

Dear Mr. Sobel,

7/31/97

Thanks for the SASE. At my age and in the condition of my health anything that save me any time is a favor, Is is age and failed health, I'm 84 nad the last four hospitalizations were for congestive heart failure. So I can't take the time that years ago I would have taken to respond to your letter of 7/30/

Thus also I am blunt and to the point: If you write a book about the non-sense in your letter you'll be a fool. It is all irrelevant or untrue. Except what you sent from Lane. Which I published in Case Open in was it 1993? In response to Posner.

There is and can be no relevance in the back brace. You can get it in a picture of his clothing the Archives can provide. I wore one for many years. I went through World War II wearing one day and night and lifted ammo, went on long hikes, did calisthenics in it, crawled under machine gun bullet ^{with} it. And there was no steel plate that you make up. It was leather with steel bands top and bottom. And nowhere near where any wound was or can be imagined.

I've forgotten about the tape recording you cite from the reprint of selection of my books of 30 years ago.

Oswald Talked is a work of fiction from beginning to end by a pair of literary whores who are subject-matter ignoramuses after writing that trash. That Elwood record and those on the tramps they were so ignorant about they attribute their being public to their horseless cavalry of the Silicon Valley. I brought them to light 20 years ago in FOIA litigation. They were in the FBI's public reading room when their bpy went to all the trouble he made for himself to get them. And they lie about the meaning of those records. Elrod never said what they said he said and their own TV show with him, of which I have a transcript, makes that beyond question. He refused to say it! Besides which he was never in a cell with or even near Oswald. Who was not a snitch on that gun fantasy which ~~is~~ ^{was} exposed when the crazies in that car ran a red light and then speeded to assure the police attention they got. In the chase they wrecked the car. ^{Stay in newspapers!} There ~~al~~ was no snitch in New Orleans as they say. That FBI raid was triggered by those Cubans starting a trash fire that endangered the neighborhood. That got the sheriff who got the FBI.

If there is a bigger liar than Lorenz I'll be astounded. You also omit part of her fantasy, that Oswald was on that trip from Miami when without question he was in Dallas. Besides which there was but a single issue before that Florida court: was there malice. That Lorenz b/s in a deposition the judge admitted but it was not relevant to the sole question, was there malice. Lane ripped your mind off with your pocket.

Before you do any theorizing, you should get what you do not have, a solid knowledge of the officially-established fact. Sincerely, Harold Weisberg *Harold*

Mark Sobel
PO Box 8700
Universal City, CA 91618
(818) 763-5428

Mr. Harold Weisberg
7627 Old Receiver Rd
Frederick, MD 21701

By Express Mail!

July 30, 1997

Dear Mr. Weisberg,

Last fall you were kind enough to reply to my question regarding your estimation of the credibility of Hugh MacDonald. Thank you.

I have been continuing my research and a number of questions have come up that I thought you might have the knowledge with which to guide me. These are:

- 1) I cannot find any significant reference anywhere to the back brace that was worn by President Kennedy, other than the fact that it was removed by nurses at Parkland. Is this brace housed in the National Archives?

I would like to find out as much about this back brace as possible --- can you suggest where I might try looking? I am especially interested in knowing its dimensions, how it was attached, what it was made of, and if any holes, marks or blood was found on it. If the brace extended up high enough on the President's back, it could explain much regarding the back wound. There is something funny about the President's slightly hunched posture from photos taken along the entire motorcade that day, that might be consistent with a metal plate very high up on his back.

Using the ruler contained in the autopsy photo of the President's back as a guide, I made a full scale enlargement and found that the tinier hole (the one omitted from the Ida Dox sketch seen by HSCA in 1978) is the exact 4mm x 7mm measurement stated on the Autopsy Descriptive Sheet. This makes me wonder if the larger hole above could have been made by the bullet that entered the President's throat, nicked his spine, and then exited

through his back only to slam up against a steel plate which prevented it from exiting through his clothing. Perhaps this is the "missile" found in the sheets at the autopsy?

Also, if the bullet to enter the back had to penetrate a steel plate, this would help to explain why it did not have enough momentum to penetrate the back further than an inch or two.

Any insights, or directions of research on the brace that you can point me in, would be much appreciated.

- 2) In your 1994 book "selections from WHITEWASH" (by the way, I have recently obtained all 8 of your other JFK assassination books), you state on page 312 that a tape recording exists of a threat made to President Kennedy's life by anti-Castro Cubans in Dallas prior to the announcement of his November 1963 trip.

Has anything more come of this? Is there some means by which I could obtain more information?

- 3) In the 1996 book "OSWALD TALKED" by Ray and Mary LaFontaine, it is stated on pages 374-375 (copy enclosed) that former ATF Agent Frank Ellesworth told them in a February 1993 telephone conversation that the Mannlicher-Carcano was found on the fourth or fifth floor, "not on the same floor as the cartridges".

I telephoned Frank Ellesworth in Houston recently to ask if he would confirm for me a quote attributed to him in print. While he was cordial, he replied after every time I finished a sentence "That's a closed book." He would not discuss November 22, 1963. In short order I thanked him anyway.

Do you know anything more about this? If Ellesworth really said this, it is of such historical importance that one would think the Justice Department should take an official deposition for the record. (Can private citizens sue a body such as the Justice Department to *compel* them to act on a specific criminal allegation?)

- 4) I would be very interested to know if, as a result of all of your research, you have an opinion about the following:

In this same book "OSWALD TALKED", mention is made of a man arrested on November 22, 1963, and placed in the Dallas jail. While in the jail he reportedly heard talk of gun-running, payoffs in a motel room in Dallas, and mention of the name Jack Ruby, (the authors purport his source to be Oswald, but this is unproved). I am enclosing a copy of the 1964 FBI statement that was filed, (and which you have probably already seen; I obtained it from the National Archives) as well as the man's Dallas arrest report.

In "PLAUSIBLE DENIAL" by Mark Lane, Marita Lorenz is quoted under oath in a Miami Court Trial in 1985 of detailing a CIA caravan from Miami to Dallas on November 21, 1963, in which guns were being run into Dallas. She told of going to a motel room (with Frank Sturgis), where they were met by E. Howard Hunt (who paid Sturgis) and then later by Jack Ruby. (A copy is enclosed).

These two accounts strike me as being corroborative of a gun-running scheme in Dallas tied in to Jack Ruby ... perhaps with E. Howard Hunt (and Lee Oswald if he were indeed the source) involved in some capacity.

Speculating, one could suggest that the CIA through Hunt (whether 'officially' or not) was arranging to arm anti-Castro Cubans for another invasion of Cuba. Ruby might have been financing this operation on behalf of organized crime. Perhaps assassination participants were recruited from those involved --- particularly anti-Castro Cuban sharpshooters ... not all participants in this gun-running scheme need have been involved in the assassination, or even known about it.

Continuing to speculate, perhaps Ruby's motivation in silencing Oswald was primarily so that Oswald could not reveal what he knew about a planned Cuba Invasion financed by organized crime and supported with weapons by the CIA...?

Does any of your research material lend credibility to this? Is there any documentation of a second planned invasion of Cuba?

- 5) Finally, the Joseph Milteer tape seems to me to be as close to a smoking gun as anything. Is there additional information that has become known about Milteer and his associations that would provide a trail to follow?

I realize that I've asked many questions, and would never expect you to provide me with a long discourse. If you might answer with no more than a few sentences on each question, I'd be most grateful. OR ... if it is easier to speak on the phone, please call me using my MCI code (to reach MCI dial (800) 950-1022; at the tone dial my number 0-818-763-5428; at the next tone enter my code 818-763-5428-9725). OR ... just call me collect.

I'm hoping that a book will come out of my research.

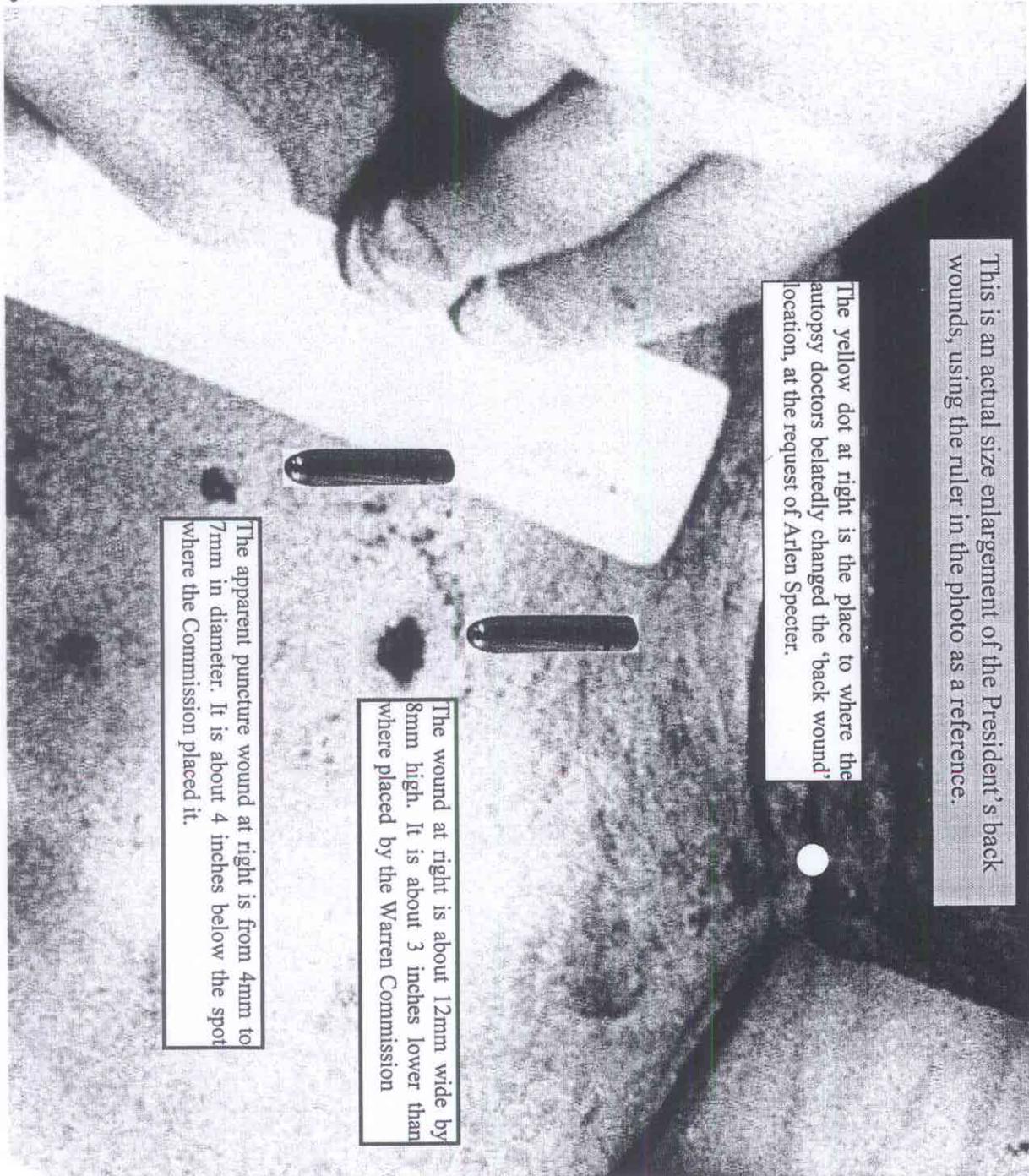
Thanks for your time. I'm enclosing a pre-stamped envelop for your reply.

Very Sincerely,



Mark Sobel

I started with the Ida Dox drawing, and assumed the ruler markings to be every quarter inch. I enlarged the drawing to scale, then matched this actual autopsy photo up to fit for size. I had no preconception of what the bullet holes would measure. The top hole would seem too large to be a wound of entrance.



This is an actual size enlargement of the President's back wounds, using the ruler in the photo as a reference.

The yellow dot at right is the place to where the autopsy doctors belatedly changed the 'back wound' location, at the request of Arlen Specter.

The wound at right is about 12mm wide by 8mm high. It is about 3 inches lower than where placed by the Warren Commission

The apparent puncture wound at right is from 4mm to 7mm in diameter. It is about 4 inches below the spot where the Commission placed it.

Lane, who refused to be sweetly reasonable. The crusty Warren critic, who too had had a chance to examine the rifle, testified before the Commission two months after the deposition of the deputy constable. "Although I am personally not a rifle expert," Lane began,

I was able to determine that [the rifle] was an Italian carbine because printed indelibly upon it are the words "Made Italy" and "caliber 6.5." I suggest it is very difficult for a police officer [Weitzman] to pick up a weapon which has printed upon it clearly in English "Made Italy, Cal. 6.5" and then the next day draft an affidavit stating that it was in fact a German Mauser, 7.65 millimeters.⁹

The Mauser flap, though illuminated by such moments of righteous anger, and by the enameled pages of Sylvia Meagher (wasted on HSCA Chief Counsel Robert Blakey, evidently, who claimed as late as 1983—years after the conclusion of his committee's investigation—that he'd never heard of the report of a second rifle in the book depository),¹⁰ lasted a single day in public life. Sometime after midnight on the evening of the assassination, Dallas D.A. Henry Wade was still able to reply, to a reporter who asked the make of the murder weapon, "It's a Mauser, I believe."¹¹ Then it was over; the Warren media machine kicked into gear, consigning the story of a "second rifle"—the *only* rifle found on the sixth floor—to the status of back-room rumors and discredited testimony,¹² and elevating as official truth the convenient tale of a "correctly identified" *single* rifle, Oswald's own Mannlicher-Carcano. (As the new evidence confirms, the "correctly identified" Mannlicher was found in the building, but on a lower floor.)

NEW EVIDENCE: Former ATF agent Frank Ellsworth, who participated in a *second* search of the book depository conducted after 1:30 P.M. on November 22, 1963, according to a Secret Service document, confirms that the Mannlicher-Carcano was found by a DPD detective on the fourth or fifth floor of the building, "not on the same floor as the cartridges"¹³ [i.e., not the sixth floor]. He adds: "I remember we talked about it, and figured that he [Oswald] must have run out from the stairwell [to the lower floor] and dropped it [the Mannlicher] as he was running downstairs." Ellsworth's statements contradict the Warren reconstruction, which indicates that

Oswald's rifle, the Mannlicher, was left on the sixth floor "near the staircase";¹⁴ it was the Mauser that was apparently left upstairs on the floor by the stairs. But if the sixth-floor gun was the Mauser—left, say, either accidentally or intentionally overnight in the book depository by an employee who had shown it earlier to co-workers¹⁵—what was the Mauser doing at that particular spot, which wasn't a likely "storage" place? The location of the rifle suggested a hurried departure from the sixth floor by a man who didn't want to be seen with a weapon; he threw it down as he was preparing to zoom down the stairs in a mad dash for freedom—that much of the Warren line made sense. But a quickly abandoned Mauser—in addition to a similarly quickly abandoned Mannlicher found near the same stairwell on a lower floor—*didn't* make sense, at least according to the Warren one-gunman theory. The Mauser (which was ignored by Posner) introduced a second gun, and consequently a possible second gunman, into the book depository scenario.

E. *Oswald's palm print was found on the Mannlicher-Carcano.*¹⁶

SIGNIFICANCE: An Oswald print on the murder weapon would obviously strengthen the circumstantial scenario of Oswald as assassin. **RELATED CIRCUMSTANCES:** The FBI lab in Washington, D.C. could not locate the palm print on the Mannlicher, and Bureau agent Vince Drain, who took the rifle to the lab, claimed DPD Crime Scene Search division lieutenant Carl Day did not mention the print.

NEW EVIDENCE: Quibbles over who was right or wrong in discovering the palm print are irrelevant; the prints on the weapon—all of them—were useless as evidence. Day noted in an October 1993 interview, "The prints on the rifle weren't made the day of the assassination—or the day before that, or the day before that. The prints were at least weeks, if not months, old." Thus, the palm print and other prints around the trigger housing¹⁷ don't place the rifle in Oswald's hands on November 22, 1963; they only show that at some time, "at least weeks" prior to the assassination, he handled the disassembled rifle (the palm print is partially covered when the rifle is assembled). It remains to be discovered how the gun was fired on November 22 without fresh prints, but with the old prints left intact.

Date August 11, 1964

1

JOHN FRANKLIN ELROD, an inmate of the Shelby County, Tennessee, Jail, as of August 11, 1964, furnished the following information:

ELROD currently lives at Memphis, Tennessee, and has been staying at the Harbor House, Memphis, prior to the time of his arrest for which he was placed in jail on August 11, 1964. The Harbor House, 1369 Court Avenue, Memphis, is a home for alcoholics, and ELROD stated that he, himself, is an alcoholic.

ELROD had come to the Shelby County Sheriff's Office during the early morning hours of August 11, 1964, after having consumed some beer and vodka. He was at that time in possession of a sawed-off 12 gauge shotgun which had a pistol grip. He stated that he had begun to think of the possibilities of killing his wife from whom he is now separated. Inasmuch as he had the sawed-off shotgun and the desire to kill her was known to him, he decided he should come to the Sheriff's Office and talk, which he did.

He further advised that he had been somewhat troubled by events which occurred immediately following the assassination of President JOHN FITZGERALD KENNEDY at Dallas, Texas, on November 11, 1963.

Shortly after the assassination of the President, ELROD, who had been about two and one half miles from the scene of the assassination at Lemon and Oaklawn Streets in Dallas, was arrested by the Dallas Police Department and placed in the City Jail. His arrest had nothing to do with the assassination of the President, and he knew nothing concerning the assassination of the President. At the City Jail in Dallas, he was placed in Cell 10 on the fifth floor, and at that time his cellmate was a man whose identity he could not recall. An individual, whose face was smashed up, was brought into the hallway of the jail where ELROD and his cellmate could observe him. At that time the unknown cellmate made some mention that he had known this man with the injured face as a result of meeting him at a motel. The cellmate stated that five men had met at a motel, and they had been advanced some money under some type contract. One of these men was reported to have

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On 8/11/64 at Memphis, Tennessee File # DL 44-1639
SA FRANCIS B. COLE and
by SA NORMAN L. CASEY/lh Date dictated 8/11/64
ME 44-1165

DL 44-1639
ME 44-1165

2

received \$5,000. The man with the injured face had received some money, and he was reported to have been driving a Thunderbird automobile with a large quantity of guns contained therein. ELROD advised he was confined in the Dallas City Jail for a period of 72 hours, and he was confused at this time concerning the events which occurred. He stated he could not recall whether JACK RUBY's name had been mentioned prior to the time of the killing of LEE HARVEY OSWALD, but that this cellmate at some time had told him that one of the men who had been at the motel referred to above, name and location unknown, had been JACK RUBY. This was all the information which ELROD could recall.

He stated that on several occasions he has had difficulty remembering due to his extreme use of alcohol. He knew nothing concerning the assassination of the President, the involvement of JACK RUBY in the killing of HARVEY LEE OSWALD, or of any information concerning the possibility of the receipt of money by JACK RUBY, except the hearsay information he had received from his unknown cellmate.

ELROD is described as follows:

Race	white
Sex	male
Date of birth	November 12, 1932
Place of birth	Bassett, Arkansas
Height	5'11½"
Weight	180 lbs.
Complexion	medium
Occupation	cook
Wife	JACKIE PAT ELROD nee Richards, 2816 Morris, Dallas, Texas
Father	HOBSON ELROD, Bassett, Arkansas
Scars and marks	one and one-half inch cut scar on forehead; little finger, left hand, off at first joint; left arm is undersized.

The identification record of JOHN FRANKLIN ELROD, FBI number 91 666 E, dated August 12, 1964, which follows, does not reflect incarceration of ELROD in the Dallas City Jail as claimed:

CONTRIBUTOR OF FINGERPRINTS	NAME & NO.	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD Dallas Texas	John Franklin Elrod #E-17848	5/23/61	DWI & Inv (vio State Barb Law)	
SO Dallas	John Franklin Elrod #116211	2/14/62	DWI #15345-C	3 das jail & F & C Pd in JOL
SO Dallas Texas	James F. O. Elrod #116211	11/15/62	T/over #9921	no billed GJ
SO Quitman Texas	John Elrod #1057	3/19/63	Simple aslt	
SO Memphis Tenn	John Franklin Elrod #29001	8/11/64	inv Hom Div	hold for Fed Auth

SEE CD 1444

This next page is from the Dallas Records made available in 1989.

POLICE DEPARTMENT
CITY OF DALLAS
CPS-JS-588

ARREST REPORT
ON
INVESTIGATIVE PRISONER

FIRST NAME: John MIDDLE NAME: Franklin LAST NAME: Elrod DATE: 11-22-63 TIME: 2:45 P M

RACE: WHITE COLORED SEX: MALE FEMALE AGE: 31 DATE OF BIRTH: 11-12-32 HOME ADDRESS: 3314 Knight

ADDRESS WHERE ARREST MADE: 400 Blk Harry Hines TYPE PREMISES: Railroad Tracks BUSINESS WHERE ARREST MADE HAS: BEER LICENSE LIQUOR LICENSE STATE LIC. NO.

CHARGE: Inv. Murder & Co. Vag LOCATION OF OFFENSE: 400 Block Elm St.

HOW ARREST MADE: ON VIEW CALL WARRANT

COMPLAINANT NAME RACE SEX AGE HOME ADDRESS—PHONE NO BUSINESS ADDRESS—PHONE NO

WITNESS HOME ADDRESS—PHONE NO BUSINESS ADDRESS—PHONE NO

WITNESS HOME ADDRESS—PHONE NO BUSINESS ADDRESS—PHONE NO

PROPERTY PLACED IN POUND (MAKE, MODEL, LICENSE NO OF AUTO) PROPERTY PLACED IN PROPERTY ROOM

NAMES OF OTHERS ARRESTED AT SAME TIME IN CONNECTION WITH THE SAME OR SIMILAR OFFENSE

NAME OF AND/OR INFORMATION CONCERNING OTHER SUSPECTS NOT APPREHENDED

OTHER DETAILS OF THE ARREST

This man was arrested on railroad tracks a few minutes after radio call was dispatched that man was walking along railroad carrying a rifle. This man was not carrying rifle at time of arrest. This suspect is unemployed, states he has been in Dallas for two weeks. Lost his job last week at El Fenix. States he has been arrested for theft and D.W.I. .

CHECK ALL ITEMS WHICH APPLY: DRUNK DRINKING CURSED RESISTED FOUGHT

INJURED BEFORE ARREST INJURED DURING OR AFTER ARREST OFFICER(S) INJURED SPECIAL REPORT

ARRESTING OFFICER: C.M. Barnhart I. D. NO. 924 ARRESTING OFFICER: M.A. Rhodes I. D. NO. 974

OTHER OFFICER: R.M. Hart I. D. NO. 678 OTHER OFFICER: F.A. Hellinghausen I. D. NO. 1437

INVESTIGATION ASSIGNED TO: CHARGE FILED FILED BY: DATE: DATE - TIME TO CO. JAIL:

RELEASED BY: DATE - TIME: H.C. BOND BY: DATE - TIME: COURT: DATE: TIME:

DISTRIBUTION: REMOVE CARBON—CHECK ORIGINAL FOR RECORDS BU.—CHECK COPY FOR EACH BUREAU CONCERNED!

RECORDS BUREAU SPEC. SER. BUREAU HOMICIDE ROBBERY AUTO THEFT BURGLARY THEFT FORGERY JUVENILE TRAFFIC

USE REVERSE SIDE IF MORE SPACE NEEDED

Handwritten signature: Ford Love

for his continuing accomplishments. We keep up with him in the *New York Times*.

We thank James and Charlotte Lunney, Frances and Serafin Carvajal, and Papi and his beautiful sisters, whom we hope to see again. Finally, we thank Charlotte and Eugenia for putting up with weird parents. We hope they'll stick around a little longer to see what happens next.

CHAPTER ONE

Follow the Guns

John Elrod was having trouble again. The thirty-one-year-old sometime cook had separated from his wife, Jackie, and was trying to-dry out in Harbor House, a Memphis home for alcoholics. Late one Monday night, after drinking an unknown amount of beer and vodka, he picked up a sawed-off twelve-gauge shotgun and dwelled for some time on the possibility of killing Jackie. Suddenly realizing what he was contemplating, the shaken Elrod headed out the door and took the gun with him, not stopping until he reached the Shelby County Sheriff's Office in downtown Memphis in the early hours of Tuesday morning. A Memphis FBI report dated that day—August 11, 1964—gammely summed up the woozy situation: "Inasmuch as he had the sawed-off shotgun and the desire to kill her was known to him, he decided he should come to the Sheriff's Office and talk, which he did."¹

In the course of this talk, Elrod volunteered to the Shelby County authorities that fear of what he might do to his wife had been only one matter preying on him that morning. There was something else, something he couldn't quite put out of his mind. It had happened almost a year back, in the less stormy days when he and Jackie lived in Dallas and he had steady work at a Mexican restaurant owned by his brother-in-law—though even then his drinking landed him in scrapes. He had been arrested twice by Dallas police for driving drunk, and the second DWI, in 1962, cost him three days in the city jail.

The event haunting Elrod had occurred late the following year,

during a second stay in the jail. This one had nothing to do with his drinking problem, he said. On the Friday afternoon of November 22, 1963, Elrod had been walking near a railroad track by Harry Hines Boulevard. He had just learned that the United States had had a new president for several hours, and that the one until that morning, John Fitzgerald Kennedy, had been mortally shot at half past noon on Elm Street in downtown Dallas, two and a half miles away. But Elrod was unaware that Dallas police, having hastily rounded up hobos and other vagrants from the downtown rail yards in the moments after the shooting, were now casting their nets everywhere. They had already been alerted, minutes before, that a man "carrying a rifle" had been spotted walking along the tracks near Harry Hines. When the squad cars pulled up, the surprised Elrod, who did not have a rifle, was the only man in sight. He soon ended up in a cell on the fifth floor of the Dallas jail "for investigation of conspiracy to commit murder," the same all-purpose charge police had used to round up other suspicious characters that day. When finally released, he fled Dallas without ever returning to his job. He took refuge in the more familiar territory of Memphis, not far from his small hometown in east Arkansas, and ten months later, after a night of crisis with a sawed-off shotgun, had walked into the Shelby County Sheriff's Office to talk to someone.²

Elrod informed the deputies on that August morning that what he hadn't been able to get out of his head were some remarks his Dallas cellmate had made shortly after they were locked in together. A man with a gruesomely battered face had been led through the corridor outside their cell.³ He was an inmate with an escort of guards. Elrod heard his cellmate say he recognized the injured inmate despite his "smashed up" face. He had met him previously in a motel room with four other men, he said. The men in the 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 drove a car loaded with guns, a Thunderbird. That was what 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.

When Elrod got to this part, Shelby County called in the FBI. The Memphis Bureau office responded the same day, sending Agents Norman L. Casey and Francis B. Cole to talk to the man the sheriff

was holding. That Ruby's name attracted the quick attention of the FBI was hardly surprising. The Dallas bar owner had gone on trial in March of that year for his role in the final catastrophe of the Dallas tragedy. Two days after a deadly fusillade robbed the country of its president and seriously wounded Texas governor John Connally, Ruby, not to be outdone, committed the most public murder in history. In full view of millions watching on television, and in the packed basement of a citadel of authority, the Dallas police station, he had stepped up and shot the president's accused assassin, Lee Harvey Oswald, in the abdomen at point-blank range.

This incredible event—occurring while Elrod was confined in a cell five floors overhead, according to his statements in Memphis—had sparked immediate speculation and rumors about Ruby's possible involvement with the death of the president. Newspapers around the land delved into such matters as the bar owner's curious relationship with the Dallas police, his seemingly glaring ties to underworld figures, and some mysterious trips he was said to have taken to Castro's Cuba. The most spectacular yarns were claimed press-asssination sightings (usually secondhand) of Ruby and Oswald huddled in conversation somewhere, often at a table at Ruby's own bar and strip joint, the Carousel.

By mid-1964, two months before Elrod talked with the FBI in Memphis, the questions surrounding the now-convicted assassin of Oswald had caused division even among the ranks of the Warren Commission, which President Lyndon Johnson had appointed to investigate the assassination. When Commission members traveled to Dallas early in June to pay their only visit to Ruby, the delegation included sitting U.S. Supreme Court Chief Justice Earl Warren, future president Gerald Ford, and a crew of Commission attorneys, among them later Pennsylvania senator Arlen Specter. Conspicuously absent were the two Warren attorneys most aggressively looking into Ruby's past, Leon D. Hubert, Jr., and Burt W. Griffin. Hubert had already effectively resigned in frustration, believing his work was being ignored, and returned to New Orleans; and Griffin, like Hubert, was not informed beforehand of the important meeting with Ruby in Dallas. Records of the June 7 interview show that Ruby pleaded repeatedly with his visitors to take him with them back to Washington, where he would feel more free to talk. Warren, whose Commission Report three months later would absolve Ruby of any

connection with organized crime or the assassination of President Kennedy, denied the request.

FBI agents Casey and Cole closeted themselves with Elrod in the Shelby County Sheriff's Office for an unspecified length of time. Finishing the interview, in which Elrod repeated his story of having been jailed by Dallas police on the day of the assassination, and of what the cellmate had told him about a motel room meeting with Jack Ruby, the agents dictated a two-page report dated the same Tuesday afternoon, August 11, 1964. The FBI report summarized what Elrod had told the agents, but took note of his alcoholism and an admission he was said to have made of being "confused at the time concerning the events which occurred." The report also noted that Elrod did not know, or claim to know, anything about the presidential assassination or Ruby of his own knowledge. Thus the value of what he had to say was essentially nil: "hearsay information he had received from his unknown cellmate."

If the agents were initially unimpressed by the potential significance of Elrod's tidings, any remaining possibility of taking him seriously was laid to rest the following day, when they received the FBI identification record on John Franklin Elrod from the Bureau computer. The printout showed five offenses, ranging in time from the first Dallas DWI in 1961 to the previous day's arrest and detention in the sheriff's office. It included Elrod's three days in the Dallas jail for the repeat DWI in 1962, but showed no arrest or jail time for him during the critical days on and around November 22, 1963. The only offense noted for that year was a charge of simple assault in Quinman, Texas back in March. After Quinman, there was only the entry for his last stunt at the Memphis sheriff's office almost seventeen months later.⁴

According to the FBI record, Elrod had invented the story of his troubles in Dallas following the assassination. He may have been an alcoholic with hallucinations, or a disturbed attention seeker of the type who complicate lawmen's lives by confessing to crimes they never committed. Who knew? It wasn't the agents' job to fathom the countless possible reasons for such a lie. They appended the printout to their previous report with a final, definitive notation: "The identification record of JOHN FRANKLIN ELROD, FBI number 91 666 E, dated August 12, 1964, which follows, does not reflect incarceration of ELROD in the Dallas City Jail, as claimed."

Their job done, either Casey or Cole dropped the pages into the labyrinth of FBI files. The report remained undetected for nearly thirty more years, until a computer programmer from San Jose, California found a copy in the National Archives in August 1992.

It was late afternoon on the still-normal Monday of the last week of President Kennedy's life, and Joe Abernathy's knees were getting stiff. The foryish FBI agent had been in nearly the same crouched position for a half-hour, hiding behind an unmarked car alongside two Dallas detectives in a warehouse district not far from downtown.

The lawmen were eyeing a small empty lot on the other side of Trunk Street, where their car was parked. They had taken the space closest to the corner with Main Street, then piled out to begin their stakeout. Another unmarked car was parked slightly closer to the lot, and behind it crouched two more Dallas detectives. Finally, a sleek white '63 Dodge rounded the corner from Main in the gathering dusk. It glided slowly on Trunk past the out-of-sight Abernathy and his partners of that evening, and pulled into the small lot across the street, in front of a warehouse. The driver, the only occupant of the newly arrived vehicle, made no attempt to get out. He stayed impassively behind the wheel, as if waiting. Fifty feet away, Agent Abernathy and the four detectives waited with him.

Not many blocks from Trunk and Main that same evening—November 18, 1963—Frank Ellsworth also waited. Ellsworth was an agent of another federal agency, the Internal Revenue Service's Division of Alcohol and Tobacco Tax (now the Bureau of Alcohol, Tobacco and Firearms). Working undercover, the ATF revenuer had arranged with a crooked gun-shop owner, on whom he was gathering evidence, to make a big buy of stolen guns—military rifles and automatic weapons, the latest and best stuff. The gun-shop owner had told Ellsworth where to be waiting on Monday; a car would meet him there with the merchandise, he said. But though the ATF agent and another undercover partner stayed at the appointed spot well into the night, the promised weapons never showed up.

The two ATF men were unaware that hours before they called off their sting, the weapons they awaited had been en route to them in the back of the white Dodge that had pulled into the lot off Trunk Street. The four city detectives watching the Dodge, members of the Division of Burglary and Theft, had received a tip from a police

informant, FBI agent Abernathy would later explain. Some or all of the weapons stolen the previous week from a Texas National Guard armory in Terrell, twenty miles from Dallas, would be brought to that location on Trunk Street around this time on Monday. Capt. Walt Fannin of the B&T Division had passed the word on to Abernathy, who had been working the Terrell armory case for the Bureau since the theft was discovered four days earlier, on the Thursday morning of November 14. In some respects, the armory burglary had disturbing earmarks of an inside job. According to the armory employee charged with protecting the weapons stolen on the night of the 13th, they had been stored in a vault awaiting repairs, not their normal location. The burglars had known where to look, apparently.

At 6:45 p.m., some ten minutes after the arrival of the white Dodge, another car rounded the corner onto Trunk Street. There was still enough daylight, aided by a nearby lamppost which was already on, as well as by flashes of passing car lights on two-way Main Street, for Abernathy and the Dallas detectives to make out the vehicle's pale blue color. It was an impressive late-model sports car, a 1962 Thunderbird convertible, and, like the gleaming, chrome-laden Dodge, appeared to be in mobster creampuff condition. Two men were inside the T-Bird, which pulled up alongside the Dodge and stopped.

The five crouching lawmen watched the two arrivals get out of the sports car, open the nearest rear door of the Dodge, and start passing weapons from the white car to the adjacent convertible. The impassive man in the Dodge started straight ahead. He did not move to help, and did not talk to the pair unloading the arms from his car. The cache of guns transferred from one vehicle to the other, it was found later, consisted of two .30 caliber Browning automatic rifles, two air-cooled .30 caliber Browning machine guns, and one .45 caliber M-3 submachine gun.

When the two men finished their task, they got back in the Thunderbird. Both cars cranked up and their lights came on.

The group who had been observing this scene from a distance had to move quickly. Not only were the suspects getting ready to pull away, they would most likely be splitting off in different directions. Of the shady trio, the impassive man in the white Dodge presumably held the most interest for Agent Abernathy, since the driver of this car appeared to be one link closer in the chain to the Terrell armory break-in than the two men receiving the contraband weapons. But

Abernathy wasn't making the calls this night. The stakeout was a Division of B&T operation, and the tipped-off detectives had invited the agent along—he had ridden in one of their cars—in view of his ongoing investigation of the recent armory burglary.

Having now missed or declined the option of an on-the-spot arrest, the Dallas Police Department detectives made a seemingly curious choice. Despite being capable of pursuing both cars with the two unmarked police vehicles at the site, they decided to follow only the guns. Whether they chose this path from excitement or by calculation—not wanting to risk losing the evidence, or maybe having some well-conceived plan to try to catch a bigger fish—has not been determined. It has also not been determined who the man in the white Dodge was (the license number was never recorded), who provided the B&T Division with the tip leading to the stakeout, or even who the detectives were who brought Agent Abernathy with them that Monday. They did not appear later in court and their names were successfully barred from the record. Today, Abernathy says he does not recall the identity of the four companions.

He remembers the ensuing car chase, however. After the Thunderbird pulled away—crossing Main and heading toward Elm—the FBI agent followed at an inconspicuous distance in the car of the two detectives with whom he had arrived at the stakeout. A few blocks later a Dallas patrolcar passed Abernathy's car, slipping into the space between it and the receding T-Bird. By now Agent Abernathy had lost track of the pair of detectives in the second unmarked vehicle. He assumed they were behind him, however, and that it had been they who had radioed for police support, since he knew the men in his car had not. One of the officers in the patrolcar that passed Abernathy's car, J. B. Allen, testified later that he had received radio instructions—presumably from the second detective car—to tail the blue Thunderbird, but not to arrest the occupants until they committed a traffic infraction. This tactic, which the patrolcar was to obey, would further veil the participation of the four B&T detectives in the events of that evening.

At the corner of Hall and Elm the patrolcar nudged in behind the Thunderbird, which was stopped at a light. The car, pointing north on Hall, appeared to be on the verge of making a wrong turn onto one-way Elm, and moreover, officer Allen would testify, started into the intersection before the light changed. When the patrolmen

turned on their top light and honked for the T-Bird to pull over, the suspect in the passenger's seat turned back and saw them. He immediately "said something to the driver," whereupon the convertible squealed across Elm, racing north on Hall with the police car in pursuit. The desperate chase through downtown traffic reached speeds of sixty miles an hour. Five blocks later, at Hall and Junius, the Thunderbird plowed between two cars stopped at a light, sideswiping both, and continued on to Gaston. There it tried to make a left, missed the turn, and crashed head-on into a utility pole.

Despite suffering a ruptured abdominal wall and the exposure of several internal organs, the driver of the totaled Thunderbird, identified as Donnell Darius Whitter, managed to run some thirty feet before being tackled by Allen's partner, Officer J. R. Sales. The groggy suspect was arrested, and "the next thing he recalled he was at Parkland Hospital [a week later] across the hall from Governor Connally who had been shot," according to a psychiatric report.

Whitter's passenger, the man who had looked back and warned him of the patrol car behind them, was unable to leave the car. His face had smashed into the windshield. He was identified as Lawrence Reginald Miller and, like Whitter, was treated at Parkland Hospital emergency and charged with a long list of counts, including investigation of burglary and theft, of armed robbery, of auto theft, and of violation of the National Firearms Act. Unlike Whitter, however, Miller was able to leave the hospital after his face was stitched. He was remanded to the Dallas city jail at Main and Harwood, the same facility where John Elrod told FBI agents in Memphis he had been housed that month. According to his arrest report, Miller remained in city jail until November 25, when he was transferred to the sheriff's lockup in Kaufman County, where the Terrell armory break-in had occurred.

On the morning after the crash—Tuesday, November 19—Dallas-stationed ATF agent Frank Ellsworth read in the paper of the capture of two men in a car laden with contraband weapons, and realized why his planned undercover buy of guns the previous evening failed to materialize. It had been intercepted by Dallas police, foiling Ellsworth's bead on the gun-shop owner who set up the purchase, a young man named John Thomas Masen. The capture had blown the ATF agent's cover with Masen, who had also read the papers. Masen was livid, "crawling the walls," Ellsworth said thirty years later.

"He thought I'd set the whole thing up. He never spoke to me again."

Masen's illegal activities and the radical nature of his associations during this period were documented in Warren Commission papers that were kept classified for twelve years.⁵ One recently released FBI Teletype characterizes the gun dealer as an "opportunist" willing to do anything for money short of involving himself in "white slavery or narcotics."⁶ Kennedy conspiracy buffs would also come to know Masen (described in the same FBI document as a slightly built twenty-three-year-old with a sallow complexion, prominent nose, and receding hairline) as someone reputedly bearing an uncanny resemblance to Lee Harvey Oswald. It was Ellsworth himself who started up this line of thinking, when, as fate decreed, the agent was asked to participate in the interrogation of Oswald shortly after the suspect's arrest at the Texas Theater in Oak Cliff. Ellsworth's first impression, he would tell *Village Voice* writer Dick Russell in 1976, was that he had seen the accused assassin before. He soon realized, however, that it wasn't Oswald he had seen, but Masen, who resembled him. Conspiracy sleuths eventually took up the purported likeness between the two men to support theories that someone had gone around town in the days prior to the assassination impersonating Oswald, usually by involving himself in some conspicuous scene that could be remembered by onlookers later.

That Masen may have had an avocation as Oswald impersonator has never been conclusively proven. There's not much question he was modifying and selling illegal weapons around this time, however. The day after Ellsworth and Masen found out about the crash, the agent—who had been collecting evidence prior to the aborted weapons purchase—cashed in his chips and arrested the young gun vendor and reputed member of the right-wing Minutemen.⁷ Masen was released on bond a day later, November 21, 1963, but was eventually convicted, lost his license, and paid a small fine. Ellsworth, who had a good working relationship with the DPD, passed off the interference with his sting as another unfortunate instance of insufficient coordination among law-enforcement agencies. He put the matter out of his mind, just as everyone else would soon forget the crash and arrest of two men in a Thunderbird in the mounting excitement of that week in Dallas. The president of the United States was coming to town.

A generation later, in the high-tech, post-cold war environment of Silicon Valley, Bill Adams found a small parcel in his mail. Adams, thirty-two, was a computer programmer and manager at a well-known communications company in San Jose and, on his own time, a seasoned researcher in the mazy world of Kennedy assassination investigation. Unlike more glamorous names in the same calling, David Lifton or Mark Lane, say, he hadn't written any books and was not much interested in the inner rewards of weaving elaborate assassination scenarios. Like the legendary Cap'n Crunch of San Francisco some years before, Adams had discovered the different exhilaration of spelunking the mysterious manmade caverns of complex information systems. The Cap'n explored telephone switching systems and learned to beat long-distance tolls with the tone of a plastic whistle found in a children's cereal, his namesake. Adams navigated more legal channels. He had developed a specialty accessing government information repositories through Freedom of Information Act requests (FOIAs, pronounced *foyahs* by the cognoscenti), a subtle art requiring just the right amount of technical specification and a jeweler's eye for finding the single valuable fact in reams of barely legible Xeroxes.

The thread Adams had been pursuing in early October of 1992 had begun the previous year, when the smash release of Oliver Stone's *JFK* provided young audiences with a crash course in assassination. Its lexicon included such fauna as a "babushka lady," an "umbrella man," and the suspiciously naty "three tramps." The film, drawing on books by frequently pilloried former New Orleans D.A. Jim Garrison and Dallas-area researcher Jim Marrs, offered a text for the new consensual reality replacing the old Warren myths. More significantly for researchers like Adams, the brilliantly made *JFK*, called a "great movie" by Norman Mailer (albeit "one of the worst great movies ever made"), launched an irrepressible groundswell for the opening of sealed government files related to the Kennedy investigation. Most of the clamor focused on congressional and intelligence files in Washington, but Kennedy files were widely dispersed—in Lubbock, Austin, and Dallas, for example, as well as various presidential libraries throughout the country.

The Dallas police files, the first to be fully opened in the wake of *JFK*'s release, were especially interesting. The documents were freed by decree of the city council. They were transported in boxes by the

DPD to the Dallas city archives, and became available to the public on January 27, 1992. Almost as quickly, assassination buffs and the *Dallas Morning News* pronounced the materials a disappointment, and in truth, the newly released files contained nothing new. Everything in them, much of it Oswald trivia, duplicated documents available for many years in other archives or collections, such as the papers of former Texas attorney general Waggoner Carr at Texas Tech University, or even the twenty-six volumes of the Warren Commission.

There was, however, a *second* batch of Dallas police files at the Dallas city archives. These files the city had made available back in 1989, well before *JFK* mania set in. There had been no clamor to release assassination files then, and no need for self-congratulatory fanfare about dusty boxes of DPD papers added to the archives on some particular day. They had been put up quietly, without announcement.

One week after the city made its well-publicized opening of police files, Mary La Fontaine walked into the striking I. M. Pei-designed cantilevered fortress that is Dallas City Hall. It was a Monday, February 3, 1992, and she had tried to persuade her husband, Ray, at breakfast that morning that somehow, beyond reason and expectation, a significant scrap might have slipped past the career experts who had already looked at the files on the fifth floor.

"Yeah? Like what?" he said.

"Well, like the arrest records of the three tramps."

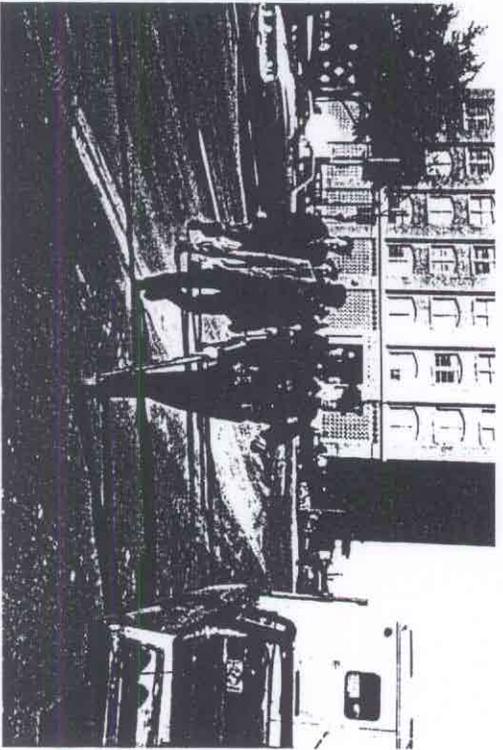
"Right."

"I told Paul Hoch last night I was going to find them. Just kidding, of course."

Ray grunted. "Who's Hoch again?"

The more Kennedy-challenged La Fontaine, who had been grumbling about Mary's recent fixation with the assassination and the long-distance phone calls this entailed, stayed home at the word processor. He was revising a translation of a fifteenth-century Catalan novel—stuff for the ages, he told himself, which was also about the length of time he'd been putting it off. Mary, who had more time to devote to the mere passing show of the present century, left by herself for city hall.

When she arrived at the archives, she discovered five minutes into her one-hour time allowance that the experts had been right all



The "three tramps," with Harold Doyle in foreground, followed by John Forrester Gedney and Gus W. Abrams. (Courtesy The Sixth Floor Museum Archives)

along. A list of the contents of the newly released materials plainly showed nothing not already found elsewhere, and eager researchers had gone all through the files during the previous week to make sure there were no surprises. She was gloomily pondering turning around and going back—a stop at Newhaus Chocolates in North Park Mall might be some consolation—when archivist Cindy Smolovik placed a second content list on her desk. This was for the batch of police materials released in 1989, she explained. Cindy hadn't had much luck interesting the recent wave of researchers in this earlier line of archival goods; they had spent most or all of their allotted hour on the main order of business, the new releases, which featured such information as Lee Harvey Oswald's elementary-school report cards. Mary glanced cursorily at the second content list, then stopped at an item. "Let me try this one," she said, pointing out a file name on the list. It read: *Arrests, November 22, 1963.*

Of the scores of persons hauled in by Dallas police on the day of the assassination, only five men other than Oswald had actually been arrested. The single slender folder that Cindy placed on Mary's desk



"Tramp" Harold Doyle ca. 1985.

a few moments later contained the records of these five arrests. Mary, who had joked with Berkeley researcher Paul Hoch only the night before about finding the famous three tramps, was stunned to see that the top three arrest reports in the folder were for men picked up in or around boxcars behind Dealey Plaza minutes after the shooting. Incredibly, the tramps, whose anonymous images had been captured by news cameras as they were marched under police escort along the downtown sidewalks, and on whom arrest reports had not been kept, according to the Rockefeller Commission in 1975, the U.S. House Select Committee on Assassinations (HSCA) in 1979, and *Virusweek* magazine as recently as December 1991, had been rediscovered and christened with documented names. They were Harold Doyle, Gus Abrams, and John Forrester Gedney. The names would later prove to be genuine, and the men actual rail riders, dashing the

ordinary nuts with typewriters who had been drawn over the decades to the vagaries of the Kennedy assassination, virtually all of whom had been men, the two most distinguished and universally admired were women. One was the late Sylvia Meagher of New York, a public-health writer whose pioneering *Accessories After the Fact*, published in 1967, was characterized eight years later by Pennsylvania senator Richard S. Schweiker as "by far the most meticulous and compelling indictment of the Warren Report" ever made. The other was alive and well, and lived in Dallas. Her name was Mary Ferrell, called by her detractors the "gatekeeper" and sometimes the "dragon lady," and she was reputed to have the most comprehensive knowledge—and library—of Kennediana in the country. She also had a sense of humor. "Anyone who would devote thirty years to this, neglecting husband and children, has got to be crazy," she liked to tell visitors making the pilgrimage to her Holland Street home. Unlike Sylvia Meagher, however, Mary had never published her findings, nor did she intend to. Her mission, as she saw it, was to collect information and make it available to those worthy of having it. Bill Adams was one such person.

When the San Jose researcher blew up the Washington microfilm at a library, he realized he had found something new. But he needed to check, and who better to check with than the scholarly doyenne in Dallas, Mary Ferrell? She had already done him a favor a few months back, when he called her to verify the existence of the tramp arrest records in the Dallas files. He had gotten hold of the La Fontaines' February story in the *Houston Post* and seen the March 17 *Globe* article, but needless to say he hardly believed everything that came out in the papers, and even less in the tabloid press. It had been Mary Ferrell who, having previously checked in the Dallas archives for herself, sent him copies of the arrest documents. Now he called her again.

"Do you know anything about an FBI report on Elrod back in Memphis in 1964?" he asked.

When she told him she didn't, Adams got about as excited as he gets. Usually, if Mary Ferrell didn't know something, it hadn't happened. This one she had missed, though, and probably so had everyone else.

"Well, get this," he said. "It says here Elrod was never arrested in Dallas."

"What? But I sent you his arrest record."

"I know, I'm holding it in my hand. But that's why the FBI never took his information seriously. That's what they said, anyway. There was nothing in the FBI computer about an Elrod arrest in Dallas in November 1963."

"What information are you talking about, dear?"

Adams described what the report said about the interrogation with Elrod—his claims of having been locked up with a cellmate, and how the cellmate had said that another inmate, who had an injured face, drove a car stashed with guns and had been in a motel room with Jack Ruby.

When he finished, Mary Ferrell stayed quiet for a moment, her wheels turning.

A few days later, Adams received a package from Dallas. In exchange for a photocopy of the FBI report on Elrod, which he had put in the mail to Mary Ferrell after finishing his conversation, she had sent him copies of several newspaper clippings from her voluminous holdings.

One story, by John Rutledge of the *Dallas Morning News*, dated November 19, 1963, told of a sixty-mile-an-hour chase through Dallas streets the evening before, ending in the capture of two ex-convicts when their "swank sports car" crashed into a utility pole. The car, also described as a "blue 1962 sports car," was found to be loaded with weapons stolen from a Texas National Guard armory in Terrell. The men were identified as Lawrence Reginald Miller, thirty-three, and a "5-time loser," Donnell Darius Whitter, forty-three. Miller suffered "deep face cuts," his face "hacked by glass when his head plunged through the windshield." He had been "treated at the Parkland Hospital emergency room, then jailed along with Whitter for burglary."⁸

In early fall of 1992, Bill Adams placed a call to another Dallas Mary, far less experienced in Kennedy research than Mary Ferrell. Journalist Mary La Fontaine knew the Kennedy literature well, however, and had had what Ray grouchingly called "beginner's luck" with the finds in the Dallas police files. Bill, who had called to trade some documents, mentioned that he was planning an article on his Elrod findings, which he was thinking of publishing in a university newsletter. Mary suggested a wider audience for the story, and they agreed to work together exploring the further saga of John Elrod.

In January Mary inveigled a college friend, Deborah Sawyer, into accompanying her on the thirty-mile trek to Fort Worth, where she

planned to visit the Federal Records Center, a branch of the National Archives. She wanted to examine the trial transcripts and other court records of the men named in the *Morning News* article, Miller and Whitter, and Deborah had obligingly agreed to spend a sunny afternoon inside a windowless warehouse, once an army storage depot, helping make the Xeroxes. It was from these transcripts and records, as well as interviews with retired federal agents Abernathy and Ellsworth, that the hectic events of November 18, 1963 were learned.

But the trial of Lawrence Miller—in Dallas Federal Court, on February 10, 1964—had interest in its own right as well. In some respects, it was a routine affair; the serial numbers of the five weapons found in the possession of Miller and Whitter were shown to match those of arms stolen from the Terrell armory, and Miller was quickly convicted. District Judge Joe Estes sentenced him to four years in the federal penitentiary in Texarkana.

Whitter, who appeared in court but was not tried with Miller, was sent for psychiatric examination to the U.S. Medical Center for Federal Prisoners in Springfield, Missouri, the same facility that had held such other troublesome figures in need of observation as Gen. Edwin Walker, and later, Albert Bolden and Richard Case Nagell.⁹ The medical center found Whitter competent to stand trial. At his May trial in Dallas, though, Whitter was sent back to the Springfield institution to serve his four-year federal sentence by Judge Sarah T. Hughes, who six months earlier, aboard Air Force One, had sworn in President Johnson alongside a devastated Jacqueline Kennedy.

One curious aspect of Miller's trial in February was a motion filed by B. H. Timmins, Jr., assistant to U.S. Attorney (and later distinguished federal judge) Barefoot Sanders. Timmins' motion asked the court to limit defense cross-examination of FBI agent Joe Abernathy regarding the sources of information for his investigation. In essence, the motion would relieve Abernathy from having to explain how he knew to be at Trunk and Main on the evening the weapons were transferred. Such a limitation would not have been unusual under some circumstances—for example, if the source of information were a civilian informant whose safety or future services would be compromised by the revelation of his or her identity. It was, in fact, this safety-based argument that Assistant U.S. Attorney Timmins' motion made: "There is some indication," it stated, "that to

reveal the identity of at least one of these sources would jeopardize the life of the person furnishing this information."

The motion also noted, however, that the source in question was not a common stool pigeon; the information had come "from the Alcohol and Tobacco Tax Unit of the Treasury Department and other sources." Assuming this to have been the case, there was little reason to have denied the court the names of such public employees as ATF personnel or the police detectives who had accompanied Abernathy on his investigative mission. They were expected to give evidence in court when necessary; that was part of their job, and paid for by public funds. This, at least, was the view of veteran defense counsel Lester May, who told the judge: "I have never run across this type of motion in a criminal case before, and I have tried a good deal of them." Even so, Agent Abernathy was not required to reveal the names of any other investigative persons connected with the case, including the four detectives.

But there was another mystery associated with Timmins' motion. As has already been noted, FBI agent Abernathy learned something was happening at Main and Trunk from the Burglary and Theft Division of the Dallas police, *not* the ATF. He is adamant on this point today, as is former ATF agent Ellsworth, who not only knew nothing about the planned criminal dealings on Trunk Street, but wasted a night waiting for an undercover buy of weapons, and lost his cover, as a result of it. Had Ellsworth been present at the stakeout (as he himself pointed out in reading the court records for the first time in 1993), all the parties to the gun transfer could have been arrested on the spot. Because the ATF had broader enforcement powers than the FBI in such cases, it would not have been necessary for Ellsworth to have called in traffic patrolmen to watch for a "probable cause" to stop the car, as was deemed necessary in the actual arrest of November 18.

Two months after Miller and Whitter faced Judge Estes in Dallas, a definitive memorandum denying ATF participation in their arrest was issued from Washington by Arnold Sagalyn, director of law-enforcement coordination for the U.S. Treasury Department, parent agency of the ATF. Sagalyn's memo, dated April 29, 1964, was directed to U.S. Secret Service inspector Thomas J. Kelley, who was conducting the service's investigation of the Kennedy assassination

and had been one of only a handful of people to interrogate Lee Harvey Oswald.

"In response to your request" [emphasis added], Sagalyn informed Kelley in the memo, "Alcohol & Tobacco Tax was not involved in any way" in "the firearms case involving Donnell D. Whitter" [and Lawrence Miller]. The ATF, he went on to explain, "only learned about this [violation of the National Firearms Act] when it received a telephone call from the U.S. Attorney concerned." Presumably this U.S. attorney would have been Sanders' assistant, B. H. Timmins, Jr. Why then did Timmins—who now says he remembers nothing about the case—file a motion claiming that Abernathy's source of information was the ATF, and not, as Abernathy knew, the Dallas police? Why did the B&T detectives not appear in court to testify to this effect? More puzzling still, why had the Secret Service official investigating the Kennedy assassination taken an interest (never communicated to the Warren Commission, apparently) in the obscure firearms case of two anonymous Dallas hoodlums, Larry Miller and Don Whitter?¹⁰

A possible clue to such questions may be found in another memo, dated just eight business days before Sagalyn's, on Wednesday, April 17, 1964. The memo was from a DPD deputy chief, M. W. Stevenson, to Texas attorney general Waggoner Carr, then conducting a court of inquiry into the assassination concurrently with the Warren Commission. The subject was "Check of Garages and Service Stations Patronized by Jack Ruby." Deputy Chief Stevenson was reporting to the state attorney general that "Donnell D. Whitter, named in the enclosed report, formerly worked at the Texaco Service Station [at] Clarendon and Ewing. [and] serviced Ruby's car when he came to the station."¹¹ Similarly, a memo from Lt. E. L. Cunningham of the DPD to Chief of Police Jesse Curry had reported the same information some two weeks earlier (April 5): Whitter worked for V. E. Moralli, the man who owned the gas station at Clarendon and Ewing, and Ruby traded at the station. ("Moralli states he does not know if they [Ruby and Whitter] were friends or had relations other than that of customer and station attendant or not," Cunningham added.)¹²

The evidence strongly suggests, as it must have suggested to some officials at the time, that Miller and Whitter, caught with a batch of stolen military weapons, were lower-level operatives in Ruby's

gunrunning operation. That Ruby was involved in gunrunning has been well documented by respected journalist Seth Kantor and others, and was hardly a secret even in 1964—except, perhaps, to the Warren Commission, which had no ears to hear the questions being bruited about the former owner of the Carousel Club, or for what he might admit to them in a safer clime than Texas. (In fact, Ruby had already admitted to his gunrunning ways on at least two occasions prior to his trial, once to one of his attorneys and again to a jailer, to whom, Ruby later stated, "I broke down and said that I had sent guns to Cuba.")¹³ Armory break-ins like the one in Terrell (and a more extensive string of inside thefts at the Fort Hood U.S. Army post in Killeen that ATF agent Ellsworth had been working on when Miller and Whitter were arrested) were a standard source of supply for gunrunners like Ruby, who flourished in the marriage of convenience between mobsters and the Central Intelligence Agency. The history of mob-CIA cooperation dated back to World War II, when Lucky Luciano's help was recruited in the campaign against Italian dictator Benito Mussolini. The more modern version of the strange alliance between underworld and patriotic interests was their common front against Fidel Castro, who had sinned against organized crime by shutting mob-controlled gambling out of Cuba. Weapons of the type found in Miller and Whitter's possession were typically earmarked for anti-Castro Cubans or other spunky freedom fighters of the proper denomination to advance American interests. As in Iran-gate years later, everyone profited and the right cause was served.

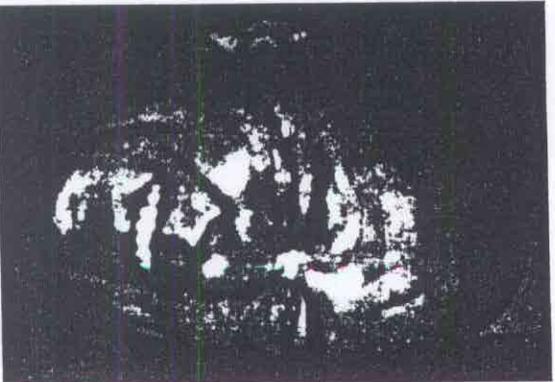
Whatever the fine points of Miller and Whitter's roles in Ruby's gunrunning enterprises may have been, Elrod's arrest report showed that he had told the truth to the FBI about his arrest in Dallas on the day the president was assassinated. But what about the rest of his claims? Were they also supported by the later evidence?

One claim was not, it would turn out, though the contradiction was relatively minor. According to the report of FBI agents Casey and Cole in Memphis, Elrod said that he and his Dallas cellmate had been held in a "cell 10." There was, however, no simple cell 10 in the Dallas city jail. Cells were grouped into blocks that were designated alphabetically and numerically. Douglas, for example, the man who walked into the station wanting to confess to car theft, had been placed in cellblock F. But the faulty cell address wasn't of great

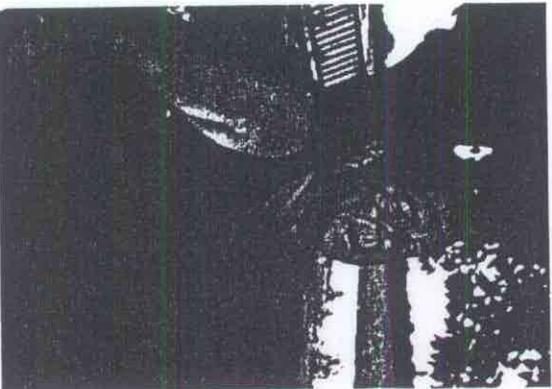
moment. A man sitting on the wrong side of jail bars may have more on his mind than musing on his exact cell number, or he can forget it a year later, or the person taking it down can hear it wrong.¹⁴

Available documents provide strong support for the remainder of Elrod's claims, and suggest Lawrence Miller—in the same jail at the same time as Elrod, and whose face had been seriously injured in a car accident a few days before—as the inmate Elrod described to the agents in Memphis as having a “smashed up” face. Elrod also informed them that his cellmate said the man “was reported to have been driving a Thunderbird with a large quantity of guns contained therein,” according to the FBI report. The make of the car was a detail included in court and arrest records, but not in the graphic news account on the crash published in the *Dallas Morning News* of November 19, 1963. That story had only described the vehicle as a “swank sports car.” The *Times Herald* of the same date had identified the car as a Thunderbird, but in a much smaller one-column article buried on page 20 that said nothing of the bloody injuries. If Elrod (or the cellmate) made up the story of the injured man in the corridor from the newspapers, he would have had to gather information from both of the accounts appearing on November 19, and then make an uncanny connection between the man and Jack Ruby—a connection not remotely suggested in the news articles, and neither known nor speculated about at that time. Ruby hadn't made his grand entrance yet and wasn't the subject of investigative memos reporting on his associations with “gas station employees” like Whitter. He was still just the obscure owner of a downtown Dallas dive.

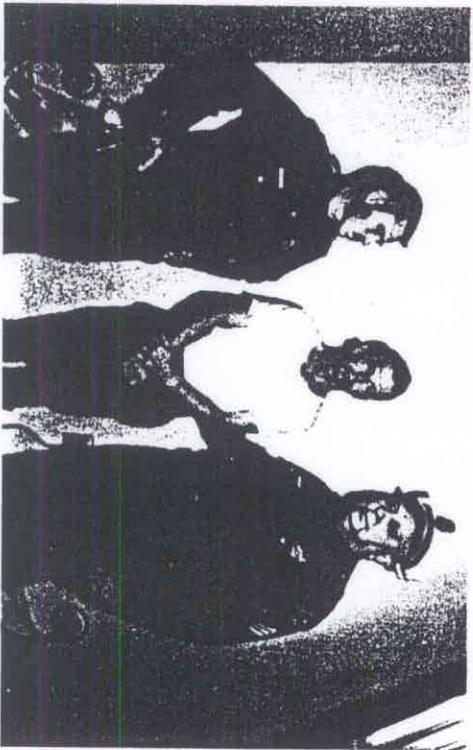
The least contrived explanation to account for Elrod's claims regarding the man with the smashed face is that he simply passed on a story from his cellmate that was a true account. That it would be true can't be considered a remarkable development from our vantage point thirty years later. The cellmate's story would only corroborate what we now know, that Ruby was heavily involved in back-room gunrunning deals, and would have conducted at least some of those deals in face-to-face meetings with henchmen exactly like Miller and Whitter, who were tried and convicted of possessing stolen military weapons. But assuming, as the cellmate said, that Miller was one of the men in the room with Ruby, at least one other “identified” person had to be there as well: the cellmate who witnessed the gathering.



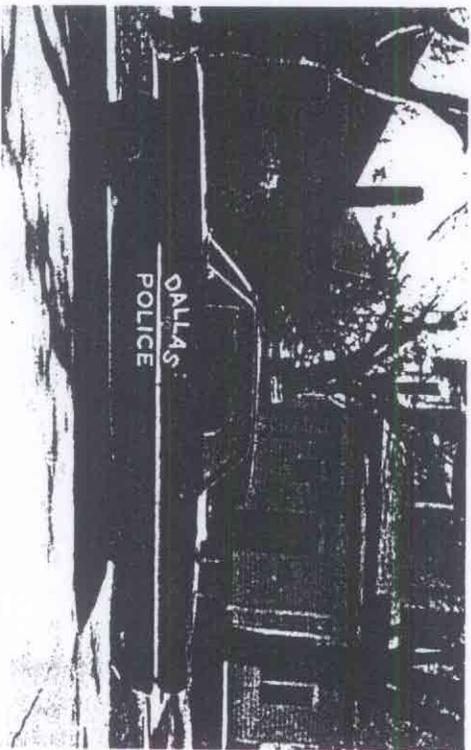
John Elrod ca. 1963.



Elrod today, on Mississippi River island north of Memphis. (Photo by Ray La Fontaine)



Lee Harvey Oswald in custody. (Courtesy Dallas Municipal Archives and Records Center, City of Dallas, Texas)



The car of Officer J. D. Tippit at the scene of his murder. (Courtesy Dallas Municipal Archives and Records Center, City of Dallas, Texas)

Who was the man who told former cook John Elrod a story that changed his life, affecting his behavior to this day?

The Memphis FBI report, in discounting the Elrod testimony as "hearsay," makes a point of noting that Elrod did not know the cellmate. But the same day Agents Casey and Cole prepared their report, a sergeant at the sheriff's office, Alton C. Gillless, Jr., issued a letter to FBI director J. Edgar Hoover. This letter, which wasn't shown to Warren investigators, made no mention of an anonymous cellmate. Instead, Sergeant Gillless (today sheriff of Shelby County) wrote simply: "The subject walked into our office at approximately 12:30 A.M., this date [Aug. 11, 1964], and stated he had information concerning the murder of Lee Oswald."¹⁵

Similarly, it was Oswald whom Elrod had on his mind when his older brother Lindy, who managed the Oak Lawn El Fenix restaurant where John worked, picked him up from the Dallas jail in November 1963.

"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 1993.¹⁶ "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 gave a similar account about his cellmate to brother-in-law and El Fenix owner Gilbert Martinez, sister-in-law Connie Elrod, and other members of his family more than three decades ago, following his release.

Eight months after walking out of the Dallas jail, he says today, he also revealed this identity to the two Memphis agents.¹⁷ They responded by noting—three times in their brief two-page report—that the cellmate was "unknown."

To be sure, Elrod's account that he shared a cell with Lee Harvey Oswald would go a long way toward explaining some mysteries—why the Arkansas native fled Dallas after his release from jail, for example. But did his claim square with the known facts about Oswald's incarceration? Would the Dallas police really have put the accused presidential assassin in a cell close to another inmate?

The answer, it turns out, is yes.

When Oswald was overwhelmed in the Texas Theater, he was brought into the downtown Dallas police station not for assassinating the president, but for the murder of a policeman in Oak Cliff, J. D. Tippit.¹⁸ While killing a cop was (and is today) about the worst thing

a man could be accused of in Dallas, the catastrophe in Dealey Plaza two hours earlier had shattered all normal priorities. The main police business was processing the men being hauled in as potential assassination conspirators and storing them in the cells upstairs until they could be given a closer look. If Oswald was initially considered a suspect in the murder of the president, it was as another face in the crowd; *everyone* was a suspect at that frantic hour. Unlike the others, however, who were charged with suspicion of conspiracy in the assassination, Oswald was charged only with the murder of Officer Tippit. As late as his Friday night press conference, when he was presented to the world as the true probable assassin of Kennedy, he still maintained to reporters that he knew of no other charges against him.

Contrary to police reports in the Warren findings that Oswald was kept isolated while in confinement, phone documents show that he was placed just one cell apart from Douglas, the Tennessee car thief snagged by police when he arrived at the station in the midst of the Kennedy turmoil. Oswald occupied cell F-2, and Douglas, an adjoining cell.¹⁹ This suggests that other, if not all, prisoners suspected of complicity in the assassination were kept in the same three-cell F block. In an interview in July 1993, Elrod accurately described Douglas as a "kid from Tennessee who had stolen a car in Memphis." The Douglas arrest record describes him as nineteen years of age, from Memphis, and a confessed car thief. What Elrod was calling a "cellmate" may have been that—the cells were filling up quickly that day—or he may have been an inmate in an adjacent cell, with whom Elrod, in F-3 perhaps, could talk through the bars. The fact that Elrod describes Oswald sitting on a toilet—because he and Douglas were on the beds—suggests the former interpretation.

No phone record exists for Elrod, who claims he wasn't allowed to make a call. According to John's brother Lindy, Dallas policeman H. R. Arnold—a personal friend who notified him by phone of his brother's incarceration, and again when John was released—came by to see him shortly after John left Dallas. Arnold told Lindy that John was "only in the cell with Oswald about four hours." (John also says Arnold saw him at the jail and "pretended not to know me.") Although Arnold today denies remembering either Elrod brother or making either call to Lindy, he still answers to the nickname—"Hap"—they knew him by. The nickname is not listed in the phone

book, or in the records of the Dallas police. It would appear that the Elrod brothers' memories are better than his.

It is certain, in any case, that Lee Harvey Oswald started the last forty-eight hours of his life in cell F-2. It is almost equally certain that once Oswald was recognized as the most important prisoner in DPD history, police would also realize (despite their later denials) that he had spent at least some of his hours in custody within talking distance of another inmate, either in the same F-2 or an adjacent cell. Such an inmate, within earshot of Oswald, would be a critical police asset and of acute interest to investigators. He may have gained some special information—perhaps of other possible "conspirators"—and would require special observation to determine what, if anything, he had found out. Elrod says today that he was put on a chain with Oswald, appeared in lineups, and was interrogated "around the clock" for forty-eight hours until Ruby shot Oswald. "Then, everything changed," he says. Elrod also relates that it was the FBI, not the Dallas police, who questioned him. Details of the interrogation, such as Elrod's claim that his interrogators knew the names of his parents' neighbors in Arkansas, support his story that the interrogators were federal rather than local. "They were suits," says Elrod, "with white shirts and black ties."²⁰

There can be little doubt that Elrod understood, probably well before he left the Dallas city jail for the last time, that his cellmate had been the one who was supposed to have killed Kennedy—and that the very man Oswald had been talking about, and whom he wasn't supposed to have known beforehand, Jack Ruby, had shown up in the police station shortly afterwards and shot him dead with a pistol. It wasn't a comforting realization, and moreover the kind of thing a man could get killed for just for knowing. And so John Elrod dropped out, leaving the life and city he had known since he was seventeen, and returned to the safe obscurity of his mother's home. "He went home to mama," says his brother.

As noted earlier, tenuous claims (and outright lies) regarding "witnessed" meetings of Oswald and Ruby prior to the assassination have appeared ever since Ruby murdered Oswald two days after the president was assassinated. Some of the claims have more interest than others and will be taken up in later pages. What all of the claims to date have had in common is a lack of evidence. They have no support beyond the credibility of the person telling the story. The

connection Elrod establishes between Oswald and Ruby is of a different type, depending not only on Elrod's slight oral testimony—he isn't saying much of anything these days—but on a paper trail of records, the most pertinent of which is the Memphis FBI report discovered by Bill Adams. The documentation of this Oswald-Ruby link by a handful of researchers, all employed at other occupations, is more than two full-scale investigations by the U.S. government, millions of pages of FBI and other agency reports, and a high-tech media industry lately occupied with tabloid journalism have done.

Today John Elrod lives in Tennessee, miles from even the smallest hamlet. He has no telephone. "I've told the FBI everything I know," he says. He adds, truthfully, "Everyone involved in this thing has ended up dead."

The man with the injured face, Miller, most of whose remaining time would be spent in a federal prison, was dead at forty-three, less than ten years after the wild car chase in Dallas.

His companion, Ruby-associate Whitter, served a four-year sentence under psychiatric scrutiny at the Medical Center for Federal Prisoners in Springfield, Missouri, and died in Temple, Texas in 1991. Despite his death (and the recent release of nearly a million pages of assassination-related materials), Whitter remained a restricted topic until very recently. The FBI would not grant the National Archives permission to make public a fourteen-page document on the obscure ex-convict. The remarkable reason for withholding the pages: national security related to the protection of the president of the United States.²¹

Ruby and the cellmate—who, realizing he was in serious trouble, talked about him—are dead these thirty years.

The only survivor is Elrod, the man who heard what he shouldn't have, and who then tried to tell the FBI; they did not listen.

But the documents that tell Elrod's story also survive, and they raise new questions. Was his Dallas arrest of November 22, 1963 intentionally withheld or purged from the FBI record, just as the paper records of all the vagrant arrests of that day vanished for thirty years, until uncovered by Mary in 1992?

Was fear of what Elrod might tell reporters the real reason the Dallas police—after the grotesque blunder of letting Ruby shoot Oswald in their own station—"admitted" to yet another stroke of apparent

incompetence, that they kept no arrest records of the men rounded up after the assassination?

Had a federal agency or other high officials, in the month before Ruby went on trial, leaned on prosecutors in the court case of Lawrence Miller to suppress information linking Ruby to organized crime, and possibly to Oswald?

Most importantly, who was Lee Harvey Oswald and what was he really doing in Dallas?

Hunt's sworn denial that Sturgis had a CIA connection was repudiated by the testimony of all of the relevant witnesses and even challenged by the words he had himself written in his novel.

On the other hand, Lorenz, who had testified that Sturgis worked for the CIA, received corroboration from Helms, Sturgis himself, and possibly

Bimini Run.

It was clear that Lorenz was about to reveal the name of the paymaster and control for Sturgis' secret operations. The courtroom was hushed. Even the miscellaneous spectator background sounds, coughing, clearing of throats, rustling of papers, and moving about, came to a sudden, almost eerie, halt.

Q. Who did you witness make payments to Mr. Sturgis?

A. A man by the name of Eduardo.

In this case Hunt had testified that he had used the alias "Eduardo." Lorenz had told me about "Eduardo" many years earlier, long before Hunt's code name had surfaced publicly. In addition, Liddy's testimony had established Hunt's later role as a paymaster in the dirty tricks department of the Nixon White House.

Q. Who is Eduardo?

A. That is his code name; the real name is E. Howard Hunt.

The jurors, who had been studying the Marita Lorenz stand-in as she read the answers from the transcript of the sworn statement, looked suddenly at Hunt when his name was given. He saw that he had become the focal point for the jurors: he had been watching them closely. He quickly looked away and began to confer with his attorneys.

Q. Did you know him and meet him during and prior to November 1963?

A. Yes.

Q. Did you witness payments made by Mr. Hunt to Mr. Sturgis or Mr. Fiorini on more than one occasion prior to November of 1963?

A. Yes.

We then moved directly into the events immediately preceding the assassination of President Kennedy.

In a meeting with me, Lorenz had agreed to reveal the details of the entire episode. She had also been trained over the years to remain silent or to offer little specific information if she were ever to be in a position where she was required to testify. The impulse to disclose the facts was modified by her long-standing intelligence discipline. The confluence of these two concepts resulted in a series of oddly staccato, yet entirely "relevant and responsive, answers.

Q. Did you go on a trip with Mr. Sturgis from Miami during November of 1963?

A. Yes.

Q. Was anyone else present with you when you went on that trip?

A. Yes.

Q. What method of transportation did you use?

A. By car.

Q. Was there one or more cars?

A. There was a follow-up car.

Q. Does that mean two cars?

A. Backup; yes.

Q. What was in the follow-up car, if you know?

A. Weapons.

Q. Without asking you any of the details regarding the activity that you and Mr. Sturgis and Mr. Hunt were involved in, may I ask you if some of that activity was related to the transportation of weapons?

A. Yes.

Q. Did Mr. Hunt pay Mr. Sturgis sums of money for activity related to the transportation of weapons?

A. Yes.

The date the witness had fixed for the trip was intriguing: November 1963. Yet thus far she had not been asked about either the destination or the purpose.

Q. Did Mr. Sturgis tell you where you would be going from Miami, Florida, during November of 1963, prior to the time that you traveled with him in the car?

A. Dallas, Texas.

Q. He told you that?

A. Yes.

Q. Did he tell you the purpose of the trip to Dallas, Texas?

A. No; he said it was confidential.

Q. Did you arrive in Dallas during November of 1963?

A. Yes.

Q. After you arrived in Dallas, did you stay at any accommodations there? A. Motel.

The jurors no doubt wondered if the witness was going to testify that she had seen Hunt in Dallas shortly before the assassination. The suspense ended within the next moment.

Q. While you were at that motel, did you meet anyone other than those who were in the party traveling with you from Miami to Dallas?

- A. Yes.
Q. Who did you meet?
A. E. Howard Hunt.
Marita Lorenz then provided details about her stay in Dallas.
Q. Was there anyone else who you saw or met other than Mr. Hunt?
A. Excuse me?
Q. Other than those?
A. Jack Ruby.
Q. Tell me the circumstances regarding your seeing E. Howard Hunt in Dallas in November of 1963?
A. There was a prearranged meeting that E. Howard Hunt deliver us sums of money for the so-called operation that I did not know its nature.
Q. Were you told what your role was to be?
A. Just a decoy at the time.
Thus far the role of Hunt as the control of the CIA operation had been largely hearsay as far as Lorenz was concerned. Sturgis had told her that Hunt had made the arrangements, was the crucial contact, and would provide the operating funds, cover, and plans for exit from the area once the assignment was completed. Now the question turned to what Lorenz had observed of Hunt's behavior that day.
Q. Did you see Mr. Hunt actually deliver money to anyone in the motel room which you were present in?
A. Yes.
Q. To whom did you see him deliver the money?
A. He gave an envelope of cash to Frank Fiorini.
Q. When he gave him the envelope, was the cash visible as he had it in the envelope?
A. Yes.
Q. Did you have a chance to see the cash after the envelope was given to Mr. Fiorini?
A. Frank pulled out the money and flipped it and counted it and said "that is enough" and put it in his jacket.
Q. How long did Mr. Hunt remain in the room?
A. About forty-five minutes.
The implication was apparent: the two-car caravan, the transportation of weapons to Dallas, and the meeting between Sturgis and Hunt all may have been the prelude to the assassination. Yet no direct evidence had yet been offered regarding the purpose of the CIA operation.
Q. Did anyone else enter the room other than you, Mr. Fiorini, Mr. Hunt, and others who may have been there before Mr. Hunt arrived?
A. No.

- Q. Where did you see the person you identified as Jack Ruby?
A. After Eduardo left, a fellow came to the door and it was Jack Ruby, about an hour later, forty-five minutes to an hour later.
Q. When you say Eduardo, who are you referring to?
A. E. Howard Hunt.
The presence of Ruby, the man who had been a hit man for organized crime as early as 1939 in Chicago, and who served as an FBI informant in Dallas since 1959, brought the circle closer.
It was now imperative to establish the date in November when Hunt met Sturgis in Dallas and turned the funds over to him so that the operation could go forward.
Q. When did that meeting take place in terms of the hour; was it daytime or nighttime?
A. Early evening.
Q. How soon after that evening meeting took place did you leave Dallas?
A. I left about two hours later, Frank took me to the airport and we went back to Miami.
Q. Now, can you tell us in relationship to the day that President Kennedy was killed, when this meeting took place?
A. The day before.
Q. Is it your testimony that the meeting which you just described with Mr. Hunt making the payment of money to Mr. Sturgis took place on November 21, 1963?
A. Yes.
Q. When was the first time that you met me?
A. In 1977.
Q. On that occasion, did you tell me in words or substance exactly the same thing that you have testified to today?
A. Yes.
The jury had heard the witness testify that Hunt had been in Dallas on November 21, 1963.
The original focus at the first trial by Hunt's lawyer, Ellis Rubin, upon the importance of establishing Hunt's alleged absence from Dallas on November 22 had so skewed the defense that the CIA sought out witnesses and documentary evidence to provide a false alibi for the wrong day. Over the years Hunt, in defending against the charge that he had been involved in the assassination, developed, as we have seen, a never-ending variety of stories and apocryphal witnesses regarding his whereabouts when Kennedy was killed. Unless Hunt was accused of actually firing one of the weapons that day, and I know of no responsible person

who has ever made that charge, his presence in Dallas on the day of the assassination was largely irrelevant to the charge that he had been involved in the conspiracy to murder President Kennedy.

Thus Hunt's CIA witnesses, misled as to the implications of the record, focused upon November 22 to the exclusion of the previous day. Kuzmuk, as available and flexible a witness as I have met in a legal proceeding, was asked to testify that he had seen Hunt on the afternoon of the assassination. Being nothing if not an obliging colleague, he obliged. On cross-examination, since he apparently had not been asked to provide Hunt with an alibi for other dates, he frankly stated that he could not recall having seen Hunt between November 18 and some time in December 1963. Kuzmuk testified that he lived just fifty yards from Hunt in Sumner and that at the workplace, his office was just a few doors from Hunt's. Certainly, his testimony implied that Hunt may not have been around during that time.

Hunt himself was misled as to his own objective. When I confronted Hunt with the fact that CIA records disclosed that he had taken eleven hours of sick leave in the two-week period ending on November 23, 1963, he responded that he was quite sure he had not utilized any of those eleven hours on November 22.

Having decided that he had exculpated himself from the relevant potential accusation, he agreed that it was certainly possible that he had been absent from work on November 21.

Having exhausted his special resources in order to prepare a spurious defense for November 22, Hunt was left vulnerable to the truth regarding his presence in Dallas on the previous day. Not a single witness could be found, not a record could be located, to demonstrate that he was anywhere else but in Dallas on that day. Hunt himself had testified, as had his last remaining alibi witnesses, that he may not have been where he should have been that day—at his office in downtown Washington on a weekday.

During the Lorenz deposition I inquired about her identification of the man she described as Jack Ruby.

Q. Two days after President Kennedy was assassinated, that is on November 24, 1963, Lee Harvey Oswald, who was arrested and charged with the assassination of President Kennedy and the murder of police officer J.D. Tippitt, was killed in Dallas by a man named Jack Ruby?

A. Yes.

Q. On that occasion and subsequent to that time, did you see pictures of Jack Ruby in the newspaper and did you see Jack Ruby on television?

A. Yes, I did.

Q. Is it your testimony that the man who killed Lee Harvey Oswald is, to the best of your ability to identify him, the person who was in the room in the motel in Dallas the night before the president was killed?

A. Yes.

Q. Had you ever seen Jack Ruby before November 21, 1963?

A. No.

Dunne's cross-examination of Lorenz did not succeed in calling into question a single statement which she had made. Indeed, it provided an opportunity for her to fill in a number of details.

In response to his questions, she stated that she was then working for an intelligence unit of the New York Police Department and the Drug Enforcement Administration. During his deposition, Frank Sturgis confirmed the accuracy of that testimony. Lorenz further testified that she had been recruited by the CIA during 1959.

When asked why she had not appeared before the Warren Commission, she testified that she was instructed by her superiors in the CIA not to do so. Dunne persisted.

Q. Is it your testimony today, that today's testimony is consistent with what you said before the House Select Committee?

A. That's right.

Q. When was the first time you met Howard Hunt?

A. 1960, in Miami, Florida.

Q. How was he identified to you?

A. Introduced. Introduced as Eduardo.

Q. How do you spell that?

A. E-D-U-A-R-D-O, Eduardo, E-D-U-A-R-D-O. He was to finance the operations in Miami.

Q. What language did he speak to you in?

A. English and Spanish.

Q. English and Spanish?

A. Yes.

Q. Do you speak Spanish?

A. Yes.

Q. Any other languages?

A. German.

Q. When is it that you became aware that this person you know as Eduardo was E. Howard Hunt?

A. About the same time. Eduardo was the name we were to refer to him as, when discussing things.

Q. Who did you believe he was working for at that time?

A. CIA.

Q. Why?

A. Because we were all at that time CIA members of Operation 40. We had been given instructions from Eduardo and had certain rights and permissions to do things that the average citizen could not do.

When Dunne asked Lorenz about her early experience for the CIA in Cuba, she answered:

"I will tell you what is on record. I stole secrets from Cuba. I was trained to kill. Anything else?"

During my interview with Marita prior to the deposition, I had asked for the names of the other persons in the two-car caravan from Miami to Dallas. She was very reluctant to answer that question: "They killed Kennedy. I don't want to be the one to give their names; it's too dangerous." I told her that I would neither pursue the matter then nor inquire of her about their identities at the deposition. I told her that it was possible, however, that Hunt's lawyer might ask that question.

At the deposition, Hunt's lawyer demanded that she provide the name of one more person in the automobile with her. She looked at me, stared at Dunne as if to say, "Well, you asked for this," and responded:

A. The other one was Jerry Patrick—

Q. Jerry Patrick?

A. Hemming.

Q. Is that, H-E-M-M-I-L-N-G?

A. Yes.

She added that two Cuban brothers named Novis and a pilot named Pedro Diaz Lanz were also in the caravan.

After the deposition I discussed that question with her. She said, "If Hunt and his friends in the CIA wanted that question answered, or were too dumb or too lazy to keep their lawyer from asking it, the responsibility is theirs, not mine."

Dunne wanted to know about the weapons.

Q. Did you see the weapons in the second car?

A. Yes.

Q. What kind of weapons were there?

A. Handguns and automatics.

Q. Could you identify for me today what kind of guns they were, specifically?

A. Rifles; there were cases of machine guns, rifles, thirty-eights, forty-fives.

Q. Have you been trained in firearms?

A. Yes.

Q. What were the kind of rifles that were there?

A. M-16s, M-1s, shotguns; several.

Q. There were machine guns?

A. Yes.

Q. In your work for the CIA Operation 40, was that one of the major tasks you undertook was to transport guns?

A. Yes.

Q. Was that for the anti-Cuba activities?

A. Yes, it was.

Q. What happened to those guns when you got to Dallas?

A. They were in the car and I presume they took them to the motel the next day, the next night. A lot of things they carried in.

Dunne then asked about the place in Miami from which they had departed.

Q. Where did you leave from?

A. From the house in Miami.

Q. Is that a CIA house?

A. A safe house. Yes.

Q. Did everyone meet at the same place?

A. Yes.

Q. Who else was at the house, besides the seven people you identified?

A. This fellow is incarcerated; it is not fair to answer. Another fellow is dead.

Q. Incarcerated where?

A. Out of the country, right now, Venezuela somewhere.

Q. Is his name Bosch?

A. Yes.

Q. What is his first name?

A. Orlando.

Q. Was he one of the anti-Castro Cubans involved in Operation 40?

A. Yes.

Q. Isn't that a matter of public record?

A. Yes.

I broke in to address Dunne: "It is not a matter of public record that he was at the house that day. Be fair with the questions. She is not represented by counsel. She may well have violated the law on numerous occasions in response to your questions."

Q. Who was the person at the house that is now deceased?

A. Alexander Rorke, Jr.

Q. Is he a CIA employee?

A. Yes.

When Dunne wanted to know if Lorenz had told anyone about her experience in Dallas, she responded directly to his question:

Q. What did you do after you got to New York and found out that President Kennedy was just assassinated in Dallas?

A. Talked to the FBI.

Q. You talked to the FBI?

A. Yes.

Q. Voluntarily?

A. They wanted to talk to me anyway about certain things with my child's father and they picked me up and took me to the office.

Q. What day would that have been?

A. A few days after I arrived, after everyone got over the initial shock.

Q. It would be some time in the month of November of 1963?

A. Yes.

Q. In your discussions with the FBI, they inquired about your activities which related to Dallas and this group of seven people that took the car trip?

A. Well, they discussed my associates down there and my relationship with my daughter's father, mostly.

Q. Did they know the names of the people you took the car trip with, from Miami to Dallas?

A. Yes.

Q. Did they ask you about each of those people?

A. Yes.

Q. Did you tell them about the guns and money and about Eduardo?

A. Yes.

Q. I will have to start again because the court reporter cannot take nods down.

A. I was nodding, yes, to each.

Q. What was your answer?

A. They asked me about everything, my daughter's father, and I am glad I am back up here away from that.

Q. You told them about Eduardo?

A. Yes.

Q. And the guns?

A. They know about all those associations. They didn't want to go into it. Those were CIA activities, not FBI.

Before the day ended Marita Lorenz explained why she had left Dallas before the assassination:

"I knew that this was different from other jobs. This was not just

gunrunning. This was big, very big, and I wanted to get out. I told Sturgis I wanted to leave. He said it was a very big operation but that my part was not dangerous. I was to be a decoy. Before he could go further, I said please let me get out. I want to go back to my baby in Miami. Finally he agreed and drove me to the airport."

She flew to Miami, picked up her child, and then flew to New York so that she could be with her mother in New Jersey.

Dunne had developed a penchant for not leaving bad enough alone. The testimony of the witness had implicated Sturgis and Hunt in the assassination. Dunne decided to put a fine point to the testimony.

Q. Did you ever talk with Frank Sturgis about it, since then?

Lorenz was reluctant to respond directly to the question.

A. We are not on talking terms, Frank and I.

Q. That was not my question. Have you ever talked about it with Frank Sturgis since 1963?

A. Yes.

Q. Did he indicate to you that he was involved in the assassination of the president?

A. Yes.

Dunne continued to ask questions that Marita Lorenz had requested that I avoid. Due to my commitment to her, I did not make the inquiries, but Dunne rushed in, asking questions to which he did not know the answer.

Later Lorenz, prompted by Dunne's questions, explained that when Sturgis sought to recruit her for yet another CIA project, he told her that she had missed "the really big one" in Dallas. He explained, she said, "We killed the president that day. You could have been a part of it—you know, part of history. You should have stayed. It was safe. Everything was covered in advance. No arrests, no real newspaper investigation. It was all covered, very professional." It may have been very professional, but after the testimony of Marita Lorenz was read to a jury in a United States courthouse, it was no longer all covered.

An objective observer, had there been one in the courtroom, might have concluded that Hunt's defamation case had been overwhelmed by the evidence and rendered moot, that no justiciable controversy remained. Hunt and his entourage, no doubt, would have dissented from that conclusion: it is that sort of difference of opinion that brings cases to the courthouse in the first instance.

Earlier in the trial I thought that the jurors had been intrigued by the long-suppressed evidence about the murder of their president. Now, it

Mark have obtained this
statement from Roger McCarthy
in 1993 - for your records

Affidavit of Roger L. McCarthy

I, Roger L. McCarthy, having been duly sworn, declare as follows:

1. I am Chief Executive Officer of Failure Analysis Associates, Inc., (FaAA) which is headquartered in Menlo Park California. FaAA, founded in 1967, is the largest engineering firm in the nation dedicated primarily to the analysis and prevention of failures of an engineering or scientific nature. FaAA is a wholly owned subsidiary and the largest operating unit of The Failure Group, Inc., (Failure). Failure employs almost 500 full time staff, including almost 300 degreed professionals, more than 90 of whom hold doctorates in their fields. We maintain nine offices in the U.S., three in Europe, and one in Canada. I am also Chief Executive Officer of The Failure Group, Inc. The Failure Group, Incorporated is a publicly traded company on the NASDAQ exchange, under the symbol "FALL."
2. I hold five academic degrees: 1) A Bachelor of Arts in Philosophy from the University of Michigan, 2) A Bachelor of Science in Mechanical Engineering from the University of Michigan, 3) An S. M. degree in Mechanical Engineering from the Massachusetts Institute of Technology, 4) The professional degree of Mechanical Engineer (Mech.E.) from the Massachusetts Institute of Technology, and 5) A Ph.D. in Mechanical Engineering from the Massachusetts Institute of Technology (MIT). I graduated from the University of Michigan Phi Beta Kappa, Summa Cum Laude, the Outstanding Undergraduate in Mechanical Engineering in 1972, and a National Science Foundation Fellow.
3. I am a Registered Professional Mechanical Engineer in the states of California (#M20040) and Arizona (#13684). I have authored several dozen scientific papers, and currently serve on the Visiting Committee of MIT's Mechanical Engineering Department. In 1992 I was appointed by President Bush to two year term on the President's Commission on the National Medal of Science. I have attached my current resume with a listing of my publications as exhibit 1.
4. In early 1992 Failure Analysis Associates, Inc. (FaAA) was approached by representatives of the American Bar Association (ABA) to assist in putting together a "courtroom of the 21st century" instructional session, in the form of a mock trial, for the Annual ABA meeting, which was to be held that summer in San Francisco, California. FaAA was involved in the process of a selecting the topic of the trial, which was eventually decided to be the trial of Lee Harvey Oswald for first degree murder for the assassination of President John F. Kennedy in Dallas in 1963. To simplify the task in coordinating the extensive computer analysis and evidence, FaAA agreed to provide the expert witness analysis, and the testifying experts themselves, for both the prosecution and defense. Separate teams were assembled to assist each side.

5. While FaAA was not funded for the investigation or evidence developed for either side, we applied the best techniques available to some, but certainly not all, of the questions that have remained concerning the assassination, and Lee Harvey Oswald's role in it. The "Courtroom of the 21st Century" theme required the most modern computerized animation and video presentation. There was not a conclusion reached by FaAA as a company concerning the issues of the assassination. Each of our teams did its best within the factual, time and resource constraints to assist the two eminent trial lawyer teams to resolve the key issues for their respective sides. In the end, after two days of trial, the mock jury, selected by the jury analysis firm DecisionQuest, was split 7 for conviction and 5 for acquittal of Lee Harvey Oswald on the first degree murder charge.

6. Each of our teams sought to find sufficient information in the extensive investigation records of the Warren Commission, and the House Select Committee proceedings, that, when combined with the unparalleled technical analysis skills of our organization, would produce incontrovertible scientific findings that would resolve some of the outstanding issues one way or another. I believe the jury's inability to resolve Oswald's guilt in light of FaAA's investigation, and state-of-the-art visualization, stems from the fact that 1) FaAA did not have the time or resources to completely analyze the whole investigatory record, and 2) there are gaps in the factual record that our analysis was unable to bridge. For example, if the National Archives could locate the brain of President Kennedy, which was sent to them and not buried with his body, we believe the direction of the fatal bullet could be incontrovertibly resolved.

7. Subsequent to our presentation one Gerald Posner contacted Dr. Robert Piziali, the leader of the prosecution team, and requested copies of the prosecution material, but not defense material, which we provided. Eventually Random House published a book by Mr. Posner entitled *Case Closed*. While Mr. Posner acknowledges in the book the material from Failure Analysis Associates he does not mention or acknowledge the ABA, or mention or acknowledge that there was additional material prepared by FaAA for the defense. Incredibly, Mr. Posner makes no mention of the fact that the mock jury that heard and saw the technical material that he believes is so persuasive and "closed" the case, but which also saw the FaAA material prepared for the defense, could not reach a verdict.

8. In early televised interviews of Mr. Posner that were witnessed by FaAA staff, Mr. Posner made no attempt to correct any supposition by a questioner that the FaAA analytical work was performed at his request for him, and certainly left quite the opposite impression.

Further the affiant sayth not.




Roger L. McCarthy

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 6 DAY OF Dec, 1977

NOTARY PUBLIC