

Ms. Eileen A. Sullivan, ARAB
600 E St., NW, 2d floor
Washington, DC 20530

Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21702
4/12/97

Dear Ms. Sullivan

Although your letter of 4/10 and its enclosures do not provide the second side of those Hosty records the board regarded as so important, your letter does serve my interest and I suggest that of the board.

Your letter states with regard to those notes of which I asked for copies of the reverse side, "These pieces of paper do not have anything on the other side." My belief that is the case is what led me to ask for copies of these other sides.

That Hosty is a liar is not new to me. That he used the board for his personal benefit, as in clearing his name or selling copies of his book, is not surprising. I have regarded him as untruthful since reading his Commission testimony.

The notes he said he wrote on the back of those police affidavit forms that you have also are in facsimile in his book. There he says he ^{wrote} those notes on the back of those police affidavit forms. I enclose for your records and information that inserted page from his book. These seem to be identical with those of your earlier release.

On page 17 Hosty writes that under time of 2:15 p.m. the day of the assassination he was sent to participate in the interrogation of Oswald. On page 16 he says "Oswald was a communist." That from the FBI's own records and those published by the Commission is a lie. I enclose several pages from my 1965 book with citations to the Commission's disclosed records on this.

On his page 20, also enclosed, Hosty states he wrote those notes in question on "a pad of police affidavit forms." Your letter states he lied on this in saying there is nothing on the other sides of the scraps of paper he used.

Whether or not FBI agents usually have notebooks in their pockets or pads with them, it is not easy to believe that Hosty left to participate ⁱⁿ the interrogation of the man ~~whom~~ he believed had killed the President without something to write on. It also is not easy to believe more about this. That all the notes of that interrogation he made are those in facsimile from his books ~~or~~ or those ARRB disclosed.

That he would have destroyed his notes of any such interview is also not easy to believe although that was a common FBI practice. The killing of a President is not common. And the FBI has a place for such notes to be pre-

served, the PD 340 evidence envelopes. Then there is the question, is the extraordinarily limited content of those notes all the notes that Hosty made at that first Oswald interrogation. There is remarkably little information in them.

The other notes you were kind enough to send are clearly of a much later time. They are what your letter says he wrote on the back of those police affidavit forms. ~~Essz~~ From their content they are of a later time when he should have had a pad or notepad at hand.

Which raises the question, why in the world would he have used those police affidavit forms for notes that from their content are of a much later time?

All of this and more like it for which I do not take time are quite the opposite of the puffery you got from Michael Dorman in Newsday for March 23. This does not in any way it sense "counter cover-up theory," which is not a mere theory in any event. (There is more in the Dorman story that is not in accord with the facts but he does not give his sources on them, if any.)

Whether these notes are in the words of your release quoting chairman Tunheim "a significant addition to the historical record" or if they are the nature of that significance, I think you people have been suckered and run the risk of having it happen again, with corruption of our history, unless there is more and careful checking of representations made to you.

Sincerely,

Harold Weisberg

Harold Weisberg



Hosty's office to take notes during the police interrogation of Oswald, since no one anticipated the assassin's imminent death. These pages, which Hosty intended to discard after typing up his final report, fortuitously survived. James P. Hosty, Jr.

1026 N. Bessley 3:15 pm
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 4:05 pm

Hosty was the only person to take notes during the police interrogation of Oswald, since no one anticipated the assassin's imminent death. These pages, which Hosty intended to discard after typing up his final report, fortuitously survived. James P. Hosty, Jr.

Title Marina Nikolaevna Oswald File No. 105-1435
 Date Rec. 10/1/63

Bufile:

Assigned to (date) Hosty, 10/1/63
 Reassigned to (date)

FD-10 (REV. 1-25-59)
 U. S. GOVERNMENT PRINTING OFFICE: 1962 - 684400

Title Lee Harvey Oswald File No. 100-10,461
 Date Rec. 10/22/63

Bufile:

Assigned to (date) Hosty, 10/23/63
 Reassigned to (date)

FD-10 (REV. 1-25-59)
 U. S. GOVERNMENT PRINTING OFFICE: 1962-684400

The FBI assignment cards that made the counter-espionage cases on Lee and Marina Oswald part of Hosty's caseload one month before the assassination of President Kennedy. James P. Hosty, Jr.

"I'll send someone over with a copy of our list so you can compare it with yours." With that, we said good-bye and hung up.

TIME: 2:15 P.M.

A hand clutched my elbow. I spun; Howe was in my face. "They've just arrested a guy named Lee Oswald, and they're booking him for the killing of the policeman over in Oak Cliff. Officer's name was Tippit."

It took me only a second or two to shift from the extreme right wing to Lee Oswald. Lee Oswald was a Communist who had defected to the Soviet Union and returned three years later with a Russian wife, Marina. I had an active file on both Oswalds, who were both considered espionage risks. I had learned on November 1 that Oswald worked at one of the Texas school book depository buildings in Dallas. I remembered thinking Tippit's and Kennedy's killings were related, and then it hit me like a load of bricks.

"That's him! Ken, that must be him! Oswald has to be the one who shot Kennedy!" Oswald was the son of a bitch who shot the president. We had a bead on the assassin.

"Listen," Howe said. "Do you have the Oswald file?"

"No, I don't. It should be in the active file cabinet."

Howe and I rushed over to the cabinet. The file was gone, which meant that the mail clerk probably had it for incoming mail purposes. We hurried to his office and started frantically looking for it. Loeffler, the only other supervisor in the office, joined us in the search, found the file, and handed it to me and Howe. Paper-clipped to the top we found a one-page communiqué from the Washington, D.C., field office. While Howe pulled out his reading glasses, I began reading the communiqué, which summarized a letter written by Oswald to the Soviet Embassy in Washington. The letter had been intercepted by the FBI, then read and copied by an intelligence agent before it was sent along to the Russians.

According to the communiqué, Oswald had written that he had been in Mexico City and had spoken with "Comrade Kostine." I had read something about this Mexico City meeting in October, but had been forbidden by FBI policy from questioning Oswald about it, as it would tip off Oswald, and presumably the Soviets, to our intelligence sources and methods in Mexico.

Howe now told me to take this communiqué immediately to Gordon Shanklin, the Dallas SAC. "Shanklin is on the telephone with headquarters," Howe said. I bundled everything up and hustled over to Shanklin's office.

Shanklin was standing behind his desk, still on the phone. With his glasses and thin hair, Shanklin looked like a fidgety, rumpled professor. He was a chain-smoker who was known to buy cartons of cigarettes by the grocery bag. As usual, cigarette ashes dotted his vest. In his fifties, Shanklin was so nervous it seemed at times as if he was afraid of his own shadow. But we agents completely understood his nervousness: for a SAC to survive with J. Edgar Hoover as his boss, he always had to be looking over his shoulder, always wary of Hoover's constantly changing whims and moods. I pitied all SACs, especially Shanklin, who was really a damn good man.

I waved the communiqué in Shanklin's face. If Oswald was in fact Kennedy's killer, then this letter had all the ingredients for a potentially explosive international situation.

Still on the phone, Shanklin read the communiqué. Then, with no visible reaction, he said, "Alan, I got Jim Hosty here. He's the agent who was working our file on Oswald. He's got the file here with him now."

Shanklin was quiet for a few minutes, listening to the person on the other end. Then Shanklin put his hand over the phone and said, "I got Belmont on the phone. He wants you, Hosty, to get down to the police department and take part in the interrogation of Oswald. Also, Belmont wants you to cooperate fully with the police and give them any information we have on Oswald. Get going. Now." Since Alan Belmont was the third in command of the Bureau, this was a significant order.

I left Shanklin's office, and as I headed for the door to leave I heard Howe on another phone with Agent Dick Harrison, who was at the police station: "Harrison, tell Assistant Police Chief Stevenson that Hosty is on his way, that he's our agent on the Oswald file. He's going to help in the interrogation of Oswald."

I felt my heart beating wildly again.

TIME: 3:00 P.M.

I slipped my car down the ramp to the police garage and found a slot to park. It was frantic there, people running around yelling, dozens of cars flying in and out of the garage. Heaving my burly body out of the car, I headed straight for the elevator. Car doors slammed to my right. Lieutenant Jack Revill and another officer, Detective Jackie Bryant had just emerged from their car and were walking briskly toward the elevator as well.

Revill was a trim, dark-complected, handsome young lieutenant

fact, but of their agents or of groups related to them, directly indirectly, made impossible the precise answer to whether or not Oswald was any kind of an agent.

The denials of the CIA and the FBI that Oswald was their agent as predictable as they were meaningless (R327). Equally unconvincing is the Report's statement that the Commission had access to the "complete files". The Commission had no way of knowing what the agencies wanted it to see. This may, in fact, have been complete files or complete files as they then existed or never existed. The case of the denial of the Gary Powers flight over the Soviet Union is fresh in history. Even when the plane was in Russian hands and even when the prestige and integrity of both the country and the President were at stake, worthy denials were made. What did the Commission expect, that any spy with which the presumed assassin of the President had been associated was going to rush forth and claim credit for him or his noble crime?

Besides, the denials by the agency heads could have been quite truthful and still have been meaningless and worthless. Only for-employees are carried on payroll and expense accounts. The names of agents, the informants and contacts, are not payrolled. They cannot and should not be, for their security and that of the country is too deeply involved and too important. Such people are recruited from unvoiced funds of which there is no precise accounting. By their very nature they are not to be accounted for. They were not an absolute necessity, there would be no justification for their existence in a democratic society. The people's money cannot be spent indiscriminately, except when absolutely vital, as in the case of intelligence.

If Lee Harvey Oswald had any non-payrolled relationship with CIA, John McCone had no reason for knowing it. Nor could he have any certainty trace it down and learn it. The whole sad history of the Bay of Pigs and the partly revealed story of the American pilots who lost their lives in its prelude make clear the reaction with which the CIA works and has to work. The survivors of those pilots are not receiving and have not received compensation from the CIA. Their checks come from mysterious corporations. The mysterious boats and ships that are in and out of Cuba and other ports on other than orthodox maritime business are not registered in the name of the CIA. They cannot and should not be. But no one doubts in whose interest they ply the Caribbean. Having by its approach and method precluded any meaningful analysis of Oswald's politics, relationship with the Government and activities, if any, the Report then makes even more certain of the uselessness of its conclusions by falling for the play of the political and engaging in semantics. It uses political words out of context and gives them a meaning diametrically opposed to reality. Throughout the Report are references to Oswald's "commitment to Communism". To most Americans this means the belief and philosophy of the American Communist Party and the Soviet Union. Above all, it denotes an attachment to the Soviet Union.

This was the opposite of the truth. The Commission knew it. Its data prove that Oswald was not, either philosophically or in membership, connected with the Communist Party. He hated it. He hated the government of the Soviet Union with passion and expressed feelings with what for him was eloquence.

While seeking to mitigate this forthright misrepresentation of Oswald's equally vague and undefined references to "Marxism" which Americans equate with Communism, the Report leaves itself with such intellectual integrity as the boy with his fingers crossed and his back denying he was in the cookie jar.

Almost from the moment of his arrest, the police knew all about Oswald's background, for the FBI's Oswald expert, James P. Hosty, participated in the first interrogation. Oswald discussed what

he considered his politics without inhibition. Insofar as he or they understood what he was talking about, it is, to the degree they desired, reflected in the reports of the interrogators. Appendix XI consists exclusively of these reports (R598ff.).

The moment the police heard Oswald had defected to the Soviet Union and heard from his own lips that he was a "Marxist", they ignored his frank statements about his disapproval of the Soviet Union, and the diversion and "Red scare" were launched. It received the widest dissemination. Editorial and headline writers needed no encouragement in their speculations and inherent accusations of a Communist plot to kill the President. From that moment on, Oswald was even more friendless, the trail of any conspiracy was brushed over, and the hounds were off in the wrong direction. To this day, even in the Report, the only really serious consideration given to any possibility of a conspiracy is restricted to the involvement of the Soviet Union or Castro Cuba.

If those among his acquaintances who told the Commission of Oswald's political beliefs, such as the Paines and George de Mohrenschildt, understood correctly, Oswald did not understand Marxism. Not a single witness or fact showed him either a Communist or pro-Communist. Every scrap of evidence from his boyhood on proved him consistently anti-Communist. Ruth Paine told FBI Agent Hosty, when he interviewed her in early November, that Oswald described himself as a Trotskyite and that she "found this and similar statements illogical and somewhat amusing" (R439). De Mohrenschildt, at the time of the assassination occupied with a business relationship with the Haitian government, was apparently the only member of the Fort Worth Russian-speaking community for whom Oswald had any respect (R282). De Mohrenschildt was described by the Commission and some of its informants as provocative, non-conformist, eccentric, and "of the belief that some form of undemocratic government might be best for other peoples" (R283). He was an agent for French intelligence in the United States during World War II. The Commission's investigation "developed no sign of subversive or disloyal conduct" on the part of the De Mohrenschildts (R383).

Oswald is not known to have ever had any kind of a personal contact with any party or any official of any part of the left, except by correspondence, and then of his initiative and of no clear significance. The total absence of such contacts, in person or otherwise, is in itself persuasive evidence that, as a matter of real fact rather than conjecture, he had no political affiliation. The searches of the Commission appear thorough and the facilities and resources of the investigative agencies are extensive.

As a 16-year-old, Oswald wrote the Young People's Socialist League asking information (R681). This is an old and well known youth group whose anti-Communism has been almost religious in its fervor.

Thereafter he wrote the Socialist Workers' Party, seeking literature, including the writings of Leon Trotsky. The Commission prints 14 pages of this correspondence (19H567-80). Again, this is an anti-Communist party and Trotsky is perhaps the best known of the former Russian Communists who fought the Soviet regime. Some of Oswald's correspondence with this group and all of his correspondence with the Communist Party (20H257-75) and the Fair Play for Cuba Committee (20H511-33) make sense only when the possibility of Oswald's being somebody's agent is considered.

The Report finds "Oswald had dealings" with these groups (R287). He did, in the same sense that one who writes the White House and gets a reply has "dealings" with the President.

Referring to the Communist Party U.S.A. alone, the Report states, "In September 1963, Oswald inquired how he might contact the party when he relocated in the Baltimore-Washington area, as he said he planned to do in October, and Arnold Johnson suggested in a letter of September 19 that he 'get in touch with us here (New York

we will find some way of getting in touch with you in that city (Baltimore)." (R286).

The Report is correct but incomplete, for on the same date Oswald made the same request of the Socialist Workers' Party (19577). Report's authors considered it expedient to ignore the letter. The reason for this omission and the reason for similarly false letters from Oswald to both historically antagonistic groups are worthy of consideration. In omitting all reference to SYP, the Report gives the false impression of a non-existing relation with the Communist Party, else why should Oswald want to be in touch with the Baltimore-Washington branch? There is no since he planned such a move. He planned to go to Mexico and stay there. But why should Oswald have wanted to be in touch with both parties, antagonistic as they are, especially because of own clear antipathy toward the Communist Party? One of the obvious reasons is that he was trying to penetrate them as some kind of agent. He could not have found political sympathy in or from them. It is this possibility that completely escaped the consideration of the authors of the Report and it is the most obvious contradiction. Especially when thought of in the light of Oswald's relations with Cuban refugee groups, detailed elsewhere in this Report, could this line of reasoning have led to a meaningful analysis and conclusion.

There was "no plausible evidence that Lee Harvey Oswald had other significant contacts" with any of these groups, the Report includes, evaluating the Oswald-initiated correspondence and requests for literature as "significant".

But Oswald's real attitude toward the Communist Party and the rest of the Union were well known to the Commission. He made no secret of them, and the Russian-speaking community in Fort Worth reported dislike. Oswald himself was well recorded in letters, drafts, speeches and notes and, in fact, in public speeches. A number of such documents appear in Volume 16. They are part of the Commission's record.

Toward the end of their stay in New Orleans, the Oswalds went to Attles Harf, Alabama, to participate in a seminar. He unburdened himself of his anti-Soviet feelings. Marina got a thank-you note from Robert J. Fitzpatrick, of the Society of Jesus, in which Oswald was asked to convey "thanks to your husband, too, for his good work to our seminar. Perhaps we do not agree with him regarding some of his conclusions but we all respect him for his idealism..." (213).

Oswald's hatred of the Communist Party and the Soviet Union is from 150 consecutive pages of his notes in the same volume, all as from other exhibits (16H283-434). For example, in Exhibit 97 (pp. 422-3) he raged, "the Communist Party of the United States has betrayed itself! It has turned itself into the tool of a foreign power to overthrow the government of the United States, not in the name of freedom or high ideals, but in the name of conformity to the wishes of the Soviet Union..." (the Oswalds) have shown themselves to be willing, gullible messengers of the Kremlin's internationalist propaganda... The Soviets have committed crimes unsurpassed... imprisonment of their own peoples mass extermination... individual suppression and regimentation... the murder of history, the prostitution of art culture. The communist movement in the U.S. personalized by the Communist Party, U.S.A., has turned itself into a valuable coin of the Kremlin. It has failed to denounce any actions of the Soviet Government when similar actions of the U.S. Government bring pious protest" (Spelling improved.) The Report quotes some of this as well as "... I hate the U.S.S.R. Socialist system..." (R399). He also described himself as one with "many personal reasons to hate and therefore hate and mistrust Communism..." (16H442).

Even his oft-mentioned notes on Russia, widely discussed but unquoted in the press, are a narrative full of the kind of information intelligence agencies, including our own, seek about other countries, especially the Soviet Union. It includes such items as the location of an airport, the layout of a city, and all sorts of intimate details of the electronics factory in which he worked, including what it produced, its rate of production, the number of employees engaged in various pursuits and other such non-travelogue data.

It is abundantly clear that the Report distorts and misrepresents the Commission's information on Oswald's politics. It both says and implies the opposite of the truth. It pretends a man whose hatred of the Soviet Union boiled in his guts was a protagonist of that political system and perpetuates a lie foisted off on an innocent public by the police. In such a Report, by such a Commission, dealing with such a tragedy, this is unpardonable. Can there be any reason for this except a desire to "fool the public"? How many more people, here and abroad, were willing to accept what might have otherwise been unacceptable conclusions, how many were less critical than they might have been of the Commission, because of this pretense that Oswald had a "commitment to Communism", that he somehow was an agent of a hated political force? The Report concludes that he was serving no foreign government and that he was the agent of none (R21-2). But the Report repeats the false representation of Oswald's politics. The Commission instead should have inquired into who created and broadcast this deception and with what motives. As a result, the Commission's own motives are suspect.

Oswald's Marine Corps Service and First Passport

Only in the light of what Oswald's politics really were might any sense be made of his relations with various agencies of the U.S. Government, his trip to Russia, his defection, and his defection from his defection.

With but 43 days of his Marine Corps enlistment remaining, or three months if the penalties of the courts martial had been imposed (19H725), Oswald received a "hardship discharge" (19H676). This was a clear fraud about which neither the Marine Corps nor any other government agency ever did anything. Why?

There are 112 pages of photocopies of Oswald's Marine Corps record reproduced at one point in the 26 volumes of hearings and exhibits (19H656-768), but that record is incomplete in at least one major respect.

This series of documents shows Oswald enlisted on October 24, 1956. He was twice court-martialed, once for the dream offense of many ex-servicemen and once for an even more unusual departure from regulations. The second breach, in non-military language, consisted of swearing at a non-commissioned officer and assaulting him "by pouring a drink on him on or about 20 June 1958 at the Bluebird Cafe, Yamato, Japan". He was sentenced to a \$55.00 fine and four weeks at hard labor, the second part waived on condition of good behavior. Less than six months earlier he had been court-martialed for accidentally shooting himself with his own loaded .22-caliber pistol, possession of which was prohibited. The generous Marines found this injury "was incurred in line of duty and not related to misconduct". His sentence was 20 days at hard labor, a \$50.00 fine, reduction in rank to private, with the confinement at hard labor suspended for six months unless sooner vacated (19H663-4, 662-4, 692, 707-8, 747-52).

Of Oswald's personal activity in the Marines, the Report states: "He studied the Russian language, read a Russian-language newspaper and seemed interested in what was going on in the Soviet Union. In the unit with which he served upon his return from the Far East, Oswald was referred to as 'comrade' and 'Oswaldskovitch' (R388). But his clearance to handle classified information was not

James P. Hosty, Jr.

worked counter-intelligence cases, was coming to join us, but Bookhout shook his head and said, "Let's go in. We can't wait." With that Bookhout opened the door to Fritz's office and led me inside. There, seated in front of me, was Lee Harvey Oswald.

TIME: 3:15 P.M.

Bookhout gently shut the door, and all of a sudden the room was quiet. Everyone in Fritz's office stopped speaking and turned to look at me. I saw Fritz, two other police detectives, and Oswald all seated in the office. I looked over at a desk against the wall, saw a pad of police affidavit forms, and grabbed it.

I took out my pen, looked at my wristwatch, and then wrote down the exact time: 3:15 p.m. I turned to Captain Fritz, who was seated behind his desk, and nodded to him. Then I turned to eye Oswald. My first impression of him was that he was a young punk. He was sitting there with a wise-ass smirk, the kind you wanted to slap off his face as his deep blue eyes, glaring and beady, confronted you eyeball-to-eyeball. He was skinny and small, and even though he was only twenty-four years old, he was already losing his hair — his hairline had deeply receded. He was clean-shaven, but his hair was mussed. He was wearing a wrinkled white T-shirt and brand-new shiner, still red and slightly swollen, above his right eyebrow. His hands were cuffed behind his back, but even so, he was trying to sit nonchalantly, cocky and self-assured, in the straight-backed wooden chair.

I said, "Special Agent Jim Hosty, with the FBI. I'm here to participate in the interview with the police. I want to advise you of some things. You have the right to remain silent. Anything you say may be used against you in court. You also have the right to have an attorney —"

I was interrupted by Oswald. His face had turned ugly, and his whole body jerked in my direction, as if touched by a hot wire. "Oh, so you're Hosty, the agent who's been harassing my wife!" he exploded. Fritz and Bookhout exchanged puzzled looks. Oswald, clearly having lost his earlier complacency, ranted on. "My wife is a Russian citizen who is here in this country legally and is protected under diplomatic laws from harassment by you or any other FBI agent. The FBI is no better than the Gestapo of Nazi Germany. If you wanted to talk to me, you should have come directly to me, not my wife. You never responded to my request."

Fritz tried to regain control over the interrogation, to put Oswald at ease, which is very critical in the interrogation of any suspect. "As any cop knows, you always want to keep a suspect talking. If a sus-

pect gets riled he's likely to clam up on you. While Fritz was speaking to Oswald in the smoothest, most peaceful drawl he could manage, I paused to think for a moment.

I knew Oswald was spewing hot air regarding diplomatic law, but the other things he had said struck a chord. I had in fact on two occasions been to the house where his wife lived, once on November 1 and then again on November 5. The purpose of these visits was to make preliminary contact — introduce myself and establish the identity, address, and place of employment of the subject in the case, which was a counter-espionage concern. In these initial contacts with Marina Oswald, I was hoping to set up a time to conduct an in-depth interview with her. Both Oswalds — he being a former Marine who had defected to the Soviet Union and then returned the United States, she a Soviet citizen — made for a classic counter-espionage case. The question was: Could either of the Oswalds be Soviet intelligence agents? In November 1963, the Bureau had no direct information that the Oswalds were Russian agents, but this was the height of the cold war, and for national security purposes we had to be prudent.

What really struck me about Oswald's outburst in Captain Fritz's office, however, was the realization that it was Oswald who had left me an angry, unsigned note just ten days before. I had the note in my file drawer. It said, in effect: "If you want to talk to me, you should talk to me to my face. Stop harassing my wife, and stop trying to ask her about me. You have no right to harass her."

When I received this note from Nannie Lee Fenner, a former chief stenographer newly demoted to receptionist, I read it and, quite honestly, thought little about it. At the time I was juggling 35 to 40 cases, mostly on radical right-wing subversives, and had no way of knowing who might have written the note. I suspected it had come from a particular radical right-winger I had been investigating, simply because I had recently interviewed his wife.

At any rate, in law enforcement such notes are common. Occasionally I received abusive phone calls and notes from the targets of my investigations. All law enforcement officers do. It's what I called "getting guff." After reading the note, I had tossed it in my file drawer at the office and not given it another thought. That is, not until November 22 at approximately 3:18 P.M.

Oswald was squirming like a snared rat. He asked Fritz to remove the handcuffs. I quickly said that sounded like a reasonable request. Fritz compromised and told one of his detectives to cuff Oswald in the front rather than in the back.