

The Unanswered Letters

Excerpt from a manuscript on the
Warren Report in collision with
the Hearings and Exhibits of the
Warren Commission

by

Sylvia Meagher

author of the
Subject Index to the
Warren Report (Scarecrow
Press, New York, 1966)

5 June 1965

Dear Mr Rankin,

Forgive me if I say that I am surprised and disappointed to have received no reply to my letter of 12 June 1965 (copy enclosed). The questions I posed seem to me to be entirely legitimate and deserving of serious attention. Perhaps my request appears to be an imposition on a private person but I am not aware of any residual arrangements made by the Warren Commission when it dissolved under which I might have addressed myself elsewhere.

I hope that you will agree that there is a moral obligation to clarify for any member of the American public responsible questions posed in good faith. It is my impression that you did provide clarification which was quoted in the New York Times some months ago with respect to a different aspect of evidence. May I still hope that you will respond also to my request for clarification?

Yours sincerely,

Sylvia Keagher

(No reply received)

[REDACTED]

8 June 1965

Dear Mr Eisenberg,

Two questions arise from study of the Warren Report and Hearings and Exhibits, which appear to be in your special area of competence. I should be grateful if you would be kind enough to clarify the following matters.

(1) The Warren Report (page 646) states that the ammunition used in the assassination rifle was "recently made by the Western Cartridge Co., which manufactures such ammunition currently." There is no footnote indicating the source of this assertion. Can you please indicate the authority for the statement? I have not found any document among the Exhibits corroborating this assertion but perhaps I have overlooked it?

(2) Commission Exhibit 2560, the telephone message addressed to you which indicates that the gunsmith at the Aberdeen Proving Ground found that the scope on the rifle as received was mounted "as if for a left-handed man," does not appear to be supplemented by testimony or documents elaborating on the significance of that opinion. Can you advise me please whether or not any conclusion was reached as to the "left-handedness" of the mount? If so, can it be assumed that Oswald was left-handed or ambidextrous? Or that the rifle nevertheless could be fired without difficulty by a right-handed man? Was it possible to determine on what basis, or on whose instructions, the gunsmith at Klein's mounted the scope on the C2766 rifle for a left-handed man?

I have taken the liberty of addressing these queries to you since I am not aware that the Warren Commission, before it dissolved, assigned any residual responsibility for providing clarification requested by members of the public or students of the case. Some members of Commission's counsel have been ready, I am told, to clear up questions of this sort. This encourages me to hope for your sympathetic response by letter or if you prefer by telephone (telephone number deleted).

With thanks,

Yours sincerely,

Sylvia Meagher

12 June 1965

Dear Mr Rankin,

I should be very glad if you would clarify some questions which arise from a comparison of assertions in the Warren Report with the corresponding source material in the Hearings and Exhibits. I am engaged in carrying out such a comparative study with a view to publication; naturally, I do not wish to draw conclusions on the basis of the published material alone which may prove unwarranted or unfair in the light of clarifications which you may be able to provide. I shall limit myself in this letter to questions which arise in the final paragraph on page 95 of the Warren Report.

According to the paragraph, all the evidence indicated that the bullet found on Governor Connally's stretcher could have caused all his wounds. This assertion appears to be in conflict with the testimony of Dr Shaw (4H 113), Dr Humes (2H 374-376), and Dr Finck (2H 382). Can you indicate why the opinions of these medical witnesses were discounted? I can appreciate that there may have been good reason to disqualify their testimony on this specific point but I believe that you will agree that the categorical reference to "all the evidence" creates an unfortunate impression when posed against that testimony, in the absence of mention in the Report of the opinions rendered by the three doctors together with an indication of the Commission's reasoning in reaching a contrary conclusion.

In the last sentence of the same paragraph, an assertion is made as to the independent opinion expressed by the three doctors who attended the Governor at Parkland Hospital that a single bullet had caused his wounds. The footnote refers to the March 23, 1964 depositions of Drs Gregory, Shaw and Shires, but not to the testimony of Drs Gregory and Shaw on April 21, 1964 before the Commission. It appears from the later testimony that Dr Shaw, at least, clearly retracted his earlier opinion and indicated that two or even three bullets might have caused the Governor's wounds (4H 109). Commissioners Dulles and McCloy questioned Dr Shaw specifically on this point and explicitly acknowledged their understanding of his change of opinion, which he confirmed in his replies to their questions. In the light of this, do you consider that the assertion in the final sentence in the paragraph—which is literally true but maintains silence on the later change of opinion by one of the three doctors—can be defended? I would be less than honest if I did not say that the discrepancy between the Report and the testimony in this instance creates great uneasiness, if not alarm.

I am sure that you will agree that it will be a service to all concerned to clarify these issues as soon as possible, and I hope that you will do so by early letter or by telephone if you prefer [REDACTED].

Yours sincerely,

Sylvia Meagher

17 June 1965

Dear Representative Ford,

I am presently reading your book, Portrait of the Assassin, with the greatest interest and attention. Your first chapter is especially fascinating, since it gives the reader a look behind the scenes at the process of discussion and reasoning in which the Warren Commission engaged in confronting difficult and delicate problems.

Chairman Warren's statement on page 22, concerning the reporter Hudkins and the possibility that he might claim privilege, interested me very much. I find myself in complete agreement with the ultimate decision of the whole Commission that "the only way to proceed was to conduct extensive and thorough hearings of as many witnesses as was necessary...Where doubts were cast on any United States agency, independent experts would be hired ...to avoid reliance on a questioned authority..." etc.

With respect to the particular problem discussed in your first chapter—the rumor that Oswald was an FBI informant—I was anxious to pursue the Commission's interrogation of the reporter Hudkins, to see if he did indeed claim privilege and refuse to reveal the sources of his newspaper story, as well as the questioning of Waggoner Carr, William Alexander, Harold Feldman, and the other involved. However, the other references to Hudkins listed in your index merely mention again his role as a source of the Oswald/FBI rumors. As I am very interested in studying this matter in depth and have access to the Hearings and Exhibits, I should be very grateful if you would provide me with the appropriate references so that I can locate Hudkins' testimony as well as the others mentioned.

I should be most grateful if you will be good enough to provide me with those references as soon as possible. Thank you for your attention.

Sincerely yours,

Sylvia Neagher

21 June 1965

Dear Mr Liebeler,

The American Psychiatric Association was kind enough to provide me with a thermofax copy of your paper on Oswald, which I found of special interest and value. In particular, I was impressed by your account of how investigation corroborated Oswald's story that he had picketed the fleet at New Orleans and how this and related information led you to abandon your tentative "fantasy" theory.

As a close student of the case, I had been struck before reading your important paper by similar instances of Oswald's "lies" which surprisingly turned out to be truthful statements. I have in mind especially his claim that he had seen a rifle handled in the Depository two days before the assassination and the mistaken assumption of the chief counsel, Mr Rankin, that Truly had denied this, only to correct himself later when a check of the record revealed that Truly had confirmed Oswald's story.

I had been struck also by the passage on page 183 of the Warren Report on Oswald's questions to James Jarman, Jr. during the morning, before the assassination, which suggested that he was not aware before this dialogue with Jarman that the motorcade was to pass the Depository. When I read this page of the Warren Report early in October 1964, I was rather electrified by the implications of Oswald's questions (assuming that they were honest)--it seemed clear that he could not have planned to shoot the President as the motorcade went by the building, if he was not aware of that route, and that he must have returned to Irving on Thursday for reasons unrelated to the assassination. Consequently, he could not have brought the rifle back to Dallas with him nor committed the vile crime which took the life of President Kennedy.

Subsequently, in mulling this over, I had to acknowledge one other possibility: that Oswald genuinely was not aware that the route would bring the motorcade past the Depository, as his questions to Jarman suggested, but that he was aware of the Presidential visit and had planned to commit his loathsome deed from another point along the route.

I was disappointed to find no indication in the Report of the Commission's reasoning or its evaluation of Jarman's testimony on this conversation with Oswald. I was also surprised, when I thought about it, that the conversation was mentioned in relation to Oswald's statements under detention rather than under the discussion of advance publicity on the exact motorcade route, which demonstrated that Oswald could have learned the exact route as early as November 19, 1963. The implication appears to be that the Commission classified Oswald's remarks to Jarman as disingenuous, and therefore reported them in the section dealing with his untruthful statements to the police while under detention. Is that assumption correct?

When the Hearings and Exhibits were released, I searched them for further information on the incident but found only Jarman's testimony (3H 200-201), which did not shed much more light nor resolve my uneasiness. Therefore, I should be very grateful to you if you would be good enough to indicate how the Commission evaluated this matter and the general contours of its reasoning.

I continue to feel troubled about this conversation between Oswald and Jarman, I must confess, especially when it is viewed against Oswald's statements and behaviour after the shooting of the President, as reported by other witnesses. Several witnesses reported that as he was being dragged out of the Texas Theater Oswald shouted several times that he was not resisting arrest. Does that not suggest the possibility that he feared that he might be killed on the pretext that he was attempting to escape? His reading habits suggest that his knowledge of cases in which suspects were shot on such grounds was a sophisticated one. Can you suggest any other reason for his declaiming that he was not resisting arrest? (7H 6 and GE 2003, pages 81 and 91)

It is striking also that Oswald refused the opportunity to conceal his face from bystanders as he was being taken into the police station, saying that he had nothing to be ashamed of (7H 59). Most of all, I was given pause by Combest's testimony (12H 185) that Oswald, when he knew that he was dying, shook his head to indicate that he had nothing to tell the police, even as his life was running out.

Many people and perhaps the Commission itself have been troubled by Oswald's unwavering assertion that he was innocent of the assassination and the other murder, in the face of confrontation with stunning evidence which appeared to incriminate him. When only the Report was available, I discussed this with a psychiatrist

with whom I am acquainted, only to be told with an air of authority that he would have confessed. I am not aware of any scientific foundation for such a judgment; but of course psychiatry is an art, not a science, I believe.

Now I find from the Hearings that Oswald, in effect, maintained his innocence even when he was moribund---that is one possible interpretation of Combest's testimony, as you perhaps will agree.

Since, according to your APA paper, you have particular competence in the area of Oswald's personality, motivation, and psychiatric status, I am taking the liberty of requesting your comments on these various points and, if possible, an indication of how these matters were evaluated by the Warren Commission in formulating its conclusions. Perhaps it is unnecessary, but I should make it clear that my request is not inspired by idle curiosity but by a serious purpose---a comparative study which I am in course of preparing, between the Warren Report, on the one hand, and the corresponding raw material in the Hearings and Exhibits. I am reluctant to make inferences which may prove unjustified in the light of further information on the process of the Commission's reasoning and the nature of its appraisal of facts and circumstances which, on the basis of the circumscribed information presently available to me, raise some serious problems.

I assure you that I will be very grateful indeed for any clarifications which you may be willing to provide.

Yours sincerely,

Sylvia Meagher

(No reply received)

22 June 1965

Dear Mr Jenner,

I am engaged in a comparative study of the Warren Report and the corresponding source data found in the Hearings and Exhibits. I hope that you can clarify a problem which I have encountered, on a subject with which you have special familiarity.

The difficulty arises from a careful reading of your examination of Ruth Paine at her home in Irving on March 23, 1964 (9H 398-401). I would infer from the transcript that it would have been impossible for Marina Oswald to see the license number on FBI agent Hosty's car from the bedroom window during his November 5, 1963 visit. The testimony suggests that it is extremely doubtful that she could have taken, or did take, the license number on the previous visit on November 1, when his car was parked at some distance from the Paine home.

After reading this transcript, I reviewed Marina Oswald's testimony of February 4, 1964 (1H 48) but found her replies vague as to the date and vantage point from which she wrote down the license number. Therefore, I turned to her later testimony---testimony subsequent to your experiment in the Paine house and your questioning of Mrs Paine. However, to my surprise, I found no further reference to the license number in Marina Oswald's later testimony in June, July, or September 1964 (volumes V and XI).

Consequently, I have some difficulty in tracing the means by which the Commission satisfied itself that "Marina Oswald noted Hosty's license number which she gave to her husband" (Warren Report page 327). It is hardly possible to reconcile that assertion with the testimony, which raises serious problems about the feasibility of such an action by Marina Oswald, and the lack of any follow-up which could be said to resolve the question.

If I have overlooked documents relevant to this problem, and I may well have done so in scanning the abundance of Exhibits, will you please provide me with the references? If there are no such documents, will you please indicate the Commission's reasoning on this matter in reaching a conclusion---that Marina Oswald recorded the license number---for which the available testimony gives inadequate foundation.

Another facet of this same problem is the testimony of J. Edgar Hoover (5H 112) in which he explained the circumstances under which the FBI report of February 11, 1964 transmitted information which had been omitted from the FBI report of December 23, 1963, on the presence in Oswald's notebook of Hosty's name and numbers. He said explicitly that this information was furnished to the Commission prior to any inquiry concerning this matter. However, Marina Oswald was questioned about the license number on February 4, 1964, one week before the belated FBI report. Can you indicate how the Hosty entries in the notebook came to the Commission's attention, since apparently the FBI was not the primary source of the information?

Finally, can you provide me with the exhibit number for the affidavit executed by FBI special agent Robert P. Gemberling, transmitted to the Commission by letter dated February 27, 1964 (CE 833, page 15)? I have not been able to locate it, to my chagrin, in an effort to trace the various steps in the discovery and handling of the Hosty entries.

These questions are not posed out of idle curiosity, as I am sure you will realize, but in an attempt to complete what is a somewhat incomplete picture of the episode in the Hearings and Exhibits. Certainly I do not wish to make assumptions or criticisms which may prove wholly unwarranted in the light of clarifications which you are in a position to provide. For this reason, I hope that you will be good enough to provide such clarifications at your earliest convenience. I am sorry to impose on what I am sure is a busy and useful schedule of activities, some of which have been mentioned recently in the press and which I might say, without any attempt at ingratiating, were highly gratifying to all opponents of the witch-hunt.

Yours sincerely,

Sylvia Yeacher

25 June 1965

Dear Mr Eisenberg,

You will recall that I telephoned you on Friday 18 June 1965 and that you said at that time that you would respond to my letter of 8 June 1965 (copy enclosed) by the middle of the week which is just ending. I have been surprised and disappointed to hear nothing from you. Perhaps my request appears to be an imposition on a private person that should have been addressed elsewhere. As I have already mentioned, however, I am not aware of any residual arrangements made by the Warren Commission when it dissolved; and I am sure that you will agree that a moral obligation does exist to clarify for any member of the American public legitimate questions posed in good faith.

I should be reluctant indeed to conclude that you are not able, or not willing for unknown reasons, to respond to an appeal for clarification which I was unable to find in the Hearings and Exhibits despite careful study of the twenty-six volumes in their entirety over a period of several months. It was only after failure to find the necessary information in those volumes that I ventured to write to you on two matters which appear to fall within your special province.

May I still hope to hear from you the answers to the questions posed in my letter of 8 June 1965?

Yours sincerely,

Sylvia Heagher

2 July 1965

Dear Dr Goldberg,

I have been advised that you prepared the Appendix on "Speculations and Rumors" which appears in the Warren Report and that you might be good enough to clarify a point which arises in that section. The statement is made on page 646 that the ammunition used in the assassination rifle was "recently made by the Western Cartridge Co., which manufactures such ammunition currently." There is no footnote indicating the source of the assertion and I have not been able to find any document among the Exhibits which provides corroboration. I should therefore be most grateful if you would indicate the authority for the statement quoted.

Please feel free to reply by telephoning me collect at my home ~~(telephone number deleted)~~ with apologies for troubling you with this request, and with thanks,

Yours sincerely,

Sylvia Meagher

(No reply received)

3 July 1965

Dear Mr Jenner,

Please refer to my letter of 22 June 1965 requesting clarification of questions which arise about FBI agent Hosty's auto license number. It occurs to me that a written reply may be something of a burden to prepare. May I therefore ask you to feel free to telephone me collect at my home ^(telephone number deleted) at your convenience. As I mentioned in my previous letter, I am anxious to have the requested clarification for purposes of a comparative study on which I am engaged. However, I would not plan to quote or attribute any statements made but merely to delete from my thesis any discussion of the matter of the license number, once the problem is resolved.

With grateful thanks,

Yours sincerely,

Sylvia Keagher

July 8, 1965

Dear Mr. Keagher,

I have your letter of June 17th and have been doing some checking of the questions you raise. As you know Mr Hudkins is mentioned in the hearings of the Commission, Volume III pp. 105-108, and Volume V, Page 243 and 253.

It is quite possible that a member of the staff or a representative of another governmental agency did interview Mr Hudkins.

Undoubtedly Mr Lee Rankin who served as Chief Counsel for the Commission would be in a better position to answer your question. His present address is: ~~[address deleted]~~.

Sincerely,

Gerald R Ford, H.C.

GRF:mr

July 8, 1965

Dear Miss Neagher,

Your letter of June 22 reached me in the midst of a trial engagement, and your follow-up letter of July 3rd finds me in a period of recovery from the closing of the trial terms of both our federal and state courts.

I will be away from the city next week but will be able to review my notes and other materials during the week of the 19th. I will write you promptly rather than put you to the expense of a long distance telephone call.

Very truly yours,

Albert E Jenner, Jr.

10 July 1965

Dear Mr Eisenberg,

Here is the photocopy of Klein's full-page ad in the February 1963 issue of the American Rifleman magazine.* You will see that the mail-order coupon at the bottom of the ad gives the address "Dept. 358," which identifies the publication in which the ad appears and which corresponds with the actual mail-order from "Hidell" (CE 773). Mr Waldman of Klein's testified (7H 367) that the coupon was taken from the February 1963 issue of the American Rifleman.

It is therefore clear that "Hidell" ordered the 36-inch Carcano weighing 5-1/2 lbs. which has the catalogue number C20-T750. The same catalogue number without the "T" identifies the 40-inch Carcano, as shown in Klein's full-page ad in the November 1963 issue of Field & Stream magazine (Holmes Exhibit No. 2).

Frankly, I was nonplussed by this combination of facts: that the advertisement which has direct relevance in establishing the purchase and possession of the assassination rifle is not found among the exhibits, which contain minutiae of less immediate relevance, in some abundance; and that direct reference to the advertisement reveals that it offers a different model than the Carcano identified as the assassination rifle. Secondary facts which struck me were the inclusion of the Field & Stream ad, which can be misleading to the vulnerable reader; and Oswald's specific interest in the effects of shortening a rifle barrel (10H 221, 224). One may wonder if he would have accepted without grumbling a rifle somewhat longer than the one he ordered.

Sincerely yours,

Sylvia Leagher

*Sent to Mr Eisenberg, who said that he had never seen the ad, at his request during a telephone conversation.

3 August 1965

Dear Representative Ford,

I should like to thank you sincerely for your letter of 8 July 1965. I appreciated your suggestion that Mr Lee Rankin might better be able to provide answers to my questions; accordingly, I sent him the self-explanatory copies of our exchange of letters. This I did with some pessimism, I must admit, because I had already written twice to Mr Rankin on another facet of the Warren Report without any reply whatever. As I feared, he has also ignored your reply to my letter—a discourtesy which I do not appreciate.

It is a matter for concern that legitimate questions raised by a responsible person should meet with rude silence. It makes a most unfortunate impression when persons who had a major role in the work of the Warren Commission refuse to fulfill what is a distinct moral obligation. A foreign correspondent with whom I am acquainted recently expressed to me, in savage language, his opinion of a fact-finding process which terminated without arrangements for residual matters and refusal to discuss or clarify important questions arising from omissions or apparent contradictions in the fact-finding report. This gentleman, a journalist of some distinction, told me that his approaches had met with bland refusal to comment, to his indignation. As an American and a taxpayer, I am naturally offended personally by my similar experience, on the one hand, and on the other hand unable to justify to a European critic the policy of silence that astonishes me no less than a foreigner.

With these prefatory remarks, I should like now to return to the subject of my letter of 17 June 1965. When I did not receive a response from Mr Rankin, I decided to search the 26 volumes of Hearings and Exhibits for the desired information. I discovered one report of an interview with Lonnie Hudkins (GL 2003, page 327), but that was concerned with the events of November 24, 1963 and did not relate to Hudkins' later allegations about Oswald and the FBI. I did not find any interviews with other reporters concerned such as Joe Golden (Goulden) or Harold Feldman, nor testimony nor interviews on this subject with officials (other than Henry Wade) who, according to your book, believed that there was substance to the story—that is, Waggoner Carr, William Alexander, etc.

But, Representative Ford, I was dumbfounded by the implications of a passage in the testimony of J. Edgar Hoover, in which he referred to Hudkins without naming him explicitly (5H 116). On its face, that testimony appears to warrant the conclusions that despite the unanimous decision reached at the Commission's emergency meetings in January 1964, as described in the first chapter of your book, it was in fact the "questioned authority" that interrogated Hudkins, repudiated his allegations without have determined their source, and, in effect, investigated and exonerated itself.

Let me say that I do not have serious suspicion that Oswald was working secretly for the FBI. On the other hand, it is difficult to be satisfied with an inquiry carried out in seeming disregard of the Commission's unanimous decision--the more so when viewed against other not-wholly-resolved questions which involve the FBI and agent James P Hosty, Jr in particular. We still do not know the source of Hudkins' story or the earlier story by Joe Golden, nor the grounds which high officials of the State of Texas found so compelling that they brought the matter to the Commission. (I might mention that the other unresolved questions involving Hosty and the FBI have been posed by letter to former counsel who took testimony on the relevant points, thus far without eliciting answers.)

You will surely understand my dismay at finding that the admirable decisions taken by the Commission, as recounted in your informative book, apparently were scrapped, and that a method of inquiry which the Chairman and the members clearly had rejected as inadequate and inappropriate was, in fact, the method used.

If you could persuade the appropriate persons (Mr Rankin or others) to expound on this matter and indicate why my inferences are wrong--if wrong they are--it would be a real service, not to me alone but also to other researchers who are likely to follow the identical path to the same disillusioning climax. It seems to me that those associated with a major historical investigation in which "truth was the only client" would wish to do no less.

With thanks and good wishes,

Yours sincerely,

Sylvia Meagher

cc J Lee Rankin

(No reply received)

20 August 1965

Dear Mr Jenner,

Forgive me if I say that I am surprised and concerned at the non-arrival of the letter you volunteered to write during the week of July 19th. It seems to me that the questions on which I requested clarification in my letter to you on June 22nd are legitimate and important, and that they should be answered. I hope that I may still expect the promised reply?

Yours very sincerely,

Sylvia Meagher

(No Reply Received)

Registered Mail
Return Receipt Requested

12 September 1965

Dear Mr Eisenberg,

I trust that you received my letter of 10 July 1965 and the photocopy of the Klein's ad in the February 1963 American Rifleman. I assume that you did not disagree with my comments on the ad, but needless to say I should welcome any observations you may have.

You will recall that during our conversation on the first of July you were kind enough to offer to consider other questions which had arisen in the course of my study of the Hearings and Exhibits, if clarification was not forthcoming from other sources. I hope that the offer stands, because I am sorry to say that no answers have come by letter or telephone. Mr Jenner declined to put me to the expense of a collect call, assuring me that he would write after consulting his notes. However, he did not do so. Mr. Rankin ignored two letters which I had addressed to him, as well as copies of an exchange of letters sent to him at the suggestion of Representative Gerald Ford. Mr Ford then ignored a further letter which I addressed to him. Dr. Goldberg did not respond to my letter. Mr Liebeler did not respond.

Perhaps it will be simpler to send you copies of this assorted correspondence rather than attempt to reformulate the questions posed in the letters. I realize that it will be time-consuming to read this correspondence and that I cannot expect any reply within a few days. However, I would be grateful for an indication that you intend to consider these matters when time permits, and I hope that you will be good enough to telephone or drop me a note.

In addition to the questions raised in the enclosed letters, another problem has arisen, only today. The Warren Report states on page 555 that "when the rifle was found in the Texas School Book Depository Building it contained a clip." The citation (footnote 23 on page 854) refers to the testimony of Captain Fritz (4H 205) and Lt. Day (4H 258). I have read both pages carefully but found no mention whatever of any ammunition clip. I do not recall from my first or second reading of the Hearings and Exhibits any testimony or

documents which suggest that the rifle contained an ammunition clip when the weapon was discovered. If I am incorrect and there is documentary evidence or testimony to substantiate the statement on page 555, I should be grateful and even relieved to be informed. As I said when we spoke, I do not regard myself as immune from error or oversight--nor free from the human malice that takes pleasure in catching an error or penetrating a pretext. But these issues are too solemn and tragic for such pettiness, and I can tell you in honesty that I would have welcomed answers to my unanswered letters even if those answers demonstrated that my inferences were unfounded and nonsensical. I am unhappy and disturbed that apart from your telephone call no one whom I have approached has been willing to discuss the substance of the questions posed.

One final word, and without intending any offense: I have invested a great deal of time and effort in an attempt to satisfy myself about the assassination. This is a commitment that I feel deeply indeed. If it is impossible to get answers to legitimate questions--questions that require no apology, asked courteously and in good faith--I will feel it a duty to make every effort to have the questions asked in a forum where they cannot be ignored.

Our conversation in July gives me the confidence to express myself frankly and to place these unanswered questions in your hands.

Yours very sincerely,

Sylvia Meagher

Enclosures

Letter to A R Jenner 6/22/65
Letter from " " 7/8/65
Letter to " " 8/20/65
Letter to W J Liebler 6/21/65
Letter to A Goldberg 7/2/65
Letter to J Lee Rankin 6/12/65
Letter to " " " 6/25/65
Letter to G R Ford 6/17/65
Letter from " " 7/8/65
Letter to " " 8/3/65

(No reply received)

FBI Agent Hosty, Ruth Paine, and Oswald

Warren

The Report (page 327) states that the Warren Commission investigated the circumstances which led to the presence in Oswald's address book of FBI agent Hosty's name, office address, phone number, and license number. There was a perfectly innocent explanation, of course: Hosty had interviewed Ruth Paine at her home on November 1 and 5, 1963. On the first visit he had left his name and phone number with Mrs. Paine so that she might advise him if she learned Oswald's address in Dallas. Ruth Paine gave this slip of paper to Oswald. Marina Oswald had written down Hosty's license number on one of his visits, in accordance with prior instructions from Oswald, and she gave him that information. The address of the FBI Dallas office, the Report assures us, is easily obtainable "from many public sources."

The Report is discreetly silent about a fact that emerges from the Hearings and Exhibits---that the FBI initially withheld from the Warren Commission the information that entries concerning Hosty were found in Oswald's papers. That comes to light in a letter of March 26, 1964 in which the Commission asked the FBI for a "reasoned response" to some thirty questions, including the following one.

When and for what reason were pages 279 through 283 of the report of SA Gemberling of February 11, 1964, prepared (setting forth the entries in Oswald's address book which had not been included in the report of SA Gemberling of December 23, 1963)?

The FBI Director responded in a letter of April 6, 1964, that

Pages 279 through 283 of the report of SA Gemberling dated February 11, 1964, were prepared at the time such report was being typed by the Dallas Office during a few-day period immediately preceding submission of such report to FBI Headquarters by the Dallas Office. In this connection, your attention is also directed to this Bureau's letter to the Commission dated February 27, 1964, enclosing an affidavit executed by SA Robert P. Gemberling explaining in detail his handling and reporting of data in Lee Harvey Oswald's address book. You will note that in his affidavit, SA Gemberling explains why certain data in Oswald's address book was reported in his December 23, 1963, report, whereas the remaining data... was reported in SA Gemberling's February 11, 1964, report.

(CE 833 page 15)

That cryptic reply was elaborated in the testimony of the eminent Director of the FBI, J. Edgar Hoover, when he appeared before the Warren Commission on May 14, 1964.

This report was not prepared for this Commission but rather for investigative purposes of the FBI and, therefore, the information concerning Hosty's name, telephone number, and license number was not included in the report as the circumstances under which Hosty's name, et cetera, appeared in Oswald's notebook were fully known to the FBI.

After our investigative report of December 23, 1963, was furnished ...we noted that Agent Hosty's name did not appear in the report. In order that there would be a complete reporting of all items in Oswald's notebook, this information was incorporated in another investigative report...dated February 11, 1964. Both of the...reports were furnished to the Commission prior to any inquiry concerning this matter by the...Commission.

(5H 112)

The "reasoned reply" and the elucidation by the FBI Director leave room for scepticism. Gemberling's affidavit is not included among the Exhibits, which is a pity. It might clarify why the FBI was preparing reports for its own purposes as late as December 23, 1963. As we understood it, the FBI was designated as the investigative arm of the Warren Commission when the Commission was appointed on November 29, 1963. Since the FBI report of December was submitted to, although "not prepared for" the Commission, why were the Hosty entries omitted? If the circumstances were fully known to the FBI, why did not the December report include an explanation together with the entries which, on their face, suggested the possibility of a compromising relationship between Hosty or the FBI and Oswald?

It is not unreasonable to wonder if the FBI did not find the Hosty entries in Oswald's notebook inexplicable and highly embarrassing, and if the information was not withheld from the Warren Commission until a synthetic "innocent" explanation could be designed. At the least, it would seem that Gemberling protected Hosty, Hoover protected Gemberling, and the Commission protected the FBI by withholding relevant information from the Report and documents from the Exhibits.

What is even more disconcerting is the fact that careful examination of the testimony throws considerable doubt on the assertion that Marina Oswald copied the license number of Hosty's car and gave it to Oswald. It is true that she testified that she did, as the Report carefully phrases it. During her appearance before the Warren Commission on February 3, 1964 Marina Oswald was questioned about Hosty's November 1st visit.

Rankin After you received the telephone number, what did you do with it?

Marina He gave the telephone number to Ruth, and she, in turn, passed it on to Lee...

Rankin Did the agent also give his license number for his car to Mrs. Paine or to you or to your husband?

Marina No. But Lee had asked me that if an FBI agent were to call, that I note down his automobile license number, and I did that.

Rankin Did you give the license number to him when you noted it w down?

Marina Yes...the man who visited us, that man had never seen Lee. He was talking to me and to Mrs. Paine. But he had never met Lee...

(1H 48)

It is implicit in this testimony that Marina copied the license number on the first of Hosty's two visits, which took place on November 1st and 5th. She said that Oswald had asked her that "if an FBI agent were to call" she note down the agent's auto license number. Had she not done this on the November 1st visit, Oswald might have said, "if the FBI agent calls again, take down his license number," or he might have reproached her for forgetting his earlier instructions. She does not suggest that anything like that transpired. But if logic suggests that it was on the November 1st visit that Marina took down the license number, the facts indicate that she did not. According to Ruth Paine,

...the first time he had come on the 1st of November, he had parked down the street, and he made reference to the fact that they don't like to draw attention for the neighborhood to any interviews that they make, and in fact my neighbor also commented when she talked to him a few days previously /during a pretext interview/ that his car was parked down the street and wasn't in front of my house...

(3H 100)

It is clear that we must rule out the possibility that Marina took down the license number on that occasion, when Hosty's car was at some distance from the Paine house and there was no way for Marina to know that it was Hosty's car, even if it was within her range of vision.

If we put aside the implications of Marina's testimony and assume that she copied the license number on the November 5th visit, we still encounter major difficulties. This time Hosty parked his car in front of the Paine house; but Ruth Paine testified,

My best judgment is that the license plate was not visible, however, while it was parked; not visible from my house.

(3H 100)

Hosty and I, and a second agent was with him, I don't know the name, stood at the door of my home and talked briefly, as I have already described, about the address of Oswald in Dallas. Marina was in her room feeding the baby, or busy some way. She came in just as Hosty and I were closing the conversation, and I must say we were both surprised at her entering. He then took his leave immediately, and as he has told me later, drove to the end of my street which curves and then drove back down Fifth Street.

Jenner Now you are reporting something agent Hosty has told you?

R.Paine Yes.

Jenner Were you aware of the fact that he drove to the end of the street?

R.Paine Not at that time, no. (3H 99-100)

Jenner continued to question Mrs. Paine in an attempt to determine whether or not it was physically possible for Marina Oswald to have seen and copied Hosty's license number on the second visit. Mrs. Paine said that Marina had been in her bedroom the entire time.

Jenner Are you firm, reasonably firm that Marina, even if she desired to learn of the license number on Agent Hosty's car, that she could not have seen or detected it while remaining in the house?

R.Paine She might possibly--oh, I wouldn't say that. It is conceivable depending on where it was parked, it is conceivable that she could have seen it from the bedroom window. (3H 101)

This testimony was taken on March 19, 1964. On March 23, Jenner and Secret Service agent Joe Howlett accompanied Ruth Paine to the bedroom which Marina had occupied, to test the visibility of the license plate number on a car stationed where Hosty had parked on his second visit. Jenner said,

It is impossible--at least impossible to see any license plate on either of the two automobiles parked at the curb...

Howlett Yes; that's correct...I am shining a flashlight on the front and rear of both automobiles and you cannot even see the license plate, much less any of the numbers.

(9H 398)

At that moment, therefore, Jenner confronted the fact that (1) Marina could not have taken the license number on the November 1st visit because Hosty had parked his car down the street; (2) the license plate was not visible when the car was parked in front of the Paine house ^{on the second visit} because it was screened by another automobile standing there; (3) Hosty said that on the second visit he drove to the end of the street, turned, and drove past the Paine house; however, Ruth Paine did not see him do so, nor does she suggest that Marina might have seen him pass the house in his car at the end of the visit or that she might have copied the number ^{from the moving vehicle} at that time. On the contrary, she said on March 19th that it was conceivable that Marina might have seen the license plate from her bedroom window. The experiment on March 23rd eliminated that possibility. Yet Marina, if she took the license number at all, must have taken it covertly—Ruth Paine testified that the first she had heard anything about the license number was when Hosty told her, "well after the assassination," that a notation of his name, telephone number, and license number had been found in Oswald's room.

There was, then, strong reason on March 23, 1964 to discredit Marina's story that she had copied Hosty's license number and given it to Oswald. Marina testified before the Commission on at least three occasions after that date, but not one single question was asked about the license number, when investigation had made it clear that she could not have copied that number as she testified she did early in February. In the face of those findings and without reopening the question with Marina, the Warren Commission asserts that Marina testified that she had copied the number. That is literally true, but fundamentally dishonest and misleading because, as the Hearings indicate, she could not have copied the number on either of Hosty's two visits.^{1/}

Another assertion in Marina's February testimony was that FBI agent Hosty had never seen or met Lee Harvey Oswald (LH 48). That assertion appears to be no more trustworthy than her claim that she had copied the license number. Robert Oswald, testifying on February 21, 1964, described Marina's refusal to be interviewed by two FBI agents who wished to question her on November 26, 1963, only a few days after the assassination.

When the FBI agents arrived...when the two agents and Mr. Gopadze came in, Marina immediately identified or recognized one of the agents who she had talked to before, and it is my understanding now, at the Paine's home in Irving, Texas...

Jenner Did she have an aversion to being interviewed by the FBI agent on this occasion?

1/

The author wrote to counsel Jenner requesting clarification of the Commission's reasoning, in view of the conflict between the evidence and the tacit assertion in the Warren Report that Marina Oswald was the source of the notation of Hosty's license number in Oswald's notebook. Mr. Jenner replied courteously that he would provide the requested clarification when he returned to his office on or about July 19, 1965. He never honored his stated intention, nor did he reply to a follow-up letter of reminder sent to him on August 20, 1965.

R. Oswald Yes, sir, she did...Marina had recognized this one FBI agent as a man who had come to the Paine's home in Irving, Texas, and perhaps at another location where they might have lived in Dallas, or the surrounding territory, and had questioned Lee on these occasions...In or outside of the home...within the immediate grounds of the home, at least ...she had an aversion to speaking to him because she was of the opinion that he had harassed Lee in his interviews...I would say this was certainly so. His manner was very harsh, sir...it was quite evident that there was a harshness there, and that Marina did not want to speak to the FBI at that time ...And they were insisting, sir. And they implied in so many words...they were implying that if she did not cooperate with the FBI agent there...that they would perhaps deport her from the United States and back to Russia...

(1H 409-410)

I went over to Mr. Brown, the agent I knew, who was sitting at the end of the coffee table...and I was shaking my finger at him...that I resented the implications that they were passing on to Marina, because of her apparent uncooperative attitude...They attempted for another 5 or 10 minutes to interview Marina Oswald at that time...Mr. Brown--he left the immediate area of interviewing there, and came over and started speaking to me...And the other FBI agent arose rather disgustedly to end the attempted interview, he walked to the door, opened the door, and spoke very harshly to Mr. Brown...he said, "Just cut it off right there, Mr. Brown."

Mr. Brown indicated he wanted to talk to me some more. He just motioned to him to cut it off right here. Mr. Brown left and went outside with him...

(1H 411-412)

This FBI agent to whom Marina had an aversion because in her opinion he had harassed Oswald "in his interviews" is the same Hosty about whom she testified some months later that he had never seen or met her husband (CE 1780). Indeed, she must have had a strong aversion to Hosty to refuse, only a few days after the assassination and vulnerable as she was, to answer his questions.^{1/} Her undisguised hostility and anger towards Hosty on that occasion, like that of Oswald himself when Hosty appeared at the interrogation session right after his arrest, is incomprehensible if Hosty's two visits to the Paine home were as pleasant and innocuous as he, Marina, and Ruth Paine all testified. But by the time they testified on the visits, several months had passed; and Marina told a story which had little in common with her earlier statements about and attitude towards Hosty, as recounted by Robert Oswald. A few days after the arrest and murder of her husband, Marina was accusing Hosty of having harassed Lee "in his interviews." Other hints of possible personal contact between Oswald and Hosty emerge both from Marina's and Ruth Paine's testimony.

^{1/} Although Robert Oswald told the Commission on February 21, 1964 that Hosty had threatened Marina with deportation if she did not cooperate, Hosty was not asked about this when he testified on May 5, 1964.

Rankin Now, did you report to your husband the fact of this visit, November 1, with the FBI agent?

Marina I didn't report it to him at once, but as soon as he came for a weekend, I told him about it...I told him that they had come, that they were interested in where he was working and where he lived, and he was, again, upset. He said that he would telephone them--I don't know whether he called or not--or that he would visit them...Lee had told me that supposedly he had visited their office or their building. But I didn't believe him. I thought he was a brave rabbit.

(1H 57)

Ruth Paine told a similar story about Oswald's assertion that he had called at the FBI office and attempted to see Hosty.

I perhaps should put in here that Lee told me, and I only reconstructed this a few weeks ago, that he went, after I gave him--from the first visit of the FBI agent--I took down the agent's name and the number that is in the telephone book to call the FBI and I gave this to

Lee the weekend he came...that would have been the weekend of the 2nd, the next day...Then he told me, it must have been the following weekend...He told me that he had stopped at the downtown office of the FBI and tried to see the agents and left a note...He was irritated and he said, "They are trying to inhibit my activities"...I learned only a few weeks ago that he never did go into the FBI office. Of course knowing, thinking that he had gone in, I thought that was sensible on his part. But it appears to have been another lie.

(3H 18-19)

Although Mrs. Paine did not say and counsel did not ask the source of her information, "most probably" it was Hosty himself. It would be most naive to accept a denial from such a source. In the wake of the assassination, the FBI experienced shock waves of criticism for its handling of the Oswald case, after long immunity from disapproval. The FBI would hardly be willing to admit that the accused assassin had been pounding at its door for attention and still been permitted to go about his deadly business without interference.

The FBI may well deny that the visit took place but it would have been quite characteristic of Oswald's aggressive insistence on his rights, with his audacity in his dealings with the American Embassy in Moscow, and with his passionate denunciation of Hosty and the FBI in general, when Hosty appeared in the police station after Oswald's arrest. If the charges confronting him at that moment did not silence him, one wonders what considerations would have restrained him from taking his protests to the FBI office after Hosty's first visit to the Paine home. The FBI office in Dallas is on Commerce Street, no great distance from the Depository, and Oswald could have gone there easily when work finished at 4:45 pm or even during his lunch hour.

It is not clear from the reports on the interrogation of Oswald after his arrest (Appendix XI of the Report) whether his outburst against Hosty indicated prior acquaintance or only recognition of his name. Certainly there is nothing to obviate a previous meeting between the two.

Two further comments are apropos: Oswald was irritated by the renewal of interest in him on the part of the FBI and what he regarded as an attempt to inhibit his activities. For all he knew, he might be under 24-hour surveillance. It is hard to understand why that did not inhibit his alleged actions on the morning of the assassination. Second, the Warren Commission has made no attempt independently to ascertain whether or not Oswald visited the FBI office, as he told both his wife and Ruth Paine; it merely accepted the denial of such a visit by an unknown source to Mrs. Paine, as mentioned in her testimony. Oswald's assertion, juxtaposed to the unexplained puzzle of the Hosty license number and the FBI's delay in telling

the Commission that Hosty's name and numbers were found in Oswald's notebook, certainly required more fact-finding than was attempted. This is one of many matters that should be weighed in the context of the Commission's attitude toward the FBI and the other police agencies involved in the assassination, ~~but that is another subject.~~

It is noteworthy that both Marina Oswald and Ruth Paine were ready to believe that Oswald had lied about his visit to the FBI. As discussed elsewhere, the presumption that Oswald was lying was wholly unjustified in several important instances. Ruth Paine, a major witness in the case, is a complex personality with many ambivalent or conflicting forces seething beneath a passive facade. Some examples from her testimony show a predisposition against Oswald, and a real or pretended friendliness toward the FBI and other Establishment institutions which should not be overlooked in evaluating her role in the case. Mrs. Paine is an adherent of the Society of Friends, more or less a practicing Quaker. She appears frequently to be animated by feelings foreign to her ^{professed} beliefs. Her account of the birth of the Oswalds' second child, for example, betrays considerable malice toward Oswald. She testified that she had taken Marina Oswald to the hospital in her car at the onset of labor on a Sunday night. Oswald, who was unable to drive, remained at her home to care for the children. As Mrs. Paine described it,

He was already asleep when I got back--no; that is not right. He was not asleep...but he had gone to bed, and I stayed up and waited to call the hospital to hear what word there was. So, that I knew after he was already asleep that he had a baby girl. I told him in the morning before he went to work...I did not awaken him. I thought about it and I decided if he was not interested in being awake, I would tell him in the morning... (3H 39-40)

Another incident reported by Mrs. Paine demonstrates that with a Friend like her, Oswald did not need enemies. Despite the loftiness of her principles, Mrs. Paine on occasion had the instincts of a sneak and an informer. She testified on March 19, 1964 that on Saturday morning, November 9, 1963, Oswald had asked permission to use her typewriter and had concealed his papers when she came near. This, she admitted, aroused her curiosity, and

Sunday morning I was the first one up. I took a closer look at this, a folded sheet of paper...The first sentence arrested me because I knew it to be false...I then proceeded to read the whole note, wondering, knowing this to be false, wondering why he was saying it. I was irritated to have him writing a falsehood on my typewriter, I may say, too. I felt I had some cause to look at it. (3H 13-14)

...I was irritated to have him writing a falsehood on my typewriter, I may say, too. I felt I had some cause to look at it.

...

...I felt I had some cause to look at it.

Mrs. Paine proceeded to read Oswald's private paper, a draft of a letter dealing in part with the visits of FBI agent Hosty, in which Oswald said that Hosty had tried to coerce him to refrain from pro-Castro activities and to press Marina to "defect" and place herself under FBI protection. According to Mrs. Paine, that was a completely false version of Hosty's visits. She was offended on her own behalf and that of her morally pure typewriter—an extension of self-righteousness to an inanimate object that must have Freudian significance. She read the letter in the quiet of her living room on Sunday morning and decided that she

Should have a copy to give to an FBI agent coming again, or to call. I was undecided what to do. Meantime I made a copy...

Jenner But you did have the instinct to report this to the FBI?

Paine Yes...and after having made it, while the shower was running, I am not used to subterfuge in any way, but then I put it back where it had been and it lay the rest of Sunday on my desk top...

(3H 15)

(Not used to subterfuge? She takes to it like an old hand.)

Whether or not Oswald was aware of Mrs. Paine's hostility toward him, he nevertheless turned to her for help—in the last hours of his life, as it turned out. Mrs. Paine told the Warren Commission that Oswald had telephoned from jail on Saturday afternoon and had asked her to try to reach John Abt, the New York lawyer, on his behalf. Asked to repeat everything about the conversation that she remembered, Mrs. Paine said,

I can't give the specific words to this part but I carry a clear impression, too, that he sounded to me almost as if nothing out of the ordinary had happened. I would make this telephone call for him, would help him, as I had in other ways previously. He was, he expressed gratitude to me.

I felt, but did not express, considerable irritation at his seeming to be so apart from the situation, so presuming of his own innocence, if you will...I was quite stunned that he called at all or that he thought he could ask anything of me, appalled, really.

(3H 85-86)

Mrs. Paine said that she tried to telephone Abt on Saturday evening and perhaps also on Sunday morning, without reply, and that she had never reached him.

Jenner Did you ever attempt to report to Lee Oswald that you had been unable to reach Mr. Abt?

Ruth Paine Not unless such transpired in our 9:30 conversation Saturday evening, but I made no effort to call the police station itself.

Jenner Excuse me?

Ruth Paine I made no effort to call the police station.

(3H 89)

Mrs. Paine's conscience did not remind her that the accused must be considered innocent until proved guilty in a court of law; indeed, Dallas officials abetted by the news media had Oswald convicted within hours of his arrest. But there is no precedent for Mrs. Paine's new principle—that the accused may not "presume" his own innocence. She was "considerably irritated" that Oswald did not grovel or disintegrate with fear and remorse. Apparently she did not give even a passing thought to the possibility that he might be innocent or that he was straining to exercise control and stave off panic at his predicament—and this was before there was "conclusive evidence" against him and before he could defend himself against the charges. Moreover, Mrs. Paine testified that before November 22nd she had never considered Oswald potentially violent nor had the slightest reason to think that he harbored any ill-will toward the President.

Her failure to notify Oswald that she had been unable to reach Abt (if she really tried to reach him) so that he would realize the urgency of obtaining legal assistance elsewhere is unforgivable. Better if she had expressed her "considerable irritation" frankly instead of letting Oswald assume that she would help him. For all her modesty and self-abnegation, Mrs. Paine is a hard, angry, vindictive and sometimes devious woman—and her testimony must be evaluated in the light of her undeniable malice and vindictiveness toward Oswald, and her wish to ingratiate herself with officialdom.

Hosty also played an unenviable role in the drama. He became involved in a controversy with Lt. Revill of the Dallas police about remarks made about the FBI's knowledge of Oswald, shortly after his arrest. He did not tell Dallas police Chief Curry or Captain Fritz that the FBI had a file on Oswald or that he was under active investigation. And, strangest of all, he absented himself completely from the police station after his brief participation in Oswald's first interrogation.

Returning to the point of departure—the fact that Oswald had Hosty's name and numbers in his address book—we cannot be satisfied with the findings in the Report or the Commission's exercise in evasion and misrepresentation. The real relationship between Oswald and the FBI remains to be uncovered and the tactics used to smooth things over merely increase suspicion of the nature of that relationship.