

(This is to follow what was eliminated when Case Open was published)

I. Deeply Troubling Questions

Senator Russell's doubts and questions about the shooting were well grounded, although from the intensive propaganda campaign in which the ^{Commission} staff participated ~~lustily~~ more than wholeheartedly - lustily - there is no wonder that he believed that Oswald was the assassin. ^{my earlier books leave without question} As we have seen, the Commission's own records establish that it actually had no case against Oswald at all. It could not even place Oswald at the scene of the crime at the time of the crime. It just said that he was and that was it, despite the proof in its own records that he was not and could not have been. The Members who were in Dallas at the time of that reenactment have no innocence in this. They were there and at the least Warren participated, and ^{reported in my very first book,} their own reenactment proved the exact opposite of what they wound up saying. From what we have seen, Oswald could not have been convicted by an uncorrupted and unterrified jury. The Commission's own records establish a solid case for his innocence.

While it may seem strange to those who have no understanding of the actualities of the Commission's work and the fact that most of its Members were much too busy with ^{have the time} ~~major~~ obligations they could not delegate to do the Commission work required of them ^{if they had wanted to establish fact, not rather stamp a preconception} for a thoroughly informed decision, that is the fact, ^{immersed} Compounding this is ^{the} a mass of irrelevancies in which they were, ^{immersed} if they sought to make their way through their own evidence, ^{in which they were submerged.} They could not possibly make their way through all of that chaff to get to the kernel. When there was the initial determination to decide that Oswald alone was the assassin, the staff made no effort to put any other kind of case together. And Rankin had the staff and what it could and could not do firmly under his control. What I ^{first} ~~have~~ put together comes not only from its 10,000,000 published words but from what I could retrieve from its 200 cubic feet of records. This is an ^{impartially} unimaginable enormity of words to be read and understood and then put together as they should have been in any honest investigation. ^{9, 7, 1 + here}

The questions Russell raised about the shooting should have been resolved at the very outset. But that was not done because the Commission ~~was~~ began, to quote the

Later, of course, I had what Russell and others on the Commission did not have, what the FBI in particular did not let them have in the quarter of a million pages of FBI assassination records I got through all those FOIA lawsuits.

title of the chapter with which I began Pest Morten, with "Conclusions First." Its first outline of its own work began with the assumption of Oswald's guilt. As had the FBI in its intimidation of the Commission in its report that is CD1.

As at the least Katzenbach and Hoover had conspired to do, as I prove with the official records in NEVER AGAIN!

The official record is even worse with regard to any Oswald associates.

Russell believed that he had many of the left, particularly Cubans he met in Minsk where they were studying. He was deceived and misled by CIA Director John Mc Cone, whose irrational and irresponsible lobbying of the story made up by that ~~the~~ Nicaraguan intelligence agent, Gilberto Alverado Ugarte ^{so} infuriated Hoover ^{he} and ~~who~~ annotated relevant FBI records with his strong disgust and contempt for it. As we saw in Russell's perceptive handwritten notes of December 5, 1963~~4~~, before the Commission was staffed or had done any real work at all, ^{Russell} ~~he~~ was already convinced of ~~that~~ the validity of that complete fabrication. The CIA and it alone ~~is~~ directly responsible for that. There are questions about ~~why~~ ^{it did what it did} (but not of the fact. If it had not convinced ambassador Thomas Mann he would not have launched and persisted in his parallel campaign that could have led to World's War III !

The exact opposite is ⁱⁿ the official records with reports of Oswald's associations of an entirely different character - of reports that he had some kind of informer or agent connection with the federal government. Those reports were early. The FBI was going through the pretense of an investigation of them when it passed CD1 on, that early.

On its part, the Commission pretended that these reports did not ^e exist - even after they were published and the Commission was aware of their publication. It was only weeks later, when the situation precluded the Commission's continuing to ignore them, that it made the sham of an inquiry. What triggered ^{as we have seen} that ~~was~~ the report to it from the Texas Attorney General, Waggoner Carr, that his Texas Court of Inquiry, was going to look into that. Then and only then did Rankin bestir himself and he did that in a way that ~~denied~~ ^{and its} the Commission's records a full and accurate account of it.

Two of the first reporters who wrote such stories were Joseph Goulden (right),

then of the Philadelphia Inquirer, and Lonnie Hudkins, then of the Houston Chronicle.
(Later, Lonnie and his wife Mary became friends of my wife and me.)

Lonnie's January 1, 1964 story was headlined, "Oswald Rumored As Informant for U.S."
The subhead is "Federal Agent Approached She Mother quoted as Saying." Here is how the
Hudkins story begins and a paragraph down further in it:

DALLAS — Was Lee Harvey Oswald a stool pigeon for a federal government agency? That's the question being asked by many people in responsible positions.
If the answer is "yes," then the 24-year-old accused as the slayer of President Kennedy pulled one of the biggest and certainly the most embarrassing double-crosses in the nation's history.

However, she was quoted in the Philadelphia Inquirer as saying her son had been approached by a government agent to be an informant and then had informed her about it.

The Inquirer story was Goulden's.
both conservatives to
Neither Goulden nor Hudkins was called to testify to the Warren Commission.
The FBI's "investigation" was, to praise it, less than perfunctory.
But the Commission made no investigation at all!

~~My first book~~ When I wrote my first book I had had no access to the Commission's unpublished records. Whitewash was completed in mid-February, 1965.
In it I said that what Oswald did in New Orleans "is consistent with what intelligence is known as "establishing a cover." Since then I have had no reason to change that opinion. The purpose for which he was establishing cover, however, is not known although there can be basis for suspicions. Perhaps more will be disclosed in the mass of CIA records made available belatedly in late 1993 in response to the 1992 law requiring the fullest possible disclosure of all assassination and assassination-related records by all agencies.

I was working on a book on this when I laid it aside to write NEVER AGAIN! which then resumed more timely.

That was not a whim. My peer reviewers, both history professors and subject-matter experts, Dave Wrone and Jerry McKnight, believed after reading the rough draft that it was the most important of all JFK assassination books at least since the first of them.

Many FBI records showing no LHO
Security clearance - add on AA 4f

personnel

by the Navy itself

The fact is that Oswald's records, when first ~~x~~amined (after his alleged defection, reflected no security clearance at all. ^{This} _I is clear in the FBI's records I have and it is stated ^{explicitly} in what I also have, the Navy's cable to the Moscow embassy when Oswald's defection was reported. That cable suggested that despite no security clearance being in the records, he could have had confidential clearance, *the very lowest.*

I had the working title Agent Oswald for the book on which I ^{in the late 1960s} was working. The ^{began} title was ^{intended as} a question, was Oswald an agent. I had several files of records from different sources also with that title. While the attention to the question, which did not last long during the Commission's life and got little attention thereafter, focused on the FBI, in fact the same question applied to the CIA and among other spooking agencies never mentioned, the Office of Naval Intelligence.

The Commission's ~~pret~~ ^{question} pretended investigation of the question, did Oswald work in any capacity for any intelligence agency, did not even pretend to include the ONI, the most obvious agency to inquire about. The Commission had what it never ^{mentioned} reported, ample reasons to have questions about the ONI. These include ^{its} the shabby pretense of an investigation on Oswald's reported "defection" to the Soviet Union, a step he was careful ^{to} to impliment, as I brought to light in my first book. The supposed ONI investigation was obviously no real investigation at all. It was so obviously not intended to be a real investigation it did not include ^{questioning} speaking to all the Marines with whom the records showed Oswald had worked and who knew him.

As an example of this I refer to what I brought to light in 1967 in Oswald in New Orleans and later confirmed with Navy records, that Oswald had that CRYPTO security clearance which is not reflected in any way in the Navy's personnel records on Oswald ^{or any other} that it gave the Commission. ^{AA4 A hell #} Moreover, ONI never spoke to the ~~Marine~~ ^{of} Oswald's Marine friend who was my source. The Commission also did not yet his name was on all the rosters that held ^{Oswald's} name. And what he told me about Oswald, ranging from the kind of person he found Oswald to be to his little-known interests, ranging from shooting pool to classical music, was what I was able to confirm easily. So he did know Oswald. And what he told me about Oswald that ^{was} exaggerated by those ^{Marines} of little education and understanding that the Commission preferred, that he ^{did not go} went around baiting officers, also was confirmed ^{on checking on just what} by this former ^{Marine} friend of ^{told me.} ~~Oswald~~ ^{educated} Oswald. The well-educated officer under whom Oswald worked, John Donovan, who taught school after he left the ^{Marines}, testified ^{that} to before the Commission. (817295/1)

Then, still relating to the ONI and its phony investigation, there is the unresolved

No record of which I know, and my have I read them by the multithousands! reveals even the ~~pretense of any agency to learn this.~~ ^{effort to or interest in learning} Nor does any of them ^{not} reveal any effort by any agency, including the Commission, to ascertain the answer from any other agency.

The FBI, for example, ~~did~~ did not ask the ONI for the answer that the FBI should have ~~ex]e~~ expected the ONI to be able to find, if it had not already found, in the Navy's own records. *The FBI should have wanted that information very much, too!*

And it should be in those ^{Navy} records. *But it isn't.*

The fact is that by the time Oswald got to Russia he spoke Russian well enough

AAWP
and how
question, (where) did Oswald learn Russian when he was in the Marines? That is not reflected in any record. The question is without an answer. From the ONI to the Commission, in any decent investigation of honest intent, that had to be answered and it could have been answered only with what was required and was not done, a real investigation. AA5A

The fact is that Oswald spoke Russian well enough so that the Russian woman he married, Marina, believed he was Russian but with the accent of a part of that vast land with which she was not familiar.

I no longer recall all the records I had accumulated in these special files that in some way related to the question, was Oswald somebody's agent of some kind. I do recall some of them because I used them in the beginning of my writing on this

aspect in 1967, after I finished Oswald in New Orleans, was published.

In the manuscript I wrote the JFK Assassination Industry

As I report elsewhere, those files were stolen when to the best of my recollection

only one person was in a position to steal them. All those who work here and have ^{unrestricted} restricted access work in the files of records I obtain by all those FOIA lawsuits.

They are in our basement. ^{These} ~~his~~ working files were in my office files where nobody worked except the Baltimore policeman Richard Waybright. He had earned our confidence on his many trips here where he was moonlighting in working for Harrison Livingstone. Harry's third book has a self-descriptive title, Killing the Truth. It is descriptive of his book and of his approach and method. Waybright even told us that he was making use of the police computer system for Livingstone. He offered to do it for us ~~at~~ so we could locate people. We had no such need or interest. We later learned that what he was doing

was not only illegal, it could have caused serious trouble for the Baltimore Police Department. *Which on learning all this did nothing at all so it could avoid another public scandal*

Livingstone and David Lifton were then engaged in a blood feud. When Lifton's mistitled Best Evidence ~~appeared~~ appeared - and it is neither - as I did with many works that like it are so hurtful to the truth I prepared a lengthy analysis of it. ^{Waybright} Livingstone asked to see it and then to borrow it so he could save ^{Livingstone} the xeroxing costs. Trusting him, we agreed. He never returned it and lied repeatedly about doing

AA64

Neither Livingstone nor Waybright nor anyone else needs to steal from me because I give all unrestricted and unsupervised access to all my ~~W~~ files obtained by ~~W~~ those *many* FOIA lawsuits and unsupervised access to our copier. The only purpose served in stealing any of those records is to deny others, including me, access to them.

Very few ask for access to my working files, as Livingstone had, but almost without exception I give free access to all of the ^{my} I make an exception, for example, when the rights ^{or} and privacy are others are involved.

But I believe that use of FOIA makes those of us who use it surrogates for the people and thus as a matter of principle I give others ^{writing} ~~writing~~ in the field, even though as with Livingstone, I know I will not agree with what they write, full and free access.

What ~~W~~ ^{first} Waybright ^{meaning what I notice first} stole, ^{just duplicated elsewhere,} ~~first of what he stole to my knowledge,~~ was only copies, that he knew not only would Lifton want, he knew Lifton would not want me to have it. That is why Livingstone asked him to get a copy of it. It was my lengthy and detailed analysis of Lifton's mistitled Best Evidence. It is neither best nor evidence in the only part of it that had not been published several ~~a~~ long before Lifton published it. But Lifton's sick ego is such that he ^w wants it believed that he did all the original work in the ~~file~~ field. The pretense of his ~~book~~ book is precisely that, with the inference that others stole ~~it~~ from him and used ^{his work} it as their own work. His ego is such that as I established with his own writings in Inside the JFK Assassination Industry he is not only a thief, he is a braggart of a thief. ^{he bragged} He bragged before his stealing what he would steal and later his successful heist ^{he bragged} that he had done it and how. ^{he had done it.} So an alliance between the thief and blackmailer Lifton, also proven in Inside the JFK Assassination Industry, ^{and} the thief ^{of} a cop Waybright, was a natural alliance.

Lifton knows full well that he perpetrated ^{an enormous} ~~an enormous~~ fraud in his one thing new in his very bad book, that JFK's body was stolen, snuck to Walter Reed Army Hospital where it was altered, then snuck into the Navy hospital to control what the autopsy could say. It is because the entire basis of Lifton's book, ^{and his} fame and wealth from it is this monumental fraud that he got away with is why he ^{detailed, step-by-step} wanted no copies of my proof

that is the fraud that Lifton did not want

of it available to anyone else.

FOIA

I asked for only my records he got

Those MDW records Waybright stole are my duplication of Lifton's FOIA request for them. Lifton wanted me not to have them because they hold what he misrepresented in his book and explain the non-existing mystery Lifton invented of an alleged "second helicopter" he pretends spirited JFK's body to Walter Reed Hospital.

Lifton's own letters to the late Sylvia Meagher hold his before-and-after boasts about how he was going to steal a point of better quality than was readily available of the Zapruder film. Roger Feinman, like Livingstone, was engaged in a controversy with Lifton. His was not as intense a blood feud as Livingstone's but there came a time when he decided to write a book exposing Lifton. His unpublished manuscript is titled, Between the Signal and the Noise. Having been a close friend of Meagher's and knowing of her correspondence with Lifton Feinman obtained copies of these letters from the deposit of her records at Hood College. He made good use of them in his excellent expose of the

real Lifton. Hearing about that Lifton began his ^{usual} threat ^{They} that frighten most people, ^{of them} word ^{gets around and} of ~~the~~ which leads others to do what he wants rather than face his terrorism. Lifton threatened to file suit against both Feinman and Hood. Feinman in effect dared him to and ridiculed the letter Lifton's lawyer wrote him. As Feinman wrote, he had already faced Lifton's blackmail when working for CBS News. Lifton had threatened to tell CBS about something ^{he alleged} Feinman had done to get from Feinman what he wanted. So, Lifton got nowhere with his copyright-infringement suit with which he threatened Feinman.

Hood College could not treat Lifton's ^{and approve it} threat that way. It had to hire counsel to handle it. That was costly for Hood and for about six months, until its counsel told it not to worry, it closed the Meagher deposit, allowing no access to it.

The ^{Lifton} unconfirmed account I was given about how Lifton got Waybright to work for his ^{is} again a threat. Lifton claimed he had a friend in the Maryland attorney general's office. He told Waybright that if ~~Waybright~~ did not work for him he would through that friend inform the State DA of Liv Waybright's violation of law and regulations for Livingstone, including his unauthorized and forbidden use of the police computer system and those of other police agencies around the country and the world.

Waybright had little ^h choice because he knew that even if Lifton did not have that friend in the State DA's office a letter to the DA would have done the same thing and he would have been in deep to trouble.

Sp, he stole for Lifton. *and for pay.*

From me he also stole those several files of research for the ~~file~~ Agent Oswald ~~book~~ ~~book~~ I'd started years earlier. Again, nobody else was in a position to steal those files, either. Only Waybright worked in those file cabinets. And Lifton had already announced a book on Oswald. According to Publisher's Weekly for May 3, 1993, it was to appear in 1994.

Included ^{the files} in what Waybright stole was ~~my copy~~ the copy I obtained from the Commission's files of the memorandum Rankin prepared of his and Warren's executive session with the Texans on January 24, 1964, the memorandum that substitutes for the stenographic transcript Rankin had seen to it would not exist. Since 1966, when I obtained it, that memo had been in those files, ^{in my office.} ~~That~~ ^{is} the source of the correct number, 110669 attributed to Oswald that Rankin got from the Texans. It was when I went to those files to make a copy of that memo for John Newman who had begun his Oswald book before his visit that I discovered ^{the} ~~the~~ theft and the extent of the theft that was possible for Waybright, meaning for Lifton only.

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Bearing on Waybright's initial intentions and his childish effort to hide his thievery, he had refiled ^{the} one of two Military District of Washington files I still had in the large letter-size envelopes in which they had been mailed to me. But those were Army records that were not initially disclosed to me. So I did not have them with those records that I obtained by FOIA. He knew that. In addition, he placed the ^{Army} envelope he returned in what was in two ways an obviously wrong place. He put it in a file of Department of Justice records, where ~~it~~ clearly it did not belong, and in a file cabinet for legal-sized records, which are larger.

H
e then placed it in the lowest file drawer knowing full well that as a practical matter I do ^{not} ~~not~~ have access to those lowest file drawers and could not search them.

Moreover, he knew very well that they were in my office or working files, which is where he found them. His beginning intent was to steal them, which is what he did, to sell them to Lifton. On his part, Lifton has failed to deny this when I asked him.

that, returning it. As what he said was a sign of good faith and to establish the truth, who has become a friend of ours he asked a policeman friend of his, we knew to come here and search the file file drawer in which he knowingly misfiled it and give it to me. locating that full cabinet, He even drew a map map, we have that many files cabinets cabinets. It was not there. AA6A-C

Waybright stole it and other records related with it filed at that same place.

When he stole those files he was were ~~work~~ working in the file drawer next to the one with the "Oswald" identification on it, an overfilled file drawer. He is the only one who could have taken those Agent Oswald files. And he pulled the keeper on the back of that file drawer so tightly that the drawer appeared to be still overfilled after he took those about two inches of records from it.

At my age and in the state of my health and with the physical limitations that imposes upon me it is impossible for me to create that file from the records I used. And some of the records in those of files were only copies, so I cannot duplicate them from my own files.

Some of What Waybright stole from he had a market for- David Lifton. Ultimately he confessed to Livingstone that Lifton was also paying him and Livingstone himself told me that Waybright had stolen some of his work and sold it to Lifton! Notwithstanding which, needing his services and his violations of laws and regulations to help him, Livingstone, continued to pay Waybright and to trust him. Waybright's doublecross of both Livingstone and Lifton got to be so blatant he reported to Livingstone, in writing, what Lifton asked him to get. I have a copy of such a report, to Livingstone, in Waybright's handwritten ing, that Livingstone gave to someone else! AA6A-D

This insight into the character and the writing of those who wrote the two books supposedly on the assassination that sold better than all others, while it is a fair and of those two writers and their books in particular, it representation of the nature of most of that kind of writing, also explains why I cannot cite the records I made of what that former marine friend of Oswald told me and much else relating to the possibility that that Oswald was some kind of an agent, for a government spookery or some private interest.

Before getting to ^{my} the writing of immediately ~~after I finished~~ before I turned to the manuscript of NEVER AGAIN! I set the stage for it by explaining how the Commission should have conducted its investigation of whether or not Oswald was some kind of agent, how the agencies should have informed the Commission, and to give an indication of the state of J. Edgar Hoover's ~~mind~~ mind in those days immediately after the assassination and at the beginning of the investigations.

~~The~~ The rules of evidence require that testimony be of personal knowledge. Otherwise it is not testimony, it is hearsay. Hearsay is not evidence. It is no more than rumor.

In my FOIA litigation, with the tolerance of the ^e federal ^y court so few of which had any disposition to make the federal agencies abide by the law and by the rules of the courts, the FBI and the ~~of~~ CIA in particular got away with filing affidavits by those who did not have personal knowledge, affidavits in which they claimed to be stating what the supposed affiants ~~they had had~~ learned from others. This despite the fact that those who did have personal knowledge were available to attest to it. Those who filed the hearsay affidavits thus could and did get away with lying. ^{would} lying that was not infrequently ^{have been} the felony of perjury. ^{if they}

^{had had personal knowledge} Commissions, like committees of the Congress, are not bound by the rules of evidence. This is because they are not judicial bodies and because other than first-person information may be what their proper functioning requires. But that does not mean that in any real investigation, where first-person information is readily available, it is ^{and best} not preferred. In an honest inquiry, first-person information is obviously ^{best} better and ^{most} more dependable.

The one thing the Commission neither got nor ~~asked~~ asked for in its supposed inquiry into the report that Oswald had ^e been [^] some kind of agent is first-person information. A memorandum Hoover wrote ~~pero~~ personally and of which he sent copies to ~~the top~~ his six top assistants is illuminating on this. It also reflects the lack of Commission diligence in trying to learn the truth. Hoover himself was not in any hurry to make a record and to inform his top assistants. He ~~reported~~ waited eight days, until January 31, 1964, to ^{report} ^{transferred} ~~records~~ what happened when Rankin visited him on January 23.

And January 23 was more than three weeks after Hudkins' story was published- and that story was not the first such report of which the Commission and the FBI knew.

Hoover indicated copies for four FBI files ~~other than~~ in addition to the copies for his ^{top} assistants. The record or original copy is in the main Liaison with Warren Commission file, where it is one of the earlier records, Serial 83.

Whether or not Hoover was aware of it, and if he was his memo does not reflect it, Rankin was less than ~~forthright~~ forthright with him, according of Hoover's own memo, in telling Hoover that ~~there~~ ^{reportedly} was an FBI informant Oswald "bore the designation '179'." After a few more of ^{his} ~~the~~ cracks against Henry Wade, ^{my friend who was then the Dallas County district attorney,} with which he began his memo Hoover then says:

Mr. Rankin stated that the Commission was concerned as to how this matter could be resolved, and it was for this reason that they had asked him to see me. He stated the Commission did not desire to initiate an investigation on the outside, such as the calling of Mr. Hudkins, who was the originator of the story and from whom apparently Wade gained his first information as it might appear the Commission was investigating the FBI.

I told Mr. Rankin that I thought the Commission should immediately call Mr. Hudkins before it, place him under oath, and demand of him the source of his information. I stated that I doubted he would give it to them and would either take the position he could not recall from where he obtained it or resort to the claim that a newspaper reporter's sources are privileged.

From his long years in the Department of Justice and all the dealings he then had with the FBI and its records Rankin should have known this is not the way the ~~FBI~~ FBI records refer to its ^{symbol} informants and it is not at all the FBI's numbering systems for ^{them} its symbol-informants.

Rankin also made no mention of the actual number he himself recorded, 110669. But what he did say, and Hoover's version has confirmation in the Commission's record, is that it "did not desire to initiate an investigation on the outside, such as the calling of Mr. Hudkins, who was the originator of the story..."

Translated from Officialese/Goobedegook, Rankin told Hoover that the Commission wanted

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The Commission would have been no worse off if Hudkins had claimed confidentiality of source ~~that~~ it was without a word from him at all. It also took its testimony in secret so its testimony would not have attracted any attention Hudkins could not have gotten on his own if he had had any such desire. His long record is that he had no such desire. The only apparent real difference is that Hudkins might not have claimed to have had a confidential source and then the Commission would have had to investigate what it learned from him. This, clearly, the Commission and Rankin in particular did not want.

Otherwise it would have called him, ~~Hudkins~~, ^{to testify along with Goulden,} Harold Feldman, who wrote a similar article for The Nation magazine and a number of others all of whom to its knowledge wrote similar stories or had knowledge of that report.

not to make any investigation at all and for ^{Hoover} ~~him~~ to make that possible for ~~it~~. ^{him and for the Commission.}

Ever mindful of covering his own ass and that of his FBI at the same time, Hoover Commission told Rankin "that I thought ~~they~~ should immediately call Mr. Hudkins before it, place him under oath, and demand of him the source of his information."

Hoover told Rankin ^{to do} what Rankin had just told him the Commission was not going to do. At the same time Hoover told Rankin what Rankin did not have to be told, that Hudkins ^{could} claim not to remember or "claim that a newspaper reporter's sources are privileged."

AA 9A After this bit of dancing around Hoover did solve Rankin's problem for him. After saying that "Oswald was never at any time a confidential informant," he added "and I would be willing to so state under oath."

Without talking to Hudkins, as the Commission never did, Lonnie tells me, it in effect made his claim for confidentiality for him. But that is not what Rankin said.

Rankin, ^{a Department of Justice} ~~the lawyer who~~ lawyer for nine years, for eight of those years its lawyer who ~~pres~~ represented it before the Supreme Court - whose chief justice was the Commission chairman. ⁹ And what Rankin, speaking for the chief justice, told Hoover is that they wanted no investigation at all.

And what ^Hoover did is say he would make that possible for him.

As he did in his testimony the morning of May 14, 1964. (5H97ff.)

And ^{investigation} There was none, ever, either.

What Rankin, from ^Hoover's memo, did not tell him is that what Rankin told him was the Commission's decision, as we shall see.

My, how simply awful it would have been if the man the government had already decided to say killed the President, alone and entirely unassisted, had had any kind of government connection at all - worst of all if he had been an FBI informer or had ~~had~~ a different such connection!

And the Commission decided not to investigate to learn whether that was true!

More than 30 years later this question has no real answer.

The normal and the proper ^e procedure, which did not require what Hoover says Rankin referred to as ~~an~~ an "outside" investigation, is to make an investigation on the inside - and that not by hearsay or by Hoover testifying to his opinion, all he could testify to,

having no personal knowledge.

From what is known, if Oswald had had any such FBI connection, there would be records at three places, ^{at} headquarters, ^{and in its} Dallas and ^{its} New Orleans. *offices.*

Those records would consist of a field office request of headquarters for permission to try him out as an informer for a probationary period usually of six months. One way of the other, headquarters would reply. If the request were approved, a file would be started and Oswald would be given an arbitrary symbol ^{by the field office} to be used inside the FBI in the place of his name. That symbol, for Dallas, would begin with the letters "D." For New Orleans, those letters would be "NO." There then would be four digits. They would be followed for the period of probation with a "P" and that would be followed by a "C" ^{to} denote if he were a ^{probationary} criminal informer or an "S" to conform with the FBI's ^{to} pretend that it was not engaged in what is unconstitutional, any inquiry into political opinion or legal political activities. The "S" represents "security," which that kind of domestic ^{called but is} spying is ^(not).

The persons in charge of those files at either of the three places could make a first-person attestation saying that he made a search of all the ~~the~~ relevant records in all the possible places and ^{from} that ~~searched~~ search that Oswald was not ^{and} had never been a symbol informer or, had it been ⁿ true, that he had been.

^{those} ~~That~~ would have been, ^{if} ~~truthful~~, a first-person attestation, ^s what is required by the rules of evidence and by honest procedures. *and intentions,*

What is not easy to understand is that on its own the FBI did not do precisely that. Nor is it easy to understand why the FBI did not do that in its own interest as soon as it heard of that report.

From its records as disclosed ^{by} to me and from the Commission's ~~records~~ records it did no such thing.

Instead it asked each of those field offices to have each of its agent who had had anything at all to do with Oswald swear to an affidavit in which no such connection with Oswald is sworn to.

This did not preclude the possibility that an other agent used Oswald as an informant, however. *On the omission of agents who had used Oswald.*

Even then the FBI did not make this request of all the agents of whom it should have. One example is former New Orleans Agent Milton Kaack. *(correct)*

February 11, 1964

According to an FBI internal memo on what it did (a 105-82555-1967) they by then had gotten affidavits from all the Special Agents who handled interviews or other pertinent investigations in the Oswald matter.

Kaack had had enough of a connection with "the Oswald matter" for him to be recommended for disciplining over alleged deficiencies. Rather than make any such admission he resigned. I spoke to him in New Orleans on November 20, 1971.

First, according to my notes on that phone conversation, he told me he was not one of the agents "asked to go up there," *to Washington.* (I told him that was not the question, the question was had he been asked to execute an affidavit saying Oswald was never an FBI informer.

My notes say that in response to this "He laughed."

I then asked him if it was not unusual that when Oswald was arrested in New Orleans he had asked for an FBI agent to come to the jail to see him and that the evidence the Commission had is that two agents went. With only one, John Quigley, figuring in the report filed. My notes say "He again laughed."

Kaack was very much an agent who "handled" what the FBI itself described as "pertinent interviews." I cited one of several to him when we spoke.

So the FBI saw to it that the proper investigation it could have made and did not was not made, and it went to more trouble and expense and delayed the other work of a number of agents by having them go to Washington instead of making the easy, inexpensive and definitive investigation, a file search and a competent affidavit based on it by the person who knew the files and procedures and attested to making that search personally.

So instead of the Commission doing the obvious and asking for competent affidavits and instead of the FBI also doing the obvious and providing those competent affidavits, for each by far the easiest and the cheapest and the most definitive procedure as well as the proper one, both went to some time, trouble and cost for an inadequate response that instead of answering the question, did Oswald have any kind of an FBI connection,

They saw to it that the

~~that~~ question lingers without an acceptable answer.

Unless Kaack's laughs were such an answer.

This is a view of how the Commission and the FBI approached the troubling question and decided, separately and collectively, to see to it that there was no definitive answer. to see to it that the question would linger.

Another view was provided by the highly respected Leon Jaworski, the prominent ~~Hest~~ Houston attorney who was counsel to the Texas Court of Inquiry. ^{On May 5, 1964} He wrote Rankin, marking his letter "Confidential" ^(White Wash III, page 146) "CONFIDENTIAL top and bottom". He sent copies to Carr and Storey. Jaworski told Rankin that after his return from Washington he spoke to James P. Hobby, Jr., executive vice president and executive editor of the Houston Post yesterday for the purpose of discussing with him the obtaining of an affidavit from Lonnie Hudkins. ^{Only} Hudkins had left that paper a month ago. Jaworski then wrote,

I am wondering if it is really worth your effort to follow up on Hudkins. Hudkins' story does not say that Oswald was an informant. He simply raises the question based on the speculation of others, including that of Bill Alexander, assistant to Henry Wade,

In plain English, Jaworski ^{is} saying, leave it alone, go with what you have.

Which ^{also} meant the question would not be answered and would linger. As it does.

This ~~is~~ ^{who} is the Jaworski was was the bar-association celebrity, the man who later was special Watergate prosecutor and who in that position of responsibility saw to it that many ^{Watergate} questions would linger, as they do, and who did not charge felonies that did exist. He was content to do something about what was known and would get enough attention and put in jail some of those who ^{from what was already public} belonged there ~~from what was public~~.

AA12 This was months later and the lingering question then still lingered. After Hoover's testimony, ^{Jaworski's}

~~So the~~ Texas Court of Inquiry also saw to it, as had the ^{of} Commission and the FBI, that there ^{is} was no answer to this question.

That it was a deeply troubling question is the way what I wrote earlier begins.

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Jaworski's above-quoted letter, with its ingerence that Hudkins be pressured by his employer to do what ~~Jaworski and the government wanted~~ wanted him to do, was months later than the Commission's first knowledge of the report that Oswald had worked for the FBI or some other agency.

Hoover's testimony, which was duplicated by the CIA's, was no answer to the question that still lingers and haunts.