that goal. And, in fact, the next day, Hoover was the source of a story to the Associated Press saying that all available information indicated that Oswald was the lone assassin in the murder of President Kennedy (Gentry, p. 548).

Hoover himself later confirmed, on two occasions, that his actions in the JFK case were not an attempt to seek justice, but to maintain law and order. Just a few months after the assassination, but after the FBI Report had been submitted, he told a friend in the privacy of his office that the case was a mess; that it was just a lot of loose ends (Summers, p. 330). Then, while on vacation in the

late summer of 1964, a close acquaintance of the Director's talked to him about the Kennedy case. He asked him if Oswald was the actual killer. Hoover replied, "If I told you what I really know, it would be very dangerous to this country. Our whole political system could be disrupted." (*ibid.*, p. 139) Obviously, if Hoover believed his own Report, then he would not have said anything like this. The Director understood his own report was pabulum for the public. In his mind, justice had nothing to do with it. He was maintaining law and order.

None of the above means a lick to Bugliosi. He terms the efforts of Hoover and the FBI in the Kennedy case an "excellent job of investigation" (End Notes, p. 115).

VII.3

"There is not a scintilla of evidence to support that proposition [of an FBI cover up in the JFK case]."

—Vincent Bugliosi, *Reclaiming History*

What can one say about the above statement? The author is correct in only one way: there is not a *scintilla* of evidence to support an FBI cover up in the JFK case; there is a *mountain* of evidence to support it. But since *Reclaiming History* presents only the prosecution's case, Bugliosi has to write the above. Why? Because the FBI was the prime investigative arm of the Warren Commission. And it wasn't even close a close race: the FBI did 25,000 interviews, and submitted 25,400 pages of materials; the Secret Service was a distant second, at 1,550 interviews and 4,600 pages (*Warren Report*, p. xii). So if you discredit the FBI, you discredit the Commission. Bugliosi does not want to do that.

There is compelling evidence that the FBI was complicit in the cover-up on the very night of the assassination—and it impacts on the provenance of what is perhaps the most crucial piece of evidence in the JFK case. This, of course, is Commission Exhibit 399. Now, perhaps the most important evidence in a murder case is the ammunition, especially when it is recovered from the body, or at the crime scene. Both the FBI and the Commission tell us that this expended bullet is the one that ended up in Parkland Hospital and was found by hospital senior engineer Darrell Tomlinson and security chief O. P. Wright; and that Wright then turned it over to the Secret Service, who transported it to Washington and gave it to the FBI, specifically to agent Elmer Lee Todd.

Now, from almost the beginning of the controversy about the Warren Commission, CE-399 has been under perpetual fire—and from a variety of different angles. I have touched on some of these in this series (see, particularly, Part I, Section I.4, and Part IV, Section IV.2). From the very beginning, when Tomlinson found the bullet and turned it over to Wright, there was a serious question about whose stretcher it was recovered from. Tomlinson always believed that Commission counsel Arlen Specter had juggled his testimony in this regard (see Michael Benson's *Who's Who in the JFK Assassination*, p. 453). As Jim Marrs notes, the evidence would indicate that Tomlinson found the nearly-pristine bullet on the stretcher of a little boy named Ronald Fuller (*Crossfire*, pp. 363–5).

Specter understood that this would be dangerous for the Commission to admit: it would indicate that the bullet was planted. So, as Marrs explains, Specter first tried to rattle Tomlinson. When this would not suffice, the Commission just ended up printing the following unjustified statement: "A nearly whole bullet was found on Governor Connally's stretcher at Parkland Hospital after the assassination." (*ibid.*)

But as I noted in Part I, Wright made things even worse. Since he used to work for the Sheriff's Department, he was quite familiar with weapons and ammunition. So when Josiah Thompson interviewed him in 1966, he showed him a photo of CE-399. Wright said that it did not look like the bullet he turned over to the Secret Service. So Thompson asked Wright what the bullet actually looked like. As one can see by turning to page 175 in *Six Seconds in Dallas*, Wright's response devastates the Commission: he produced a lead-colored, sharp-pointed, hunting round—which is completely different from the copper-colored, round-nosed, military round in evidence today. And in less definitive terms—since he was not that familiar with ammunition—Tomlinson also would not identify CE-399 (Thompson, p. 175). He also said that the bullet he found looked more like a hunting round. (In Bugliosi's rather brief discussion of this issue, he mentions Tomlinson, and Thompson's analysis of the stretchers; but he leaves out Thompson's interview of Wright, Wright's rejection of CE-399, and his production of a hunting round: End Notes, pp. 430–1.)

Jim Marrs makes a rather interesting note about Wright: even though he was clearly an important witness, the Commission does not appear to have interviewed him; in fact, his name is not in the *Warren Report* at all. So when Thompson went looking for him in 1966, the information he garnered clearly shed backward light on the work of Arlen Specter and the Commission. The question then became: was he avoided because they knew that his testimony would undermine their case against Oswald?

That perception was strengthened many years later; for as Thompson notes in his book, the FBI tried to get both Tomlinson and Wright to positively identify CE-399 as the bullet they handled on the day of the assassination (Thompson, p. 175). They did not. But the FBI Report submitted to Hoover, and from him to the Commission, said it bore a general resemblance to CE-399 (FBI memo of July 7, 1964, referring to an interview done by the FBI with Wright on June 12, 1964). Wright's belated testimony shows this to be an FBI lie. But it went even deeper—and it begins to illustrate why supervisor Keenan felt the shame that he did—for after the memo of July 7 was issued, another report came out of Dallas and was sent to Hoover. It said that neither Wright nor Tomlinson could identify the bullet—period (FBI Airtel of June 20, 1964). As with the ploy the FBI pulled with the paper bags that Oswald was supposed to have used to transport the rifle (see Part VI, Section VI.2), it appeared that Hoover was arranging a fall-back position in case a positive identification was not forthcoming. A further problem would be the late date on the first memo. Why would the FBI wait so long to get an ID? There must have been some intervening report made by the Bureau. After an extensive search of the National Archives, there appears to be none (James DiEugenio and Lisa Pease, eds., *The Assassinations*, p. 284).

Later research by Thompson and Gary Aguilar exposed the FBI charade even further. The agent who did the June 12 report, which the July 7 memo was based on, was Bardwell Odum. Recall, this was the report that said that CE-399 resembled the bullet recovered from Parkland. Thompson and Aguilar tracked down Odum in November 2001 in a suburb of Dallas. He told them that he had never shown CE-399 to any Parkland Hospital employee—and he certainly would have recalled doing so with Wright, since he knew the man (*ibid.*). Thus the evidence and testimony indicates that Hoover fabricated the June 12 report in order to pacify the Commission's fears about the provenance of CE-399. To any objective person, it is quite dispiriting that we had to wait until 2001 to find out about Hoover's perfidy in this regard.

The work of John Hunt shows that Hoover understood what he had to do. Hunt is the kind of person to keep in mind when we hear Bugliosi ridiculing the critical community as a bunch of irresponsible goof-balls who are in this endeavor for handsome speaking fees and autograph payees—neither of which exist. Hunt didn't have the huge advance that Bugliosi did; but rather, on his own dime, he went to the National Archives and he stayed there. And he brought something with him that was important to his quest: a magnifying glass—actually, two of them. And because of this, he managed to surface first-day information that you will not find in *Reclaiming History*. Once he gathered this important information, he didn't market it in a book, or go on any media tour; he wrote two important essays and put them on the web for all to see (see jfklander.com/hunt/phantom.htm and jfklander.com/hunt/mystery.html). They raise the most profound questions about what Hoover knew and what he was up to.

As Hunt states it, he wanted the answer to one question: is bullet CE-399 sitting in the National Archives today the same bullet that was recovered at Parkland Hospital? As I noted above, the story goes that Wright handed the bullet to Secret Service agent Richard Johnsen (Thompson, p. 156). Johnsen then took the bullet to Washington, where he gave it to his boss James Rowley (Warren Commission, Vol. XXIV, p. 412). Rowley then gave it to FBI agent Elmer Todd; and Todd delivered it to Robert Frazier at FBI headquarters (*ibid.*). As Thompson notes in his book, when Johnsen gave the bullet to Rowley, Johnsen composed a receipt to mark the delivery. There are two quite interesting things in his short note. Firstly, he admitted that it was not known who occupied the stretcher that the bullet was recovered from (Thompson, p. 155; he actually seemed to describe Ronald Fuller's stretcher). Secondly, he certified the time that he gave the missile to Rowley as 7:30 p.m.

Here begins a monumental problem for the official story. Frazier had been alerted to the fact that evidence was coming in from Dallas that evening, so he was waiting for its arrival. When Todd walked in with the bullet, Frazier did what he did a thousand times before: he noted the time of delivery, and the name of the man who gave him the exhibit.

As Hunt states, there are some things missing from the FBI files in regards to Frazier's notes on this bullet, but there was enough left over to piece together a chain of custody. In fact, Frazier composed a document entitled "History of Evi-

dence”; on the top line he wrote that he received the bullet from Todd at 7:30 p.m. And Frazier wrote another document, called “Laboratory Work Sheet”, which also certifies that he received the bullet from Todd at 7:30 p.m.; it describes it as “Bullet from Stretcher”.

The obvious question raised by these documents is this: how could Frazier have received the bullet from Todd at the exact moment that Johnsen gave it to Rowley—especially since the men were in different places at the time (Todd was at the White House when he got the bullet)? But it’s even worse than that, because Todd noted the time that he received the bullet from Rowley on the envelope he received from him: Todd wrote down the time as 8:50 p.m. Question for the Prosecutor: how could Todd have given CE-399 to Frazier before he got it from Rowley? As Hunt concludes his essay—aptly titled “The Mystery of the 7:30 Bullet”—either there were two bullets, or the FBI switched the bullets. Either would be fatal to the Warren Commission. The latter would show, as Thompson wrote, that the assassination was, at least partly, an “inside job”, that is, it was aided—i.e., covered up—by agents of either the Secret Service or FBI (Thompson, p. 176). If the former is the case, then this means that there were four bullets, and therefore the Commission conclusion about Oswald as the lone assassin is negated.

But dare I add that it’s even worse than that. In Thompson’s book he writes about the transaction between Todd and Frazier like this: “They both marked the bullet with their initials.” (*ibid.*, p. 155) Thompson sources this to a Justice Department report, which in turn contains two pages of an FBI report on the rifle bullet from the stretcher (CE-2011). And, as Thompson notes, the FBI document does say Todd identified his initials on CE-399. On June 24, 1964, Todd took CE-399 and showed it to Rowley and Johnsen at the White House. It was necessary for them to do this since their initials were not on the bullet. So now we have Tomlinson, Wright, Johnsen, and Rowley all failing to identify CE-399.

But, surely, Todd’s initials were on it? After all, it said so in the FBI report. And Bugliosi, who apparently never visited the National Archives to inspect the bullet, uses the aforementioned FBI report to tell the reader that they are (End Notes, p. 431). Hunt, on a Motel 6 budget, did what Bugliosi did not: he photographed the bullet in sequential rotation, so that the reader can see its entire circumference. Todd’s initials are not on CE-399 today. So if Todd did mark a bullet on November 22, 1963, that bullet is not in the National Archives. Hunt is the kind of person that *Reclaiming History* ridicules: a researcher who puts himself out, at personal sacrifice, for no personal gain. Needless to say, Elmer Todd is mentioned exactly one time in the book (*ibid.*). Hunt’s name is nowhere to be found—even though his essay was published a year before *Reclaiming History* came out.

In Part I of this series I showed beyond a reasonable doubt that the FBI switched the bullets in the General Walker case in order to incriminate Oswald in that shooting attempt (see Section I.7). It is now shown—also beyond a reasonable doubt—that the Bureau pulled a similar trick with CE-399. Either the bullet was switched, or a second bullet was made to disappear. If that does not constitute a cover-up, then Bugliosi will have to show me what does.

And, I hate to say it, but we're just getting started.

VII.4

"We didn't think that Hoover would deliberately lie."

—J. Lee Rankin, Warren Commission Chief Counsel

Let's stick with Dealey Plaza for now, since a prosecutor like Bugliosi would consider that to be "scene of the crime" evidence or, in some cases, "hard evidence".

As I pointed out in Part IV, Section IV.1, Bugliosi understands that the James Tague bullet strike in Dealey Plaza is a serious problem for upholders of the Warren Commission, in two senses. Firstly, Tague was positioned under the triple underpass, out of the target zone by a distance of well over 200 feet. So how could Oswald have scored two direct hits, yet fired a shot that missed by that much? (As I noted earlier, Bugliosi does not mention this distance problem in his discussion of the Zapruder film.) The other serious problem with this strike is that there was no detection of copper at the scene where it bounced off the curb to hit Tague. This is hard to swallow, especially if you have seen a copper-coated Mannlicher Carcano bullet. Bugliosi tried to explain this one away in a manner similar to Gerald Posner. Whereas Posner said that, as the bullet traveled through a tree, the branches peeled off the copper outer layer, Bugliosi says that this particular bullet bounced off the street pavement first (Bugliosi, p. 471). Evidently, we are supposed to believe that (a) this ricochet miraculously and precisely peeled off the copper coating; and (b) the bullet was then posed in such a way as to recoil off the street and propel itself well over 200 feet—and still had the kinetic energy to displace part of the curb. Yet, as I noted, where did the sheared jacket go? Because it is not in evidence today.

This particular incident is one reason why the Warren Commission did not print the FBI report in its 26 volumes. Hoover had two men at the autopsy in Bethesda: Frank O'Neill and Jim Sibert. They wrote a report on the autopsy that differs in important ways from the report eventually submitted by pathologist James Humes. For instance, they wrote that the bullet in the back did not penetrate the body, and it entered at a much steeper angle of 45 degrees. But—most relevant to this discussion—they said that all the shots fired hit either Kennedy or Connally, and a separate bullet hit the Governor; in other words, no "Single Bullet Theory". As we will see, Hoover was intent on keeping this particular bullet accounting sequence intact. Bugliosi tries to say that the reason Hoover rejected the Single Bullet Theory was that he did not have the autopsy report (p. 457). He ignores the fact that, long after he did have the autopsy report, Hoover wrote: "We don't agree with the Commission, as it says one shot missed entirely. We contend all three shots hit." (Harold Weisberg, *Never Again*, p. 342)

Tague was struck in the cheek, and both he and a policeman saw a bullet strike on the curb next to him (Henry Hurt, *Reasonable Doubt*, p. 131). Photographers heard about it, and a picture of the strike was in the newspapers that weekend

(*ibid.*). As Gerald McKnight notes, the FBI office in Dallas knew about Tague on the weekend of the murder, well before the initial report was submitted (*Breach of Trust*, p. 228). In fact, Tague had reported the strike to the FBI in December (*ibid.*). So there had to be a reason why they avoided it. When Tague held a press conference about his experience, the local agents tried to smear him in their reports as a publicity seeker (Hurt, p. 132)—even though Tague was a stand-up citizen, with no criminal record, who held a managerial position in which he supervised two hundred employees (McKnight, p. 231). This attempted concealment extended to the Warren Commission; for when the Commission questioned photographers Tom Dillard and Jim Underwood, they asked no questions about Tague—even though they had seen and photographed the bullet strike (Hurt, p. 132). In April 1964, David Belin interviewed a policeman who was on the scene. He tried to tell Belin about a bystander who appears to have been Tague. He actually mentioned it twice. Belin ignored the information (*ibid.*, p. 133). In fact, in an early draft of the *Warren Report*, the Commission stated that “the Secret Service checked the area where the bullet reportedly struck near the Triple Underpass but could find no indication that a bullet had struck near the street in that area” (McKnight, p. 228). The Commission appears to have tried to follow Hoover’s lead in this regard.

At the end of May, Tague returned to Dealey Plaza. He was about to visit relatives out of state, and he wanted to film the mark of the bullet strike. A funny thing happened when he went to aim the camera: he found out that the mark had disappeared (Hurt, p. 134)—yet there had been photographs taken of it that survived. Now, with publicity rising in Dallas, Commission counsel Arlen Specter suggested that Tague be deposed and that the FBI look into the matter—after the mark was gone, of course (*ibid.*).

The Report submitted by the Bureau to the Commission is memorable in its phrasing: “No nick or break in the concrete was observed ... nor was there any mark similar to the one in the photographs ...” (*ibid.*). The Report then went on to offer reasons why the mark was not now visible: the authors said it might have been the rain, or the brushes of a street cleaning machine. How either one of those could *fill in* a bullet crease is something only Hoover could explain (*ibid.*). At this point, about eight months after the fact, Wesley Liebler finally went to Dallas to talk to Tague. The FBI alerted Dallas that they wanted the curb strike located. Dallas agent Gordon Shanklin said the attempt had been “aborted” (McKnight p. 229). Hoover realized that the stalling could not continue, so he sent analyst Lyndal Shaneyfelt to examine the curb.

The results of all this may explain why Hoover was reluctant to investigate originally. Tague was unwavering in his depiction of what happened: he felt a sting on his cheek, looked down, and saw a piece missing from the curb—which is what he told the FBI on December 14, 1963 (*ibid.*, p. 230). He was backed up by Deputy Sheriff Buddy Walthers, a nine-year veteran who said that there was no doubt that it was a fresh ricochet mark (Hurt, p. 135). But, as Hurt notes, a very peculiar thing happened during the Tague deposition: Liebler revealed that (1) he knew about the other photos, and (2) he knew that Tague had tried to shoot the mark *with a motion picture camera* (*ibid.*). Tague was stunned at this revelation. It clearly suggests that the FBI was tailing him.

Shaneyfelt had the spot where the mark had appeared sawed out and flown back to Washington. After spectrographic analysis, he concluded that the trace elements were lead and antimony (*ibid.*, p. 136). No copper. Harold Weisberg sued to get the exact strip of film used during the spectrographic analysis (*ibid.*, p. 137). The FBI claimed that it had been somehow destroyed or discarded during routine house-cleaning. (How evidence in the JFK case could be considered routine is puzzling.) The FBI was so arrogant that it even questioned whether or not the mark had been patched (*ibid.*, p. 138)!

This episode reveals that the FBI originally tried to conceal the evidence of the Tague strike, even though they knew that it happened; that they at first tried to smear—and then surveilled—James Tague, to neutralize his attempts to get the word out about this bullet; that they also knew that someone had filled in the mark, therefore compromising its value as evidence. They then tried to cover that fact up with absolutely risible excuses. Then, when they could conceal it no more, they gave a report on most of this to Liebler. And finally, they stonewalled Weisberg when he tried to get the raw data upon which Shaneyfelt's test results were based.

How does Bugliosi deal with all this? He places it in the End Notes (pp. 315–7). Like the FBI, he tries to ridicule Tague because he became close to Weisberg, and eventually wrote a book. He also agrees with the FBI and Hoover that the strike had to be a *fragment* ricochet, and that the absence of copper reveals that the Mannlicher-Carcano bullet jacket had been sheared. He cannot bring himself to admit that the projectile may have been a different type of bullet. Although he discounts Posner's tree-branch explanation, he says it is "possible". Surprisingly, he begins the tale of the FBI's role in the whole sorry affair on August 5, 1964, thereby curtailing their prior and lengthy guilty knowledge, and disposing of the fact that what Shaneyfelt did in August, the FBI could and should have done the weekend of the assassination. And he makes no mention at all of Weisberg's lawsuit and struggle, and the FBI's lame excuses as to why they could not turn over the evidence he wanted.

There is one other important piece of information that Bugliosi leaves out of this discussion. In July 1964, Chief Counsel Rankin wrote Hoover a letter. He asked, quite sensibly, at what point did this projectile pass over the limousine, and where it originated from. Hoover replied on August 12, 1964 with a letter that Rankin probably wishes he had never received. Hoover said that after a microscopic study of the Zapruder film and the angle that the said projectile hit the curb, they decided that the missile was moving in a "general direction away" from the Texas School Book Depository (McKnight, p. 232)—which, of course, means it could have been fired from almost anywhere in the building, at anything outside it. The letter then got worse: it said that the bullet was fired at Zapruder Frame 410, and at an elevation of 18 feet above street level. So Oswald got two direct hits, and then fired over the top of the car by about 15 feet. He then stayed in the window for about five seconds after he killed Kennedy. Hoover then added that the angle of the strike was thirty three degrees. As Gerald McKnight notes, if Hoover was right, and this were a direct shot, it could not have been fired from the so-called "sniper's lair" (*ibid.*). It was probably for this reason that the Commission stated that "the mark on the south side of

Main Street cannot be identified conclusively with any of the three shots fired” (*Warren Report*, p. 117).

Recall what Bugliosi said in his Introduction: that he would only set forth the critical arguments the way the critics want them set forth, and then added, “I will not knowingly omit or distort anything.” (Bugliosi, p. xxxix) I could not find this letter in *Reclaiming History*. The problem is that it’s clear that he read McKnight’s book, because he quotes it elsewhere.

Mercifully, I will leave it at that.

VII.5

“The FBI couldn’t be trusted.”

—J. Lee Rankin

As well as the above, I have already addressed—in Part II, Section II.1—how Hoover did everything he could to falsify the results of the paraffin tests. This was a chemical test done on Oswald by the Dallas Police, which showed that he had no trace of gunshot residue on his face from discharging a rifle. Hoover did two things to neutralize the impact of this outcome. He first had his agents put out the story that the Mannlicher-Carcano was such a superbly machined weapon that no gases could be emitted from the chamber upon firing. As I wrote earlier, Bugliosi dutifully repeats this bit of silliness (pp. 164–5). This was exposed as a deception by Bill Turner and chemist Vincent Guinn: they tested the rifle and discovered that it discharged residue in abundance. Turner later wrote about this result in the legal journal *American Jurisprudence*. On top of this, Hoover then did further testing on the trace particles, consisting of spectrographic tests and Neutron Activation Analysis. The paraffin test can produce false positives, because contact with other materials can leave similar trace elements that gunshot residue does. But these further tests were even worse for Hoover. They were so bad that he pledged his agents to secrecy, and then kept the results classified until after he died.

But Harold Weisberg was his usual indefatigable self. He kept at it in court, and finally got the records declassified. The documents show that the outcome was exculpatory for both Oswald’s hands and his cheek (Larry Hancock, *Someone Would Have Talked*, p. 73; Weisberg, *Post Mortem*, p. 437), which would indicate that he did not fire a rifle or handgun that day. The further testing essentially confirms the results of the Dallas Police, since the nitrates on his hands were on the palm side—yet they should have been on the outside of his hands if the nitrates came from the gun discharge. The further testing indicates that the initial tests picked up a false positive. (See whokilledjfk.net/paraffin_test.htm for more on this subject.) Hoover reacted almost violently to all this: he had his agents testify falsely to the Warren Commission about it. Cortland Cunningham said under oath, “I would not expect to find residue on the right cheek of a shooter.” (*ibid.*, Hancock)—whereas, as the declassified documents reveal, he knew that the true outcome was the opposite. Hoover then had friendly assets

in the media, like long-time FBI toady James Phelan, discount the test in order to attack Jim Garrison—all the while keeping the actual results secret.

It's difficult to believe that Bugliosi was unaware of any of this, because Hancock's book was published a year before *Reclaiming History. Post Mortem* was published in 1975.

Weisberg was also critical of the so-called FBI reenactment of the assassination. Previously, the Bureau had a reputation—deserved or not—for doing precise work. As Turner noted above, this collapsed with the JFK case. From his observations of the photos, Weisberg noted that some of the landmarks—like the signs—had either been altered or were removed (Weisberg, *White-wash II*, p. 215). Groundskeeper Emmett Hudson confirmed this to the Commission: he said that hedges and shrubbery had been trimmed; all three road signs had been moved; and the Stemmons Freeway sign had been replaced (*ibid.*, p. 4). Jim Marrs interviewed Chester Breneman, who was a surveyor who participated in both the FBI-Secret Service reenactment in May, and in a much earlier one for *Life* magazine. He and his fellow surveyor, Bob West, were shocked that the car used for the simulation was not just a different model, but a different make, than the presidential limousine: the Bureau accepted a Cadillac; the original was a Lincoln (*Crossfire*, p. 456). Yet the elevation of this car was 13 inches higher than the Lincoln. How could this be an honest reconstruction if this car placed its passengers that much higher? For, as everyone knows, the Single Bullet Theory is so finely balanced on the head of a pin that, if you take out just one variable, it collapses—yet this was a major adjustment.

Breneman confirmed much of Hudson's testimony: he told Marrs that the original Stemmons Freeway sign had been removed (*ibid.*). Furthermore, the two men were told not to factor in any bullet strikes on the south side of Elm—apparently a reference to the Tague hit (*ibid.*, p. 457).

This leads to the handling of the photographic evidence by the Bureau. In an early report unearthed by Harold Weisberg, and commented on by him in several documentaries, the FBI actually reported that the Zapruder film had little evidentiary value. When asked by the Warren Commission the reason the assassin did not fire on the limousine as it progressed up Houston Street, Hoover replied, "The reason for that is ... the fact that there are some trees between this window on the sixth floor and the cars as they turned and went through the park." (Warren Commission, Vol. V, p. 105) As Robert Groden and others have pointed out, this is false—and Hoover probably knew this, since the FBI had done extensive study and reporting on the films. As more than one author has noted, when the Warren Commission printed frames from the Zapruder film in its volumes, some of them were transposed so that "... the certain perception of the front-to-rear shot is removed. The FBI took responsibility for the faulty sequence, and in 1965 Director J. Edgar Hoover called the transposition a printing error." (Hurt, p. 129) Since it was in receipt of a copy of the film from the Secret Service within two days of the assassination, the CIA did its own study of the Zapruder film quite early in the process (McKnight, p. 151). They concluded that the first shot came before Z-210. They also concluded that there were two assassins, since they had the second shot at just 1.6 seconds after the first—

which is too fast a time to recycle the rifle. Since the CIA analysis clashed with the Commission's, Hoover cooperated on a cover story that said that the Agency did not get a copy of the film until December 1964, when they requested it for "training purposes" (*ibid.*, p. 152).

But Hoover's deceptions about the films were not limited to just Abraham Zapruder's. Anyone who has read Josiah Thompson's early book on the JFK case, *Six Seconds in Dallas*, will remember the importance he attributes to the Hughes film. In fact, he uses it to build the memorable climax of that book. This takes place on pp. 234–248, where Thompson—in his idiosyncratic way—uses witness testimony, photos, and film frames to build a powerful visual case that there were two men in the "sniper's lair" window both before and after the shots were fired. One of the capstones of this demonstration is his use of frames from the film made by Robert Hughes. Let's quote some of the relevant text: "Some eighty-eight frames of Bob Hughes's 8-millimeter film show what appear to be two figures on the sixth floor of the Depository within five seconds of the first shot." Then, discussing one of the figures, he writes, "... it may very well be the gunman in the sniper's nest getting into firing position. The other figure appears 10 or 12 feet to the left in the second pair of windows from the corner ... In some of the eighty-eight frames ... that figure appears clearly." This is one of the most memorable passages in the literature from the first generation of critics.

What did Hoover do with this evidence? When accounts surfaced about what the Hughes film showed at the time of the assassination, Hoover set himself to work doing what Bugliosi says he did not do: he covered it up. He sent a report to the Warren Commission on the matter. Said report included one frame of the film. (Recall, Thompson talked about 88 frames.) He assured the Commission—based upon that one frame—that the entire footage showed no such suspicious figures or actions (Weisberg, *Whitewash II*, p. 207).

VII.6

"Hoover lied his eyes out to the Commission."

—Commissioner Hale Boggs

One of the worst things a law enforcement agency can do is to deliberately discount, distort, and rewrite testimony—or intimidate a witness—yet examples of this abound in the FBI's inquiry of the Kennedy case:

- The FBI tried to get Nelson Delgado to change his testimony about Oswald's terrible shooting skills in the Marine Corps (Mark Lane's film *Rush to Judgment*).
- The Bureau tried to get Delgado to say that Oswald was proficient in Spanish, when Delgado knew that he was not (Warren Commission, Vol. VIII, pp. 248–9).

- FBI agents reported that Delgado was not a top rifleman, when in fact he was one of the highest scorers in his troop, and wore an expert badge (*ibid.*, p. 238).
- The FBI tried to discourage Arnold Rowland from telling his story about seeing an elderly black man around the time of the assassination on the sixth floor (Weisberg, *Whitewash II*, p. 80).
- Ken O'Donnell and Dave Powers were told by the Bureau not to tell the Commission what they believed, namely, that shots came from the right front of the motorcade (*op cit.*, *Vanity Fair*, p. 88).
- The Bureau tried to get Depository witness Bonnie Ray Williams to alter his story about what time he left the Sixth Floor before the assassination—which, for reasons I mentioned in Part II of this series, is a crucial point (Warren Commission, Vol. III, pp. 172–3).
- FBI agent Regis Kennedy falsified a report about Dean Andrews receiving a phone call from Clay Bertrand (Clay Shaw) to defend Oswald (William Davy, *Let Justice be Done*, pp. 51–52).
- Ken Dowe, a local radio announcer, provided information that Ruby called the police on Saturday asking when Oswald would be transferred; the FBI told him that it wasn't important (Sylvia Meagher, *Accessories After the Fact*, p. 319).
- Alfred Hodge told FBI agents that he saw Ruby at the Police Station on November 24; the agents left that out of their report (Warren Commission, Vol. XV, p. 501).
- When the FBI first questioned Marina Oswald about Lee's rifle practice, she could not recall any such instances; two months later, she recalled three—one of which was impossible, since the rifle had not been shipped yet (Meagher, p. 132).
- When Marina Oswald was hesitant in answering their questions, the Bureau told her that she would have to if she wanted to stay in the USA (Warren Commission, Vol. I, pp. 79–80).

But it's actually even worse than that, because there is a multitude of evidence that the FBI decided quite early that they were going to cover up the fact that Oswald was not what the media portrayed him out to be, or what Hoover made him out to be in the summary report, namely, a dedicated and loyal Marxist.

In the first installment of this series, I was at pains to show that Ruth and Michael Paine cooperated with the FBI on the Minox camera caper. They helped the Bureau make Oswald's Minox disappear, and they further aided in substituting one allegedly owned by Michael Paine. This helped the FBI explain the discrepancy between the DPD inventory and the FBI inventory of evidence, since the latter list deep-sixed the Minox. The Minox, a miniature camera often

used for espionage, would have indicated that Oswald was an under-cover intelligence agent—especially since he already owned two other cameras for personal use: why would the rather lower-class Oswald spend money to buy a third camera, and especially an expensive Minox?

How deep did the FBI's deception about the camera proceed? When the DPD photographed some of Oswald's photographic paraphernalia, the Minox camera was visible in the picture (James DiEugenio, *Destiny Betrayed*, p. 341). When the Bureau got the evidence from Dallas, that picture had been altered by fogging around the edges; this is how the Bureau made the Minox disappear (*Probe*, Vol. 4, No. 3, p. 2). But as John Armstrong explained in that *Probe* essay, the FBI went further than that. The Dallas Police had shot 451 items using five rolls of film. But the FBI returned two rolls of film and 241 items. The rest of the inventory was not returned until February 1964—and Hoover now announced that this new inventory superseded the original one, which he said was incomplete and “not completely accurate” (*ibid.*, p. 26). Armstrong goes even further in this regard by saying that the original five rolls of film were never located by the National Archives (*ibid.*). Also, when FBI agent James Cadigan revealed in a Warren Commission deposition that the transfer of many items was facilitated at an earlier date than anyone had realized—it actually began on November 23, 1963—his testimony was altered and deleted before it was published in the Warren Commission Volumes: someone flagged that revealing tid-bit down; that particular bit of testimony about the FBI's early possession of evidence was then actually crossed out; this mysterious agent wrote the word “delete” next to it—and it was (*ibid.*, p. 22).

We have also seen, in Part V, how the FBI knew about Oswald's association with David Ferrie in New Orleans. For instance, when the Bureau interviewed the man who took the famous Civil Air Patrol photo of Oswald with Ferrie, Chuck Francis told them about the association between Dave and Lee (John Armstrong, *Harvey and Lee*, p. 125). The FBI also knew about Ferrie frantically searching for any evidence that could surface in the wake of the Kennedy assassination that would link Oswald to himself. They knew that Ferrie had visited a neighbor of Oswald's, Doris Eames, to inquire whose card Oswald was using at the library that summer (*Probe*, Vol. 5, No. 5, p. 17). And they also knew that Ferrie had called a former Civil Air Patrol member named Roy McCoy to seek out any photos he may have had of the two (*ibid.*).

The FBI also knew—and covered up—its knowledge of Oswald being in the Clinton-Jackson area in the Summer of 1963. We know this through the research of Joan Mellen, who talked to an FBI agent who worked that area (Mellen, *A Farewell to Justice*, pp. 232–4). Mellen also found out that the Bureau then visited the hospital personnel office where Oswald was advised to go to by Clay Shaw and David Ferrie (*ibid.*, p. 234). The FBI had no interest in any of the startling information that State Trooper Frances Fruge had garnered from Rose Chermie. We know this because Fruge later told radio broadcaster Jim Olivier that he contacted the Lafayette office of the FBI, and they had no interest in interviewing her (JFK Lancer Conference, 2003).

As mentioned above, the FBI altered a report about Dean Andrews to make it seem like he was under hospital medication when he received a call from Clay Bertrand. This was probably done because the Bureau knew that Clay Shaw used that alias, and this clue would then lead them to Shaw. How do we know this as a logical deduction? In a stunning disclosure by the Assassination Records Review Board, FBI officer Cartha DeLoach told the number two man at the FBI that “Shaw’s name had come up in our investigation in December 1963 as a result of *several parties* furnishing information concerning Shaw” (FBI memo of March 2, 1967; italics added). This point was furthered at the trial of Clay Shaw when FBI agent Regis Kennedy testified that (1) he had been involved in the Bureau’s JFK inquiry prior to his visit to Andrews; and (2) he had been seeking Clay Bertrand in connection to that that inquiry (William Davy, *Let Justice Be Done*, p. 194). Regis Kennedy is the same FBI agent who knew Shaw had done work for the CIA in Italy for five years during his association with Perminde; he very likely found this out during his Bertrand/Shaw inquiry back in 1963 (*ibid.*, p. 100).

It is clear that Hoover had to have known about Oswald’s association with Guy Banister and 544 Camp Street. For starters, John Newman revealed a quite compelling piece of subterfuge in his book *Oswald and the CIA*. He wrote that the New Orleans FBI office had deleted from the final draft of a memo to Washington the following interesting information: “Several Fair Play for Cuba pamphlets contained the address 544 Camp Street.” (p. 310) This FBI dodge about Banister and Oswald went even further, for when the Bureau forwarded its very few and skimpy reports on Banister to the Warren Commission—in which they did not question him about Oswald—they failed to use the 544 Camp street address; they used the alternative address of 531 Lafayette (Summers, *Official and Confidential*, p. 325). This may have some significance because, as I revealed in my first book, the Commission did print one flyer that Oswald had been distributing that summer, the famous Corliss Lamont pamphlet entitled “The Crime Against Cuba”. But on that particular document, Oswald had stamped the address 544 Camp Street (Warren Commission, Vol. XXVI, p. 783). So even if they had tried to connect the two—which I doubt they would have—they could not.

As mentioned above, in spite of all this guilty knowledge, the FBI summary report portrayed Oswald as a Marxist loner. They could do that since none of these associations are mentioned. The same occurred in the *Warren Report*.

It is interesting to note that the FBI point man on Hoover’s Minox camera caper appears to be Warren DeBrueys. As John Armstrong noted in the above-referenced article, it was DeBrueys who went to the Dallas Police property clerk H. W. Hill (*op. cit.*, *Probe*, Vol. 4, No. 3). DeBrueys was one of the FBI agents who tried to convince Hill and officer Gus Rose that they actually did not find a Minox camera, but rather a light meter. Armstrong also notes in his book that DeBrueys was one of the agents involved in creating the new and revised evidence inventory list (*Harvey and Lee*, p. 910). He was also one of the agents on the scene in New Orleans, and later in Dallas, who spoke fluent Spanish and had informants inside the Cuban exile camp. Joe Newbrough, an employee of Banister, told Jim Garrison that he saw both DeBrueys and Regis Kennedy at frequent meetings of the Cuban exile group named the Christian Democratic

Movement. They were in the company of David Ferrie (Garrison Memorandum of December 19, 1966). According to a CIA report, a fellow denizen of Banister's office, namely, Sergio Arcacha Smith, was another close contact of DeBrueys' (Armstrong, p. 304). Jim Garrison found out that DeBrueys was so involved with Banister, Ferrie, and the Cubans in New Orleans that "instead of operating out of local Bureau headquarters, he had a special office at the Customs House on Canal Street, close to the scene of anti-Castro activity." (Garrison, *On the Trail of the Assassins*, p. 182) When Garrison called DeBrueys before the Clay Shaw grand jury, he pleaded executive privilege—on orders sent down by the Justice Department (*ibid.*).

When I interviewed DeBrueys at his home in suburban New Orleans in the summer of 1995, he revealed to me, that right after the assassination, he was detailed to the Dallas Office of the FBI, and he was one of the top FBI agents involved in the research and composition of the shabby FBI summary report. In fact, he seemed to take credit for being the first agent to realize that Oswald had actually taken a shot at General Walker. His evidence for this: since Oswald shot at Kennedy in the head, and the attempt on Walker was a head shot, then they must have been by the same assassin. DeBrueys also told me that he read few, if any, books on the JFK case. That turned out to be a humorous statement, because when I wandered into his study later, I noticed a whole shelf of books on the Kennedy assassination—at least fifteen of them.

Perhaps the most tantalizing information about DeBrueys and Oswald in New Orleans comes in the aftermath of Oswald's arrest, after his altercation with Carlos Bringuier on August 9, 1963. As most readers would know, this incident took place four days after Oswald allegedly first approached Bringuier about helping his group in their struggle against Castro. John Newman points out something very interesting about the date of August 5, 1963: up until that time, although the Bureau said that they knew that Oswald was in New Orleans, they did not know his address (*Oswald and the CIA*, p. 317); this address was not ascertained until August 5, 1963. Newman says that this is a startling coincidence, because this was the date on which Oswald broke out of his low-profile phase, and into a highly visible action phase against the Fair Play for Cuba Committee (*ibid.*)—and it began with his approach to Bringuier. We are to believe that the Bureau could not find out this defector's address for three months? Both Newman and Anthony Summers postulate that a more logical explanation to the FBI not knowing his address is the cooperation going on between the Bureau and the CIA over both groups' penetration of the FPCC. Summers discovered documents in the CIA ARRB releases that acknowledged that fact (*Vanity Fair*, p. 132).

But on August 9, 1963, Oswald was passing out pro-Castro leaflets. Bringuier and two friends heard about this, rushed over, and accosted him. As John Newman notes, this confrontation is dealt with in the *Warren Report* in three sentences. But the man who booked Oswald, Lieutenant Frances Martello, said something interesting about it: he said that Oswald "seemed to have set them up, so to speak, to create an incident, but when the incident occurred he remained absolutely peaceful and gentle." (Warren Commission, Vol. X, p. 61) Once arrested, he asked to be interviewed by the FBI—and he specifically re-

requested DeBrueys. He told Martello, "Tell them you have Lee Oswald in custody." (Mellen, p. 59) A young FBI clerk named William Walter took Martello's call early on a Saturday morning. Oswald had told Martello to relay a number with his name to the local Bureau office. John Quigley was the only field agent on hand. Walter searched the files with the number relayed from Martello. He found two sets of related files on Oswald: one related to espionage and Cuba; but there was also a security file with the name of both Oswald and DeBrueys on it. This file was locked up with those of people doing ongoing surveillance, and classified as paid informants. Walter later told Jim Garrison that the files looked to him as if the FBI was in regular communication with Oswald. Martello kept much of this information about Oswald secret, since he had been a police informant for Guy Banister at an early stage in Banister's career. The FBI knew about Martello's limited hang-out, so they sent the House Select Committee on Assassinations the wrong file on him—an error which was not corrected (*ibid.*, pp. 59–60).

Perhaps the clinching argument about the FBI–CIA cooperation on undercover operations against the FPCC is this: on September 16, 1963, the CIA sent a message to the FBI saying that they were "giving some consideration to countering the activities of the FPCC in foreign countries", and to planting deceptive information which might embarrass the Committee. The next day, Oswald applied for a tourist card at the New Orleans Mexican consulate for his much-storied trip to Mexico City (*op. cit.*, *Vanity Fair*).

There is also anecdotal evidence to the effect that the FBI understood that Oswald was an informant to the Bureau at the time that he was working as an *agent provocateur* into the FPCC for the CIA. Harry Dean has said that he recognized what Oswald was immediately after the assassination—because he himself had done the same type of thing to the FPCC for the CIA and FBI (Robert Groden, *The Search for Lee Harvey Oswald*, p. 230). Joseph Burton was a former FBI informer who infiltrated Marxist and radical groups. He was sometimes accompanied by a woman from New Orleans on these missions. She told Burton that she and her husband knew that Oswald was affiliated with the FBI New Orleans office. Later on, Burton asked his contact at the Bureau about this. He confirmed the information (*Vanity Fair*, p. 132).

How does Bugliosi deal with all the above? This is what he says about the FBI's delay in finding Oswald's address in New Orleans: "It is not clear from the record how the FBI got Oswald's address on Magazine Street ..." (Bugliosi, p. 720). To which I would reply, "OK, but doesn't that kind of beg the question?" How does he react to the abundant evidence that Oswald was an informant within the Cuban exile community? He ignores almost all the evidence adduced above. He then tries to reduce the allegations about DeBrueys to the infamous dispute between the FBI agent and Orest Pena. This devolved into a prolonged and bitter battle between the two, with Pena saying that DeBrueys physically threatened him, and DeBrueys saying that Pena ran a bordello out of his bar. Bugliosi does not elucidate or trace this dispute in any detail at all—that approach may have shed some light on how it all started; instead, he blames most of it on Mark Lane (p. 1222). He then spends two pages on Adrian Alba.

The final way he deals with it is enlightening. As many commentators have written—including Joseph Green (ctka.net/2009/ten_point_program.html)—very early in the Warren Commission's inquiry, in January 1964, they were confronted with a report that Oswald was an FBI informant. Bugliosi attributes this story to reporter Lonnie Hudkins (p. 1216). Hudkins would not reveal all his sources for this information; but he did mention Dallas Assistant District Attorney Bill Alexander as one of them. Recall, from the last installment: Alexander is the man who did not tell Bugliosi anything about the interesting frame-up practices of his boss, Henry Wade, which were later exposed in detail by District Attorney Craig Watkins. Bugliosi naturally asks his trusted source—who has already covered up for him once—about this Oswald-as-FBI-informant report. He also asks, of course, Alexander's good pal, Hugh Aynesworth about it. (I guess he thinks that since Aynesworth was an FBI informant himself, he would know.) What is Bugliosi's verdict on it all? He says that Hudkins made it all up, with the help of Alexander and Aynesworth. Why? To test if their phone lines were tapped! That is, they made up the story and assigned Oswald an informant number to see if the story would get out; if it did, they knew that the FBI was listening (*ibid.*, pp. 1218–9). I should add, here, that he also proffers that Hoover signed an affidavit saying that all agents who had any contact with Oswald had sworn that he was not an informant (p. 1220). He adds that Hoover was under penalty of perjury when he submitted this affidavit—without adding that, if the Commission had gone after Hoover, their investigation would have closed down—because, by this time (February 6, 1964), the FBI was doing about 80% of the investigatory work for them.

There are two integral aspects that Bugliosi leaves out of this sordid tale. Firstly, not everyone signed the affidavits that Hoover requested from them (which is incredible in and of itself, since Hoover ran the Bureau with almost dictatorial powers). As Tony Summers pointed out, two agents refused to submit affidavits to Hoover in this regard. Summers tried to interview one of them: New Orleans agent Milton Kaack. As Summers related it, Kaack became apoplectic when the author asked him about the matter, crying, “No, no! ... You won't get anything out of me,” and then he hung up (*Vanity Fair*, p. 132)—which is an interesting reaction for someone who supposedly had nothing to hide.

But the second aspect Bugliosi that leaves out is even more fascinating. What Hoover did not tell the Warren Commission is this: he commissioned a forceful and thorough inquiry into the origins of this story, in order to find out how it actually surfaced. Unlike Bugliosi, he apparently did not buy into Alexander and Aynesworth. In fact, the results of this secret inquiry were not declassified until 1977. The trail went from Washington, D.C., to the radical right, to Senator Ralph Yarborough, and ended with the secretary of the Communist Party in Texas. Hoover assigned Cartha DeLoach to head the investigation. In true FBI fashion, DeLoach collected all the leads, then followed them out, and filed an accurate report. That report did not come to fruition until February 10, 1964—in other words, four days after Hoover submitted his “sworn deposition under penalty of perjury” to the Commission (*Probe*, Vol. 3, No. 6, p. 15).

De Loach started with Julian Sourwine. He was the general counsel of Kennedy-hater Thomas Dodd's Senate Sub-Committee on Internal Security. Sourwine said that he was familiar with the allegations, and knew from where they came—but, he said, his source was reluctant to talk. DeLoach told him that he would have to do so. Three days later, Sourwine gave up his name: Philip Corso, on the staff of Senator Strom Thurmond. Corso told the FBI that his source was located in the CIA (*ibid.*). Corso said that his CIA sources told him that Oswald had been in contact with the FBI. When Corso would not be specific, DeLoach threatened to call him before the Warren Commission. Corso now said that the source was a man named John Stanford, Secretary of the Communist Party of Texas, located in San Antonio. DeLoach inquired further: it turned out that right-wing writer Frank Capell had learned from his sources *on the Warren Commission* that Stanford's lawyer had told Senator Yarborough that Oswald was a CIA agent! Yarborough then turned over this information to the Commission (FBI Airtel, February 10, 1964).

From this secret Bureau inquiry, it appears that the original report actually did originate in Texas; but that, on its way out, it was altered: starting as an "Oswald as CIA agent" story, it got changed to an "Oswald as FBI informant" story. Since Yarborough relayed the original information to the Commission, I tend to suspect that someone like Allen Dulles or John McCloy may have hidden its true import. In Texas, it appears that when it got to Hudkins, it was either scrambled, or he changed it to be an FBI informant story. Why? Because something Bugliosi doesn't reveal is that Hudkins was very close to the CIA (Mellen, p. 152)—and this is probably why Hudkins would not give up his original source, or issue a signed statement (Bugliosi, p. 1217). It is superfluous to add that you will not find the name of William Stanford in *Reclaiming History*. Neither will you find the information about Yarborough transmitting his story to the Warren Commission.

VII.7

"We accepted the answers we got even though they were inadequate ... To do [otherwise] we'd have to challenge the integrity of the FBI. Back in 1964, that was something we didn't do."

—Burt Griffin, Commission counsel

As most observers today would agree, two of the most interesting and important steps in the conspiracy plot were (1) the Odio incident, and (2) Mexico City. What the FBI did in relation to these two episodes further undermines Bugliosi's denial of any cover up on the part of J. Edgar Hoover.

As I mentioned in Part III, Section III.2 of this series, Bugliosi agrees that the incident at Sylvia Odio's apartment actually happened: he actually calls it deeply troubling (p. 1295). He then does a fairly good job of describing the incident, and describing who Sylvia told it to, and how, before the assassination. He then writes the following: "On August 28, 1964, the Warren Commission's chief counsel, J. Lee Rankin, wrote to FBI Director J. Edgar Hoover, stating that 'it is a matter of some importance to the Commission that Mrs. Odio's allegations ei-

ther be proved or disproved.’” (*ibid.*, p. 1303) Wisely, Bugliosi makes no comment on how late in the game Rankin wrote this letter. But considering how important she was as a witness, and the ramifications of her story, it is quite shocking, for the *Warren Report* was going to the printers in less than a month. How could the Bureau be expected to do a thorough, honest inquiry into such a crucial incident under that kind of time pressure?

Bugliosi underplays the answer: the FBI knew about the visit to Odio in November 1963 (HSCA, Vol. X, p. 34)! A woman named Lucille Connell, who was active in the Cuban exile milieu, was a friend of Sylvia's. Odio's sister Sarita, who was not there that night, told her about the incident (*op. cit.*, HSCA, p. 28). And here begins a very interesting discrepancy in the FBI probe which, again, Bugliosi underplays.

Connell had two pieces of information concerning the JFK case. As noted above, Sarita Odio had told her about her sister's visit by a man named Oswald (*ibid.*). But she also had information about Jack Ruby. After she learned about Odio, she was on the phone to a friend of hers, a Mrs. Sanford Pick, on Sunday, November 24, 1963. Pick worked in a Dallas law firm. After Ruby shot Oswald, she told Connell: “Oh my goodness ... Ruby was in our office last week and had power of attorney drawn for his sister.” (*ibid.*) Later that day, in speaking to a friend of hers involved in Cuban exile matters, Connell mentioned the information about Ruby. The woman was a teacher; and the son of a local FBI agent was in her class; and this was how the FBI came to contact Connell, and learn about the Odio incident (*ibid.*).

As the HSCA observed, “It was not possible to resolve the inconsistency of the substance of this and certain related FBI reports.” (*ibid.*, p. 34). For instance, the FBI says that Connell told them that Sylvia “... *knew* Oswald and that he had spoken to groups of refugees in Dallas. Nothing is noted about a visit of three men.” (*ibid.*; italics added) Connell told the HSCA that she did not recall ever telling the FBI such a thing. Furthermore, Odio herself never told the FBI about any prior knowledge of Oswald, or any speaking engagements to Cuban exile groups (*ibid.*). And, in fact, there is no credible report through anyone else of Oswald doing this in Dallas. Beyond that, there is no reference in the FBI report on Connell of her knowledge about Ruby's visit to the law office—yet Connell was positive that she did tell the FBI about this (*ibid.*). Incredibly, the HSCA discovered that neither Mrs. Pick nor the attorney who handled Ruby's case at the firm were questioned by the Bureau (*ibid.*). Bugliosi leaves this out. He also fails to mention that, because of this FBI failing, this point can never be definitively resolved, since the “... firm's records on the case were later routinely destroyed.” (*ibid.*)

What is obvious from the sketch above, but what Bugliosi does not want to admit, is that the FBI had no desire to investigate the Odio incident—which is shocking, since it is such a fascinating and pregnant lead. The HSCA was plain about his: they said that one of the problems they had in probing the Odio episode was the paucity of material available in the extant files. They then noted: “Both the Warren Commission and the FBI failed to pursue adequately the investigation when several leads still held a potential for development.” (*ibid.*,

p. 30). The HSCA could find no systematic approach to either identifying by photo the two Cubans who accompanied Leon Oswald to Odio's door, nor a "... search for the specifically described car the men were seen driving ..." (*ibid.*). But, beyond that, once the FBI obfuscated the event with the dubious December reports mentioned above (based upon the first November interview), they apparently stopped any further inquiry. From here until September, the only detectable inquest was a slight one by the Secret Service (*ibid.*, p. 35, at footnote 139). Bugliosi makes no note of this gap.

Now, what do I mean above by "fascinating and pregnant lead"? For starters, the Cubans told Sylvia that they had come from New Orleans, and were about to depart on a trip (*ibid.*, p. 19) When one of the Cubans, Leopoldo, called her back a day or two later, he talked to her about the American with them, called Leon Oswald. Leopoldo said Oswald was "kind of nuts", had been in the Marines, and was a fine marksman. He then added that Leon said that the Cubans had no guts, because President Kennedy should have been shot after the Bay of Pigs, and the Cubans should have done it since he was the one holding the freedom of Cuba hostage (*ibid.*).

Now, right here, any investigator's ears should have veered upward. First of all, Oswald was a former Marine, he had just resided in New Orleans, and was now about to depart on his famous trip to Mexico City. But second, the portrait of Oswald as a nut and a good marksman is the exact legend that both the FBI and the Commission will use to pin the Kennedy assassination on him. These two Cubans were doing it two months in advance. But furthermore, as I demonstrated in Part V, Section V.8, the work of Dick Russell has shown that the name "Leon Oswald" was used by a look-alike for Oswald in New Orleans (Dick Russell, *The Man Who Knew Too Much*, 2003 edition, pp. 287, 367). So the possibility exists that the man at Odio's door was the real Oswald—and that the man on his way to Houston to board a bus for Mexico was a double—or *vice versa*.

It gets even more fascinating. When the Cubans arrived at the Odio residence, they asked not for Sylvia, or her sister Annie, who were both there; rather, they asked for Sarita Odio, another sister, who did not live there (*op. cit.*, HSCA, p. 25). Annie told them that she did not live there; but then one of the Cubans mentioned something about the one who was married. Since neither Sarita nor Annie was married at the time, they must have been looking for Sylvia, who was divorced. The Odios were part of the Cuban exile group called JURE, which was headed by Manuelo Ray. Ray was a favorite of the Kennedys, and was detested by the operational part of the CIA, who ran the Bay of Pigs invasion—especially Howard Hunt. Why? Because he was so liberal that Hunt regarded him as a diluted version of Castro. Their pretense for being at Sylvia's was to solicit funds for JURE. They wanted Sylvia to compose a letter in English for them so that they could present it to local businessmen (*ibid.*, p. 26). They also said that they knew Sylvia's father, who was a businessman who had been imprisoned by Castro on the Isle of Pines.

The story told by the Cubans to Sylvia is questionable. Sylvia's father wrote her that he had no friends traveling through Dallas at that time (*ibid.*, p. 29). Ray

told the HSCA that he did not recall any members of JURE in search of money or arms; and he had no contacts in Dallas or any major financial support from anyone there (*ibid.*, p. 31). If so, then who were the two Cubans going to present the letter to? Together with this, the Cubans apparently got the name of the person they were supposed to talk to mangled: they knew she had been married, but got her name wrong.

From this, one could adduce evidence that an anti-Castro Cuban group was trying to tie Oswald to JURE in advance of the assassination; and that, since the Mexico City tour was going on right around this time, this plot could have been done in conjunction with the Agency. It is hard to believe that Hoover did not understand this, because what he did in September smells to high heaven of a cover-up.

Rankin's aforementioned letter tells Hoover that Odio's story must be "proved or disproved". With Hoover's performance so far, and what Rankin knew about it, the note contained an invisible wink about how to proceed. Hoover sent his agents to interview someone who he knew was involved with anti-Castro activities, Loran Hall. The FBI reported back to the Commission that it was he, Bill Seymour, and Lawrence Howard who had visited Odio. On the basis of this information, the Commission concluded Oswald had not been at Odio's door.

Bugliosi later adds that Hall recanted his story (Bugliosi, p. 1306). Again, to be kind, this is not completely accurate; for, on October 5, 1977, Hall was interviewed by the HSCA on this specific point, namely, what he told the FBI when they interviewed him back in September 1964. They asked him if he knew a Mrs. Odio. He said that he told them that he did not recall a woman by that name (HSCA, *op. cit.*, p. 22). Hall asked the agent for a photo of her. Incredibly, the agent said that he did not have one with him (*ibid.*, p. 23). Hall did say that he had been in Dallas, but not with Howard and Seymour: he was there with Howard and a man named Alba. He was asked if he was ever directly or indirectly involved with Odio in acquiring military equipment for anti-Castro raids. He said he had not been so involved (*ibid.*). So, according to Hall, he didn't recant: the FBI lied; and if they did not bring a photo of Odio, the interview was likely a set-up, since that lack indicates that they knew that Hall would not identify her.

What all but certifies that Hoover and the Warren Commission cooperated on a cover-up here is that the FBI interviewed Seymour two days after the Hall interview. He told them that he had not been in Dallas in September 1963, and had not been in any contact with Sylvia Odio—yet this report was not compiled until two weeks later, on October 2, 1964, which was after the *Warren Report* was published (Sylvia Meagher, *Accessories After the Fact*, p. 387). Bugliosi makes nothing of this peculiar timing.

What about the FBI and the momentous event originating about the same time as the Odio incident—that is, Oswald's alleged trip to Mexico City? As I noted in Part III, Section III.7, Hoover was in receipt of at least one of the audio tapes from Mexico City—that was supposed to be of Oswald's voice—on the day after the assassination. FBI agents in Dallas had listened to it, and came to the con-

clusion that the voice was not Oswald's. Hoover mentioned this to President Johnson in a memo of November 23, 1963. That tape had been facilitated to the Texas border by FBI agent Eldon Rudd (Newman, *op. cit.*, pp. 653–4). Rudd was also involved in carrying photos of the famous “mystery man” to Dallas: the stocky, six-foot gentleman whom the CIA tried to pass off as Oswald in Mexico City. But they knew that he was not Oswald; Rudd had to have known that the photos were not of Oswald, because one of them was taken on October 4, 1963, after Oswald had departed Mexico City (Armstrong, p. 657). No surprise that, when Rudd later became a congressman, he opposed the creation of the House Select Committee on Assassinations, and then refused to testify before that body (*ibid.*, p. 671).

As John Newman noted, Hoover decided to go along with this CIA charade. As I proved in my aforementioned essay on Mexico City, the FBI knew that the tapes survived past the assassination—yet they never contradicted the CIA cover story that they had not (James DiEugenio and Lisa Pease, eds., *The Assassinations*, p. 224). Hoover acknowledged just seven weeks after the assassination that the CIA had duped him about Mexico City: on the margin of a memo about keeping abreast of CIA operations inside the US, he scrawled: “OK but I hope you are not being taken in. I can't forget the CIA withholding the French espionage activities in the USA, nor the false story re Oswald's trip to Mexico, only to mention two instances of their double-dealing.” (*ibid.*)

VII.8

Although Lee Harvey Oswald would not be charged with the president's murder until 2:30 the following morning, Hoover had already decided Oswald was guilty.

—Curt Gentry

As Arlen Specter told a packed house at Duquesne University in November 2003, it was never the Warren Commission's idea to give Jack Ruby a polygraph examination: Ruby pushed it on them; and, even then, Earl Warren was still reluctant to give him one. (The reluctance may have been at the suggestion of Elmer Moore, the Secret Service agent planted on Warren as a “bodyguard”: Moore was actually in the room when Ruby gave his original testimony.) According to Specter, he persuaded Warren that he should follow through on it (*Into Evidence* DVD, Disc 4; *Warren Report*, pp. 807–8).

Predictably, the Warren Commission went to the FBI for its polygraph operator (*Warren Report*, p. 808): a man named Bell Herndon. It is important to note Herndon's experience and qualifications in light of the peculiar techniques he would utilize in the Ruby test. Herndon had been a special agent in the FBI for fourteen years. In 1964 he was the polygraph supervisor, and an examiner at the FBI lab in Washington (Warren Commission, Vol. XIV, p. 580). He had been trained for six months on the machine by a Ph.D. in psychology out of the New York FBI office who specialized in polygraph examination (*ibid.*). He then trained under polygraph specialists in Washington. He told the Commission that he had “... given, supervised, or reviewed several thousand polygraph examinations” (*ibid.*). Clearly, Herndon knew his craft, and had a good background in

how to conduct a proper test. He explained to Arlen Specter the three charts then in use on polygraph exams: one for respiratory patterns; one for heart rate and blood pressure; and one called galvanic skin response (GSR), which measures the response of skin and muscle tissue to internal stimuli. GSR tracings can be highly sensitive to emotions in some subjects.

Now, Specter clearly tried to get Herndon to say that there were no deceptive criteria when Ruby was asked the question, "Did you assist Oswald in the assassination?" (*ibid.*, p. 587) Herndon was reluctant to reply, at first; but he eventually said, "Other than a slight impact in the GSR, there was no noticeable change in his physiological response to that particular question." (*ibid.*, p. 588)

Generally speaking, I do not agree with most of the reports in the HSCA volumes; but, occasionally, in those volumes one will come across some valuable information, or even an above-average report (*e.g.*, the report on Rose Cheramie). The HSCA report on Ruby's polygraph strikes me as being above the norm for Robert Blakey's inquiry.

Three experts reviewed the surviving relevant data on the Ruby polygraph, and came up with a rather compelling analysis of Herndon's work; although the criticism is couched in rather mild terms, the content of the report is blistering. The analysis concludes that the Ruby test violated at least ten different rules of good polygraph practice; the violations ranged from the preparation of questions, to the actual equipment used to register the reaction charts (HSCA, Vol. VIII, p. 197). One of the extraordinary aspects of the test is that Bugliosi's trusted colleague, assistant District Attorney Bill Alexander, was in the room for all the pre-test questions (*ibid.*, p. 201)—and the HSCA agreed with Herndon that this was a problem for the examination, namely, that too many people were present (*ibid.*, pp. 205–6). Accepted polygraph practice allows for just the examiner and the subject to be in the room; yet in this particular test, there were eight people present during the actual examination, and ten during the pre-test (*ibid.*, pp. 208–9). Herndon himself made this criticism before the Warren Commission (*ibid.*): it may create distractions that register on the test chart as a false reading; but, furthermore, the HSCA panel noted times when Herndon simply lost control over the proceedings, due to the *ad hoc* participation of the observers (*ibid.*, p. 210). Alexander even had off-the-record conversations with Ruby over the phrasing of a question (*ibid.*, p. 212).

Another criticism was the number of questions asked, both overall—over a hundred—and also what are termed "relevant" questions: actual questions involving whether the subject is truthful about the matters involved with the case (usually intermingled with what are called irrelevant and control questions). The HSCA panel believed that the sheer number of these questions "showed total disregard of basic polygraph principles" (*ibid.*, p. 209). Just how bad was Herndon is this violation? The standard text in the field recommended three relevant questions in an exam; the Ruby test had fifty-five (*ibid.*, p. 210). One of the panel members said that the most that he had ever heard of in nearly thirty years of practice was seventeen. Here is the problem with this violation: "... the more a person is tested, the less he tends to react when lying. That is ... liars become so test-tired, they no longer produce significant physiological reactions when

lying.” (*ibid.*, p. 209) In fact, by the fourth series, Herndon himself admitted that Ruby showed real signs of fatigue, to the point of “going to pieces” (*ibid.*, p. 212). The panel thought that Ruby’s condition was not necessarily due to fatigue, but caused in part by “the chaotic nature of the entire situation” (*ibid.*).

Herndon himself called Ruby’s reactions by this point “very erratic” (*ibid.*) And this is where two more violations by the examiner surface: the panel commented that it is because of these types of readings that good practice requires that the relevant questions be asked a second time; and, furthermore, that a second test be used as a cross-check (*ibid.*, p. 213)—especially since the test was too long, lasting a total of over five hours (*ibid.*, p. 217).

The panel also criticized the “control” questions used by Herndon: questions that the operator knows the correct answer to, and to which the person will probably lie (*ibid.*, p. 214). This helps the examiner determine what a deception would look like on the chart. But Herndon defined a control question as one to which Ruby would have *any* kind of emotional response. For example: Herndon used as a control question, “Have you ever been arrested?” Ruby replied in the affirmative; therefore, that was not a lie. So how could this be used as a “control” question? It was just an emotional reply to an uncomfortable question. The panel noted four other “control” questions similar to this one (*ibid.*, p. 214), one being, “Are you married?” The panel thought that this was a so-called “irrelevant” question—one used to simply acclimatize the subject to the test, or to get a stable response; but Herndon used it as a “control” question (*ibid.*, p. 214).

In other words, there was method to the madness. Firstly, by wearing Ruby down, the charted physiological responses would be less detectable. Secondly, by confusing the three types of questions, there would be no accurate landmarks upon which to make an accurate chart.

But the panel went even further. It seems that Herndon had a fall-back plan in case the above tactics failed: he set the GSR device at only a quarter of its maximum reading, at the start of the test; and he then actually lessened it from there (*ibid.*, p. 213). The panel noted that this was the opposite of accepted practice: the sensitivity should never have been that low to begin with, and it actually should have been increased as the test went on, because of its excessive length (*ibid.*). Because of this, the panel considered the GSR readings to be completely useless; they were so bad that they suspected that the machine itself was defective. They wrote that Herndon should have had a second machine available—and he should have used it (*ibid.*).

To me, the strongest indication that Herndon’s violations were deliberate was his use of a faulty control question to map out a patterned response. When Ruby was asked, “Have you ever been arrested?” Herndon testified that the response resulted in a “noticeable rise in blood pressure” (*ibid.*, p. 217). The panel disagreed with this, because the rise was seven seconds after the answer—which is at least three times longer than a normal reaction. Rather, they believed that the reaction was due to a physical movement at the seven-second point, which Herndon had actually recorded (*ibid.*). The panel then applied the clincher: they wrote that Ruby’s reaction to the preceding question—“Did you

assist Oswald in the assassination?”—to which he replied in the negative—recorded the largest valid GSR reaction in the first test series; plus there was a constant suppression of breathing, and a rise in blood pressure, at the time. So although Herndon opined that Ruby was being truthful in this reply, to the panel the possibility was open that he was lying (*ibid.*, p. 218). What makes this even more apparent is that it was the largest GSR reaction (1) when Ruby was relatively fresh, at the start; and (2) even though the GSR was at one-quarter of its sensitivity.

In light of such a systematic and rigorous bypassing of standard practice, the question arises: could someone as experienced and knowledgeable as Herndon have set out to violate so many rules without approval from above? I doubt it.

How does Bugliosi deal with all these troubling, even distressing, facts? In the main text of *Reclaiming History*, he mentions Ruby's polygraph on two pages. He writes that Herndon concluded that, if one considers Ruby mentally competent, there was no area of deception present in regard to relevant questions. And he states no disagreement with Herndon's conclusion there (Bugliosi, p. 1129). In the End Notes, he finally mentions the HSCA panel: he deals with their 21-page report in four sentences. He now admits that Herndon made “errors”; he specifically notes two: (1) an excess of people in the room; and (2) the surfeit of relevant questions (p. 645). And that's it. Check for yourself.

I could go on, of course: I could explain how the FBI concealed from the Warren Commission the actual serial number system of the Mannlicher-Carcano rifle, in order to hide the probability that the one found in the Depository was never delivered to Oswald's Post Office box; I could describe how the Bureau had Jim Garrison's office wired for sound through the local phone company. But I think I've proved my point: the FBI was involved in the cover-up almost immediately, and in just about every aspect—from either substituting or getting rid of bullet evidence, to falsifying polygraph tests. It is not a debatable point; it is a provable fact.

I have noted above that even members of the Warren Commission acknowledged that the FBI served them in a highly questionable manner. I repeat what I said at the start: for Bugliosi to not acknowledge what the Commission members did themselves seriously compromises the credibility of his book.