



RAY LA FONTAINE

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

**T**RUTH 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, C6, 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.



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

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## 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

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.

**O**n 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 cell-block 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 testi-

mony 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 mili-



tary 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 toplight 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.

**I**s 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 consis-



tent 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 supporting 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 indi-

cates 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

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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





DALLAS MORNING NEWS

#### 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 Re-

cords 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.