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The October COPA conference in Washington was quite an experience for me, and it came on top of a rough year at the office. (I do still have my day job at UC.) There are many noteworthy developments in the JFK case, but this issue of EOC contains only the prepared text of my own COPA presentation, lightly edited. [Bracketed material has been added.]

I tried to structure my remarks around ideas which were relevant to the work of the Assassination Records Review Board, and I used the title "Paradoxical Secrets: Simultaneously Assassination Related and Not."

I apologize for the clumsy title and abstract of my talk. I completed the abstract before the publication of the important new information which I will focus on, at Gary Aguilar's suggestion. That information is in the article by Ray and Mary La Fontaine entitled "Oswald's Lost Cellmate and the Gunrunners of Dallas," which appeared in the "Outlook" section of the Washington Post on August 7, 1994.

To deal first with my rather obvious general point: clearly, some real secrets which would ordinarily (i.e. under FOIA) be withholdable will have to be exposed, in order for the Review Board to serve history by providing the documentary framework for the resolution of conflicting theories.

I am confident that most of these secrets will turn out not to point to an assassination conspiracy or to explain Oswald, but I do not claim to know which ones are "unrelated" in that sense. That is all I meant by "paradoxical secrets." Areas containing secrets include:

Pre-assassination coverage of Oswald: The government originally protected many secrets, such as a Soviet Embassy mail cover, a CIA/FBI operation against the FPCC which just happened to sweep up an Oswald letter, and routine FBI access to private phone and bank records. Some such secrets now seem relatively minor; others may turn out to be central to Oswald's biography, such as coverage of his Mexico visit, the Army and ONI files, and the interception of more of his mail (if Edward Epstein's allegation is true).

Associates of Oswald and Ruby: I will briefly discuss two FOIA requests I made without success over twenty years ago. The documents I sought may now be available. [I still have not had time to check.]

Ed Butler of INCA was not shy about his New Orleans radio debate with Oswald. By November 24 he had gone to Washington with his tape and testified to the Senate Internal Security Subcommittee (SISS). But he did not testify to the Warren Commission.

The FBI gave the Commission a page which was obviously (to me) a followup interview: Butler simply said he did not know Ruby and had only that one encounter with Oswald. However, the FBI told me that there was no other interview report.

One innocent possibility is that the FBI relied on his SISS testimony (which they got on November 26) in lieu of an initial interview by FBI agents. But, hypothetically, if Butler had intelligence connections then, that might have been construed as a protectable and non-assassination-related secret.

Chicago attorney Luis Kutner was quoted in the press as saying that Ruby had boasted of Mafia connections, and that in 1950 Kutner had set up a meeting between Ruby and Sen. Kefauver's crime committee. The Warren Commission got an FBI report in which Kutner said he had obtained no further information on Ruby since his interview the week after the assassination. I was told that an earlier interview was not given to the Commission, and it was withheld from me as an investigatory record. I don't know what secret might have been behind that withholding.

These are just a couple of examples; there are probably interesting records associated with my other old correspondence, such as my long memo on the CIA to the Rockefeller Commission.

Post-assassination reactions (not related to Oswald): I think many coverups occurred inevitably, even if there was no conspiracy. But it is essential to obtain the records of our secret history - such as changes in Vietnam policy - to resolve the question of relevance to the assassination. In particular, the active anti-Castro project which Lamar Waldron has referred to as "Project Freedom" is largely unknown, sensitive, and crucial to understanding Robert Kennedy's reactions. And even if some of the confusion around the autopsy evidence derives from something as innocent as a "national security autopsy," it is time for the true story.

Possible Oswald connections: Historians should have the full record of the investigations - including Congress' - of groups Oswald contacted (FPCC, DRE, CPUSA, SWP) and of mail-order gun purchases. The most sensitive relevant records are those of COINTELPRO-type operations.

The Review Board gets to wrestle with the definition of an "assassination related" record. In the long run, we need not only records but a process - to narrow as well as to expand the universe of explanations.

In practical terms, can the Board draw a line which does the right thing both with drafts of Vietnam NSAM's and with maintenance records for all CIA-owned boats named Barbara?

I hope the Board's definition of assassination records will borrow not only from legal procedures (e.g. discovery) but also from a historical approach, providing for control studies (e.g. of the ID cards given to Marines who were discharged around the same time as Oswald).

The Review Board should attend not only to matters which the HSCA and Warren Commission pursued, but to those they would have pursued if they had known more - certainly including the gun deal which Oswald's fellow suspect John Elrod learned about: an operation which involved interesting Cubans, gunshop owner John Thomas Masen (who resembled Oswald), and Donnell Whitter, a man who did work on Ruby's car.

The "Elrod story":

At this point, I am assuming you have read the Washington Post article (which is included below, with permission). In essence, the La Fontaines believe that John Franklin Elrod heard Oswald identify Lawrence Miller (arrested with Whitter in possession of stolen weapons) as a participant in a meeting involving guns, cash, and Jack Ruby.

This is a complicated subject, and Elrod is not the story, just as the Sibert-O'Neill report is no longer the story when we talk about the autopsy.

Gary Aguilar encouraged me to speak on this topic because he knew I have talked at length with Mary and Ray La Fontaine, and with Bill Adams. I do not have all their information or analysis. The details I will present here are disproportionately from old records of mine which I passed on to them.

At the very least, as the article concluded, John Elrod gave the FBI the information he had on this gun deal, which is more than the FBI and Army Intelligence have done for us.

The La Fontaines, who have talked to Elrod and others, believe that he did hear about this transaction from Oswald. They go on to focus on such things as the possibility that Oswald, working for Hosty, was the FBI informant whose tip led to the arrest of Whitter and Miller less than a week before the assassination.

Before I get into the details, some general and cautionary comments: I came to COPA prepared to debate people who are totally unconvinced that the story is worth serious attention. But I have also been concerned that some people might run away with this story, grafting it onto various appealing but unsubstantiated Oswald-Ruby allegations. [I did not know what to expect: the Post story was not picked up by any other papers (as far as I know); there had been some vigorous attacks, but little reaction from researchers. Carol Hewett, a Florida attorney, presented a paper at COPA focusing on Masen.]

I am making the argument that various records are "assassination related" in a legal sense - that is, they come under the authority of the Review Board. I am not arguing here that any of the people or events involved had anything to do with the events of November 22.

Even if Oswald was directly involved with the investigation of these gun-runners, that does not prove an assassination conspiracy. It does not prove that Oswald was or was not a gunman, much less that someone else was involved.

This story is an important lead, reminding us of the possibility of what some call a "small conspiracy," a possibility that has generally faded from view over the years, thanks to fans of Gerald Posner on the one hand and big-conspiracy mythmakers like Oliver Stone on the other.

My focus here is to point to records for us - and the Review Board - to go after, in each of several areas: Elrod's presence in the jail, the Whitter-Miller case, the investigations of Masen and Col. George Nonte, and the Cubans who were trying to get guns through Nonte.

First, to deal with Elrod in particular: Was he in a position, in jail, to hear Oswald talking about a recent meeting involving Miller, Ruby, money, and guns?

My initial reaction was that Elrod's story (as reported by the FBI) sounded like a typical ignorable allegation. I have seen many such stories, and what has impressed me about this one is that, almost uniquely, it gets generally better as you poke at it, rather than collapsing.

Still, one cannot make Elrod into a completely persuasive witness by himself. Even if you had a photo of him in jail with Oswald; even if you assess him as more credible than Jean Hill and Perry Russo and Rose Cheramie put together (as I do), the attribution of the story to Oswald directly would not now stand up in a legal proceeding. But it is so important that it calls for a thorough search for an independent source. If it is true, such sources - individuals or records - should still exist.

We could spend hours discussing the reasons for believing or disbelieving Elrod. I am in no position to speak for the La Fontaines, who do believe him, but I would not want to spend too much time on this anyhow - as I said, the story is not "the Elrod story."

Just one specific point: a necessary (but not sufficient) condition for believing that Elrod talked to Oswald is that Oswald was, at some point, within talking distance of any other prisoner. (This was debated in an exchange of letters in the Post between Buck Revell of the FBI and Ray La Fontaine.) I am not sure exactly what the jail phone logs mean, but they show that both Oswald (cell F-2) and Daniel Douglas (cell F-1) placed calls under the supervision of the third platoon of November 22.

Given my caution about Oswald as the source, is this nonetheless assassination related? I think there are three elements which place it under the purview of the Review Board, elements I could not eliminate by not believing Elrod. Those are:

(1) The Whitter-Ruby link

skipped
In April 1964, while checking out papers in Ruby's car, Lt. E. L. Cunningham of the DPD found a service station which Ruby had patronized for about a year; the owner named Donnell Whitter as the station attendant "who took care of Ruby's work for him."

Deputy Chief Stevenson of the DPD pointed out Whitter's November 18 gun arrest to the Secret Service and to Texas AG Carr, who forwarded the letter to J. Lee Rankin of the Warren Commission. I wonder if Stevenson might have done so in response to a perceived lack of interest by the FBI. A contact with SA Vince Drain is referred to, confusingly, in his letter.

One oddity in the known documentary record is that it does not include any FBI record of an inquiry into the Whitter-Ruby link. Was not the FBI also interested in the papers in Ruby's car? Is it possible that the FBI did not

ask Whitter and Ruby about each other?

So far, Bill Adams' FOIA requests have turned up only one FBI document about Whitter. This 14-page item was fully withheld even after a June 1993 FBI review, under restriction 5 - essentially, that disclosure would reveal procedures relating to the protection of government officials. After being mentioned in three newspaper articles and in John Newman's Congressional testimony, it was reviewed - within a week of the Washington Post article - and released in full. It consists entirely of Whitter's "rap sheets."

As Bill Adams pointed out to the Review Board, they ought to "review and correct any other 'improper' restrictions." This instance could have been just a mistake, and not part of a pattern of over-withholding. Or perhaps the initial reviewer had some reason to believe that there are other aspects of the Whitter case to which the "protective procedures" exemption might apply; the Review Board should ask.

Later in April 1964, a summary of ATF information on the Whitter case was directed to Burt Griffin of the Warren Commission staff, through the Secret Service. The ATF said it was not involved in the case.

(2) John Thomas Masen

What the Warren Commission learned about Masen from the FBI is that his gunshop was one of two possible Dallas sources for Mannlicher-Carcano ammunition. The FBI apparently did not bother to mention that Masen was the subject of an "Internal Security - Cuba" case, opened in October 1963 with a flurry of interest at Headquarters.

The HSCA was told about Masen by several researchers and got the FBI HQ file, which has now been processed. The HSCA also interviewed Frank Ellsworth, the ATF agent who had gone after Masen, who established the strong link between the Masen and Whitter cases.

Thanks to Dick Russell's excellent 1976 article, it was well known at the time of the HSCA that Ellsworth thought that Masen looked a lot like Oswald, and that he accounted for some of the "Oswald" sightings.

I think this is enough to make all Masen files assassination related - including the records on his associates, particularly Army Col. George Nonte and the Cubans they were dealing with.

On April 16, 1964 - the day before Stevenson's letter about Whitter - Griffin met with Ellsworth; I don't know why. Ellsworth "described in some detail his undercover efforts in procuring the arrest of a local gun shop owner who is an ardent member of the Minute Men [sic]."

I speculate that in April 1964 various people - but not the FBI - were wondering almost openly if the Whitter and Masen cases had something to do with the assassination. The files might show if they did think so, why, and how they apparently decided there was no connection.

One pre-assassination Masen FBI document indicates that copies were sent to ten agencies - five listed in what appears to be a standard rubber stamp (CIA, State, ONI, OSI, ACSI), plus DIA, INS, Customs, the Coast Guard, and State's Coordinator for Cuban Affairs. Let's see how many of those files are located and released.

A special challenge for the Review Board might be the relevant ATF files - both on the Masen/Nonte case and on the assassination in general. (I would certainly like to see some record of Ellsworth's questioning of Oswald, supposedly in connection with his rifle.) I understand from Mark Zaid that various ATF files from that era can not be located.

In 1980, I filed a FOIA request based on a single ATF document in a Secret Service release which named eight agents who helped go through the TSBD on the 22nd. I wanted all other reports by those agents, and asked about other assassination files. I was told that a search did not even turn up the document I had submitted.

(3) Militant anti-Castro Cubans:

A major new insight from the La Fontaines and the Masen FBI file is the widely differing perceptions of the ATF and the FBI. Ellsworth seems to have considered Nonte just a suspect. In light of the FBI file, Nonte's part in this gun-running underground looks less like criminal activity and more like an approved operation to get weapons to certain Cubans.

Ellsworth may have tried to point Griffin in the direction of these Cubans. Griffin wrote, "As a result of these undercover activities, Ellsworth learned that Manuel O. Rodriguez, apparently a Cuban survivor of the Bay of Pigs episode, was attempting to purchase arms in Dallas for Alpha 66. Rodriguez is also a member of the DRE [Student Revolutionary Directorate]."

Rodriguez is not among the Cubans who show up in the FBI Masen file, I think. The FBI had trouble identifying those Cubans, at least one of whom was using a pseudonym.

But Manuel Rodriguez Orcarberro is interesting enough. Among other things, the FBI investigation of another "Oswald" sighting led to him and to the Cubans at 3126 Hollandale. He too was said to resemble Oswald. (But he did not, according to Canfield and Weberman. I wonder not only if some of the sightings were of Masen, as Ellsworth suggested, but if Masen's associates were deliberately not mentioning him.) Additional records on this group might have been produced by the Rockefeller Commission (to whom I pointed out Orcarberro) as well as by later investigations.

On the Alpha 66 side: It may be time to explore interpretations of Veciana's allegations different from Gaeton Fonzi's. That is, I have revived my original suspicion that the Oswald-Bishop encounter may have been cooked up to distract Fonzi's attention from something else. Perhaps what was being hidden was not related to the Odio incident directly (as I thought when George O'Toole and I published an article focusing on Veciana) but rather involved the paramilitary activities of people linked to Veciana.

On the DRE side: Oswald's very public encounters with DRE delegate Carlos Bringuier make a DRE-Masen-Oswald linkage intriguing. The story is well known, but two items from the 26 volumes deserve more attention.

Before the assassination, Bringuier prepared two one-page denunciations of Oswald, encouraging people to write their Congressmen asking for a full investigation of him. I originally failed to take them seriously; one was headed "Press Relief," and its overheated prose provided some comic relief. Bringuier said that one was given to the Secret Service and selected media; the second, over the names of Alpha 66 and DRE (among others), was a draft intended for a public distribution which did not happen. Did any federal agencies actually get this material from Bringuier? How did they react?

The FBI eventually got enough information for us to identify both the Cuban who was talking to Masen about a forthcoming anti-Castro operation, and two of his associates.

Turning back to Elrod for a moment: I have argued with Mary La Fontaine and Bill Adams about the possible basis for an innocent explanation of Elrod's account. I would like to hear the best alternative explanations which skeptical people at COPA [or reading EOC] can offer. If he did not get it from Oswald, what was his source?

I do not think Elrod consciously made up the story - that is, learned about the Whitter-Miller case from the newspapers, and attributed it to a cellmate. The account of his brother corroborates Elrod's presence in a cellblock with Oswald, and his frightened state when he was released from jail. (This and other points are covered lightly by the article, which was shortened before publication, and should be discussed in the necessary detail in the La Fontaines' forthcoming book, "Oswald Talked" [now expected within a couple of months from Pelican Publishing in New Orleans].)

Certainly Elrod could have put together information from different sources talking at different times. One has to suspect that Ruby's name came

up only after he shot Oswald. "Memory merges" like this happen even to people without alcohol problems.

Here is the best I have been able to do so far, and Bill Adams has pointed out that I am really stretching: After the assassination, perhaps Miller saw Oswald's picture, confused him with Masen, and told the authorities that he knew him. This might have resulted in a face-to-face encounter in the jail, at which the motel meeting was brought up by Miller, or by a police officer who was working on the Miller case. Perhaps various people in the jail heard about this, and a couple of days later one of them suggested to Elrod that maybe Ruby was one of the people at the motel.

Of course, I am just making up this scenario; Mary and Bill can come up with evidence to contradict it. For example, we know of no indication that Miller ever cooperated with the authorities. We have to look carefully for the records, and then at them.

I can not explain away the Elrod story without someone in authority being interested in a possible connection between the Whitter-Miller-Masen-Nonte case and the assassination - not just in April 1964, but right away.

Again, if anything "innocent" like this happened, there must have been a number of law-enforcement authorities in Dallas who knew about it. "Innocent" is in quotes because one undeniable fact is that the arrest records remained unavailable for nearly thirty years, despite the intense interest in the three tramps. Whatever the ultimate explanation is, the Elrod arrest record certainly disproves the notion that there are no potentially central documents in the newly released files.

One argument for all records on this matter being "assassination related" is that Burt Griffin would have been very interested in 1964. I decided long ago that a major limitation of the Warren Commission's investigation of a conspiracy involving Ruby was the heavy focus on a possible Ruby-Oswald link. But maybe that was not such a bad idea after all.

In a May 1964 memo entitled "Adequacy of the Ruby Investigation," Griffin and Leon Hubert wrote, "We believe that a reasonable possibility exists that Ruby has maintained a close interest in Cuban affairs to the extent necessary to participate in gun sales or smuggling.... We have previously suggested the theory that Ruby and Mrs. [Bertha] Cheek could have been involved in Cuban arms sales of which Oswald gained knowledge through his efforts to infiltrate the anti-Castro Cubans.... We have suggested that Ruby might have killed Oswald out of fear that Oswald might implicate Ruby and his friends falsely or not in an effort to save his own life. We think that neither Oswald's Cuban interests in Dallas nor Ruby's Cuban activities have been adequately explored.... In short, we believe that the possibility exists, based on evidence already available, that Ruby was involved in illegal dealings with Cuban elements who might have had contact with Oswald."

The HSCA should have been even more interested; maybe they would have been if they had seen the Elrod arrest record. One of the researchers who mentioned Masen to them even connected the Whitter case to Elrod's story, but apparently this did not lead anywhere. I look forward to the Review Board establishing better liaison with the research community than the HSCA did.

I hope the Board will also talk to people who can fill out the documentary and factual record of this story, including Frank Ellsworth, James Hosty, the DPD, and John Thomas Masen himself.

[You can write to the Assassination Records Review Board at 600 E Street NW, 2nd Floor, Washington DC 20530.]

[For a list of documents available from me, plus up to four pages from items referred to above (your choice or mine), or CD 1359, send a SASE (or, from abroad, just a note). I am falling even further behind in my correspondence; readers can take their chances on reaching me at 510-525-1980, evenings (until 9 PM) and weekends.]

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The legendary three tramps in Dallas and (inset) John Elrod, Lee Harvey Oswald's cellmate.

The Fourth Tramp

Oswald's Lost Cellmate and the Gunrunners of Dallas

By Ray and Mary La Fontaine

TRUTH IS not only stranger than fiction; it also emerges more slowly. Consider the unlikely story of John Elrod, a long-lost witness to events surrounding the murder of President Kennedy 31 years ago. A recluse who now lives in Tennessee, Elrod says that he had a brief conversation with Lee Harvey Oswald in the Dallas City Jail late on the afternoon of Nov. 22, 1963.

If Elrod's story is true—and many of its details have been confirmed—the accused

Ray and Mary La Fontaine are authors of "Oswald Talked: The New Evidence in the Kennedy Assassination" to be published this winter by Pelican.

presidential assassin knew about the inner working of a gunrunning network that was under investigation by federal agents in Dallas in the fall 1963. These gunrunners trafficked in weapons stolen from U.S. government arsenals. And, according to recently released FBI documents, two of them were suspected of supplying guns to anti-Castro groups that were planning to mount an invasion of Cuba in the last week of November 1963. The Elrod story indicates that Oswald was privy to one of their gun deals and willing to talk about it the day he was arrested.

Elrod's account is not recent. He first told it to family members in the days after the Dealey Plaza tragedy and repeated it to the FBI 30 years ago this month in August 1964. The FBI discarded Elrod's story as unfound-

See TRAMP, C8, Col. 1

TRAMP, From C1.

ed. But Elrod left the Dallas jail convinced that Oswald had not killed the president.

Oswald, according to Elrod's account, was acquainted with Dallas nightclub owner Jack Ruby and a man arrested in Dallas while transporting stolen weapons on Nov. 18, 1963. Those guns, according to the sworn testimony of a federal agent, were intended for a Dallas gun dealer named John Thomas Masen. Masen was, in the view of the agent, an ardent member of the Minutemen, a right-wing paramilitary organization. The only store in the Dallas area that sold the type of ammunition used in the shooting of President Kennedy, the FBI later learned, was owned and run by John Masen.

On Nov. 24, 1963, Oswald, who told reporters that he was a "patsy," was killed by Ruby.

Elrod's story renews the long-standing question: What was really going on in Dallas in November 1963? Along with other new evidence emerging from the government's long-secret JFK files, Elrod's story lifts the curtain on the shadowy world of gun traffickers and right-wing militants in Dallas on the eve of President Kennedy's visit, a world that agents from the FBI, U.S. Army intelligence and the Internal Revenue Service were actively monitoring.

It also points to key JFK files that have still not been disclosed by the U.S. government.

The Legend of the Three Tramps

John Elrod might be called the fourth tramp of Dallas. His story is the legitimate offspring of a bastard parent, i.e., the tale of "the three tramps." This trio of Dallas hobos inspired some of the most imaginative scenarios in the often-bizarre Kennedy assassination literature. They were photographed



George C. Nonte Jr. (in 1978): Suspected Dallas gunrunner who helped the FBI

in the company of a Dallas policeman shortly after the assassination. But the Dallas Police Department insisted—falsely it turns out—that it had no records of their arrests. Over the years conspiracy theorists claimed the men were actually assassination conspirators in the employ of either the CIA or organized crime. In 1991 the three tramps achieved pop icon status, appearing ominously throughout Oliver Stone's conspiratorial epic, "JFK."

It turns out that there *were* arrest records for Nov. 22, 1963. The Dallas City Council, in response to Stone's hit movie, voted to make public all city documents concerning the assassination; among these files the long-lost arrest records were found. When the names on the records were traced, the three men were found to have been underemployed, hard-drinking transients who liked to hop rides on railroad trains—in a word, tramps.

The debunking of the three tramps legend first appeared in our front-page story for the Houston Post of Feb. 9, 1992. But there was more to the story. There were two other arrest records for Nov. 22, 1963. One was for a man named John Franklin Elrod. He was a cook with a drinking problem and a prior arrest record. He was the fourth tramp-like character detained that day.

When Elrod's name circulated on the JFK assassination grapevine in early 1992, it piqued the curiosity of Bill Adams, a computer programmer and assassination researcher in San Jose, Calif. Adams submitted a Freedom of Information Act request to the National Archives. Weeks later, the archives informed Adams that it had information on a John Franklin Elrod, specifically a 28-year-old FBI report. When Adams obtained the report, he discovered a story that was hard to believe—and harder to disprove.

On Aug. 11, 1964 John Elrod was having trouble—again. The 31-year-old sometime cook was now living in Memphis. He had separated from his wife Jackie and was unsuccessfully trying to dry out in a home for alcoholics. After drinking an unknown amount of beer and vodka, he wound up at the Shelby County Sheriff's Office in downtown Memphis. There he volunteered that something was preying on his mind. It had happened nine months before, in the less stormy days when he and Jackie lived in Dallas.

Elrod said that on the afternoon of Friday Nov. 22, 1963, he was walking on a Dallas street having just heard that President Kennedy had been mortally wounded in Dealey Plaza two miles away. Suddenly, police squad cars pulled up and he was arrested. He soon found himself on the fifth floor of the Dallas jail "for investigation of conspiracy to commit murder," a charge that was later dropped.

As a sergeant in the Shelby County Sheriff's Office wrote in his report on the August 1964 incident, Elrod wanted the deputies in Memphis to know that he had information "on the murder of Lee Oswald [sic]."

Elrod now says he was in the same cellblock as Oswald and told the authorities as much. The FBI report on the incident doesn't mention Oswald's name. It just says that Elrod spoke of his "unknown cellmate."

Elrod recalled sharing a cell with two other men in the Dallas County Jail. In the corridor outside the cell, the cellmates saw an inmate with a badly battered face being led by jail guards. Elrod said that he heard one of his cellmates say he recognized the injured inmate despite his "smashed up" face.

The cellmate, Elrod recalled, said he had seen the battered man previously in a motel room with four other men. The men in the motel room had been advanced money under some type of contract, and the man with the injured face received some of the money. He wasn't injured then and he drove a car loaded with guns, a Thunderbird. That was all Elrod could remember his cellmate saying, except for the most important thing: that one of the men in the motel room had been Jack Ruby.

So the Memphis sheriff's office called in the FBI, which sent over two agents, Norman L. Casey and Francis B. Cole, to interview Elrod. The agents dictated a two-page report summarizing Elrod's story. The value of what he had to say was, in the eyes of the FBI, essentially nil: "hearsay information he had received from his unknown cellmate."

Any remaining possibility of the agents taking Elrod seriously was laid to rest the following day, when they received the FBI identification record on John Franklin Elrod. It showed Elrod had been arrested five times—but not on Nov. 22, 1963.

Who failed to produce the arrest records in August 1964 that would have lent credibility to Elrod's story? A spokesman for the Dallas Police Department says that the FBI had access to all of the department's records. The current head of the Dallas FBI office, Oliver "Buck" Revell, has repeatedly declined to be interviewed about the incident.

The Dallas Police Department files discovered in 1992 confirmed that Elrod *was* in the Dallas City Jail on the day of the assassination. Other key details of Elrod's story have been independently verified. But what was most remarkable about his account was how it dovetailed with the long-neglected testimony of Frank Ellsworth, a federal agent working in Dallas at the time.

Lee Oswald, it seems, had gotten a glimpse of a right-wing gunrunning operation that Ellsworth was seeking to break up.

In the fall of 1963, Frank Ellsworth was an agent for the Internal Revenue Service, division of Alcohol and Tobacco Tax (now known as the Bureau of Alcohol, Tobacco and Firearms or ATF). He was investigating a gun shop owner named John Thomas Masen for possible violation of federal firearms laws.

In 1978, Ellsworth told investigators from the House Select Committee on Assassinations how he pursued the case. He represented himself to Masen as a policeman from Irving, Tex., who was "not terribly honest" and "hungry for a little extra money" which he hoped to make in the gunrunning game. Ellsworth testified that as the relationship became chummier, Masen offered to put him in touch with a man named "Nonte" inside Fort Hood, the huge U.S. Army installation located in Killeen, Tex. Nonte, Ellsworth recalled Masen saying, was "in a position to give us unlimited supply of almost anything

the military had in the way of ordnance."

When Ellsworth visited Fort Hood in late October 1963, he asked criminal investigators from the Army and the FBI at the base about the thefts. "They told me somebody was stealing them blind," the ATF agent testified.

Ellsworth learned that George Charles Nonte Jr., a U.S. Army captain, was effectively in charge of all ordnance at the base. Nonte, who died in 1978, had a top secret clearance and was one of the world's leading experts on firearms, eventually authoring many books on guns. Ellsworth told the investigators at Fort Hood about Nonte. With their encouragement, he continued to prepare his case.

The ATF agent did not suspect that the FBI had an entirely different agenda for his suspects. Recently released FBI records show that the bureau, instead of treating Nonte like the target of an investigation, interviewed him without Ellsworth's knowledge and requested a favor: They asked him to obtain some information from John Masen.

An Invasion of Cuba?

The bureau was trying to learn more about a story Masen had been telling in the fall of 1963: Anti-communist exiles were planning a second Bay of Pigs-style operation to invade Cuba and overthrow Fidel Castro's island dictatorship.

The "scope of discreet inquiry to be made of Masen on contact," according to a recently released FBI teletype (also obtained by researcher Bill Adams), didn't address the matter of stolen arms at all. The FBI only asked for "information pertaining to the military operation in the Caribbean." Nonte conferred with Masen, according to the document, and made the requested inquiry. The next morning, Oct. 25, 1963, Nonte reported back to the FBI.

Nonte said that Masen had told him that the planned attack "centered upon Cuba" and involved a huge rebel force "staging at unknown Caribbean bases." Masen claimed his knowledge of a military operation came from a "weapons buyer" at the University of Miami. The university housed the JM Wave Station, a CIA headquarters in south Florida for operations against Castro's Cuba. When it came to Cuba, the bureau evidently viewed Masen as a valuable source.

One of the FBI agents aware of the intelligence reports on Dallas gunrunning, according to recently released FBI documents, was a man named James Hosty.

Hosty was also the agent in charge of the bureau's file on Lee Harvey Oswald before the Kennedy assassination. Oswald was a 24-year-old ex-Marine who had defected to the Soviet Union and returned to the United States two and a half years later. Hosty's address and license plate number were found in Oswald's personal notebook. This notation, moreover, appeared in the notebook under the date of "Nov. 1, 1963."

That was the same day that the Dallas FBI office received an inter-office communication on Masen. One of the recently released doc-

uments shows that Hosty was assigned to follow up a lead on "John Thomas Masen, IS [Internal Security]—Cuba". Two weeks later, on Nov. 15, 1963, Hosty wrote a reply about Masen which mentioned "Capt. George Nonte."

In this same time period, the first two weeks of Nov. 1963, Hosty told the Warren Commission that he was trying to find Lee Oswald to determine if he was working in any job that might give him access to classified information. He twice visited Oswald's estranged wife, Marina, on Nov. 1 and Nov. 5, but claimed he could not find Oswald either time. Oswald responded by writing Hosty a note and delivering it to the Dallas FBI office. No one can remember the exact date that Oswald visited, although a receptionist guessed it was Nov. 12, 1963.

At the same time, Frank Ellsworth's investigation was coming to a head. On the evening of Nov. 18, 1963, the ATF agent was preparing to arrest John Thomas Masen. In his sworn testimony and a 1993 interview, Ellsworth recalled arranging with Masen to make a big buy of stolen guns—the latest and best stuff, he had been assured.

But again the FBI acted behind Ellsworth's back. Unbeknownst to the ATF agent, an FBI agent and four detectives of the Dallas Police Department were conducting a stakeout at a lonely intersection just blocks away. According to court records from the resulting criminal trial, the lawmen crouched in two unmarked cars watching a pale blue 1962 Thunderbird convertible pull up alongside a white Dodge. They saw two men get out and start passing a number of high-powered rifles and shotguns from the white car to the adjacent convertible.

When the Thunderbird pulled away, the FBI agent and two detectives radioed for help. Two Dallas police officers cruising nearby in their squad car followed radio instructions to arrest the men in the Thunderbird for a traffic violation. When the patrolmen turned on their spotlight and honked for the Thunderbird to pull over, the convertible sped off.

The ensuing chase through downtown traffic reached speeds of 60 mph. Five blocks later the Thunderbird sideswiped two cars, tried to make a left turn at full speed and crashed head on into a utility pole.

The driver of the Thunderbird got out and managed to run some 30 feet before being tackled and arrested. His name was Donnell Darius Whitter. He worked at a local Texaco station where he fixed cars—including that of Jack Ruby.

The passenger in the blue Thunderbird was unable to leave the car. His face had smashed into the windshield. He was identified as Lawrence Reginald Miller. He was treated at the emergency room of Parkland Hospital and charged with multiple criminal violations arising out of the incident. After having his face stitched up, Miller was remanded to the Dallas city jail.

All the while Frank Ellsworth waited, not knowing that the FBI agent and the Dallas police had intercepted the weapons that were intended for him. The ATF agent went to bed.

The next morning, Ellsworth went to Masen's gun shop to find out what happened. The agitated owner told him to read the newspaper. Ellsworth picked up the Dallas Morning News and read the story of the car chase.

"Evidently what had happened," Ellsworth



James Hosty: The FBI agent who handled Oswald's file while tracking the gunrunners

testified in 1978, was that "he [Masen] had hired these fellows [Miller and Whitter] or he had made a deal" with them and they were delivering the guns when they were spotted by the police.

Ellsworth says he and his fellow undercover agent were "genuinely mystified" by this turn of events. Who tipped off the Dallas police that there was going to be a gun deal that night? When Lawrence Miller and Donnell Whitter went on trial in February 1964, the Dallas police and the FBI were allowed to keep the name of the informant secret. (Both men were convicted of possession of stolen weapons. Miller died in 1973; Whitter died in 1991.)

Where the tip came from is an important question because the likely effect of the Nov. 18 arrests was to save John Thomas Masen—the FBI's source of information on the possible Cuba invasion—from arrest by Frank Ellsworth on gun trafficking charges. The arrests also had the effect of protecting George Nonte—who was assisting the FBI.

For Frank Ellsworth, who was never told about the FBI's role in the aborted gun deal, the car chase of Nov. 18, 1963 was a cosmic thunderbolt that had ruined his best laid plans. He did arrest Masen on minor unrelated gun charges on Nov. 20, 1963 but Masen posted bail and was back on the street the next day. Masen was convicted of not registering a firearm and paid a fine.

The disappointed ATF agent called a meeting of federal agents familiar with the Fort Hood arms thefts. They included James Hosty of the FBI and a U.S. Army counterintelligence officer named Edward J. Coyle. On the morning of Nov. 22, 1963, while the rest of the city buzzed in anticipation of President Kennedy's visit, the three agents discussed the Fort Hood case. In a 1993 interview, Hosty explained that Ellsworth was particularly interested in the possible involvement of the Dallas Minutemen in the thefts.

While Ellsworth shared what he knew with his colleagues, he didn't gain much informa-

tion in return. In Hosty's account of the meeting, there was no discussion of the bureau's use of Nonte to obtain inside information (about the possible Cuba invasion) from Masen.

The meeting broke up around noon. Half an hour later, Ellsworth heard that the president's motorcade had been shot at and he rushed to Dealey Plaza to search for clues. At 2:30 that afternoon Lee Oswald was arrested in a neighborhood movie theater a few miles away on suspicion of shooting a policeman. Elsewhere, Dallas police were following up on tips from frightened citizens. John Elrod was arrested at 2:45 p.m. Before the end of the day, Elrod says that his cellmate, Lee Oswald, spoke of a gun deal involving a man with a "smashed-up" face, a Thunderbird loaded with guns—and Jack Ruby.

Is Elrod's story really credible? Given Elrod's history of alcoholism, his account must be treated with caution.

And, indeed, one of Elrod's recorded claims proved not to be true. According to the FBI report of August 1964, Elrod said that he and his cellmate on Nov. 22, 1963 had been held in a "Cell 10." But the cells in the Dallas jail were designated alphabetically and by number: F-1 or C-8 or A-5. The reference to Cell-10 may have been Elrod's error or the FBI's in transcribing his comments.

Available documents support the remainder of Elrod's claims.

The cellmate on Nov. 22, Oswald, had seen a man with a "smashed-up" face in the corridor outside their cell. The "unknown" Elrod cellmate said the man "was . . . driving a Thunderbird with a large quantity of guns contained therein," according to the FBI report.

This man was almost certainly Lawrence Reginald Miller. He was in Dallas City jail that day, according to jail records. He wasn't the driver of the Thunderbird on the night of Nov. 18—but the Thunderbird he was riding in did contain a large quantity of guns. And his face, having collided with the Thunderbird's windshield, was definitely smashed up.

The claim that Oswald and Miller were at a meeting with Jack Ruby is the least substantiated aspect of his story. Elrod didn't recount the story to the FBI until August 1964, by which time Ruby was a household name. But if an inebriated Elrod added Ruby's name to his story after the fact, his invention was consistent with two very sober facts that were not publicly known at the time: First, the driver of the blue Thunderbird, Donnell Whitter, was Ruby's mechanic. Second, Ruby himself admitted on two occasions that he had been involved in gunrunning.

The more basic question is: Would the Dallas police really have put the accused assassin in a cell where he could talk with another prisoner. The answer, it turns out, is yes.

A few hours after his arrest, Oswald was allowed to make a phone call. On the log of prisoner telephone calls, Oswald signed his name and wrote down his cell number, which was "F-2." Elrod's name does not appear on the phone log; he says that he was not allowed to make a phone call. The only other prisoner listed in the log in an F cell on Nov. 22, 1963 between 3 p.m. and midnight was a "Daniel Douglas" whose scrawl indicates he was held in F-1 or F-4.

Elrod knew who the other man in Oswald's cellblock was. This is a powerful point support-

ing his story. In an interview in July, 1993, Elrod accurately described the other man in Oswald's cell as a "kid from Tennessee who had stolen a car in Memphis." Among the Dallas Police Department arrest reports for Nov. 22, 1963 that surfaced in 1992 was one for a "Daniel Wayne Douglas" who was described as 19 years old, from Memphis and a confessed car thief. Douglas's current whereabouts are not known.

But, if Oswald told the story to Elrod, why didn't he tell it to the FBI and Secret Service agents who interrogated him after the assassination? Oswald may have done that, but if so, no one wrote it down.

Lee Harvey Oswald was interrogated for a total of 12 hours in the two days after his arrest. The reports of law enforcement officers present during these sessions show no record of Oswald talking about a gun deal or Jack Ruby. But the records of Oswald's interrogation are, to put it charitably, incomplete. There are no contemporaneous notes from anyone who sat in on the first three interrogation sessions with Oswald on the afternoon and evening of Nov. 22, 1963.

Five months later, though, a senior Secret Service official named Thomas J. Kelley received reports from a Texas law enforcement official that Donnell Whitter had been Jack Ruby's mechanic. Kelley (who interrogated Oswald on Nov. 23 and Nov. 24) then evidently began checking out the most minor details of the arrest of Whitter and Miller. Kelley discreetly asked Frank Ellsworth's boss in Washington, the head of enforcement for the Treasury Department, the nagging question about the Nov. 18, 1963 bust: Who tipped off the FBI that there was going to be a gun deal that evening? The Treasury Department official denied that the tip had come from ATF. Kelley died in 1986.

The identity of the informant has never been established. But John Elrod's story indicates that Lee Oswald knew about a deal involving a Thunderbird full of guns. And FBI agent James Hosty says that Oswald wrote him a note sometime in mid-November. Is it possible that Lee Oswald was the informant who tipped off the FBI about the gun deal of Nov. 18, 1963?

Answering that question was made much more difficult by Jack Ruby's brazen execution of Oswald in the basement of the Dallas City Jail on the morning of Sunday Nov. 24, 1963. Minutes later, James Hosty, acting on orders from his boss, destroyed the note that he had received from Oswald just a week or two earlier—making the question of Oswald's communication with the FBI even more obscure.

Hosty testified that Oswald complained in the note about Hosty's harassment of his wife. But, as the House Select Committee on Assassinations concluded in 1978, Hosty's destruction of Oswald's note (which he did not disclose until 1975) also seriously impeached his credibility on the subject.

Elrod's story also casts doubt on Jack Ruby's puzzling stated motivation for killing Oswald. Ruby said that he killed the accused assassin to spare Jacqueline Kennedy the ordeal of coming back to Dallas for a trial. If Lee Oswald had sat in on a meeting concerning guns and money with Jack Ruby shortly before Nov. 18, 1963, then Oswald had damaging information about Ruby. The desire to protect that information, not chivalry, might have

been the stripclub owner's real motive for killing Oswald. Ruby died in 1966.

Aftermath: Evidence Lost and Found

In late November 1963, as life in Dallas began to return to normal, John Elrod was released from jail. His older brother, Lindy Elrod, picked him up.

"John told me that day he was in the same cell with Lee Harvey Oswald, and that he knew Oswald didn't kill Kennedy," Lindy said in an interview in 1993. "He was very scared about something that happened. He made a 180-degree turnaround and left me in the lurch—never came back to his job."

John Elrod, who has never sought to profit from or even publicize his experience, returned to the safe obscurity of his mother's home. "He went home to mama," says his brother.

In January 1964, Rep. Henry Gonzalez, Democrat from San Antonio, wrote to the Warren Commission urging that the Minutemen be investigated in connection with the Kennedy assassination. Gonzalez noted that in March 1963, a Minuteman publication, "On Target," had identified 20 liberal congressmen as "traitors," warning them that



Had Ruby and Oswald met a week before?

"even now the crosshairs are on the back of your necks."

But the FBI proved remarkably incurious about one clue that led straight to the Minutemen. After the assassination, the FBI contacted all gun shops in the Dallas-Irving area, and found that only two had carried the type of Mannlicher Carcano 6.5 millimeter ammunition believed to have struck President Kennedy. Of these, only one gun dealer had reloaded bullets with the same kind of hunting load used in the shooting of the president. This dealer was John Masen.

On March 26, 1964, Masen faced cursory questioning from the FBI. He was asked about Oswald whom he denied knowing. He was not asked about his involvement with

the Minutemen. Nor was he asked about his relationship with Donnell Whitter, Jack Ruby's acquaintance who transported a carload of guns on the night of Nov. 18, 1963. In 1978, Masen gave a sworn deposition to the House Select Committee on Assassinations acknowledging that the ammunition used in the assassination probably came from his gun shop and that he had gun dealings with the Minutemen.

Masen now lives in Lewisville, Texas, near Dallas. He is not, according to a woman answering the phone at his house, talking to reporters about the Kennedy assassination.

The Missing JFK Files

The John F. Kennedy Assassination Records Act, passed in 1992, requires "expeditious disclosure" of all assassination-related documents.

One federal agency that has failed to produce any documents is U.S. Army Intelligence. The Office of the Deputy Chief of Staff for Intelligence of the U.S. Army says it has found no records on the investigation of the Fort Hood arms thefts or on Capt. George Nonte, a suspect in the thefts. Nor has the Army found the after-action reports of Edward J. Coyle, the Army counterintelligence officer who was monitoring the Fort Hood investigation and who met with Frank Ellsworth on Nov. 22, 1963. Coyle's written reports, if they exist, are relevant to the assassination because he was also assigned to presidential security that day, according to the sworn testimony of his commanding officers. (Coyle's current whereabouts are unknown).

U.S. Army Intelligence's handling of assassination-related records has been called into question before. In 1964, the Warren Commission requested all military files on Lee Harvey Oswald. Army Intelligence provided nothing. In 1978, it was learned that there had been an Army Intelligence file on Oswald, even before the assassination. The file, according to the Army, had been "routinely" destroyed in 1973.

The FBI, though more forthcoming than Army Intelligence, also continues to withhold relevant JFK files. For example, in June 1993, the National Archives turned over a document from the House Assassinations Committee to the FBI for review. It was a 14-page document on Donnell Whitter, Jack Ruby's auto mechanic. The bureau declines to release any of portion of this document, stating that disclosure could compromise national security by exposing measures "used by the Secret Service or other government agencies to protect elected officials."

Whether these and other still missing JFK files are made public is up to a five-member presidential review board, created by the 1992 Act. The board only recently hired an executive director and is not yet reviewing documents or taking testimony.

In the continuing inquiry into the Kennedy assassination, one thing seems clear. When John Franklin Elrod came forward in August 1964 and said he knew something about the murders of Lee Oswald and John Kennedy, he provided authorities with all the information he had. Thirty years later, the FBI and U.S. Army Intelligence have done less than the fourth tramp.