



THE OSWALD—FBI COVER-UP

The Warren Commission had evidence that the accused assassin of President Kennedy had worked for the FBI—and never investigated those charges.

By George O'Toole

This document contains information affecting the national defense of the United States within the meaning of the Espionage Laws" reads the warning on the cover sheet, but the words "Top Secret" have been scratched out. The bottom of the page bears a declassification notice and a date, "6/12/74." Without explanation or fanfare, the government quietly released one of the most highly classified documents held in the vaults of the National Archives, the transcript of the Warren Commission's meeting of Monday, January 27, 1964.

When the Warren Commission began its investigation into the assassination of President John F. Kennedy, it chose to carry out its work in absolute secrecy. In September 1964, eight months after it began its probe, the commission published a report naming Lee Harvey Oswald as the lone assassin, and two months later it released twenty-six volumes containing more than ten million words of testimony and evidence. Yet a large mass of additional documents was suppressed for "reasons of national security." When the commission dissolved itself later in 1964, those classified documents were locked away in the National Archives. Today, almost twelve years after the assassination of President Kennedy, 20 percent of the commission's documents are still withheld from the public.

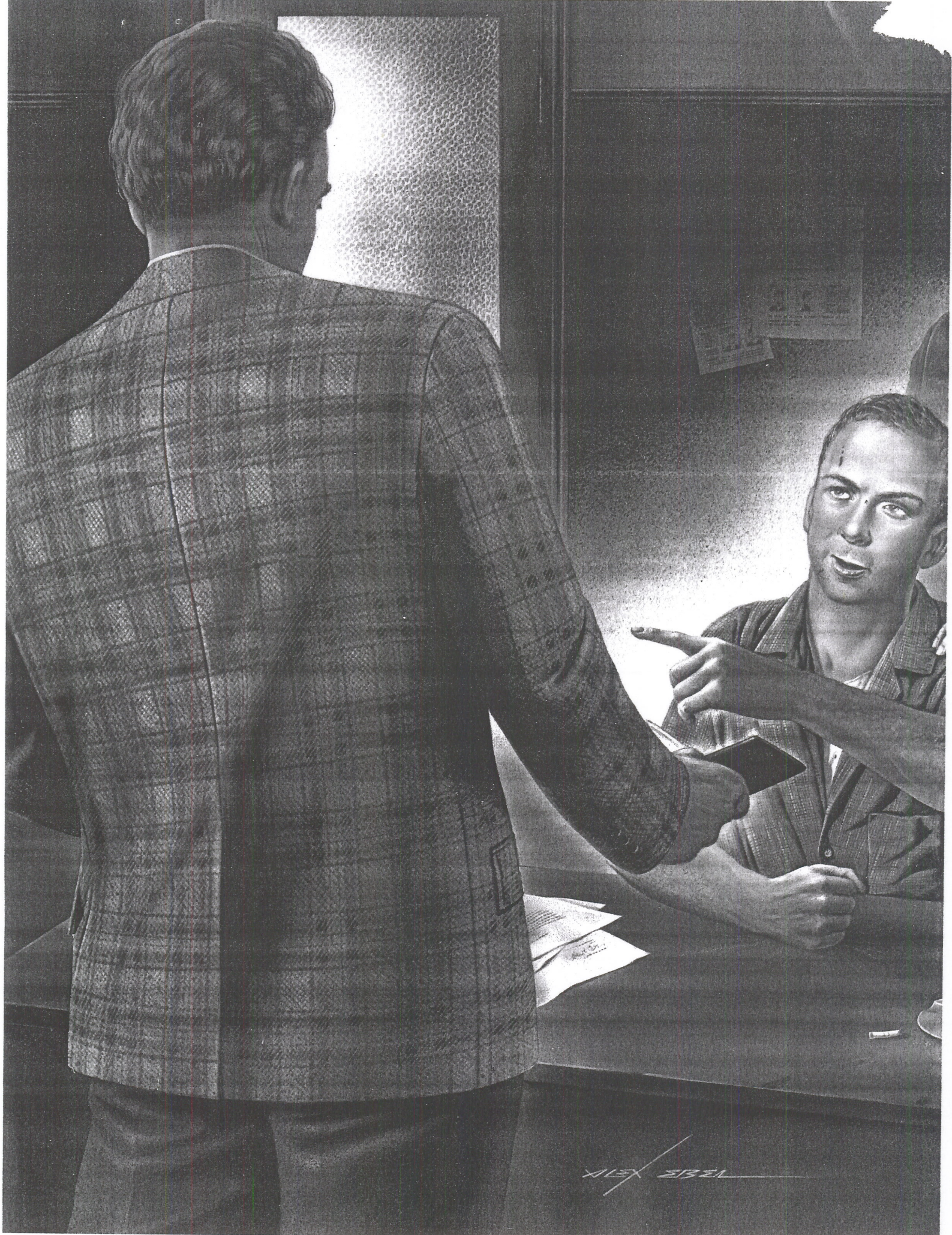
While the declassification and release of any of the commission's transcripts would have been a historic development, the choice of this particular executive session was mildly sensational because of the subject discussed. The commission met on that January afternoon in 1964 to deal with the rapidly burgeoning evidence that Lee Harvey Oswald had been a paid informer for the FBI.

The first reports of an FBI-Oswald connection had reached the commission five days earlier, when Waggoner Carr, the Attorney General of Texas, telephoned the commission's General Counsel, J. Lee Rankin, to pass along a confidential report claiming that Oswald had been recruited by the FBI in September 1962 to work as an undercover agent at a salary of \$200 a month. The report claimed that Oswald had been assigned informer number S-179 and that he had worked for the bureau until his arrest immediately after the assassination of President Kennedy. Carr revealed that the source of his information was Henry Wade, the Dallas district attorney.

Within hours of that phone call on January 22, 1964, Chief Justice Earl Warren hastily assembled the commission for a late afternoon meeting. In addition to Rankin and the Chief Justice, Senator John Sherman Cooper of Kentucky, Representatives Hale Boggs of Louisiana and Gerald Ford of Michigan, and former CIA Director Allen Dulles were present. Two other commission members, Senator Richard Russell of Georgia and John McCloy, former U.S. Commissioner in postwar Germany, were not there.

Rankin began the meeting by reporting on the telephone call he had received from the Texas attorney general. The commissioners were stunned. Later, in his book about the assassination, Gerald Ford wrote that he couldn't recall attending a meeting more tense and hushed. The commissioners' recollections

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of what was said that afternoon have been, however, the only record of this executive session, for it was this meeting that was later judged so sensitive the transcript had to be suppressed.

Apparently the commission decided that Chief Justice Warren should discuss the Texas official's report with him in person, and at the commission's request Waggoner Carr flew to Washington two days later to meet with Warren and Rankin. Carr was accompanied by Dallas District Attorney Wade—the source of his story—and Wade's assistant, William Alexander. Two prominent Texas attorneys who had been appointed by Carr to act as liaison with the commission were also present. One of them was Leon Jaworski, who ten years later was to become nationally known as the Water-gate Special Prosecutor.

The Texans told Warren that reports of Oswald's FBI affiliation had been circulating among local newspapermen for several weeks, and they named Alonzo Hudkins of the *Houston Post* as one source of the story. Wade added that he had also heard a report that Oswald had been a CIA informant and was designated by the agency as No. 110669. The Texans offered several bits of circumstantial evidence of Oswald's FBI connection, including his use of post-office boxes and aliases, a two-hour interview of Oswald by the FBI in September 1962 (during which, presumably, he was recruited), and the fact that Oswald had in his notebook the name, address, and telephone number of an FBI agent, plus the license-plate number of his automobile.

After the meeting, the lawmen returned to Texas, leaving a severely shaken chief justice. Warren scheduled a meeting of the commission for the following Monday to decide how to deal with the problem. And during the weekend, the story of Oswald's alleged FBI affiliation began to surface in the Eastern press.

The commission met at 2:30 P.M. on January 27, 1964. Except for Ford, the full commission was present, as well as Rankin and a stenographer. The meeting began with Rankin reviewing the situation for the commissioners, starting with the telephone call from Carr on the previous Wednesday. Rankin revealed that he had actually received a report on the FBI-Oswald matter from the Secret Service the day before the Texas official called him. Apparently Rankin hadn't noticed the report buried in a bunch of other Secret Service documents.

The Secret Service report contained essentially the same information the Texans volunteered, but it gave as its source a Dallas deputy sheriff named Allan Sweatt. Noting the date on the report, Rankin expressed some concern that nearly three weeks had passed before it was turned over to the commission: "We wondered whether the Secret Service was withholding something from us, since they had this in their hands clear back on January 3, the date of the report. The explanation since has been that they were trying to check it out." In fact, the

Secret Service had gotten the information from Sweatt in mid-December, nearly six weeks earlier. Rankin observed, "It seemed like kind of a long period since they hadn't gotten any further report from Mr. Sweatt at all."

But resolving such minutiae was far from the minds of the commissioners. Even the question of whether or not Oswald had been employed by the FBI seemed of secondary importance. The problem that loomed paramount in the minds of the six commission members and their counsel seemed to be: How is the commission to deal with the rumors of an FBI-Oswald link without displeasing J. Edgar Hoover? The commission really had no investigators of its own; it relied on the FBI to locate and interview witnesses. If the commission's staff lawyers tried to conduct their own probe of the alleged FBI-Oswald link, word would surely get back to Hoover that the commission was, in effect, investigating his agency. On the other hand, if the commission approached Hoover directly with the allegation, he would certainly offer his assurances that it was untrue. Any further probing by the commission would then be an implicit impeachment of Hoover's word. Faced with the taboo on hurting the feelings of J. Edgar Hoover, there seemed little the Warren Commission could do to explore this aspect of the assassination.

In fact, limited as they were to the investigative services of the FBI, the commissioners felt that they could not adequately explore any aspect of the assassination. After Commissioner John McCloy referred to some discrepancies in the FBI's version of the assassination, the following exchange took place:

MR. RANKIN: Part of our difficulty in regard to it is that they [the FBI] have no problems. They have decided that it is Oswald who committed the assassination, they have decided no one else was involved, they have decided—

SEN. RUSSELL: They have tried the case and reached a verdict on every aspect.

REP. BOGGS: You have put your finger on it.

MR. MCCLOY: They are a little less certain in the supplementals than they were in the rest.

MR. RANKIN: Yes, but they are still there. They have decided the case, and we are going to have maybe a thousand further inquiries that we say the commission has to know all these things before it can pass on this. And I think their reaction probably will be, "Why do you want all that? It is clear."

Defenders of the Warren Commission often point to the months of work that went into its report, the hundreds of witnesses who gave testimony before it, and the exhaustive investigation carried out by the FBI on its behalf. It is disquieting now to learn that as of January 1964, before even a single witness had testified and seven

months before the writing of the final report, the FBI had adopted an adversary position toward the commission and, in the words of Russell, "tried the case and reached a verdict on every aspect."

The commission may have hoped that the FBI-Oswald rumor would just go away, but it was already obvious that it would not. Rankin observed, "I don't see how the country is ever going to be willing to accept it if we don't satisfy them on this particular issue, not only with them [the FBI] but with the CIA and every other agency." But the commissioners could not have been very encouraged by the remarks of one of their number, Allen Dulles, who happened to be a former director of the CIA. Dulles was asked if an intelligence officer who recruited an agent would know of his employment:

MR. DULLES: Yes, but he wouldn't tell.

JUSTICE WARREN: Wouldn't tell it under oath?

MR. DULLES: I wouldn't think he would tell it under oath, no.

It seemed to come as a surprise to the other commissioners to learn that secret agents sometimes lie, even under oath. As if to remove any doubt about his implication, Dulles added, "What I was getting at, I think under any circumstances, I think Mr. Hoover would say certainly he didn't have anything to do with this fellow."

In other words, the commission realized it couldn't expect to get at the truth simply by going to Hoover and asking him (although that is what they finally did). Hoover would deny the story whether or not it was true.

The commissioners spent a good deal of time debating the merits of summoning Alonzo Hudkins, the Houston reporter said by the Texas officials to be the source of the rumor, and examining him under oath to learn his source. But it seems surprising that Rankin didn't tell them that he already knew. Sometime after the January 27 meeting, Rankin wrote an undated memorandum for the files entitled "Rumors that Oswald was an undercover agent." The memo was released by the National Archives a few years ago, and in it Rankin states that on January 23 he received word of a Secret Service interview with Hudkins in which the reporter said he got the FBI-Oswald story from Allan Sweatt, the Dallas deputy sheriff mentioned in another Secret Service report as the source of the story.

If Rankin had related his discovery to the commissioners, they would surely have dropped the question of interviewing Hudkins and, instead, thought about summoning Sweatt to ask about his source. And Rankin could have answered that question as well, for according to his memorandum, he had received an oral report on the previous Friday from a Secret Service agent who had interviewed Sweatt. The deputy named his source as William Alexander, the assistant district attorney who had accompanied Wade and Carr to Washington.

All this is very strange. The commission

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first heard of the FBI-Oswald rumor from Waggoner Carr, and he, in turn, said he heard it from Henry Wade. Then Carr and Wade met with Warren and they brought along Wade's assistant, Alexander, who turned out to be the real authority on the matter. He attributed the story to the press in general and to Alonzo Hudkins in particular. But Hudkins got the story from Deputy Sheriff Sweatt, and Sweatt said he got the story from Bill Alexander. *All roads lead to the assistant district attorney.* The rumor that caused the Warren Commission so much anguish seems to have originated with the same man who "blew the whistle" on it for the commission. Curious.

Perhaps even stranger is Rankin's failure to call Alexander on the carpet and demand to know just what the hell kind of game he was playing. Since there is no record of that question being asked, let us examine the facts:

Was Oswald an FBI informer? The first contact between Oswald and the FBI was apparently a two-hour interview in Fort Worth on June 26, 1962, shortly after he returned from the Soviet Union. Considering Oswald's history, this is not unusual.

Oswald was next contacted by the FBI about two months later on August 15. There is also nothing remarkable about such a follow-up interview, but the method used by the agents in approaching Oswald seems somewhat unusual: they set up a stake-out in an automobile near his home and approached him as he walked down the street. The agent who was in charge of the case, John Fain, testified that he had chosen this approach to demonstrate to Oswald that the FBI wasn't trying to embarrass him, and "we felt if we talked to him there in the car informally, he would better cooperate with us."

This doesn't seem to make sense. Fain didn't explain why he thought Oswald would be less embarrassed by being accosted on the street near his home than by being visited at his apartment. In fact, Fain said that Oswald "actually invited us in when we stopped him. He said, 'Won't you come in the house?' And I said, 'Well, we will just talk here. We will be alone to ourselves and we will be informal, and just fine.' So he got in the car with Agent Brown."

In this statement Fain seems to have presented a more plausible reason for sitting in a car with another FBI agent and waiting for an indefinite period until Oswald appeared on the street: the agents had something to discuss with Oswald that they did not want overheard.

Assuming that the FBI agents did approach Oswald to recruit him as an informer, how would they have gone about it? Based on their reports, Oswald's attitude toward them was neither completely hostile nor fully cooperative. However, Oswald had at least one vulnerable point, and this came

across loud and clear in Fain's report of the second interview:

... Oswald stated the American Embassy [in Moscow] tried to persuade him to return to the United States alone, and without his wife, Marina. . . . The Embassy tried to influence him to come back alone, find a job, get established, and later send for his wife. Oswald stated he refused to follow this course. He told the American Embassy he feared he would never see his wife again if he left her in Russia.

A recent study of FBI informers groups them into several categories and discusses one in particular: "Another equally unreliable group [of informers] lives under the shadow of some prior cloud: fear of being charged as an accomplice, of deportation, of perjury charges."

Marina Oswald was not a United States citizen. She was admitted to the United States at the pleasure of the government. She could be ejected at its displeasure. And she meant enough to Oswald that he refused to leave the Soviet Union without her. Whether or not they used it against him, the agents must have realized that they had found a nerve.

Did the FBI threaten Oswald with Marina's deportation? According to Oswald, they threatened Marina herself. After his arrest, Oswald was first interrogated by Captain Will Fritz, the head of the Dallas homicide and robbery bureau. Fritz was shortly joined by an FBI agent, James Hosty. Hosty had been assigned Oswald's case when Oswald returned to Dallas and had visited Marina and Mrs. Ruth Paine (with whom Marina was living) some weeks before the assassination. According to Fritz, Oswald became enraged when Hosty identified himself, and "he beat on the desk and went into a kind of tantrum. He told Hosty, 'I know you. You accosted my wife on two occasions.' He was getting pretty irritable. . . . I asked him what he meant by accosting, I thought maybe he meant some physical abuse or something and he said, 'Well, he threatened her.' And he said, 'He practically told her she would have to go back to Russia.'"

Given that the FBI had the motive and means to recruit Oswald as an informer, what other evidence exists to suggest that it actually did so? One of the strongest supports for the thesis is an incident that occurred several months before the assassination in August 1963.

Oswald was arrested for disturbing the peace while distributing pro-Castro leaflets in New Orleans. While in custody, Oswald asked to speak to an FBI agent. Special Agent John Quigley of the New Orleans office visited Oswald in jail and interviewed him. When Quigley testified before the commission, he said that he had never heard of Oswald before that meeting, he did not know why Oswald had asked to see an FBI agent, and Oswald did not explain this during the interview. Quigley interviewed

Oswald for an hour and a half, during which time Oswald discussed his activities in the Fair Play for Cuba Committee.

If Quigley's story is accepted at face value, Oswald's actions are incomprehensible. A pro-Castro activist is arrested for disturbing the peace and he immediately asks to talk to an FBI agent. Yet this could have been exactly what happened if Oswald was working as an informer for the FBI's Dallas office.

Oswald was arrested after an altercation with some anti-Castro Cubans who objected to his distributing the leaflets, and Oswald may have been afraid that he was going to spend a few weeks in jail as a result. Declaring his informer status to the local FBI might have seemed a breach of security, but requesting an interview with an agent was a discreet way of letting the bureau in Dallas know where he was. Quigley would have been the unwitting messenger.

Quigley's report on the interview with Oswald would have been routinely put into the FBI's information network. Since Oswald told the agent he had recently moved to New Orleans from Texas, a copy of the report would have been sent to the Fort Worth or Dallas bureau office. Normally this entire process would require several days, so it cannot explain the fortunate developments that immediately followed Quigley's visit to Oswald: Oswald was released on bail that same day; two days later he went to court and was charged with "creating a scene." He pleaded guilty and was given a ten-dollar fine. However, in view of the minor charges against Oswald, such leniency is not too unusual. The remarkable feature of the New Orleans arrest episode is Oswald's request to see an FBI agent and the substance of the consequent interview.

The next link between Oswald and the FBI is the presence in Oswald's address book of the name, office address, telephone number, and automobile license-plate number of Special Agent James Hosty. According to the Warren Report, Hosty left his name, address, and phone number with Mrs. Ruth Paine so she could contact him, but she passed this information along to Oswald. The license-plate number was allegedly noted down by Marina while Hosty was visiting her and Mrs. Paine. The report said she had been instructed to do this by Oswald.

There are several problems with this explanation, however. Hosty visited the Paine home twice, on November 1 and November 5, 1963. During the first visit, according to Mrs. Paine, Hosty parked down the street from her house to avoid drawing attention to his visit, and the license plate of his car was not visible from the house. During the second visit Marina was in her room, joining Hosty and Mrs. Paine only just before the FBI agent departed. The commission's investigators established that it would have been impossible for Marina to have read the plate on Hosty's car from her room; they went to the Paine house and unsuccessfully attempted to read the plate on a car parked in front of the house from the window of

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Marina's room. Marina testified that she copied the plate number for Oswald, but she never explained how she managed to do it.

The fact that Hosty's name and identifying data were in Oswald's address book was not immediately reported to the commission by the FBI. In a December 23, 1963, FBI report listing the names in Oswald's address book, the Hosty entry was omitted. The FBI submitted a later report to the commission on February 11, 1964, correcting the omission, but the commission already knew of the Hosty entry by then. The recently declassified documents indicate that Wade and Alexander may well have been the commission's source for this item.

In his testimony before the commission, J. Edgar Hoover explained that the December 23, 1963, FBI report had been prepared for the bureau's own investigative purposes—implicitly, to check on the individuals listed in the address book—and as the bureau already knew why Hosty's name was in the book, his name was omitted. This seems plausible, but not persuasive. This explanation was probably the same one given to Hoover by the bureau office in Dallas. He may not have been happy with it, but in view of the burgeoning rumors of an FBI-Oswald link, he had no choice but to offer it to the commission.

The theory that Oswald was a bureau informer explains why the Dallas FBI office did not pass its file on Oswald to the intelligence bureau of the Dallas Police Department. And it also explains why the head of the Dallas FBI office, Gordon Shanklin, blew his stack after Oswald's arrest.

Immediately after hearing of the arrest, Shanklin sent Hosty to police headquarters to sit in on the interrogation. When Hosty arrived at the police station, Shanklin was on the phone to another FBI agent, James Bookhout, who was already at the station. Captain Fritz, who had summoned Bookhout to the phone, listened to the conversation on an extension. Fritz described the conversation for the commission:

He said is Hosty in that investigation. Bookhout said no. He said, "I want him in that investigation right now because he knows those people he has been talking to," and he said some other things that I don't want to repeat, about what to do if he didn't do it right quick. So I didn't tell them that I even knew what Mr. Shanklin said. I walked out there and called them in.

Fritz did not explain either why he chose to eavesdrop on a conversation between the head of the FBI's Dallas office and one of his agents or why this was at the moment more important than interrogating the suspected presidential assassin sitting across from

him. Fritz had a reputation as an extremely astute detective, and he may have already begun to suspect a connection between the bureau and his prisoner. Fritz had been alone with Oswald for ten or fifteen minutes before the call, and Oswald may have asked to see an FBI agent, just as he did in New Orleans.

The evidence that Oswald was a bureau informer does not prove that, in fact, he was, so this must remain a theory. But it is a useful theory that explains several minor mysteries about Lee Harvey Oswald. And this theory explains a great deal more with the addition of another hypothesis: i.e., that one or more Dallas FBI agents, acting as individuals, helped to frame Lee Harvey Oswald.

A maverick FBI agent in control of Oswald could have made Oswald an unwitting accessory to his own frame-up. Specifically, he could have made certain that Oswald was alone in some corner of the Book Depository when the shots were fired so that no witness could confirm his alibi. And he could have caused Oswald's suspicious departure from the Book Depository after the shooting and his visit to the Texas Theatre. It could have been done with the utmost ease and simplicity, and I offer the following scenario as an example of how it might have been arranged.

Oswald had neither a driver's license nor an automobile. In the sprawling urban complex of Dallas-Fort Worth, this would severely limit his mobility. It would be natural, then, to require Oswald to obtain a license and furnish him with a car in order to broaden the range of his activities as an informer. Testimony before the Warren Commission indicated that Oswald began taking lessons in October and selected a car on November 9. According to this testimony, Oswald told the salesman that he expected to have the money for a car in a couple of weeks. Thus, according to the scenario, Oswald's FBI control notified him that he would receive funds for the purchase of an automobile sometime during the latter part of November. Arrangements for actual delivery of the money would be determined later.

As an FBI informer, Oswald would have been assigned a reporting procedure for contacting his control. This could have been a telephone number he was instructed to call at pre-established times on specified days. Since Oswald had no telephone in his furnished room in Oak Cliff, and the use of his landlady's telephone would have brought unwelcome attention to his contacts, the most practical arrangement would have been to use a telephone in the Book Depository. The Book Depository manager, Roy Truly, happened to be asked about this point by the commission:

McCLOY: Did [Oswald] have the use of a telephone when he was in the building?

TRULY: Yes, sir. We have a telephone on the first floor that he was free to use during his lunch hour for a minute. He was supposed to ask permission to use the phone. But he could have used the

phone . . . it is a regular office telephone. It is a push-button type.

Truly's reference to a "push-button type" phone indicates that there were several lines on the Book Depository's office phone—a common feature of business phone services even in small establishments. There were undoubtedly other extensions than the one on the first floor. There was surely an extension in the second-floor offices near the lunchroom where Oswald was seen less than ninety seconds after the shooting. With the presidential motorcade due to pass by on the street outside the Book Depository during the lunch hour, those second-floor offices would almost certainly have been vacant at 12:30 P.M. on November 22.

By instructing him to be at the phone in the second-floor office to receive a call at about 12:30, the control would be sure that Oswald was effectively removed from public view during the assassination.

But there would still have been a margin for misadventure: the motorcade might have passed a few minutes early or late, and one of the second-floor office employees could have wandered back into the building and gone upstairs. To control these variables, it would have been necessary to post someone on the first or second floors to delay, through some pretext, anyone who came into the building and headed for the second floor. It would also have been advisable to place the call to Oswald from a phone in or near the Book Depository, so that the call could be timed to coincide with the motorcade's passage. There is evidence that this was exactly the method used.

An unpublished FBI report now available in the National Archives recounts an interview with NBC newsman Robert MacNeil, who was riding in the press bus several cars behind the presidential limousine. After the shots, MacNeil got off the bus and followed some police officers up the grassy knoll.

We climbed a fence and I followed the police who appeared to be chasing someone, or under the impression they were chasing someone, across the railroad tracks. Wanting to phone news of the shooting, I left there and went to the nearest place that looked like an office. It was the Texas School Book Depository. I believe I entered the front door about four minutes after the shooting. I went immediately into the clear space on the ground floor and asked where there was a phone. There were, as I recall, three men there, all I think in shirt sleeves. What, on recollection, strikes me as possibly significant is that all three seemed to be exceedingly calm and relaxed, compared to the pandemonium which existed right outside their front door. I did not pay attention to this at the time. I asked the first man I saw—a man who was telephoning from a phone by a pillar in the middle of the room—where I could call from. He directed me to another man nearer the door, who pointed to an office.

When I got to the phone, two of the lines were already lit up. I made my call and left. I do not believe any police officers entered the building before me or until I left. I was in too much of a hurry to remember what the three men there looked like. But their manner was very relaxed. My New York news desk has since placed the time of my call at 12:36 Dallas time.

Except for the timing, MacNeil's report fits the scenario perfectly. Three men were waiting calmly on the first floor of the Book Depository, and one of them was on the phone. One of the trio directed MacNeil to another phone in an office (presumably on the first floor, since MacNeil makes no mention of going upstairs). MacNeil found that two lines were already in use. The man on the first floor had picked up the telephone, busying the first line, dialed the same number he was calling from, and the call came in on the next available line, ringing the extension in the second-floor office. Oswald picked it up, lighting up the second line, and heard the voice of his bureau contact. Then MacNeil entered, saw the man on the telephone, was directed to another phone, found two lines in use, and made his call out on a third line.

If MacNeil was right about the timing of this episode, then it happened a couple of minutes too late to fit the scenario. Police Officer M. L. Baker confronted Oswald in the second-floor lunchroom less than ninety seconds after the shooting. Of course, the conspiracy clockwork could have slipped, delaying the call to Oswald. Oswald might have gone to the lunchroom for his Coke while he was waiting, there to be met by Baker. Then, a moment later, he could have returned to the office and received the call. Oswald was seen going into the office after the Baker incident, although there was no report that he used the telephone.

In any event, the presence of Robert MacNeil's three calm men on the first floor and Oswald's presence on the second floor support the hypothesis that a prearranged telephone contact was the means by which Oswald was kept out of sight during the shooting. Given that assumption, we might wonder what Oswald was told by his contact during that telephone conversation. The obvious answer is that he was instructed to proceed to the Texas Theatre to meet his contact and receive the money to purchase an automobile. (In almost all countries of the Western world, a motion picture theatre is the perfect scene for a "live drop.")

Obviously there was no actual intention of meeting Oswald and giving him any money; the pretext simply served to get him to the Texas Theatre. His sudden afternoon move seemed furtive and served to characterize Oswald as a suspicious person, but there was probably a more important reason for luring him to the theatre. A theatre away from the center of town is practically empty during working hours. The semidarkness of the Texas Theatre would have been

an excellent place to kill Oswald while he was "resisting arrest." But something went wrong. There may have been more patrons in the theatre than expected, the house lights may have been turned up too soon, or perhaps some of the police officers who responded to the report of a suspect at the theatre were not in on the game. In any event, chance bought Oswald forty-eight more hours of life.

The police converged on the Texas Theatre because they believed the killer of Dallas Police Officer J. D. Tippit was inside. Johnny Brewer, the manager of a shoe store near the theatre later testified that he noticed a man standing in the doorway of his store. Brewer said the man attracted his attention because "he just looked funny to me." After the man left the doorway, Brewer went out onto the sidewalk to look at him, and he testified that he saw the man go into the Texas Theatre without buying a ticket. Brewer called this to the attention of the box-office cashier, who telephoned for the police. (Both the cashier, Mrs. Julia Postal, and the ticket taker, Warren Burroughs, testified that they did not see anyone sneaking into the theatre, although they did not challenge Brewer's testimony.)

The number and rank of the law-enforcement officers who responded to the call is remarkable.

There were, for example, two police captains among the fifteen men who stormed into the Texas Theatre, and one of them was the chief of personnel, Captain W. R. Westbrook. But the most interesting member of the small army of lawmen who went to the Texas Theatre was an FBI agent. Police Sergeant Gerald Hill mentioned the agent when he was questioned by Warren Commission counsel David Belin. (Belin is currently the executive director of the Rockefeller Commission, which is investigating the CIA.)

HILL: At about this time Captain Westbrook and a man who was later identified to me as, I believe his name was Barnett, an FBI agent—

BELIN: Would it be Barrett?

HILL: Yes.

BELIN: Do you remember his first name?

HILL: Bob was identified to me later in the day by Captain Westbrook. Came in from, I presume they came in from the north fire exit, which would have actually been coming in from outside, and came over to us, and Captain Westbrook instructed us to get the man [Oswald] out of there as soon as possible.

By all accounts, the police went to the Texas Theatre to arrest a suspect in the Tippit shooting. Why, little more than an hour after the assassination, was an FBI agent assisting in a local police matter?

Hill testified that Barrett entered the theatre with Westbrook *after* Oswald was subdued, but in a radio interview on November 22, Hill told a completely different story:

... then when we got to the library and found out that was another false alarm, the third call came in that he had been seen entering the Texas Theatre. Bob Barnett [i.e., Barrett] from the FBI and I went into the theatre and everybody else covered off outside.

Hill's statement on the afternoon of the assassination indicates that Barrett took part in the actual apprehension and arrest of Oswald, but in his testimony to the commission several months later, Barrett's role has been reduced to showing up with Westbrook after the excitement was over. Why did Hill change his story? Perhaps because some people were beginning to wonder why an FBI agent was there at all.

But someone in the Dallas police—apparently Westbrook—wanted to make certain that the FBI's involvement was a matter of record. Gerald Hill told the commission about writing up the arrest report and waiting for it to be typed:

When we got it back ready to sign, Carroll [another of the arresting officers] and I were sitting there, and it had Captain Westbrook's name for signature, and added a paragraph about he and the FBI agent being there, and not seeing that it made any difference, I went ahead and signed the report.

Actually, they were there, but I didn't make any corrections.

And as far as the report, didn't allege what they did, but had added a paragraph to our report to include the fact that he was there, and also that the FBI agent was there.

Now as to why this was done, your guess is as good as mine.

But apparently the commission didn't even guess about the matter. The staff never asked Captain Westbrook about it when he testified, and FBI agent Robert Barrett was never called to testify.

In fact, the commission seems to have lost interest quickly in the subject of Oswald and the FBI. The day after it met to consider the matter, it sent J. Lee Rankin to visit Hoover and ask him about it. Hoover denied the story and stated that the name of every FBI informant was known at headquarters. A few weeks later he said the same thing in an affidavit, and, shortly thereafter, similar affidavits were submitted by FBI agents who had some contact with the Oswald case.

Gordon Shanklin, the head of the FBI's Dallas office, signed one of the affidavits. He stated only that he had never made or authorized any payment to Oswald and that he could find no record of any such payment. He omitted the denial, contained in most of the other ten affidavits from FBI officials, that Oswald had been an FBI informer. Apparently the commission was satisfied and did not explore the possibility that Oswald's cooperation had been procured through threats to deport Marina, rather than through the payment of money.

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The FBI investigated itself and assured the Warren Commission there was no truth to the rumors of an FBI-Oswald link. The commission let it go at that. The FBI turned its attention once again to investigating the assassination. It named Oswald as the killer and found no conspiracy.


If the FBI's investigation was hamstrung by evidence that Oswald was a bureau informer and indications that some of its own personnel may have been involved in the conspiracy, the bureau could have become the reluctant accessory to a cover-up. Since the testimony of Marina Oswald, who repeatedly changed her story and contradicted herself, was essential to much of the commission's case against Oswald, it is interesting to note that the FBI put considerable pressure on her. Again the lever was the threat of deportation. She told the commission, "Sometimes the FBI agents asked me questions that had no bearing or relationship, and if I didn't want to answer they told me that if I wanted to live in this country, I would have to help in this matter. . . ."

In an interview published in March 1974, Marina expressed her fears about returning to the Soviet Union when asked if she would ever return: "Oh, no, they might put me in jail or something. Once you have a taste of freedom you aren't willing to risk it."

Considering this, it seems remarkable that she hasn't taken the simplest and easiest step to make certain that she will never have to go back: Marina Oswald still has not become an American citizen. Her reason? "I haven't had time to memorize all those questions about the Constitution."

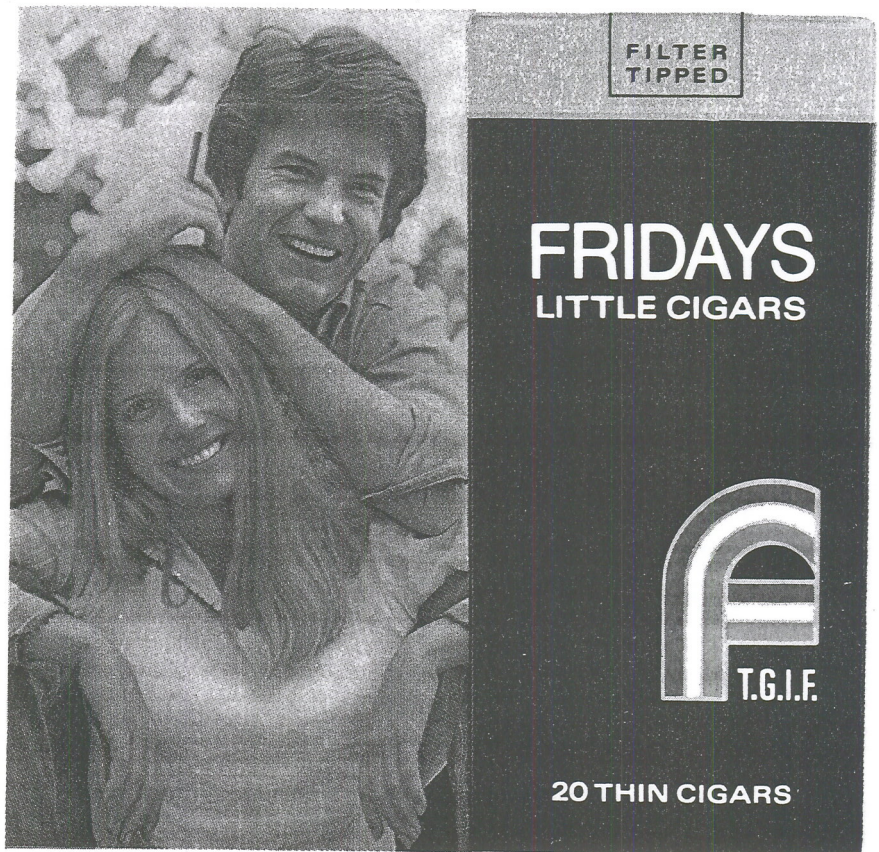
If Marina Oswald ever becomes an American citizen, she will be beyond the threat of government intimidation. Perhaps that is the real reason why she *cannot*. Efforts in Congress to pass legislation that would reopen the case of President Kennedy's assassination have met with failure, but a simple avenue lies open to our lawmakers that could bring at least some of the facts to light: Congress could pass a special bill conferring United States citizenship on Marina Oswald. That one small seed might yield an abundant harvest of truth.

There is no full transcript or tape recording of Oswald's twelve hours of interrogation at the Dallas police headquarters. Perhaps during those twelve hours he revealed his role as an FBI informer. We do know, however, that he told reporters, "I really don't know what this situation is about. Nobody has told me anything, except that I'm accused of murdering a policeman. I know nothing more. . . . I do request someone to come forward to give me legal assistance."

Was "someone" his FBI contact? Was Oswald's arrest in New Orleans a dry run to see if he could be relied upon to keep his mouth shut? If it was, his discretion may have been his death warrant. 

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