

THE ANATOMY OF AN INVESTIGATION

Hoover's Men

No Stone Unturned

Who Was Betty MacDonald?

Hoover's Agents

The FBI carried out about 25,000 interviews on behalf of the Warren Commission, submitting more than 2,300 reports totaling some 25,400 pages, and FBI experts provided most of the testimony on which the Commission relied on such questions as firearms, ballistics, handwriting and questioned documents, hairs and fibers, photographs, and fingerprints. In this chapter, we shall examine examples of FBI investigative work, allegations of intimidation by FBI agents, and instances of alleged misreporting by the FBI. On the basis of such a review, it should be possible to reach considered conclusions about the role of the FBI in the investigation of the assassination and the degree to which the Commission's reliance on FBI findings may compromise the Warren Report.

Investigative Work

James P Hosty, Jr was questioned by the Warren Commission on May 5, 1964.

Here are some passages from his testimony.

Stern Did you tell Captain Fritz at this time any of the information you had about Oswald, about his trip to Mexico, for example?

Hosty No.

Stern About his being in touch with the Russian authorities seeking a visa?

Hosty No.

Stern About his previous residence in the Soviet Union?

Hosty Oswald himself told Captain Fritz of this. I didn't have to. Oswald came right out and told him.

Stern About the affair in New Orleans and his arrest there?

Hosty No.

Stern Did you subsequently tell Captain Fritz?

Hosty No; I didn't tell Captain Fritz; no.

Stern Was any of this information provided to the Dallas police as far as you know?

Hosty I provided it to Lieutenant Revill earlier, as I pointed out...

Stern Wouldn't it be difficult for Lieutenant Revill to have gotten the information from you under the conditions that you described, running up the stairway and the rest of it? Do you think he heard enough of this?

Hosty Well, that is true, he might not have. But you see Oswald then proceeded to tell himself, he told the police all this information, so there was no point in me repeating it when he himself, Oswald, had furnished it directly to the police.

McCloy But you did tell Revill that you had a file on Oswald?

Hosty No; I didn't tell him I had a file; no, sir.

(4H 468-469)

McCloy Did you notice that Oswald said in the course of his interview by Captain Fritz that he had not had a rifle but he had seen a rifle in the possession of Mr Truly?

Hosty Right.

McCloy Did you interrogate Mr Truly about that?

Hosty No, I didn't.

McCloy Do you know whether anyone else did?

Hosty I can't say for certain, no.

(4H 472)

Ira Walker, one of several television technicians who stated that they saw Jack Ruby outside the police station on Sunday morning considerably before Ruby is supposed to have been there, testified on April 15, 1964.

Hubert You have already testified that you recall the interview of you on December 4, by FBI agents Earle Haley and Robley Madland. At the time you were interviewed, were you interviewed by those agents alone?

Walker No...The two agents, myself, Warren Richey, Johnny Smith, and there might have been some others, Jimmy Turner was there part of the time--of course, he introduced us to the FBI men, and I think he had already talked to him previously.

Hubert All of you were interviewed as a group rather than individually, is that right?

Walker That's right...

Hubert During the interview, did the FBI agents ask each of you to speak alone, or was it a composite sort of interview?

Walker It was composite. We spoke as we remembered the situation. I mean, everybody described the whole thing as it progressed along as best he could.

Hubert Do you remember what the FBI did by way of segregating the identification of each of you?

Walker No, sir; I don't know.

(13H 295-296)

Kenneth L Dowe, KLIF radio announcer, provided information that Jack Ruby had telephoned the station on November 23, 1963, asking when Oswald was to be transferred. Dowe testified on July 25, 1964,

I talked with the FBI first, and they weren't too interested. I am sure it was the FBI that I talked with...I wasn't in there more than 5 or 6 or 7 minutes, and he didn't seem like it was too pertinent at the time...

(15H 436)

Alfred Hodge, proprietor of a gunshop and a bar-and-grill, had known Jack Ruby for about fifteen years. He testified that he had met Ruby on an elevator in the police station late Friday night.

(Lt Baker) come back to the elevator and he got off, I think, on the--I'm not positive about that, but he could have gotten off on the third floor, and this FBI agent and I want to say his name is Wilson, but I'm not positive, who I had called that day and he had been down to the store and checked the books with me--he was on the elevator too and I spoke to him...

...I think I got to the store approximately 12.15. There was two FBI agents waiting there for me when I got there, and so they told me they wanted to see me, and we walked on into the bar, I mean, into the gunshop and they said, "Mr Hodge," and they showed me their badges and all that ...and they said, "there's an operator in Fort Smith, Arkansas that got an anonymous call this afternoon stating 'If you want to know who killed the President, check with the manager of the Buckhorn Bar'." I said, "That could be one of my bartenders or it could be he probably threw some drunk out and he just wanted to be important and wanted to get back at the bartender," and they said, "Well, don't think nothing about it...We got one call this afternoon, Mr Hodge, from a woman that told us that her husband just confessed to killing the President," and so that was that.

(15H 498-499)

Stanley Kaufman, Ruby's lawyer and friend for many years, testified on June 27, 1964,

About the Anti-Defamation League, although I do say I talked to the agents about it, but not in connection with a conversation with Jack. I do admit that the agents and I, in talking about that, they were very kind and they stayed there and they related to me how they had Jewish agents in the FBI, Bob Strauss of Dallas had been an agent, and I mean that they spent a lot of time discussing this matter with me, and I'm sure they had a lot of things on their mind, Mr Hubert, and they were not sitting down taking notes although I think they did take names down maybe on the back of an envelope or a scratch pad...in other words...I do want the record to be correct, because I don't think that Jack Ruby and I ever discussed the Anti-Defamation League...

(15H 522)

Arnold Rowland, an important eye-witness to the assassination, testified before the Commission on March 10, 1964.

Specter Did you tell the police officials at the time you made this statement that there was a Negro gentleman in the window on the south-west corner of the Texas School Book Depository Building which you have marked with a circle "A"--pardon me, southeast?

Rowland At that time, no. However, the next day on Saturday there were a pair of FBI officers, agents out at my home, and they took another handwritten statement from me which I signed again, and this was basically the same. At that time I told them I did see the Negro man there and they told me it didn't have any bearing or such on the case right then. In fact, they just the same as told me to forget it now.

(2H 183)

Specter Did you ask them at that time to include the information in the statement which they took from you?

Rowland No. I think I told them about it after the statement, as an afterthought, an afterthought came up, it came into my mind. I also told the agents that took a statement from me on Sunday. They didn't seem very interested, so I just forgot about it for a while...They just didn't seem interested at all. They didn't pursue the point...I mean, I just mentioned that I saw him in that window. They didn't ask me, you know, if was this at the same time or such. They just didn't seem very interested in that at all.

(2H 184-185)

Illeged Intimidation

Marina Oswald, first and foremost of the Commission's witnesses, testified on February 4, 1964,

In the police station there was a routine regular questioning, as always happens. And then after I was with the agents of the Secret Service and the FBI, they asked me many questions, of course--many questions. Sometimes the FBI agents asked me questions which had no bearing or relationship, and if I didn't want to answer they told me that if I wanted to live in this country, I would have to help in this matter, even though they were often irrelevant. That is the FBI...Mr Heitman and Bogoslav...I have a very good opinion about the Secret Service, and the people in the police department treated me very well. But the FBI agents were somehow polite and gruff. Sometimes they would mask a gruff question in a polite form...

I think that the FBI agents knew that I was afraid that after everything that had happened I could not remain to live in this country, and they somewhat exploited that for their own purposes, in a very polite form, so that you could not say anything after that. They cannot be accused of anything. They approached it in a very clever, contrived way.

(LH 79-80)

Robert Oswald described the attempts of FBI agents to interview Marina Oswald while she was in Secret Service custody, informing the Commission that

Marina had recognized this one FBI agent as a man who had come to the Paines' 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.

Jenner In the home?

R Oswald In or outside of the home. I do not know whether it took place on the inside--but within the immediate grounds of the home, at least.

Dulles And this was early in 1963? Prior, anyway, to November 22, 1963, was it not?

R Oswald Yes, sir, that is correct. And that this particular one agent--not the Mr Brown I have referred to, but the other gentleman that I do not recall his name--she had an aversion to speaking to him because she was of the opinion that he had harassed Lee in his interviews, and my observation of this at this time, at this particular interview, was attempting to start--I would say this was certainly so. His manner was very harsh, sir...it was quite evident

there was a harshness there, and that Marina did not want to speak to the FBI at that time. And she was refusing to. And they were insisting, sir. And they implied in so many words, as I sat there --if I might state--with Secret Service agent Gary Seals, of Mobile, Ala--we were opening the first batch of mail...and we were perhaps just four or five feet away from where they were attempting this interview, and it came to my ears that they were implying that if she did not cooperate with the FBI agent there, that this would perhaps...in so many words, that they would perhaps deport her from the United States and back to Russia.

(1H 410)

Nelson Delgado, Oswald's friend and fellow-Marine, testified that he had ~~been interviewed separately by FBI agents.~~ His testimony, which is too lengthy to quote in extenso, should be read in full (8H 228-265). It uncovers a campaign of apparent intimidation by the FBI, during which Delgado was subjected to a written examination in the Spanish language and attacks on his credibility about various matters, including Oswald's poor marksmanship. Delgado testified,

...I was upset because this guy kept on badgering me...The Spanish agent...I couldn't concentrate on what he was saying because he kept staring at me, and he was giving me a case of jitters, you know...(8H 239)...I told him basically the same thing I told you, only then this fellow came out, this other agent came out with this test he gave me...a written thing...(8H 245)

Liebeler Did you teach anybody else Spanish while you were in the Marines?

Delgado Just one fellow, but he denied that I taught him any Spanish...Don Murray. He took Spanish in college, and we were stationed in Biloxi, Miss., together, and he would ask me for the same thing...

Liebeler What makes you say he denied that you taught him any Spanish?

Delgado That is what the (FBI) agent interviewing me told me...

Liebeler Did you get the impression that the FBI agent was trying to get you to change your story?

Delgado Yes.

Liebeler He was trying to get you to back away from the proposition that Oswald understood Spanish?

Delgado Well, am I allowed to say what I want to say?

Liebeler Yes; I want you to say exactly what you want to say.

Delgado I had the impression, now, wholeheartedly, I want to believe that Oswald did what he was supposed to have done, but I had the impression they weren't satisfied with my testimony of him not being an expert shot. His Spanish wasn't proficient where he would be at a tie with the Cuban government. (8H 248-249)

Liebeler You mentioned this fellow by the name of Call...Richard Call...Was he a friend of Oswald?

Delgado Semifriendly. I know personally that he used to call Oswald Oswaldovich or Comrade. We all called him Comrade, which is German for friend. We didn't put no communistic influence (sic) whatsoever. But then he made the statement saying, no, he never called Oswald "Comrade," or anything else like that, you know...

Liebeler How do you know?

Delgado The FBI agent told me...Call said he didn't. Well, that's his prerogative. He didn't want to get mixed up in it. (8H 257)

Orest Pena, owner of a New Orleans bar, reported that on one occasion Oswald and two companions had visited his establishment and that Oswald had ordered a lemonade. Pena, testifying about his participation in an anti-Castro organization in New Orleans, said,

Then De Brueys came to the organization...he didn't join it, but he was sticking with the organization very, very close...we knew he was an FBI agent. So from time to time he called me at my place...asking me about this guy and that guy...I told him about people that I am for sure they are for Castro here in New Orleans. So one way or the other, he was interfering with me somehow, Mr De Brueys...So one day I went to the FBI. They called me to the FBI...I told the agency there I don't talk to De Brueys. I don't trust him as an American...we got in a little bit of argument there...So 2 days later he went to my place of business...He said not to talk about him any more because what he could do is get me in big trouble. He said, "I am an FBI man. I can get you in big trouble." But he made a mistake. I had a girl that was with me that was here when he was discussing me...

Liebeler So your complaints about the FBI here in New Orleans relate basically to the anti-Castro proposition and not to the investigation of the assassination; is that correct?

Pena No, no. That was way before.

Liebeler You don't have any criticism of the FBI as far as the investigation of the Kennedy assassination was concerned except that you just don't like to talk to the FBI any more; is that right?

Pena You mean after the assassination?

Liebeler Yes.

Pena After the assassination, they came and asked me so many times about the same thing, lemonade, it just looked silly to me. They came over so many times...I got in an argument with one of the men there, the same thing I told you about the printing and propaganda...He told me that the United States is a big country and it was hard to find...I said, "It doesn't matter. Each printing has their own type or letter that can be found somehow."

Liebeler So you told this FBI agent that they should find where the propaganda literature had been printed?

Pena The propaganda that Oswald was giving away. They put that on television about 4 or 5 days after the assassination—Oswald giving that propaganda. They knew that Oswald was giving that propaganda away before Mr Kennedy was killed. They got all of that propaganda and all of that film taken of Oswald...if they went all the way from that propaganda, from where it was printed, maybe they can put Oswald in jail. Maybe the President not be killed....

I will stand a lie-detector test...and I invite De Brueys, too, to ask De Brueys if that's true or not true he went to my place and tried to intimidate me.

(11H 361-363)

W W Litchfield, explaining why he had weakened in his conviction that he had seen Oswald in the Carousel Club, said,

...when the Federal agents talked to me, they said, "You know, if you say you are positive and it wasn't him, it's a Federal charge," and I said, "Well, I'm not that positive"...they said, "If you give false information as to an exact statement—" not an opinion, but if I say I'm positive, that's a statement.

(11H 107)

Alleged Misreporting

Bonnie Ray Williams, Depository employee who lunched on chicken on the sixth floor and then with two companions watched the motorcade from a fifth-floor window, testified on March 24, 1964.

Ball Now, I want to call your attention to another report I have here. On the 23rd of November 1963, the report of Mr Odum and Mr Griffin, FBI agents, is that you told them that you went from the sixth floor to the fifth floor using the stairs at the west end of the building. Did you tell them that?

Williams I didn't tell them I was using the stairs. I came back down to the fifth floor in the same elevator I came up to the sixth floor on.

(3H 171-172)

Ball Well, now, when you talked to the FBI on the 23rd day of November, you said that you went up to the sixth floor about 12 noon with your lunch, and you stayed only about 3 minutes, and seeing no one you came down to the fifth floor...Now, do you think you stayed longer than 3 minutes up there?

Williams I am sure I stayed longer than 3 minutes...I finished the chicken sandwich maybe 10 or 15 minutes after 12...Approximately 12.20, maybe...I do not remember telling them I only stayed 3 minutes...

Ball And then on this 14th of January 1964, when you talked to Carter and Griffin, they reported you told them you went down to the fifth floor around 12.05 pm, and that around 12.30 pm you were watching the Presidential parade. Now, do you remember telling them you went down there about 12.05 pm?

Williams I remember telling the fellows that--they asked me first, they said, "How long did it take you to finish the sandwich?" I said, "Maybe 5 to 10 minutes, maybe 15 minutes." Just like I said here. I don't remember saying for a definite answer that it was 5 minutes.

(3H 173)

Ball They reported that you told them on the 23rd of November that you and...Hank Norman...and Junior Jarman were standing where they would have seen anyone coming down from the sixth floor by way of the stairs. Did you tell them that?

Williams I could not possibly have told him that, because you cannot see anything coming down from that position...An elephant could walk by there, and you could not see him.

(3H 180)

Harold Norman, one of Bonnie Ray Williams' companions at the fifth-floor window, testified also on March 24, 1964.

Ball...On the 26th of November, an FBI agent named Kreutzer advises us in a report that he talked to you. Do you remember that?...He reports that you told him that you heard a shot and that you stuck your head from the window and looked upward toward the roof but could see nothing because small particles of dirt were falling from above you. Did you tell him that?

Norman I don't recall telling him that.

Ball Did you ever put your head out the window?

Norman No, sir; I don't remember ever putting my head out the window.

Ball And he reports that you stated that two additional shots were fired after you pulled your head back in from the window. Do you remember telling him that?

Norman No, sir; I don't.

Helen Markham, star witness to the shooting of Tippit, testified before the Commission on March 26, 1964.

Ball On the 22nd of November 1963, that is the day of the shooting, did you talk to an FBI agent named Odum? Do you remember?

Markham I talked to some people, men, down at the police station.

Ball That is right. He says that you described the man who shot Tippit as a white male, about 18, black hair, red complexion, wearing black shoes, tan jacket, and dark trousers. Do you remember that?

Markham I never said anything about his shoes because I never did look at his feet.

Ball Did you say about 18?

Markham I said he was young looking.

Ball Did you give that age, 18?

Markham No, I don't believe I did.

Ball Did you say he had black hair?

Markham Yes, that is what I told him. I thought he was black-haired. I remember saying that.

Ball Red complexion?

Markham No, not red complexioned.

(3H 319-320)

Jack Dougherty, a Depository employee, gave testimony in the form of a deposition on April 8, 1964.

Ball On the day that this happened, on the 22nd of November, you told the FBI agents Ellington and Anderton that you heard "a loud explosion which sounded like a rifle shot coming from the next floor above me." Now, did you tell them that it sounded like a rifle shot, coming from the next floor above you, or didn't you?

Dougherty Well, I believe I told them it sounded like a car backfiring.

Ball Well, did you tell them it sounded like it was from the floor above you, or didn't you tell them that?

Dougherty No.

Ball You did not tell them that?

Dougherty No. (6H 380)

Nelson Delgado, some of whose testimony we have quoted already with respect to alleged intimidation by the FBI, also indicated the misrepresentation or omission of his statements during FBI interviews. He denied that he had told the FBI that he himself had not come close to winning a jackpot for marksmanship, emphasising that he was one of the highest scorers and always had an expert badge on him (8H 238). He denied that he had told the FBI that Oswald was so proficient in Spanish that he would discuss his ideas on socialism in Spanish, as the FBI apparently reported he had said (8H 246). He denied that he had told the FBI that he had transferred to another hut in order to avoid Oswald's company (8H 256) or that Oswald had accompanied him regularly on visits to Los Angeles (8H 263).

Detective Leavelle, who was handcuffed to Oswald as he was being led through the police basement, testified on March 24, 1964. Counsel questioned him about a report that he had dictated two or three days after Oswald was shot to death.

Hubert Now, I notice...you state that you had suggested the transfer be via the first floor of the Main Street door...Did you state that fact to the FBI, sir?

Leavelle I don't recall whether I did or not...to the best of my knowledge it seems as though I might have made that suggestion, made the reference to that, but whether whoever was taking it said that they didn't need it in their report...I can't swear to this, but I think that is correct because I know...I am not able to recall at this time exactly what the conversation was between myself and the agent --I--in this, in its entirety, I do know there was one or two things I told them about, which they did say that they didn't think was necessary for their report, so, they did not put it in there. Now, whether that was one of them or not, I do not recall.

(13H 18)

Alfred Hodge, the gun-shop and barroom proprietor who has been mentioned earlier, provided the following testimony.

Hubert Now, you say that you did say to the FBI people when they interviewed you on the 24th that you had gone down on the elevator with two detectives and with Ruby? You told them that, although it doesn't appear in this exhibit (report)?

Hodge Yes; I told them that Sunday afternoon...I told them the whole story...

(15H 501)

Richard Saunders of the Dallas Morning News, who handled Jack Ruby's advertisements for his night-clubs, testified on June 26, 1964.

Hubert You comment therefore is that this report indicating that you had said to the FBI people that he was more shook up or probably more shook up than any of the other people, is not an accurate statement of what you expressed?

Saunders I feel not.

Hubert And the accurate statement is that he was shook up like everybody else?

Saunders Right.

Hubert But not more so?

Saunders Right. (15H 581)

Referring to the manner in which the FBI had reported his statements about Ruby's credit standing with the paper, Saunders said,

I will not say I never doubted Jack Ruby's word at any time. I think that is a misquote. It is a fact that he did do what he told me he would do on each instance, but any time in any business when you are dealing with someone who is on a credit basis where there is no credit that has been established, you can't help but take a tongue-in-cheek attitude, and certainly the statement makes it sound like I am trying to whitewash him, which I certainly do not mean to do.

(15H 581)

Appraisal of the
Known Facts

The testimony provides considerable insight into James P Hosty, Jr, one of the most important FBI witnesses in the case. He is seen in squirming disarray, seeking to explain away his failure to tell Captain Fritz what the FBI knew about Oswald. He told the Commission that he did not tell Fritz about Oswald's trip to Mexico or other peregrinations because Oswald himself was providing all the information directly to the police. Yet in his report on the interrogation at which he was present (WR 612), Hosty stated that Oswald told Fritz that he had never been in Mexico except to Tijuana on one occasion. The Commission did not confront Hosty with that discrepancy nor criticize him directly for his performance before or after the assassination.

There are many examples of omission and distortion in the reports provided by FBI agents. In the case of Rowland and Williams, the errors are serious and suggest an attempt to make the case against Oswald look as strong as possible. In other cases, the witnesses report a lack of interest in relevant information by the FBI agents who interviewed them which at the least reflects poor judgment.

But the most serious manifestations are the attempts to intimidate Marina Oswald, Nelson Delgado, and William Litchfield. The FBI did not like what Delgado said about Oswald's poor marksmanship, nor the apparent evidence from Litchfield that Oswald and Ruby were not unknown to each other before the assassination. The Commission did not like that testimony either, and has ignored or discredited the witnesses. There is no indication that the Commission was perturbed by the reports of intimidation—they are not mentioned in the Warren Report, nor is there any indication that the reports led to any inquiry or action by the Commission. On the contrary, the Commission's case rests heavily on FBI evidence and investigation. As we shall see next, the Commission had compelling reasons, in addition to inaccuracies and intimidation, to regard the FBI as a "questioned authority."

THE COMMISSIONERS

No Holds Barred...No Stones Unturned

In the twenty-six volume ^{encyclopedia} ~~compendium~~ which the Warren Commission has bequeathed to history we find little or no material which provides an insight into the process of reasoning and the evaluation of testimony and evidence which ultimately produced the official conclusions. We are therefore indebted to Commissioner Gerald R. Ford for a small glimpse behind the scene, in the first chapter of his book, "Portrait of the Assassin." This chapter, the only one which provides new material (the remainder of the work consists mainly of lengthy excerpts from the transcripts of the testimony found in the Hearings volumes), relates how rumors reached the Commission that Oswald was an undercover agent for the FBI and what the Commission decided to do to establish the facts.

According to Ford, the Commission held an emergency meeting on January 22, 1964 after a telephone call from Waggoner Carr, Attorney-General of the State of Texas, alleging that Oswald was an FBI undercover agent. After hearing Carr and Henry Wade in secret, the Commission reconvened on January 27, 1964 to consider what steps to take about the allegations by these Texas officials and similar allegations in the press. They had heard at the secret meeting with Texas officials that Oswald was hired by the FBI as undercover agent no. 179 at \$200 a month starting in September 1962 and that he was on the FBI payroll on the day of the assassination. Similar suggestions appeared in stories by Lonnie Hudkins in the Houston Post of January 1, 1964, Joe Golden in the Philadelphia Inquirer of December 8, 1963, and the article by Harold Feldman in the Nation of January 26, 1964.

At the January 27 meeting, J. Lee Rankin suggested that the Commission should take the story to J. Edgar Hoover with the request that he produce facts to put an end to the speculations, but making it clear at the same time that the Commission would feel free to make such investigations and invite such testimony as necessary to satisfy the American people that Oswald had not been an FBI undercover agent. (Rankin apparently assumed from the first that there could be no substance to the reports from high officials and reputable reporters.)

Chairman Warren, on the other hand, considered that the Commission should first find out from "these people" if there was any substance to the allegations

or if "just plain rumor" was at work. Warren felt that Hudkins should be questioned; if he claimed privilege and refused to reveal the source for his story, the Commission could go to his publisher and enlist his services to "have this man tell us where he got his information." Warren said, according to the transcript quoted in Ford's book, that he was not in favor of going to any agency and saying, "We would like to do this." He believed that "we ought to know what we are going to do, and do it, and take our chances one way or the other. I don't believe we should apologize or make it look that we are in any way reticent about making any investigation that comes to the Commission."

No one will deny that the Commission was confronted with a painful and delicate problem when it appeared that the very investigative agency on which it had to rely for its detective work was itself the subject of allegations of the most compromising nature. The situation was all the more difficult because the head of that agency, J. Edgar Hoover, has long been immune to criticism from any quarter--a "sacred cow" venerated, feared, and powerful. Warren's position was therefore courageous and faithful to the high responsibility with which the Commission was charged. Apparently he had a decisive influence on the other Commissioners. According to Ford, the discussion resulted in a consensus of all seven men 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 and the investigation conducted in such a way as to avoid reliance on a questioned authority" ("Portrait of the Assassin," pages 13-25).

With this preface, we searched the Hearings and Exhibits for the "extensive and thorough hearings" of Lonnie Hudkins, Joe Golden, Harold Feldman and others who had published speculations or made allegations that Oswald was on the FBI payroll. None of the three writers were witnesses before the Commission. There is an undated, unsigned interview with Lonnie Hudkins in one exhibit (CE 2003, page 327) but it deals with the events of Sunday, November 24, 1963 and not with the possibility that Oswald was an FBI undercover man. There is no trace of Golden or Feldman at all. There is no testimony from or interview with Waggoner Carr on this subject, nor with William Alexander, Dallas Assistant District Attorney, who appears to be the principal advocate of the hypothesis that there was a clandestine relationship between Oswald and the FBI. Alexander's views are reflected in the testimony of Henry Wade, the District Attorney; although Wade's testimony suggests that Alexander continued to hold that opinion long after

the first rumblings which caused the emergency meetings in January, Alexander himself was not asked to testify before the Commission nor interviewed on the question.

J. Edgar Hoover did appear before the Warren Commission, on May 14, 1964. In the light of the consensus reached by the Commission less than four months before to conduct its investigation in such a way "as to avoid reliance on a questioned authority," it is appalling to find this passage in his testimony:

I think a Houston reporter was the first one who wrote that Oswald was an informant of the FBI. We went to the newspaper reporter. He refused to tell us his source. He said he had also heard it from other persons. We asked him the names of these persons and we interviewed them but none of them would provide the source. In other words, I was trying to nail down where this lie started. (5H 116)

Despite the grandiose soul-searching of the Commissioners and their high-principled consensus, the Commission retreated in complete disarray from its explicit commitment and its acknowledged duty to the American people. The questioned authority was permitted to investigate the charges against itself and to find itself "not guilty." It was the questioned authority, not the Commission itself or independent experts engaged by the Commission, that went to Hudkins "to nail down where this lie started." This violates all the decencies. No one in possession of his faculties would expect Hudkins, under such circumstances, to reveal his sources. We do not know what he or the others said to the FBI, for the reports on these interviews have been excluded from the Exhibits.

On the basis of this shameful "investigation" and with hypocrisy of sickening proportions, the Warren Commission's "finding" was that Oswald was not an agent for the FBI. In support of that conclusion, the Commission cites affidavits from J. Edgar Hoover and his assistant Alan H. Belmont, and from FBI agents Fain, Hosty, and Quigley; and an "independent review of the FBI files on the Oswald investigation" (Warren Report, page 327).

This raises compelling questions. What caused the Commission to retreat from its original and correct position? What pressures were exerted to produce this complete surrender? Who had sufficient power to force a Presidential Commission of unparalleled prestige and authority nullify its own unanimous decisions? What exerted greater compulsion than the dictates of conscience?

It is not possible to accept a "finding" based on procedures which outrage all the norms and the Commission's own criteria as formulated at the January 27, 1964 meeting. The possibility of a clandestine link between Oswald and the FBI has not been eliminated. The Commission has disposed of neither the allegations which originated with Hudkins nor of the fishy business of the Hosty entries in Oswald's notebook (fully discussed in a preceding chapter), which are two pieces in a single puzzle.

It comes as comic relief after tracing this travesty of the investigative process to read in Ford's book (pages 491-492) that "the Commission labored ...with soul-searching thoroughness" and that its unofficial motto was "Truth is our only client here." One must laugh, lest one weeps, at his self-satisfied pronouncement that "the monumental record of the President's Commission will stand like a Gibraltar of factual literature through the ages to come."

History inevitably will pronounce a ruder verdict on the monumental report of an investigation tainted at every crucial point by the helpless reliance of the authors on a questioned authority with a self-serving and sorry record before and after the assassination which, but for its hapless performance, might never have taken place.

Who Was Betty MacDonald?

Warren Reynolds, a witness in the Tippit shooting (Warren Report, pages 169, 175 and 652) was ignored by all the police agencies until he was interviewed by the FBI on January 21, 1964, two months after the assassination (11H 435). At that time he was shown photographs of Oswald but failed to make a positive identification, although he believed there was a resemblance to the man he had seen leaving the scene of the Tippit murder (CE 2523).

Two days later, on January 23, 1964, Warren Reynolds himself was shot in the head by an unknown assailant. Although the FBI had interviewed Reynolds only two days before he was shot, the FBI took no notice of the attempted murder of the witness and did not initiate any inquiry into the new crime. The Dallas police, by the same token, did not notify the FBI of the shooting of Reynolds nor seek FBI cooperation in the investigation of the shooting. Neither the FBI nor the Dallas police called the attention of the Warren Commission to the attack on Reynolds.

On February 5, 1964, a former strip-tease dancer named Betty Mooney MacDonald (also known as Nancy Mooney) provided an alibi for Darrell Wayne Garner, a suspect in the attempted murder of Reynolds. Garner was released by the Dallas police on the strength of her statement and the polygraph test to which she submitted. On the same day, Betty MacDonald told Detective Ramsey of the Dallas police that she had worked as a stripper at Jack Ruby's club when she was very young (CE 2589).

On February 13, 1964, Betty MacDonald was arrested for breach of the peace after an altercation with her roommate, Patsy Swope Moore. After being placed in a cell at the Dallas City Jail, she hanged herself "with her treader trousers, causing death by asphyxiation" (Warren Report, page 663; CE 2589). At this time the FBI was actively investigating the assassination and the murders of Tippit and Oswald, on the scene at Dallas and elsewhere. The suicide of Betty MacDonald, less than a month after the shooting of Reynolds, still aroused no interest on the part of the FBI. The Dallas police even now did not inform the FBI or the Warren Commission of the Reynolds or MacDonald cases.

The police obtained an affidavit dated February 13, 1964, from an acquaintance of Betty MacDonald's named William Grady Goode. Goode attested that he had known

the victim for about six weeks and that she had attempted suicide twice during that time--once by gas in her bathroom at 319 North Windmere and once by cutting her wrists. The police also learned from Patsy Swope Moore, who "had shared Apt. 4 at 5400 Live Oak" with Betty MacDonald, that she had known Betty for about six weeks; that Betty had advised her that she had four children who had been taken away from her, "causing her to be very despondent at times;" and that Betty had stated that "she had been a former striptease girl working at various bars ...but the only one Patsy can specifically recall is Jack Ruby's Carousel Club." The police thereafter interviewed George Senator but he failed to identify Betty MacDonald as a former employee of the Carousel Club (CE 2589).

On February 23, 1964, Bob Considine writing in the New York Journal-American broke the story of the attempted murder of Reynolds and the suicide of Betty MacDonald, hinting clearly that these new episodes of violence in Dallas might be connected to the assassination and the Oswald case.^(CE 342) This publicity galvanized neither the FBI nor the Warren Commission into action; they continued to ignore the shooting of Reynolds and the suicide of Betty MacDonald as if those events could have no possible connection with the assassination.

When Mark Lane testified before the Commission on March 3, 1964 he called attention to the Considine story and said,

I would request the Commission to investigate into these series of most unusual coincidences, to see if they have any bearing upon the basic matter pending before the Commission.

(2H 38)

The next known development was an FBI interview on March 17, 1964 with Captain Jones of the Dallas police, who had been in charge of the Reynolds and MacDonald cases as well as the earlier attempt on the life of General Walker. The FBI transmitted to the Warren Commission the information obtained from Captain Jones in a report dated March 23, 1964 (CE 2589) but the FBI did not undertake on its own initiative, nor did the Warren Commission request, any independent investigation of the shooting or the suicide. The uncorroborated Dallas police version of the attempted murder of Reynolds and the death of a prisoner by hanging while in police custody was accepted without a murmur.

Captain Jones of the Dallas police was interviewed by the FBI one day before Ruth Paine gave testimony before the Warren Commission on March 18, 1964 and was questioned on various subjects, including the party at which she had met the Oswalds for the first time.

Jenner Was there not present a Miss Betty MacDonald?

R. Paine Which I had completely forgotten about, yes; there was...Betty MacDonald I do recall lives in the same apartment building as this couple, and it is a long German sort of name, I think. (2H 442)

George De Mohrenschildt (9H 258,265) and Everett Glover (10H 25) were also questioned about "Betty MacDonald" and both confirmed that she had attended the party at which the Oswalds and Ruth Paine also had been guests.

Andrew Armstrong, general factotum at the Carousel Club, was questioned by counsel for the Warren Commission on April 14, 1964 but did not remember a stripper named Betty MacDonald or Nancy Mooney; he did recall a "Nancy" who had worked at the Club for a few nights or a few weeks, but he could not remember her second name (13H 351-352).

When Warren Reynolds, recovered from the bullet wound in his head, gave testimony on July 22, 1964, he said that he believed that there was a sinister link between the attempt on his life and the fact that he had been a witness against Oswald. Persistent attempts by counsel to persuade him that there could not have been any connection were not entirely successful; but Reynolds did agree that the suicide of Betty MacDonald was only a coincidence.

Liebeler Did the police department tell you that she had worked for Jack Ruby?

Reynolds No...

Liebeler...Did you ever hear that she tried to commit suicide prior to the time she hung herself in the Dallas Police Station? ...Or that she had four children that had been taken away from her because of her conduct?...Considine was trying to create an impression that some girl had worked for Jack Ruby and was connected with Garner, and hung herself in the police department?

Reynolds Yes.

(11H 440)

Anyone who wishes to read the full testimony given by Reynolds will find an abundance of leading questions, designed not so much to elicit information as to convince the witness that neither the attack on him nor the grotesque suicide had any connection with the assassination; they were only random coincidence. This kind of "questioning" would never have been permitted in a courtroom, of course, and there seems to be no reason to condone such improprieties in the conduct of the Commission's "investigation." Since improprieties have been mentioned, we might add that when Reynolds testified on July 22, 1964--exactly eight months to the day after the Tippit shooting--he was again shown photographs of Oswald. This time Reynolds identified him as the man he had seen leaving the Tippit scene (11H 435-437). The inadmissibility of such an "identification" does not need to be belabored.

The Warren Report was made public at the end of September 1964. Two paragraphs on page 663 dismissed, in effect, speculation that there was a connection between the Reynolds shooting and the assassination; and explicitly denied that there was any link between Betty MacDonald and Jack Ruby:

Investigation revealed no evidence that she had ever worked at the Carousel Club. Employees of the Club had no recollection that she had ever worked there.

This is the chronology of events in the Reynolds/MacDonald affair. We must now analyze and evaluate the known facts and determine whether or not the "investigation" justifies the conclusions stated by the Warren Commission or satisfies the demands posed by an incredible sequence of misadventures.

We are struck immediately by the incomprehensible failure of the Dallas police and the FBI to suspect or investigate a possible connection between the Reynolds and MacDonald incidents and the earlier crimes which were under investigation; we are struck equally by the passivity of the Warren Commission, its inaction until publicity and a frontal assault by Mark Lane forced the issue, and its strange complacency later. We question the indifference to lurid occurrences which should have aroused acute suspicion, in any honest and competent investigation, and we question the unnatural and unwarranted assumption at all stages that the new episodes of violence had no connection with the assassination.

Next it must be pointed out that the Warren Commission was inexcusably uncritical of the information in the FBI report of March 23, 1964 (CE 2589), in the face of the suicide of a prisoner in the custody of the Dallas police less than three months after Oswald was murdered by a known police buff while he was in custody. The Commission made no effort at an independent determination of the cause of death in the case of Betty MacDonald. It raised no questions about the method of suicide. The FBI report stated that Betty MacDonald hanged herself with her toreador pants. Were these knee-length, as the name implies? If so, were they long enough to substitute for a hangman's rope? Was the fabric strong enough to hold the body? From what object were the trousers suspended? What did the victim stand upon? How did she make her preparations and commit the act in privacy from the warders and other prisoners? Not one of these questions has been asked, nor answered.

These questions should have been put to Captain Jones by the FBI, but were not; and when Captain Jones gave testimony for the Warren Commission on March 24, 1964 (after the preparation of the FBI report), he was not asked one question about Reynolds or MacDonald (or the attack on General Walker, for that matter).

The Commission was "convinced" on the strength of information obtained by the FBI from the Dallas police that Betty MacDonald had a history of suicide attempts which stripped her actual self-destruction of sinister implications. That much seems clear from the "questions" put to Reynolds by counsel. But the only evidence for this assumption is the affidavit from William Grady Goode; and although both he and the roommate, Patsy Swope Moore, had been acquainted with Betty MacDonald for about six weeks, the alleged suicide attempts seemed to be unknown to Patsy Moore, who referred only to periods of despondency but not to suicide attempts. She and Goode gave different addresses for Betty MacDonald, even though both had known her for the same span of time. Even if the suicide attempts had occurred before the two girls decided to share the same apartment, Patsy Moore would still have known about them because she and Betty MacDonald also worked at the same establishment—Mickey's Bar (CE 2589). Betty MacDonald could not have concealed the slashing of her wrists from the person with whom she lived and worked. Under these circumstances, the fact that Patsy Moore spoke only of despondency but mentioned no suicide attempts raises the question of whether they actually took place. If they did not, can anyone assume that Betty MacDonald really hanged herself in the Dallas jail in a sudden wave of despair at her arrest or at separation from her children?

According to the FBI report, Betty MacDonald was arrested at 2.45 am on February 13, 1964, after a brawl with Patsy Swope Moore, her roommate. - Why was Betty MacDonald alone arrested and not Patsy Moore as well? None of the persons who might have clarified these questions (Patsy Moore, William Goode, Detective Ramsey, among others) were called as witnesses by the Commission. Those who did appear and might have provided valuable information (Captain Jones, for example) were not asked any questions on these matters.

If the circumstances of Betty MacDonald's death remain unclear, the allegation that she was linked with Jack Ruby assumes greater significance. Are there sufficient grounds for concluding that such a link did not exist? Andrew Armstrong and George Senator said that they did not know of her or remember her as a former employee of the Carousel Club. This is not an adequate basis for the conclusion that MacDonald had not worked there, even though she told a Dallas police officer and her roommate that she had. The Commission had a duty to go beyond the formality of questions

Armstrong and Senator by checking records--the payroll of the Carousel Club, social security records, and the records of AGVA (American Guild of Variety Artists). Entertainers at Ruby's Club were obliged to be members of AGVA and to pay dues. Numerous disputes between Ruby and his entertainers had been brought to AGVA by Ruby or the other party involved. This is clear from the testimony on July 24, 1964 of Thomas Palmer, AGVA branch manager, who was questioned extensively about his dealings with Ruby and Ruby's employees. He was obviously familiar with the affairs of the Carousel Club; yet he was not asked one question about Betty MacDonald or Nancy Mooney, whose name would have appeared in AGVA records because she had been a stripper in various Dallas nightclubs, whether or not she had danced at the Carousel Club or any other Ruby establishment. A reading of his testimony (15H 206-218) makes it all the more incomprehensible that the Commission failed to ask him about Betty MacDonald. In the absence of so routine a check of the records, we consider that Betty MacDonald's claim that she worked for Ruby remains unresolved.

Finally, there is the riddle of the Betty MacDonald who was a guest at the Christmas party attended by members of the Russian-speaking community of Dallas (Warren Report, page 722). Was she the same Betty MacDonald? The name is not unique or unusual. One is tempted to assume that she was a different Betty MacDonald. The presence of the ex-stripper at a gathering of cultured and intellectual Dallasites is a bizarre notion. It is not our notion; but how else can one interpret the fact that there is only one Betty MacDonald listed in the index to the Hearings (15H 779), with page references both to the girl who was at the party and the girl who hanged herself in the Dallas jail? The indexer might well have failed to appreciate that two people who had the same name were involved; but it is hard to believe that the error escaped the notice of the Commission's legal and editorial staff or its historian.

Another difficulty arises from the fact that the Commission, inadvertently or deliberately, has concealed the means by which it became aware that the guests at the Christmas party included a Betty MacDonald. Not one of the known witnesses volunteered this information. On the contrary, it was only after counsel introduced the name Betty MacDonald that the witnesses recalled and confirmed her presence at the party. There is no clue anywhere to the channel through which this Betty MacDonald came to the Commission's attention; and no trace of any follow-up by the Commission of the provocative remark by Ruth Paine that Betty MacDonald lived in the same apartment building as a married couple with a

"long German sort of name" ~~(De Mohrenschildt, perchance?)~~; or any indication that the Commission noticed General Walker's mention of another Dallasite who came to a peculiar end, burning to death in a fire in his first-floor apartment next-door to the De Mohrenschildts (11H 423-424, 427).

"Investigation" by the illustrious Warren Commission and its stable of lawyers as well as its servant agencies, the FBI and the Secret Service, and all the other talent placed at the Commission's disposal, has left all these imperative questions without answer. It would be folly, therefore, to be tranquillized by the easy assurances in the Warren Report or the uncorroborated story told by a police force whose prisoners suffer so high a mortality rate. The "investigation" cited by the Warren Commission as the basis for its findings in the Betty MacDonald affair is so sketchy and deficient that it leaves matters where they were when Bob Considine's story was published, and adds a few new mysteries as well. That cannot be excused as merely amateurish; it is negligent and derelict, and marked (not for the first time) by the self-investigation and self-vindication of a questioned authority--the Dallas police, which is our only source of information on the sudden death of Betty MacDonald.