

## Chapter 6: Autumn of 1963 New Orleans, Mexico City, Miami

[A] plot to kill the President was most likely afoot in New Orleans in 1963 -- a real one -- although the plotters were associated not with the CIA but with Carlos Marcello, the Mafia boss of Louisiana and Texas. Among the plotters were David Ferrie and Lee Harvey Oswald...

Blakey and Billings, *Fatal Hour*, xvii.

### *Background*

Guy [Banister] participated in every important anti-Communist South and Central American revolution which came along, acting as a key liaison man for the U.S.-Government-sponsored anti-Communist activities in Latin America

-- *New Orleans States-Item*, May 5, 1967, cited in Hinckle and Turner

### *Nagell in Mexico City*

Richard Case Nagell (see final section, chapter 2) has suggested that in October 1962, a month after he began working with the Soviets in Mexico City, the Soviets requested of him to investigate rumors that Alpha 66, the militant anti-Castro organization set up by the CIA a few months before, was involved in serious discussions to assassinate President Kennedy. Nagell was also requested to look into the activities of Lee Harvey Oswald, just recently returned to the United States from the Soviet Union.<sup>1</sup> On October 21, he checked out of the Hotel Luma in Mexico City, and spent the next year as "an investigator (informant) for the Central Intelligence Agency in an undercover role."<sup>2</sup> On December 20, 1962, he checked himself into the Bay Pines Veterans Administration Hospital, complaining of severe headaches, blackouts, and amnesia.<sup>3</sup> He was discharged on January 22, 1963.<sup>4</sup> The 1969 Military Intelligence file (mentioned above, at the end

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1 <sup>1</sup>Russell, *The Man Who Knew Too Much*, p. 250-252

2 <sup>2</sup>Russell, *The Man Who Knew Too Much*, p. 264.

3 <sup>3</sup>Russell, *The Man Who Knew Too Much*, p. 265.

4 <sup>4</sup>ibid, p. 287.

of Chapter 2) notes that he was "investigating activities of Anti-Castro organizations and their personnel" during the period when Nagell was in Miami.<sup>5</sup>

### ***Guy Banister***

Guy Banister was born in 1901. He served in the FBI, eventually retiring as the Special Agent in Charge of the Chicago office in 1955 after 20 years of service. (In that capacity, he was [apparently] the superior to Robert Maheu during Maheu's service in Chicago; see below.) After serving briefly in the New Orleans police department as the assistant police superintendent,<sup>6</sup> he opened a private detective agency called *Guy Banister Associates*, which was apparently a front for American intelligence operations. ...

Banister was the Louisiana coordinator for the Minuteman, according to one former Minuteman, Jerry Milton Brooks, who worked for Banister.<sup>7</sup> More significantly, Banister was involved in the Anti-Communist League of the Caribbean, part of the larger World Anti-Communist League.\* Banister organized the Friends of Democratic Cuba in 1961, a group which raised funds for the Cuban Revolutionary Council, the CIA-organized Cuban government in exile that we have encountered on a number of occasions in this narrative.

During the Bay of Pigs operation, Banister worked with Sergio Arcacha Smith of the CRC (see Chapter 5), whose office was across the hall from Banister's, at 544 Camp Street in New Orleans; Banister and Arcacha Smith were close friends.<sup>8</sup> (We will note below in this chapter the connection between this office and the address used by Oswald on his FPCC literature.) A CIA memo indicated that Banister during this period was one of Arcacha Smith's FBI contacts; we may conclude therefore that Banister was still working for the FBI at this time.<sup>9</sup> Banister was also working with Wray Gill, Marcello's lawyer, to help block the Justice Department's deportation of Marcello.<sup>10</sup>

Banister died in 1964.

*...[W]ho was paying for Banister's anti-Communist activities: governmental intelligence, the New Orleans Mafia, or some third force allied with both together[?] Those stressing intelligence (Garrison, William Turner, Anthony Summers) have pointed to*

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5 <sup>5</sup>ibid, p. 289.

6 <sup>6</sup>Blakey/Billings 189

7 <sup>7</sup>Fish is Red, 204f.

8 <sup>8</sup>BlakeyBillings 189

9 <sup>9</sup>Scott, 1993 p. 87

10 <sup>10</sup>Scott, 1993, p. 88

*Banister's years of service in the FBI and the Office of Naval Intelligence, his association with the CIA-sponsored Cuban Revolutionary Council, and his work for the Louisiana State Committee on Un-American Activities. [fn] Those stress the mafia, following the lead of G. Robert Blakey and the House Committee on Assassinations, have argued that Banister was "closely associated with G. Wray Gill, an attorney for Mafia leader Carlos Marcello, and David W. Ferrie, who performed investigative services for both Banister and Gill." [fn: Blakey/Billings.]*

*A third and more likely possibility is that Oswald and Banister were working for what was in effect a third force: an intelligence-mafia gray alliance, rooted in the deep political economy of New Orleans.*

PD Scott 1993, p. 87.

Lee Harvey Oswald spent a good deal of time with Guy Banister in his office in the summer of 1963. "Guy Banister's widow has revealed that her husband's office storeroom contained a supply of the 'Hands Off Cuba!' handbills that were distributed by Oswald. George Higgenbothan, one of Banister's collegiate undercover agents, recalled that when he kidded his boss about sharing abuilding with people papering the streets with leftist literature, Banister snapped, 'Cool it--one of them is mine.'"<sup>11</sup> We will return to the matter of documenting this connection further below.

Another important person in these events, David Ferrie, was also heavily involved in the affairs of the agency.<sup>12</sup>

### ***David Ferrie***

David Ferrie was an odd and apparently gifted individual. Born in 1918, he was a pilot by profession, and an extreme rightwing militant by persuasion. His sexual inclination led him into trouble; he lost his job as a pilot for United Airlines in August of 1961 because of a sequence of arrests for homosexual acts with teenage boys, and the Federal Aviation Agency began in investigation of Ferrie. At the time of that trouble, he engaged C. Wray Gill as his lawyer in New Orleans, and Gill in turn hired Ferrie afterward in Gill's ongoing work as attorney for Carlos Marcello.

Ferrie's appearance was striking and unique. He had suffered from a rare disease, alopecia, which had led to the disappearance of all of the hair on his body. He compensated for this by attaching to his head and face what appeared to be ungainly false hair, and dark marking for eyebrows. Under most circumstances these details would be of little importance, but their signifi-

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11 <sup>11</sup>*The Fish Is Red*, Hinckle and Turner, p. 208, citing interviews with Mrs. Mary Banister and George Higgenbothan.

12 <sup>12</sup>On both Oswald and Ferrie: confirmed by Jack Martin, in Garrison, *Trail*, pp. 31-32. Oswald's frequent appearance in Banister's office confirmed by Banister's secretary, Delphine Roberts,

cance for researchers lay in the fact that witnesses who had seen him with Lee Harvey Oswald during the summer of 1963 had little trouble identifying Ferrie as Ferrie: there was no one who looked quite like him.

*Oswald and Ferrie*: Oswald has been linked to Ferrie both during the 1963 period, and in the middle 50s, while Oswald was a teenager. Blakey and Billings note that Oswald's closest friend in high school "told the FBI he and Oswald had been members of Ferrie's squadron."<sup>13</sup> Another witness cited by Summers<sup>14</sup> is quoted as saying,

Oswald and Ferrie were in the unit together. I'm not saying that they may have been there together. I'm saying it's a certainty.

Posner dismisses the Civil Air Patrol connection between Oswald and Ferrie, stating:

Although he [Ferrie] was a member through 1954, Ferrie was disciplined because he gave unauthorized political lectures to the cadets. [reference to minutes of CAP in 1959] When he submitted his 1955 renewal, he was rejected. [reference to a letter between two CAP officers, 1959]. Ferrie was not reinstated until December 1958. [ibid] He was not even in the Civil Air Patrol when Oswald was a member in 1955.

During Castro's Sierra Madre period, Ferrie was involved in flying guns into Cuba, but he turned sharply anti-Castro (as many did) when Castro announced his devotion to the Communist cause. Ferrie had been a devoted Roman Catholic; in later years, he became a bishop of the Orthodox Old Catholic Church of North America, a sect not recognized by the Vatican.<sup>15</sup>

*Ferrie and Banister*: Ferrie was employed by Guy Banister, and was a regular presence in the offices of Guy Banister Associates at 544 Camp Street in New Orleans.<sup>16</sup> His activities in the early Sixties were, of course, important to this study. He may have been directly involved in the Bay of Pigs invasion; he was on vacation from his job at Eastern Airlines during the two week period beginning April 16, 1961.<sup>17</sup> One account has him meeting Marcello in the middle of 1961, shortly after the Bay of Pigs invasion and Marcello's deportation and return; he would have begun working for Guy Banister in February, 1962, and for G. Wray Gill a month later. Another account has Ferrie serving as a conduit for money from Carlos Marcello to the Cuban Revolu-

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13 <sup>13</sup>Fatal Hour, introduction, p. xxi.

14 <sup>14</sup>Conspiracy, p. 330

15 <sup>15</sup>Davis, *Mafia Kingfish*, 130

16 <sup>16</sup>Garrison, OTA 31.

17 <sup>17</sup>Blakey/Billings xix and 193. Ferrie had requested an indefinite leave, but the request was turned down.

tionary Council (CRC), the group headed in New Orleans by Sergio Arcacha Smith.<sup>18</sup> By the summer of the 1963, he was working closely with Marcello in planning strategy for the defense against the Justice Department's deportation case.<sup>19</sup> He flew twice to Guatemala during October, 1963.

He also worked with Carlos Marcello in 1963 in helping him establish his defense in the extradition case the Justice Department had brought against him. We will return to Ferrie and Marcello's case in Chapter 7 below.

Michael Kurtz notes,

[A] right-wing extremist with whom Oswald associated was David William Ferrie....Once, Ferrie and Oswald attended a party, where they discussed the desirability of a coup d'etat against the Kennedy administration. On another occasion, Oswald and Ferrie were seen at Ponchartrain Beach, a New Orleans amusement park. Oswald and Ferrie also frequented the Napoleon House bar, a popular hangout for college students. There they often debated Kennedy's foreign policy with the students. Accompanied by two "Latins," Ferrie and Oswald were observed in Baton Rouge, where they openly denounced Kennedy's foreign and domestic policies.

One of the most significant eyewitness observations was of Ferrie, Oswald, and numerous Cubans, all dressed in military fatigues and carrying automatic rifles, conducting what appeared to be a "military training maneuver." This event took place near Bedico Creek, a swampy inland body of water near Lake Ponchartrain, about fifty miles north of New Orleans. This occurred in early September 1963, two months after the final government raid on anti-Castro guerrilla camps in the United States.<sup>20</sup>

### ***The Houma incident***

This story was related to Jim Garrison by Gordon Novel: A number of the Cuban activists working in Banister's group, including David Ferrie, Sergio Arcacha Smith, and Gordon Novel, went to a blimp air base in Houma, Louisiana in 1961. They took from an explosives bunker that belonged to the French oil exploration Schlumberger Corporation a number of land mines, hand grenades, and rifle grenades. This material was then divided between Banister's office and Ferrie's home awaiting transport to Miami.<sup>21</sup>

### ***Robert Morrow's account***

Robert Morrow, a contract CIA agent mentioned above in chapter 3 and 5, was working under Tracy Barnes during 1963, and he says that in the summer of 1963 he was instructed by Barnes to purchase 7.35 mm Mannlicher-Carcanos -- not the 6.5 mm Mannlicher Carcano found later in

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18      <sup>18</sup>Blakey/Billings xix

19      <sup>19</sup>Davis, MK 159

20      <sup>20</sup>Michael Kurtz, *The Crime of the Century*, p. 203, citing in part an interview with George Wilcox.

21      <sup>21</sup>Garrison, OTA 40.

the Texas School Book Depository. Morrow says he purchased four, found one to be defective; the guns were then picked up by David Ferrie and flown to New Orleans. Morrow was told that the guns were intended for an operation against Juan Bosch, the leader of the Dominican Republic (Bosch was overthrown on Sept. 25), though later Barnes told him that it might not have been the Bosch effort that the rifles were for.

In late September, Morrow says he was contacted by Eladio del Valle, who asked him to get four small walkie-talkies that could not be traced -- good at a quarter mile range.

### ***Paramilitary training in Louisiana***

Gerry Patrick Hemming and Frank Sturgis, operating under the aegis of the New Orleans branch of the Cuban Revolutionary Council (CRC), established a military training camp for Cuban exiles in 1962, used variously by "the DRE, the 30th of November Movement and the MIRR"<sup>22</sup>, all associated with Paulino Sierra. It was located near Lacombe, LA, outside of New Orleans and just north of Lake Pontchartrain. It was set up by Gerry Patrick Hemming and Frank Sturgis, and it was being used by the MDC [Christian Democratic Movement] at the time, under the leadership of Laureano Batista.<sup>23</sup> One of the instructors was David Ferrie.<sup>24</sup>

Mid-July saw new recruits and arms coming in from Florida.<sup>25</sup> This was on a property controlled by William Julius McLaney.<sup>26</sup> There was a raid on the explosives on July 31, 1963 in which large quantities of dynamite, 100-pound aerial bomb casings, and related military materiel

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22 <sup>22</sup>*The Fish is Red* 201

23 <sup>23</sup>*The Fish is Red* 201

24 <sup>24</sup>Summers, *Conspiracy*, 346.

25 <sup>25</sup>Summers, *Conspiracy*, 346.

**26** <sup>26</sup>William Julius McLaney himself had investments in Cuban gambling before the Castro revolution; he was also the brother of Mike McLaney, who had sponsored the bombing effort scotched by Customs the month before.

27 There is evidence, described by Dick Russell (*The Man Who Knew Too Much*, pp. 408ff), that Richard Case Nagell was sent by Tracy Barnes during this period to infiltrate and investigate the Lake Pontchartrain training base. At this point, Nagell apparently was no longer able to contact his CIA case officer (who was, according to Robert Morrow, Tracy Barnes) ; Nagell then sent the information that he had uncovered to the FBI. Nagell was focusing on two Cubans whose code names were Leopoldo and Angelo (or Angel), who were by August 20 still in New Orleans. These may be the same two Cubans who used those names when visiting Sylvia Odio (see below). H

were seized.<sup>27</sup> Eleven men were detained, but they were released without being formally arrested. Among the men were:

- Sam Benton (who was "Mike McLaney's go-between with the mob-financed Cuban exiles"<sup>28</sup>; involved in dealing with stolen securities and other securities closely associated with...gamblers in Miami."<sup>29</sup>

- Rich Lauchli, cofounder of the Minutemen, and an arms merchant from Illinois who had sold guns to the provisional government of Paulino Sierra Martinez<sup>30</sup>

"More than a ton of dynamite, 20 bomb casings three-foot long, napalm (fire-bomb) material and other devices were seized Wednesday by Federal Bureau of Investigation agents in a rest area in St. Tammany Parish, between Mandeville and Lacombe," the *Times-Picayune* wrote. McLaney's wife claimed that the property was on loan to a Cuban known as Jose Juarez.<sup>31</sup>

The training camp nearby shut down its operations shortly thereafter, an operation in which Carlos Bringuier assisted.<sup>32</sup>

### **MIRR**

Organized by Orlando Bosch, a former medical doctor who was worked for the revolution but who quickly turned against Castro. He worked with Sturgis' International Anti-Communist Brigade (IACB), leading to eleven air raids on Cuba starting in the spring of 1963. After the Florida and Louisiana raids (see below), he moved his base of operations to Guatemala.

A major financial backer of MIRR was H.L. Hunt.

### **Bayo Pawley LIFE raid: June 1963**

Eddie "Bayo" Perez had been showing a letter in the exile community earlier in 1963 that said that there were two Soviet Colonels in Cuba who wanted to defect and tell where the Soviet missiles were still hidden in Cuba. Perez had fought with Raul Castro against Batista; he was later a member of Alpha 66.<sup>33</sup>

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28 <sup>27</sup>*The Fish is Red*, 198ff. This is also discussed in Garrison, OTA, p. 34, citing the *New Orleans Times-Picayune* of August 1, 1963.

29 <sup>28</sup>Scott 1993, p. 88

30 <sup>29</sup>*The Fish is Red*, citing testimony before a Senate rackets committee, p. 199.

31 <sup>30</sup>*The Fish is Red*, 199

32 <sup>31</sup>Garrison, OTA, p. 35, citing *Times-Picayune*, August 2, 1963.

33 <sup>32</sup>Summers, *Conspiracy*, 346.

34 <sup>33</sup>*The Fish is Red*, 168f.

Howard Davis, from Sturgis's Interpen, took this information to Theodore Racoosin, a New Yorker with White House connections. He was not able to provide support for Bayo's project to get the Russians out, but Davis was urged to set up meetings with anti-Castro leaders, in part so that the White House people could find out what the CIA was up to. Several meetings took place in Florida, with such figures present as Bill Boggs, editor of the *Miami News*; Hal Hendrix, the Miami journalist tight with the CIA; Jay Mallin of *Time*; Gerry Hemming, Frank Sturgis, some members of the DRE; Eddie Bayo; John Martino; Jack Gore of the *Fort Lauderdale News*; and William Pawley.<sup>34</sup>

Soon thereafter, Pawley received a phone call from Senator James O. Eastland, encouraging him to support Martino and the proposed raid on Cuba. Pawley talked with Bayo and his Cuban associates, and found them to be serious; he decided to back their plan. The CIA provided Rip Robertson, and two others bearing the names Ken and Mike.

Flying Tiger, a 65 foot yacht belonging to William Pawley, with Rip Robertson, two other CIA paramilitaries, Richard Billings, and John Martino on board. Their goal was to pick up two Soviet military officers from Cuba, and bring them back to the U.S. and publicly display them to the U.S. Press.<sup>35</sup>

But Bayo and his commandos slipped off into the waters on June 8, and never returned.<sup>36</sup>

### ***Raids***

15 June 1963: Customs agents conducted a raid just south of Miami on a tip that a plane loaded with a large amount of bombs and explosives was going to take off to bomb the Shell refinery in Cuba. Sam Benton, a man with a background involving gambling in Cuba, and organized crime, was apprehended, along with four Cubans. An unnamed pilot had flown the plane in from out of state, and was planning to fly the plane to a friendly Central American country after the bombing raid.<sup>37</sup> The FBI determined that the money and the explosives were supplied by Mike McLaney, a former casino operator in Havana.

Other raids rounded up a number of mercenaries involved in Interpen (Intercontinental Penetration Force), including Alexander Rorke, Frank Sturgis, and Loran Hall.

Loran Hall

Hall was in prison in Cuba along with Santos Trafficante (Summers, 347, goes back to Weisberg);

### ***Oswald to New Orleans***

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35 <sup>34</sup>*The Fish is Red*, 169f.

36 <sup>35</sup>*The Fish is Red*, 168f.

37 <sup>36</sup>*The Fish is Red*, 173.

38 <sup>37</sup>*The Fish is Red* 200

Lee Harvey Oswald arrived in New Orleans on April 15, 1963, and went to stay with his aunt and uncle, Lillian and Charles Murret, also known as Dutz Murret. Oswald had been close to them as a child; it has been observed that Dutz Murret was something like a father to Oswald, whose own father died before he was born.

John Davis, in *Mafia Kingfish*, describes a report that was submitted to the FBI by an informant identified as SV T-1 (perhaps with the surname of Sumner). The informant, from Darien, Georgia, was having dinner in March or April 1963 at the Town and Country restaurant -- Marcello's. He was introduced to the manager or owner of the restaurant on entering, and he later saw the man sitting at a table with a young couple, a slight man of medium height and a blonde he described as a "flashy dresser". The manager, or owner, passed a wad of cash to the young man.

Davis notes that the description that SV T-1 gave of the manager/owner fit Joseph Poretto, the manager of the restaurant. SV T-1 reported to the FBI after the assassination that he was certain that the young man he had seen was Lee Harvey Oswald. He was unaware of the nature of the management of the restaurant or its connection to Marcello or the Mafia. (*Davis, MK 121*) Now Dutz Murret was himself located in the hierarchy of organized crime in New Orleans. He was a bookmaker, operating under the aegis of Sam Saia, who in turn was part of Carlos Marcello's larger organization.<sup>38</sup> Murret told the Warren Commission [ref] that he loaned enough money to Oswald to allow him to rent a \$65/month apartment on May 9 so that his family could come and join him.

Ruth Paine then drove Marina and their daughter to New Orleans, where Lee, Marina and daughter were to live in the apartment at 4907 Magazine Street.

Oswald obtained a job at the Reily Coffee Company (May 9, 1963). The Reily Company was owned by William Reily, who was involved in raising money, with Ronald Caire, for the FRD (*Frente Revolucionario Democrático*), discussed earlier in Chapter 4, the Cuban government in exile set up by the CIA and headed by Tony Varona, Miro Cardona, and Sanchez Arango, later becoming transformed into the CRC.

Two weeks later, Oswald wrote to the Fair Play for Cuba Committee, inquiring about the prospects of setting up a chapter in New Orleans. The Fair Play for Cuba Committee was known nationally, and was a thorn in the federal government's side, with its criticism of the hostile attitude taken toward Castro's Cuba. Oswald set up a chapter of the FPCC of which he was, apparently, the only member, though A.J. Hidell was given as the name of the chapter president.

In June, Oswald distributed flyers that were pro-Castro in tone, with the Fair Play for Cuba imprimatur. They were marked "FPCC, 544 Camp Street, New Orleans, LA." The building which stands at this address in New Orleans was at that time the office of Guy Banister.

June 16: Oswald distributed FPCC literature in front of the wharf where the U.S.S. Wasp was at dock.

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39 <sup>38</sup>Davis, MK 123.

June 24: Oswald applied for a new passport in New Orleans; his old one had expired; the passport was issued the next day. There was no lookout card for Oswald. see section on this at the end of Chapter 8 on Warren Commission.

June: Oswald's application for passport; In July, Oswald went to a military training camp on land near Lacombe, LA, owned by Mike McLaney, a former Havana casino operator working closely with Santos Trafficante and Meyer Lansky (this base was discussed just above in this chapter). Oswald offered to help in the training a group of Cuban exiles who had recently arrived from the Miami area, but his offer was refused.<sup>39</sup>

On July 19, Oswald left his job at the Reily Coffee Co. Unfortunately, a number of questions remain unanswered concerning this significant period of Oswald's life. During this period, Oswald was apparently also working as a runner and collector for his uncle's bookmaking activities, according to one account.<sup>40</sup> The reasons behind Oswald's dismissal from the Reily Coffee Co. are also murky. The Warren Commission indicates that he was let go because of poor working habits,<sup>41</sup> such as inefficiency and inattentiveness, matters that included Oswald's spending too much time next door at a garage operated by Adrian Alba. Yet Alba reports that Oswald told him after being fired that Oswald had "found [his] pot of gold at the end of the rainbow." Oswald also said he expected to be working at the NASA plant in New Orleans, where four of his co-workers at Reily would go to work as well.

The FBI would later search through the gun magazines at Alba's garage, and determine that an advertisement for the type of Mannlicher-Carcano found after the assassination was among Oswald's effects at home, and the advertisement had been ripped from the June 1963 issue of the *American Rifleman* found at Alba's garage. However, Klein's (who believe that they sold the Mannlicher-Carcano to Oswald) are clear about the fact that the order they received (from "Hidell") came from the February issue of the same magazine. Recall that Oswald had only begun working in that neighborhood in May; he had been in Dallas when he ordered the rifle (and the pistol).

### ***Oswald handing out FPCC pamphlets***

Garrison notes,

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40 <sup>39</sup>Davis, *Mafia Kingfish*, 127f.

41 <sup>40</sup>"[I]n 1979, during an FBI operation directed against Marcello and others, undercover agent Joseph Hauser got Marcello to admit he had known Oswald's uncle, Dutz Murret, and that Oswald had worked as a runner and collector for his uncle's bookmaking operation in the summer of 1963. That operation, Marcello added, was located in Sam Saia's Felix Oyster House in the French Quarter, not far from Pete Marcello's Sho-Bar on Bourbon Street. Some corroboration of Oswald's affiliation with the Marcello gambling network was suggested by FBI informant Eugene De Laparra, who testified in 1967 that Oswald knew Ben Tregle, owner of the Marcello-backed bar and restaurant on Airline Highway not far from the Town & Country Motel. Tregle ran a horse book out of his bar that subscribed to Marcello's racing wire service." Davis MK 128f.@

42 <sup>41</sup>Russell cites WC XIII, 726.

Whenever Oswald was going to hand out pro-Castro leaflets, for example, he regularly had gone to a local employment office and hired men to help him in his leafleting work. I found this out when I noticed that one of the young men shown in local news photos handing out flyers with Oswald looked very much like the son of one of my fellow artillery officers in the National Guard. I called Charles Steele and learned that indeed it was his son, Charles, Jr. We interviewed young Steele and discovered that Oswald had paid him and the others two dollars an hour to hand out pamphlets with him. Oswald had told them that they had to do this until the news photographers departed, after which they were free to go. This recruitment method was highly improbable for a true Marxist group. Most such groups had members to do their leafleting but almost no money. Oswald's Fair Play for Cuba Committee, by contrast, had no apparent members other than himself but enough money that it could hire unemployed people.<sup>42</sup>

The evidence points to the conclusion that Oswald was working for Guy Banister to create a false Fair Play for Cuba Committee so as to find individuals in New Orleans who were sympathetic to the Castro cause. Garrison notes, "[a] young attorney I frequently played chess with at the New Orleans Chess Club had told me how Banister had hired him when he was a college student to find radical, or even liberal, organizations on the campus, and to join and penetrate them."<sup>43</sup>

In early August (possibly August 5), Oswald visited Carlos Bringuier at the Casa Roca, a general goods store, to inquire whether he could join the Cuban Student Directorate (DSE), an extreme activist anti-Castro organization. Bringuier did not find Oswald quite on the level, and he turned down Oswald's offer to help train his enrollees in guerrilla warfare. Nonetheless, Oswald dropped off his Marine training manual the next day in Bringuier's store, where their meeting the previous day had taken place.<sup>44</sup>

On August 9, Bringuier, Celso Hernandez, and Miguel Cruz found Oswald handing out pro-Castro literature on the street, and they got into a scuffle. All were arrested, and Oswald was not released till the next day. Opinions have ranged widely as to whether this scuffle was what it appeared to be, or rather orchestrated for effect. William Gaudet, whose name will return shortly as someone with a long career of involvement with the CIA and as someone who has linked Oswald and Guy Banister, agreed with an interviewer some years later that the scuffle was "a sort of a PR [public relations] operation," and Gaudet himself added that "That was put in, I think, mostly by [Ed] Junior Butler," whose name will reappear in connection with a radio debate a week later that Oswald and Bringuier participated in.<sup>45</sup>

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43 <sup>42</sup>Garrison, OTA, p. 25.

44 <sup>43</sup>Garrison, OTA, 24.

45 <sup>44</sup>Blakey/Billings 184

46 <sup>45</sup>Scott 1993, p. 82, who cites an interview of Gaudet by Bernard Fensterwald, May 13, 1975. Scott notes that Gaudet remarked, "I don't even think he knew exactly what he was distributing....The Fair Play for Cuba deal...was nothing but a front and was one of the dreams of -- I think Guy Banister." Scott notes that Gaudet repeated these opinions in an interview with Scott

Other views as to whether the scuffle was orchestrated vary. Summers quotes the police officer who was involved, Francis Martello, as having said that "He seemed to have them set up to create an incident." In connection with that statement, Summers cites a book by Rosemary James with Jack Wardlow (*Plot of Politics? The Garrison Case and Its Cast*, New Orleans: Pelican Publishing 1967.), while Posner quotes Martello as having told him in 1992, "No, that is not true. That is a fabrication. That fight was not set up. I didn't believe it back then and I don't believe it now -- no way."<sup>46,47</sup>

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for Canadian television in 1977.

47 <sup>46</sup>Posner, 152.

48 <sup>47</sup>Martello saw Oswald as a very collected and well-read individual, as he explained in his deposition to Liebler: Francis Martello, the policeman who interviewed Oswald in the police station after he was arrested in New Orleans, saw Oswald as a non-violent person. Consider his dialog with Liebler:

49 Martello: ...it appeared to me that he felt that Russia was the lesser of the two evils.

50 Liebler: Did he express this idea with great forcefulness, or just sort of a "pox on both your houses" fashion, that really it was just too ridiculous, and that sort of thing?

51 M: With a nonchalant attitude. He was a very cool speaker. I don't know too much of his formal education. I read an account in the newspaper about it, but from the way he spoke, it was quite obvious that he had done a heck of a lot of reading in his lifetime, and his approach was academic, more or less theories but with no aggressiveness or emotional outbursts in any way, shape, or form. It was just a very calm conversation we had, and there was no emotion involved whatsoever.

52 L: Did he show any hesitancy about expressing these ideas to you as a member of the police department?

53 M: None whatsoever, sir....

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55 L: ...he in no way demonstrated any animosity or ill feelings toward President Kennedy?

56 M: No, sir; he did not. At no time during the interview with Oswald did he demonstrate any type of aggressiveness in any way, shape or form, other than his demonstration on Canal Street with the picket sign.

57 L: Did you consider whether Oswald was prone to violence or was a violent kind of person?

58 M: No, sir; I did not, for the simple reason that when he had made the friendship of the people with the anti-Castro groups in the city and offered them assistance, and when they saw him on Canal Street with pro-Castro signs they became insulting and abusive to the point of becoming violent toward him, and he never reacted to the action that was being directed toward him.

Martello *does* say something in his deposition before the Warren Commission about *Oswald* having "set up" the confrontation. He says, "Although he was passive in his demonstration, he seemed to have set them up, so to speak, to create an incident, but when the incident occurred he remained absolutely peaceful and gentle." A moment later, he says, "as far as ever dreaming or thinking that Oswald would do what it is alleged that he has done, I would bet my head on a chopping block that he wouldn't do it."<sup>48</sup>

While in jail, Oswald asked to see an FBI agent, and Special Agent John Quigley saw him. Quigley burned his notes of the interview, counter to standard Agency procedure.<sup>49</sup> Oswald was bailed out of jail the next day, August 10, by Emile Bruneau, a fact which has been the focus of considerable discussion.

Who was Emile Bruneau, and why did he bail Oswald out of jail? Who asked him to do it? Bruneau was a state boxing commission, and a friend of Oswald's uncle, Dutz Murreit. Bruneau was also an associate of two of Marcello's syndicate deputies (one of them being Nofio Pecora), as the HSCA report notes.<sup>50</sup> One school of thought, focusing on the Mafia, proposes that it was the Murrets who contacted Bruneau.<sup>51</sup> Others, such as Peter Dale Scott, point out that Lillian Murret's account of the day makes it perfectly clear that when she and her daughter called Bruneau, it was Bruneau who told them what was happening to Oswald; he called back later, and told them that Oswald had been released.<sup>52</sup> Before Oswald was released, however, his cousin Joyce Murret (Lillian's daughter) had stopped by the jail, though she neither saw Oswald, nor bailed him out; she did speak to Lt. Martello, and filled him in on some of Oswald's background, which Oswald had not revealed.<sup>53</sup> Posner insists that it was only after Oswald called Joyce back, insisting that she get money from Marina to bail him out, that her mother suggested that they contact

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59 L: These anti-Castro characters attempted to provide Oswald into some kind of physical conflict, did they not, as a matter of fact?

60 M: That is correct, sir.

61 L: And he didn't respond?

62 M: That is correct, sir.

63 <sup>48</sup>WC X 61.

64 <sup>49</sup>Garrison, OTA, 25.

65 <sup>50</sup>HSCA report p. 170, cited in Scott 1993 82.

66 <sup>51</sup> BlakeyBillings, original edition, p. 358f.

67 <sup>52</sup>Scott 1993, p. 83, citing Summers, Conspiracy, 341; and also 9 AH 99, 119.

68 <sup>53</sup>WC X 55, cited in Posner p. 156.

Emile Bruneau, who then bailed Oswald out.<sup>54</sup> Posner is quite certain about this: he says, "Yet the testimony and evidence show that Bruneau acted, as a personal favor, at the behest of the Murrets and was later reimbursed by Oswald's uncle. Bruneau had no direct contact with Oswald." (156)

On August 16, Oswald employed two men to help with passing out his pro-Castro leaflets. This was captured on film by WDSU-TV. Carlos Quiroga paid a visit to Oswald that evening, apparently in an effort to infiltrate Oswald's FPCC.<sup>55</sup>

[In his deposition for the WC before Liebler, Carlos Bringuier was shown some photos of Oswald that day handing out pro-Castro materials, and in one of them, Pizzo Exhibit 43-B, Bringuier identified one of the people in the gathering -- perhaps someone with Oswald, it's not clear from the context -- as a Japanese man from "the Kasuga Co. here in New Orleans. He had the office in International Trade Mart."<sup>56</sup>

On August 21, Bringuier and Oswald appeared at a radio debate arranged for them by a radio station reporter to discuss Cuba.<sup>57</sup> This debate also featured Ed Butler, well-practiced in anti-Communist debate, and it was Butler who was familiar with Oswald's past and his years in the Soviet Union. Butler ran the Information Council of the Americas (INCA), a right-wing propaganda outfit.<sup>58</sup> Butler had obtained information about Oswald's past in the Soviet Union, unbeknownst to Oswald, and according to one secondary account -- that of Gerald Posner-- "[b]y the time the show ended, Oswald was devastated."<sup>59</sup> According to William Stucky, the host of the program, however,<sup>60</sup> "Mr. Oswald handled himself very well, as usual...[he] appeared to be a

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69 <sup>54</sup>Posner 156; but Posner does not give a source for this specific description; the closest citation is to WC X 145.

70 <sup>55</sup>Russell, *The Man Who Knew Too Much*, pp. 400-401 and references cited there.

71 <sup>56</sup>WC X 39-40.

72 <sup>57</sup>See Russell, *op cit*, p. 401.

73 <sup>58</sup>Scott 1993, 94, referencing his own *Crime and Coverup*, 14f.

74 <sup>59</sup>Posner 1993, p. 161. This evaluation (for which no citation is offered) is part of Posner's massive effort to paint a picture of Oswald as haunted by feelings of inadequacy. Posner may have developed since his book's publication a new appreciation for the plight of the beleaguered interviewee in the light of his more recent experiences; when interviewed on *Frontline*, he maintained, as he had in *Case Closed*, that Oswald and Ferrie were not associated in the CAP (see chapter 2 above); that snippet of interview was followed by the airing of a photograph showing Oswald and Ferrie together.

75 <sup>60</sup>WCR, p. 410.

very logical, intelligent fellow"; Stucky thought that Oswald acted very much as would a young attorney.

- INCA and Ed Butler

"...a New Orleans right-wing propaganda operation that almost certainly did work for the CIA. [fn 6] But so many Standard Fruit employees were associated with INCA that one may perhaps conclude that Standard Fruit, at least as much as the CIA, was sponsoring INCA's propaganda activities in Latin America...."Standard Fruit's employees at INCA included its General Counsel Eberhard Deutsch (Jim Garrison's former law partner and political mentor); Cuban refugee activist and CRC-veteran Manuel Gil...and William I. Monaghan, who later resigned and joined Oswald at the William B. Reily [coffee] Company. And a "Charter Member" of INCA was Standard Fruit's Director Seymour Weiss, a veteran anticommunist and political heavy from the Huey Long era. Weiss was said to have run New Orleans for the National Crime Syndicate along with the more famous mafioso Carlos Marcello."

Many U.S. multinationals supported INCA, through foundations such as the Cordell Hull Foundation.

Oswald's activities from August 21 until September 17th remain unknown to researchers.<sup>61</sup> This period presumably includes the Clinton visit. Late in the summer, Oswald, David Ferrie, and a third man, possibly Clay Shaw or Guy Banister, spent a day in Clinton LA at a voter registration drive primarily for local Black people, during which time Oswald made sure that a number of people saw him and learned his name.

Clinton LA: we have a barber who remembers Oswald asking for advice about getting a job as an electrician at the local hospital. Local state representative Morgan Reeves confirmed that Oswald visited him, on the recommendation of the local barber in Jackson, LA. Two people from the hospital say he showed up looking for work. Late August or early September. Three men in the car: Oswald, Ferrie and a distinguished gentleman. Oswald stood in the registration line for *hours*. Why?

This period also corresponds to the period during which Veciana said that he saw Oswald with Maurice Bishop in Dallas (see below).

Throughout the summer period, Oswald was a presence in Banister's 544 Camp Street office, where Ferrie, Arcacha Smith, and other CIA-supported Cuban exiles were actively engaged.<sup>62</sup>

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76 <sup>61</sup>Fonzi, 140.

77 <sup>62</sup>The clearest testimony to this effect is offered in Summers, *Conspiracy*, p. XX, where Banister's secretary is given as a primary source regarding Oswald's appearances at 544 Camp Street.. Oswald's involvement was confirmed in a quite emotional scene to Summers which Summers has discussed in public forums (e.g., a panel discussion in 1993 in Chicago, at which this writer was present). Oswald's presence in Banister's offices is an extremely important fact in building a picture of what Oswald was involved in during the last few months of his life, and

This association was attested to by Jack Martin, Delphine Roberts, and William Gaudet; and Michael Kurtz and Van Burns:<sup>63</sup>

On the five witnesses linking Oswald to Banister and 544 Camp Street:

**Jack Martin**

Garrison reports that Jack Martin told him that in the summer of 1963, there were many Cubans in Banister's office, that Ferrie was a permanent fixture there, and that Lee Harvey Oswald was there too. "Sometimes he'd be meeting with Guy Banister with the door shut. Other times he'd be shooting the bull with Dave Ferrie. But he was there all right."<sup>64</sup>

Posner writes,

...Martin, a former private investigator who sometimes worked with Banister...was an admitted drunk who had previously given statements to the FBI that he had never seen Oswald at 544 Camp Street [HSCA X 130] Hubie Badeaux, the former chief of the New Orleans police intelligence division, knew both Banister and Martin. "Jack drank, took pills, and had a criminal record," Badeaux told the author. "He was goofy to begin with, and lied all the time." [interview with Posner]. The Select Committee concluded Martin's testimony was so "contradictory...[that] credence should not be placed in Martin's statements to the committee." [HSCA X 130].

But see the material on possible intimidation of Jack Martin in Chapter 7.

The HSCA also notes the collaboration of Jack Martin and David Ferrie:

Martin had at one time been a close associate of Ferrie. (131) Ferrie told the FBI he met Martin in the fall of 1961, probably not long after Ferrie had met Banister.(132) Martin apparently shared Ferrie's interest in obtaining a position with an ecclesiastical order, although Ferrie insisted he became involved with these religious orders only to assist Martin in a Department of Health, Education, and Welfare investigation into the sale of phony certificates of ordination and consecration.(132) Ferrie said he and Martin had a falling out when he put Martin out of attorney G. Wray Gill's of-

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writers who are actively concerned with discounting the involvement of official American officials in the conspiracy are at pains to dismiss this evidence; see Blakey/Billings xxi, for a typical example of this. Blakey-Billings note that Ms. Roberts' "demeanor as a witness did not lead us to place much credence in her testimony." (190).

78 <sup>63</sup>The latter two in interviews with Anthony Summers reported in his *Conspiracy*.

79 <sup>64</sup>Garrison OTA, p. 32.

face in June 1963, because Gill did not want Martin "hanging around the office." ...Martin has also told the committee he saw Lee Harvey Oswald with Ferrie in Guy Banister's office in 1963.<sup>65</sup>

### Delphine Roberts

HSCA wrote:

Contrary to her statements in the initial interview, that she had never seen Oswald, she stated that she saw Oswald come into Banister's office on several occasions.(115) Because of such contradictions in Roberts' statements to the committee and lack of independent corroboration of many of her statements, the reliability of her statements could not be determined.<sup>66</sup>

Posner notes some later observations of Summers's:

Anthony Summers told the author that he had met with Delphine Robewrts at John Lanne's office. There, Lanne, whom Summers "though to be fairly mad, certainly odd," pulled a pistol from his desk, waved it in the air, and told Summers he could not interview his client, Delphine. Summers drove Delphine home from that meeting, and during the ride, "she suddenly, more or less, broke up, put her hands to her face, and said, 'Mr. Summers, look, why should I bottle this up?'" She then told him the story he wrote in his book.

### William Gaudet

Who is William Gaudet, other than being the man whose name immediately preceded Oswald's on the list of people requesting a tourist visa to Mexico in New Orleans? He was the editor of *Latin American Report*. Gaudet noted that "he has in the past been an employee of the CIA" (CD 75.588), as Scott notes; he goes on to write that ...there are at least two reasons why future investigators might wish to interview Mr. Gaudet, who is now retired:

(a) The FBI agent who interviewed Gaudet, SA John William Miller, filed a separate report the same day that "Gaudet telephonically contacted this agent to advise that he had heard Jack Ruby from Dallas, Texas, had purchased paintings from one Lorenzo Borenstein" (CD 4.644 at 26H 337). Borenstein reportedly is a close relative of Leon Trotsky. Although Borenstein confirmed that Jack Ruby had bought several chap paintings in 1959 (26 H 336), Gaudet has since denied giving Miller this information, which in retrospect looks like someone's flimsy effort to suggest an Oswald-Ruby-Trotskyite nexus.

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80 <sup>65</sup>HSCA X 130, jg.

81 <sup>66</sup>HSCA X 130, jg.

(b) The Mexican government, in transmitting the names of the travelers whose permits immediately preceded and succeeded Oswald's, omitted one name --Gaudet's-- from the sequence (24 H 679, 685)...<sup>67</sup>

Peter Dale Scott more recently has noted that "[e]very published account of the Gaudet-Oswald story, including my own, has repeated Gaudet's description of himself as working for the CIA." Scott notes that United Fruit Company also acknowledged supporting the *Latin American Report [sic]*, published by William Gaudet".<sup>68</sup>

Summers reports that

under cover of running a publication called the *Latin American Newsletter*, he worked for the CIA for more than twenty years. It was a strictly secret connection, one which he confided to nobody -- not even his wife. After the President's assassination he was contacted by the FBI but agreed to be interviewed only after a briefing from "Bill," his boss in the New Orleans office of the CIA....

He said he had "known" Oswald in New Orleans. This once said, Gaudet quickly adjusted his statement, insisting now that he had merely observed Oswald handing out leaflets in the street, on several occasions, but always fleetingly. Nevertheless, Gaudet talked at length of Oswald's physical appearance and personality, assessing him from personal observation as a "very nervous, frail, weak man...I didn't think he had much strength of character, and when the news came out that he had shot Kennedy it was a complete and total shock to me." Gaudet talked much more as though his first statement had been true, as if he really had met Oswald....

On my second visit to the former agent...I became openly skeptical that Gaudet could have gained his obvious knowledge of Oswald purely from "coincidental" sightings in the streets of New Orleans. Gaudet suddenly said, "I do know that I saw him one time with a former FBI agent by the name of Guy Banister. Guy of course is now dead. What Guy's role was in all of this was I...I really don't know....I did see Oswald discussing various things with Banister at the time, and I think Banister knew a whole lot of what was going on....

"I suppose you are looking into Ferrie. He was with Oswald.... Another vital person is Sergio Arcacha Smith. I know he knew Oswald and knows more about the Kennedy affair than he ever admitted."<sup>69</sup>

What does Posner say about Gaudet?

William Gaudet, a newspaper editor. Until 1961, he was a source of information for the CIA's Domestic Contact Division. He did not know Oswald, did not travel to Mexico with him, and had no other association with the case except for the coincidence that they both applied for

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82 <sup>67</sup>Peter Dale Scott, *Crime and Coverup*, 1977, p. 15 and 54.

83 <sup>68</sup>Scott 1993, p. 97.

84 <sup>69</sup>Summers, *Conspiracy*, 363-365.

Mexican tourist cards. The House Select Committee reviewed Gaudet's CIA file and determined he had no clandestine relationship with the Agency (HSCA Rpt. p. 219).<sup>70</sup>

William Gaudet acknowledged working for the CIA for over twenty years. He operated a publication entitled *Latin American Newsletter*. He has both acknowledged and denied knowing Oswald in New Orleans; he confirmed seeing Oswald together with Guy Banister, who he at least knew by sight, and also seeing Oswald with David Ferrie. Gaudet was also reported having visited Banister's office in the summer of 1963. (source: *Conspiracy* 1, Summers, p. 365) [Posner says (p. 168-9) that his connection to the CIA was with the Domestic Contact Division, citing HSCA 219, concluding that Gaudet had no "clandestine relationship with the Agency.]

In addition, Henry Hurt notes:

David F. Lewis, Jr., who worked for Banister as a private detective, has stated that he once met Oswald in the late summer of 1963 in a restaurant in the Camp Street Building. With Oswald was Sergio Arcacha Smith, says Lewis. Arcacha has denied that he ever met Oswald. [sources: Summers p. 326, and statement by David F. Lewis, December 15, 1966.]<sup>71</sup>

Michael Kurtz, author of *Crime of the Century* and professor of history at Southeastern Louisiana University, wrote:

I myself saw Lee Harvey Oswald and Guy Bannister [sic] together in New Orleans, but I thought nothing of it at the time, and I still do not. No one has produced the slightest scintilla of evidence linking Bannister to the assassination. My friend and colleague Van Burns saw Oswald and Ferrie together. My response to that is utter indifference. The flimsy connection between Ferrie and Carlos Marcello has led some to conceive of a fantastic Mafia-inspired hit on Kennedy.<sup>72</sup>

I saw Oswald and Bannister [sic] together twice. The first time, in May 1963, Bannister and Oswald arrived on the campus of Louisiana State University in New Orleans and entered a classroom. A fellow student of mine, George Higginbotham, introduced Bannister, who, in turn, introduced Oswald to the small group of students in the room. Bannister debated students about the racial policies of the Kennedy administration and about Kennedy's Cuban policies. In both instances, Bannister took what could only be called an extremist right-wing position, vehemently advocating a return to racial segregation, criticizing the students for attending an integrated university, and insisting that the United States launch a full-scale military invasion of Cuba. As far as I can recall, Oswald said nothing throughout the forty-five minute discussion. On the second occasion, sometime during July or August of 1963, I took a coffee break from my summer job at the office of the New Orleans Times-Picayune newspaper, the side of which was located directly across Camp Street from the 544 Camp Street building. I walked into Mancuso's a small coffee

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85 <sup>70</sup>Posner 1993 169.

86 <sup>71</sup>Hurt, *Reasonable Doubt*, p. 337.

87 <sup>72</sup>Kurtz, *Crime of the Century*, 2nd edition, p. xiii.

shop in the first floor and drank a cup of coffee. Sitting together at a table some twenty feet away were Guy Bannister and Lee Harvey Oswald. Bannister waved to me, and I waved back. During the summer of 1963, Van Burns worked at the Ponchartrain Beach amusement park in New Orleans. One evening, while he attended his booth, Burns saw a friend of his, accompanied by two men, approach the booth. The friend introduced him to Lee Harvey Oswald and David Ferrie. After a few minutes of small talk, Oswald and Ferrie left and strolled down the boardwalk together. The friend told Burns about Ferrie's having flown him over the Gulf of Mexico all the way to Cuba and told him that Ferrie had been involved in certain "missions" to Cuba. At the time these incidents occurred, the late spring and summer of 1963, neither Burns nor I thought anything about them, but the evening of the Kennedy assassination, both of us recognized the president's accused assassin as the same man we had observed in New Orleans....we waited for official investigators to contact us. We are still waiting. Our observing Oswald in the company of Bannister and Ferrie in New Orleans in 1963 clearly contradicts the Warren Commission's portrait of Oswald as a left-wing Marxist sympathizer and ardent supporter of the Soviet Union and of Cuba, for both Bannister and Ferrie definitely belonged on the opposite end of the political spectrum. Oswald's associations with Bannister and Ferrie must be considered within the context of his having been seen by others associating with individuals of the same extremist right-wing views.<sup>73</sup>

On numerous occasions, Oswald associated with Guy Bannister [sic], an ex-FBI official and a private investigator....Twice, Bannister and Oswald visited the campus of Louisiana State University in New Orleans and engaged students in heated discussions of federal racial policies. During these discussions, Oswald vehemently attacked the civil rights policies of the Kennedy administration.[reference here to "Lee Harvey Oswald in New Orleans: A Reappraisal" in Louisiana History 21 (1980), p. 7-22, by Kurtz].<sup>74</sup>

Oswald also saw a lawyer named Dana Andrews a number of times during this summer period, each time accompanied by a "Mexican", according to Andrews' testimony before the Warren Commission.

Peter Dale Scott notes that during this August period, Oswald was in touch with five members of the CRC: Carlos Bringuier, Frank Bartes, Carlos Quiroga, Ernesto Rodriguez Jr., and Orest Pena.<sup>75</sup>

On September 17, he [allegedly] obtained a visa to enter Mexico. He had a new copy of his birth certificate, and a new passport.<sup>76</sup> The person immediately in front of Oswald in the queue to get

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88 <sup>73</sup>Michael Kurtz, *Crime of the Century*, xxxix-xl

89 <sup>74</sup>Michael Kurtz, *Crime of the Century*, p. 203

90 <sup>75</sup>See PDS Scott 1993, p. 326. On these, resp., see: (1) 10 WH 34; (2) 10 AH4, 10 AH 62; (3) 22 WH 831, 26 WH 768; (4) 22 WH 829, 24 WH 659, cf. 22 WH 188; (5) 11 WH 352-831). See especially his fn 21 on p. 327 regarding inaccuracies in the HSCA report on Oswald's contacts with the CRC, especially with Quiroga.

a Mexican visa (with whom Oswald could possibly have come) was a man named William Gaudet, in whom considerable interest has been piqued, although no direct links between Oswald and Gaudet have been established. Gaudet said later that he had not seen Oswald in the Mexican Consulate, and he did know Oswald by sight.<sup>77</sup> Gaudet has consistently asserted that he did not see Oswald at the Mexican consulate that day.<sup>78</sup>

On September 23, Marina and June left with Ruth Paine to go back to Dallas.

On September 26th, Oswald left on a bus ride to Mexico City. Perhaps. The documentary evidence includes a bus ticket which Marina Oswald found (with the help of journalist Priscilla Johnson) among some papers just before her final appearance before the Warren Commission, on September 6, 1964.

### ***The Mexican visit period; Oswald doubles***

The notion that there was one or more person impersonating Oswald was apparently first suggested by Leo Sauvage in an article in *Commentary* (Spring 1964); it was then developed in an influential book-length study by Richard Popkin entitled *The Second Oswald*.<sup>79</sup> Popkin, chair of the philosophy department at the time at the University of California, San Diego, wrote with a dry and thoughtful style, quite the opposite of the abrasive style of Sylvia Meagher, Mark Lane, or Weisberg.

The pace of observed or documented Oswald activities during this period picks up considerably. These include the following:

- A visit to the Selective Service office in Austin, Texas, on September 25 concerning his dishonorable discharge from the Marine Corps; this was attested to by Mrs. Lee Dannelly, who was assistant chief of the administrative division in the Selective Service office. Florence Norman was a waitress at a nearby coffee shop, and confirmed Oswald's presence.<sup>80</sup>
- According to Richard Case Nagell, Nagell met with Oswald in New Orleans in September, and he informed him that two Cubans that Oswald had been working with were not -- as they had claimed -- intelligence agents from Castro's G-2, but were rather anti-Castro exiles who were attempting to use Oswald in one fashion or another. Nagell reported that Oswald seemed genuinely upset and visibly shaken, but not willing to proceed any further in the line that Nagell was pursuing. Nagell was operating at the time directly with a case officer from the intelligence services of another country (apparently the Soviet KGB), and he had been unable to contact his true case officer (perhaps Tracy Barnes, according to Robert Morrow; see fn [4] above). The KGB instructions were to attempt to persuade Oswald to rethink his association with the two

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91 <sup>76</sup>Summers, *Conspiracy* 1, p. 362

92 <sup>77</sup>Scott 1993, p. 96.

93 <sup>78</sup>Scott 1993, p. 96? check that.

94 <sup>79</sup>1966, Avon Books and the New York Review.

95 <sup>80</sup>WC XXIV 732, 736, cited in Posner, p. 174.

Cubans, code-named Leopoldo and Angel (or Angelo), and if that failed, to eliminate Oswald.<sup>81</sup> William Bishop, who is credibly identified as a former CIA agent involved in paramilitary operations, confirmed to journalist Dick Russell that the two Cuban exiles whose noms de guerre were Leopoldo and Angelo and who worked with the CIA were with Alpha 66;<sup>82</sup> he also indicated that they had direct links to Santos Trafficante and Rolando Masferrer, who provided the financing for their operations.

- A widely-discussed episode is the visit to Sylvia, 24 years old, by a group of three men, "Angel", "Leopoldo", and "Leon Oswald," as the three were represented. Sylvia Odio was the daughter of Amador and Sarah Odio, and the oldest of 10 children. Her parents had recently been placed in jail in Cuba; she was, as well, the mother of four small children. Sometime between September 24 and 29, Ms. Odio was visited by three men representing themselves as representatives of JURE (Junta Revolucionaria Cubana), a Cuban exile group with which Ms. Odio and her father had worked closely. They said they had just come from New Orleans, and that they worked there with the Cuban Revolutionary Council (CRC). The man identified as "Leon Oswald" was almost entirely silent during the encounter. Two days later, "Leopoldo" called Ms. Odio back, and asked her opinion of "Oswald". He went on to explain that "Oswald" was a former Marine and a sharpshooter, who might well want to take a shot at President Kennedy.<sup>83</sup>

However, note the following:

"According to [Lucille Connell, Odio's social worker], Odio told her six days after the assassination 'that she knew Lee Harvey Oswald, and that he had made some talks to small groups of Cuban refugees in Dallas in the past. Odio stated she considered Oswald brilliant and clever, and that he had captivated the groups to whom he spoke...A call had been made in recent months by a Cuban associate of hers to an unknown source in New Orleans, Louisiana, requesting information on Lee Harvey Oswald....Oswald was considered by that source in New Orleans to be a "double agent." The source stated Oswald was probably trying to infiltrate the Dallas Cuban group, and that he should not be trusted (26 WH 738]' ...this early version of the Odio story...correlates very well with what was believed at this time by her friend Carlos Bringuier....Others, including John Martino and his friend Frank Sturgis, were quoted as saying that Oswald had 'tried to infiltrate Cuban anti-Castro organizations in Miami...Connell's version of

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96 <sup>81</sup>Russell, *The Man Who Knew Too Much*, p. 437-8.

97 <sup>82</sup>Russell, *The Man Who Knew Too Much*, p. 513f.

98 <sup>83</sup>Ms. Odio's sister Sarita reported this disturbing conversation with at least one friend before the assassination, and provided evidence that she had written of it to her father in a letter; she also discussed the visit with a psychiatrist. The story traveled by word of mouth till it came to the attention of an FBI agent, who interviewed her, and the Warren Commission considered this information as potential evidence of a conspiracy, but rejected it, for reasons which we will consider below. See Fonzi, pp. 109-113.

the Odio story...is also corroborated by a DRE sympathizer, Edwin Steig. Steig reported seeing Oswald at a DRE meeting in October (WCD 205.646)...."<sup>84</sup>

Lee Harvey Oswald apparently went by bus to Mexico City, leaving on September 24 and arriving on Sept. 26, 1963. The next morning, he got a room at the Hotel Comercio. Whether he went first to the Cuban embassy or to the Soviet embassy is not certain. At the Soviet embassy, according to Nagell, he met with Valery Kostikov, Pavel Yatskov, and Oleg Nechiporenko.<sup>85</sup> Kostikov was believed to be a staff officer of the KGB, associated with "wet affairs", or executions;<sup>86</sup> Yatskov was believed to be a KGB officer, perhaps the chief KGB officer at the station, and Nechiporenko was a highly respected KGB officer as well. He spoke first with Yatskov, then with the three of them.<sup>87</sup>

Lopez Report:

Through what appears to be primarily (or entirely) electronic surveillance, such as wire taps, evidence was found supporting the following conclusions:

On Friday, 27 September, "At or about 10:30 a.m. an unidentified man called the Soviet Military Attache looking for a visa to Odessa. He was referred to the Consulate. The man then asked for and was given directions to the Consulate office...The entire conversation was transcribed in Spanish [this apparently can be taken to mean that the conversation was conducted in Spanish. JG]. At 10:37 a.m. a man called the Soviet Consulate and asked for the Consul. He was told that the Consul was not in. The man outside stressed that it was necessary for him to get a visa to Odessa. He was told to call back at 11:30. This conversation was also transcribed in Spanish. At 1:25 an unidentified man called the Soviet Consulate and asked for the Consul. The man was told that the Consul was not in. The man outside asked, "when tomorrow?" The Soviet official told him that on Mondays and Fridays the Consul was in between four and five. This conversation was also in the Spanish transcriptions. At approximately 4:05 p.m. Silvia Duran called the Soviet Embassy [from the Cuban Consulate -- JG]. She told the person at the Embassy that an American citizen seeking a visa was at the Cuban Consulate. Silvia explained that the American citizen wanted to know the name of the official he had dealt with at the Soviet Embassy. Silvia had sent the American to the Soviet Embassy stating that his acquiring a Cuban visa was contingent on his previously acquiring a Soviet visa. Silvia explained to the Soviet official that the American had stated that he was assured that there would be no problem. At that point, the Soviet official put another official on the phone, causing Silvia to repeat the story. The official then asked Silvia to leave her name and number so he could call later....At 4:26 p.m. an unidentified

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99 <sup>84</sup>PDSScott 1993, p.118

100 <sup>85</sup>On this and Nechiporenko more specifically, see Russell, *The Man Who Knew Too Much*, p. 488ff.

101 <sup>86</sup>See Epstein, *Legend*, p. 16

102 <sup>87</sup>According to Posner, p. 183, whose veracity I consider suspect; he appears to be depending on an interview with Brian Litman (April 29, 1993)

Soviet official called Silvia Duran inquiring whether the American citizen had been to the Cuban consulate office. Silvia responded affirmatively, stating the American was at the office at that time. The Soviet official told Silvia that when the American visited the Soviet Consulate office he had displayed papers from the Soviet Consulate in Washington. He also had a letter stating that he was a member of an organization that favored Cuba. The American wanted to go to the U.S.S.R. with his Russian wife and remain there a long time. The Soviet official had not received an answer from Washington to the American's problem. The problem traditionally took four to five months to resolve because Washington had to secure authorization from the U.S.S.R....Silvia said that the Cuban government could not give the American a visa because he had neither friends in Cuba nor authorization for a visa from the U.S.S.R. The Soviet official added that the Soviets could not give the American a letter of recommendation because they did not know him.

"September 28, 1963, Saturday: At 11:51 Silvia Duran called the Soviet Consulate. She said that there was an American citizen at the Cuban Consulate who had previously visited the Soviet Consulate. The Soviet asked Silvia to wait a minute. Upon his return to the telephone, Silvia put the American on the line. At first the American spoke in Russian and the Soviet spoke English. The conversation then proceeded in English until the Russian discontinued it and put another Soviet on the line. The Soviet spoke in English, but the American, speaking in broken Russian, asked him to speak Russian. The conversation resumed in Russian at that point. It also became incoherent and is thus quoted in its entirety: Russian: What else do you want? American: I was just now at your Embassy and they took my address. Russian: I know that. American /speaks terrible, hardly recognizable Russian/ I did not know it then. I went to the Cuban Embassy to ask them for my address, because they have it. Russian: Why don't you come again and leave your address with us; it is not far from the Cuban Embassy. American: Well, I'll be there right away.

"October 1, 1963, Tuesday. At 10:31 a.m. an unidentified man called the Soviet Military Attache and, in broken Russian, said that he had visited the Consulate the previous Saturday and spoken to the Consul. The man wanted to know if the Soviets had received an answer from Washington. At that point, the Soviet official gave the man the Consulate phone number and asked him to call there....At 10:45 a.m. a man who, according to the translator's comment, had phone a day or so before and had spoken in broken Russian, called the Consulate and spoke to an employee named Obyedkov. The man calling introduced himself as "Lee Oswald" and stated that he visited the Soviet Consulate the previous Saturday. He told Obyedkov that he spoke with the Consul on that day. Oswald added that the Consul had stated that they would send a telegram to Washington and he wanted to know if they had received an answer. Oswald also said that he did not remember the name of the Consul with whom he had spoken. Obyedkov asked if it had been Kostikov and described him as 'dark.' The man outside replied affirmatively and repeated that his name was Oswald. Obyedkov asked Oswald to hold on a minute while he inquired. When Obyedkov resumed the conversation, he stated that the Soviet Consul had not yet received an answer but the request had been sent. Obyedkov then hung up the telephone as Oswald began another sentence with the words 'and what.'

October 3, 1963, Thursday. An unidentified man called the Soviet Military Attache and spoke in broken Spanish and then in English. When the man inquired about a visa to Russia, he was given the Consulate phone number. The man then inquired if they issued visas at the Consulate. The Soviet stated that he was not certain but that the caller should call the Consul nonetheless."<sup>88</sup>

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103 <sup>88</sup>Lopez Report, pp. 73-76.

- "The transcripts of conversations about or involving Oswald [redacted] at the Soviet Embassy reveal that a man later identified as Oswald was at the Cuban Consulate at least three times on Friday and Saturday, September 27 and 28. They also reveal that he was at the Soviet Embassy at least twice on those same days. [FN: ...In fact, Oswald may have visited the Soviet Embassy 3 times also.]<sup>89</sup>

At the Cuban embassy, Oswald (or an impostor? see below) met Sylvia Duran, a Mexican national working at the embassy. She informed him that he needed clearance from the Soviets before he could get a transit visa. He had to come back to the embassy two more times during the day in the hopes of getting the visa, and on the third visit, he got upset and angry, and the consul, Eusebio Azcue, had to come out and speak with Oswald.

{Journalist Anthony Summers later interviewed both Sylvia Duran and Eusebio Azcue, and neither were certain that the Oswald that entered the Cuban Embassy was the Oswald they later saw in the newspapers who was arrested as Kennedy's assassin. Azcue said that when he saw news-reel clippings of Oswald after the assassination, he believed that they showed a different person from the one he had met just a few weeks earlier; the one he had met was about 35 years old, of medium height, with dark blond hair. This matches well with the photographs of someone other than Oswald who the CIA provided when asked to show the photographs taken of Oswald entering the Soviet and Cuban embassies.}

Uncertainty regarding the value of Duran's testimony is more serious than even that suggests.

Mark Lane cites a cable from the director of the CIA to Mexico City:

Arrest of Silvia Duran is extremely serious matter which could prejudice U.S. freedom of action on entire question of Cuban responsibility.<sup>90</sup>

In a cable -- perhaps the same one, Lane is not entirely clear on this point, the DCI writes:

With full regard for Mexican interest, request you ensure that her [Duran's] arrest is kept absolutely secret, that no information from her is published or leaked, that all such information is cabled to us, and that fact of her arrest and her statements are not spread to leftist or disloyal circles in the Mexican government.<sup>91</sup>

Again according to Lane, Duran was released from jail after her first arrest after signing a statement alleging that she had indeed seen Oswald in the Cuban embassy. Upon her release, she began saying things that may have contradicted that statement, and Lane states that the CIA sent a cable to Mexican authorities request her arrest again:

...to be certain that there is no misunderstanding between us, we want to ensure that Silvia Duran gets no impression that Americans are behind her rearrest. In other words we *want Mexican au-*

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104 <sup>89</sup>Lopez Report, p. 92

105 <sup>90</sup>Lane, *Plausible Denial*, p. 59

106 <sup>91</sup>Lane, *Plausible Denial*, 59.

*thorities to take responsibility for whole affair.* [emphasis in the original].<sup>92</sup>

- Did Oswald attend a party in Mexico City?

Elena Garro de Paz, a Mexican writer, said that she saw Oswald at a party in the home of Silvia Duran's brother in law during the weekend of Sept. 27, though no other witnesses have supported this claim.<sup>93</sup> She further said that Oswald was accompanied by two other persons, and that she heard Azcue say that there was no alternative but to kill President Kennedy, a statement that Azcue denies.<sup>94</sup> *Let us refer to this as Cuban Link 1.*

*[Contreras story: See Summers, and Posner's reply: Posner disbelieves Contreras, which is a reasonable position, but Contreras' story is another false Cuban link]*

In addition, during the period in which Oswald was in police custody after the assassination, the FBI agents interrogating Oswald had the opportunity to hear the tape recordings made by the CIA when Oswald was allegedly in Mexico City. The FBI's conclusion: "These special agents are of the opinion that the above-referenced-to individual [the one in Mexico City] was not Lee Harvey Oswald."<sup>95</sup>

Perhaps the most devastating remark of all regarding the proposition that Oswald did what he is alleged to have done in Mexico City has come from David Atlee Phillips. According to Mark Lane, in a campus debate between Lane and Phillips at the University of Southern California in September 1977, Phillips offered the following observations:

Mr. Lane has said that what happened in Mexico City, and the report given by the CIA was wrong, wrong, wrong--wrong. He has combined some truth and much misstatement to come up with his conclusions. Now, I am not in a position today to talk to you about the inner workings of the CIA station in Mexico City. I am not in a position to talk to others about the details of my testimony, before Mr. Sprague, in executive session; but I will tell you this, that when the record comes out, we will find that there was never a photograph taken of Lee Harvey Oswald in Mexico City. We will find that Lee Harvey Oswald never visited, let me put it, that is a categorical statement, there, there we will find out there is no evidence, first of all there was no proof of that. Second, there is no evidence to show that Lee Harvey Oswald visited the Soviet Embassy.<sup>96</sup>

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107 <sup>92</sup>Lane, Plausible Denial, 60.

108 <sup>93</sup>Posner, 190.

109 <sup>94</sup>Posner 190f.

110 <sup>95</sup>Lane, Plausible Denial, p. 64, no citation given; also in Summers, 386, citing HSCA Report 249.

111 <sup>96</sup>Mark Lane, Plausible Denial, p. 82

Such an admission was obviously explosive, and Lane is at pains to make the case that, first of all, both his own introductory remarks and the attitude of the audience were conducive to Phillips' losing some degree of his composure and ultimately control, and second, at dinner that night, hosted by Daniel Freed, Ray Cline and William Colby completely froze Phillips out, giving the appearance of extreme intolerance and disapproval of Phillips' display earlier that day.<sup>97</sup>

[Pre-assassination memoranda:](#)

Winston Scott, CIA COS in Mexico City, sent the following cable marked SECRET to the Director of the CIA, DCI McCone, on 9 October 1963 (was it perhaps sent by David Phillips, as Fonzi writes.<sup>98</sup>

1. Acc [deleted] 1 Oct. 63, American male who spoke broken Russian said his name Lee Oswald, stated he at Sov Emb on 28 Sept when spoke with Consul whom he believed be Valeriy Vladimirovich Kostikov. Subj asked Sov Guard Ivan Obyedkov [deleted] if there anything new re telegram to Washington. Obyedkov upon checking said nothing received yet, but request had been sent.

2. Have photos male appears be American [long deletion] 1 Oct. Apparent age 35, athletic build, circa 6 feet, receding hairline, balding on top, wore khakis and sport shirt, source [deleted].

3. No local dissem.<sup>99</sup>

This appears *not* to be referring -- in one sense of the word -- to Lee Harvey Oswald, in view of the physical description (and the "broken Russian"), but it is consistent with the photos released by the CIA of the visitor (again, quite evidently not Oswald). This suggests that it was not Oswald, despite Nagell's claim to the contrary (and in this Nagell agrees in general with the general Warren Commission view); the only alternative is to imagine that the CIA intentionally matched Oswald's name with an incorrect physical description, a scenario that at present makes no sense.

In support of the contention that it was indeed Oswald who went to the Soviet embassy, we must consider the FBI report on a letter intercepted by the FBI that Oswald sent to the Soviet Embassy dated November 9, in which Oswald referred to his meetings with "comrade Kostin" in the Embassy of the Soviet Union.<sup>100</sup> This letter contains the phrase, "had I been able to reach the Soviet Embassy in Havana as planned, the embassy there would have had time to complete our business." While this letter (assuming that it is genuine, in the sense that Oswald wrote and sent it) is

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112 <sup>97</sup>Plausible Denial, p. 85

113 <sup>98</sup>Fonzi 1993 293; see that source for much longer discussion of Phillips' involvement.

114 <sup>99</sup>PD Scott 1993 p. 39, citing CIA Incoming 36017 of 9 Oct. 1963; 8 May 1992 CIA release # 5-1A (cf. 4 AH 212). "This cable was originally released in April 1976, with additional deletion of ...words...which indicated that the source of the information was a recorded conversation".

115 <sup>100</sup>Warren Report 309-11; WCE 15, 16 WH 33; this given in Scott 1993, 39.

significant, it is impossible to interpret it as evidence supporting the notion that Oswald was in any sense a Soviet agent; Soviet agents in the United States could not possibly send letters about their activities to the Soviet embassy in Washington, D.C. -- though the the letter could be interpreted as a clumsy effort to establish a link at this point in time between and the Soviets. The following day, October 10, the CIA sent a memo about Oswald to the FBI, the State Department, and the Navy.<sup>101</sup> This memo referred to Lee Henry Oswald, and his wife, Marian Pusakova; it gave the same physical description, in slightly different words, as was given in the previous day's cable. As P. D. Scott notes, the Oct. 10 memo from CIA headquarters is cautious in its tentative identification of the individual as Oswald, and cautious with regard to who the individual spoke to at the Soviet embassy in Mexico, while another Mexico City memo on Oct. 16 (who wrote it has not been released) affirms that the officer writing the memo has "determined" that Oswald had talked with Kostikov. In *Deep Politics*, Scott suggests that the two most likely officers to have written this memo (addressed to U.S. ambassador Thomas Mann) were Winston Scott (COS in Mexico City) and David Atlee Phillips -- but notes in a later essay, on the Lopez Report, that the author now appears to be woman with "very much the Counter-Intelligence mentality", citing Lopez Report 171, 101.

**Post-assassination memoranda:**

However, regardless of whether Oswald was himself present in Mexico City (or at the embassies) in this, the final week of September, 1963, there is strong reason to believe that someone other than Oswald was present in Mexico City using Oswald's name. Early on November 23, 1963, J. Edgar Hoover sent a five page report to James Rowley, the head of the Secret Service, summarizing the FBI's position as of that moment. This document was not made available to President Johnson at the time, nor to the Warren Commission; it was released in 1977 in response to two successive FOIA requests. The final paragraph notes that:

The Central Intelligence Agency advised that on October 1, 1963, an extremely sensitive source had reported that an individual identified himself as Lee Oswald who contacted the Soviet Embassy in Mexico City inquiring as to any messages. Special Agents of this Bureau, who have conversed with Oswald in Dallas, Texas, have observed photographs and have listened to a recording of his voice. These Special Agents are of the opinion that the above-referred-to individual was not Lee Harvey Oswald.<sup>102</sup>

The CIA sent to Dallas what it identified as photos of the Oswald they had monitored in Mexico City,<sup>103</sup> but the man is visibly not Lee Harvey Oswald -- though he does fit the verbal description used by the CIA ("Apparent age 35, atheletic build, circa 6 feet, receding hairline, balding on top, wore khakis and sport shirt").

November 23: The FBI sent a memorandum to the Secret Service :

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116 <sup>101</sup>CD 631, cited in Posner, 186; also discussed in Scott, 1993, p. 40.

117 <sup>102</sup>Davis, *Mafia Kingfish*, p. 247. See also Scott 1993, p. 41f.

118 <sup>103</sup>WR 364, 20 WH 691, 11 AH 490-93; cited in Scott 1993 p. 41

The Central Intelligence Agency advised that on October 1, 1963, an extremely sensitive source had reported that an individual identified himself as Lee Oswald, who contacted the Soviet Embassy in Mexico City inquiring as to any messages. Special agents of this Bureau, who have conversed with Oswald in Dallas, Tex., have observed photographs of the individual referred to above and have listened to a recording of his voice. These Special Agents are of the opinion that the above-referred-to individual was not Lee Harvey Oswald (AR 249-50).<sup>104</sup>

Oddly, the HSCA report said that in "response to a committee inquiry, the FBI reported that no tape recording of Oswald's voice was in fact ever received..." suggesting that the memo above was mistaken.<sup>105</sup> More than one researcher has suggested that the two theses are perhaps not in conflict; the FBI agents could have heard a recording over a telephone line, or a radio connection.

Another indication that the Oswald recording was not destroyed routinely during October 1963 is given in Fonzi 1993, who notes the following:

Late in 1991, researchers Joseph Heyer and Jennifer Gers wrote to Warren Commission member William Coleman about a trip to Mexico City he took with Commission attorney W. David Slawson while handling the Commission's investigation into the possible involvement of foreign governments in the assassination. They were concentrating, of course, on Fidel Castro. The researchers asked Coleman about Oswald's activities in Mexico City. In a reply dated December 18th, 1991, Coleman wrote: "The Warren Commission had access to records which showed that Lee Harvey Oswald had contacted the Soviet Embassy and...the Cuban Embassy. We read the transcripts of what was actually said and we heard the words being spoken."

Attempting to follow up, Gary Rowell, publisher of the JFK Research journal *The Investigator*, attempted to question Slawson about the Oswald tapes. Slawson put him off. So Rowell had his daughter Amanda write to Slawson concerning a school project on the Kennedy assassination. In a December 4, 1992 reply, Slawson states"

"Yes, I listened to the tape of Lee Harvey Oswald's telephone conversations with the Soviet Embassy in Mexico City. I did not feel that the voice sounded any different from what I expected his would sound like."<sup>106</sup>

Fonzi also notes that a researcher for the HSCA, Ed Lopez, together with Harold Leap, were told by CIA employees in the Mexico City station that the "consensus among employees within the Cuban Consulate after the Kennedy assassination was that it wasn't Oswald who had been there. They assets said they reported that to the Agency but there were no documents in the CIA files nothing that fact."<sup>107</sup> Lopez and Leap also spoke to the CIA personnel who were involved in the

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119 <sup>104</sup>Scott 1993, 41-42, citing FBI Letterhead Memorandum to the Secret Service, 23 Nov. 1963, and also Summers, *Conspiracy* 386-87.

120 <sup>105</sup>Scott 1993, p. 43, citing HSCA report 249-250.

121 <sup>106</sup>Fonzi 1993 286-287.

122 <sup>107</sup>Fonzi 1993 294.

transcription of what we might call the Oswald-tape. They reportedly said that the voice they had heard was huskier than the voice of the Oswald who was arrested in Dallas, it was a slower paced voice, and the Mexico City "Oswald" spoke only a broken Russian.<sup>108</sup>

Fonzi also notes that Lopez and Leap spoke to one of the photographers who was involved with the photographic surveillance of the Cuban and Russian embassies in Mexico City at the time; the photographer said that "they were working twenty or thirty days in a row at that time, without a day off, so there had to have been weekend coverage. When we asked about the cameras being broken, he laughed. He said, 'Well, of course, we would have more than one camera. We never just had one camera.'"<sup>109</sup> A report which has come to be known as the Lopez Report was prepared by Edwin Lopez and Dan Hardway for the HSCA, and it reviewed materials made available by the CIA regarding Oswald's visit to the Cuban embassy and consulate, and to the Russian embassy. The CIA labeled the report Top Secret, and researchers have had access to the report only since 1994. This report notes three reasons for suspecting that real photographs of Oswald exist: (a) the photographs from [redacted for security reasons by the CIA] the "alternate" photographic base which covered the Soviet Embassy main gate, and the photographs from the pulse camera, which covered the Cuban Consulate entrance, with the exception of a few samples were not made available for review by the CIA; (b) testimony from knowledgeable people that it would have been unlikely that the photosurveillance would have missed someone whom it had at least five chances of recording; and (c) reports that such a photo did, in fact, exist...CIA officers who were in Mexico in 1963 and their Headquarters counterparts generally agreed that it would have been unlikely for the photosurveillance operations to have missed ten opportunities to have photographed Oswald."<sup>110</sup>

Oswald was also apparently seen in a number of activities during this period which certainly were not attended by the real Oswald:<sup>111</sup>

- Irving gun shop
- Irving furniture store
- Dallas Sports Dome Rifle Range

Some material exists which may identify at least one Oswald "double". Dick Russell, an investigative reporter, describes interviews with both Frank Ellsworth, an agent with the Alcohol, To-

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123 <sup>108</sup>Fonzi 1993 294.

124 <sup>109</sup>Fonzi 1993 294.

125 <sup>110</sup>*Lopez Report*, pp. 90-91.

126 <sup>111</sup>See Evica, n.d., Chapter 10; Weisberg, *Whitewash*; Lane *Rush to Judgment*, 324, Meagher, pp. 359-387; Thompson, pp. 296-314; Popkin, *The Second Oswald* 1966, pp 63-105; Anson, 191-217; Canfield 113-134. These pages are all taken from Evica's footnotes.

bacco and Firearms Division of the Treasury Department in Dallas, and John Thomas Masen, a gunsmith who Ellsworth was investigating in 1963. Masen was associated with extreme right-wing paramilitary individuals at the time; he was a member of the Minutemen, at the time, according to Ellsworth. Ellsworth interrogated Oswald after the assassination in connection with the rifle that had been found in the Depository, and Ellsworth's first immediate impression was that Oswald was none other than John Thomas Masen, though he realized soon enough that they were different people, though similar enough to pass for twins, he thought. Ellsworth also confirmed to Russell that there was an individual (apparently Masen, though Ellsworth would not -- could not -- confirm that) who had been identified after the assassination by witnesses as having been Oswald; these sightings were when the Oswald double was seen in the company of Minutemen.

### *Later Dallas doubles*

#### [Downtown Lincoln-Mercury, in Dallas.](#)

Albert Guy Bogard, a car salesman, testified that on November 9, in the early afternoon, he attended a prospective customer who identified himself as Lee Oswald; Bogard wrote the name down on a business card, but tore it up (in the presence of coworkers) after Oswald was himself killed. This Oswald, who declared that he wanted a two-door hardtop Caliente Mercury Comet testdrove a car at 60 to 70 mph, recklessly, on the Stemmons Freeway. He also reported that he'd be coming into enough money to buy a car.

Bogard's testimony was supported by the asst sales manager, Frank Pizzo, and a second salesman, Eugene M. Wilson, who recalled the customer that Bogard was referring to, and another salesman, Oran Brown (and Brown's wife) both recalled Brown's being asked to take care of Oswald if Oswald showed up on a night when Bogard was not working, a week or two before the assassination. Eugene Wilson directly dealt with the man, and this Oswald said, "Maybe I'm going to have to go back to Russia to buy a car," when told that he needed a credit rating to buy a new car.

Posner alludes to this affair in a footnote (p. 221), saying that Bogard's "manager...could not remember such a meeting," and that "[n]one of his fellow workers supported Bogard's story." He offers no citation for this state, which is simply false. The Warren Commission report is clear on

127 Russell, *The Man Who Knew Too Much*, 541-544.

128 See, e.g., *Oswald, the Truth*, by Joachim Joest; London: Peter Danay Ltd 1967, pp. 92ff; Mark Lane, *Rush to Judgment*, pp. 331ff.

129 After the assassination, Mark Lane spoke with Brown in Dallas, who said, "You know, I am afraid to talk....Bogard was beaten by some men so badly that he was in the hospital for some time, and this was after he testified. Then he left town suddenly and I haven't heard from him or about him since." *Rush to Judgment*, p. 333.

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this point: "Bogard's testimony has received corroboration. The assistant sales manager at the time, Frank Pizzo, and a second salesman, Eugene M. Wilson, stated that they recall an instance when the customer described by Bogard was in the showroom."<sup>116</sup> The description continues, placing his dominant focus on the point that there were discrepancies between the customer's appearance and that of the real Lee Harvey Oswald. That is undoubtedly correct; the Oswald who testdrove the car was a different person, but Bogard's testimony remains unimpeached, and Posner's willingness to go beyond misleading paraphrase to the point of serious (and in this case likely intentional) misrepresentation of the facts and the documentation.

#### **Dial Ryder: Irving Sports Shop**

Dial Ryder testified that two or three weeks before the assassination, a man brought him a rifle which he was to "drill and tap" so that a telescopic sight could be mounted on it. The man left the name "Oswald". Ryder was certain, however, that it was not the Mannlicher-Carcano of the Warren Commission that he worked on. The FBI found out about this through an *anonymous* phone call telling them that Oswald had had a sight mounted at a store on the block on which the Irving Sports Shop is located. Ryder's employer testified that Ryder was an employee of six years, and a reliable man, and that he believed the tag with the name Oswald on it was a legitimate tag for a bona fide transaction. Ryder's testimony was supported, furthermore, by two women, Edith Whitworth and Gertrude Hunter. They testified that a man "who they later came to believe was Oswald drove up to the Furniture Mart in a two-tone blue and white 1957 Ford automobile, entered the store and asked about a part for a gun, presumably because of a sign that appeared in teh bulding advertising a gunsmith shop that had formerly occupied part of the premises." The man came back shortly afterwards with a woman and two young children, and they browed in the store for about half an hour; one of the children was apparently a new-born, just as one of Oswald's was at that time.

#### ***Veciana and "Maurice Bishop"***

Antonio Veciana Blanch, the leader of Alpha 66, testified that he had been introduced to Oswald in August or September by his CIA case officer, whose nom de guerre was Maurice Bishop, as we noted in Chapter 5. A number of investigators have speculated that Maurice Bishop was David Atlee Phillips. That Phillips did use the name Maurice Bishop was confirmed by former JM/WAVE CIA officer Ron Cross,<sup>117</sup> and Fonzi 1993 makes a persuasive and compelling case that David Atlee Phillips was indeed Maurice Bishop.

Jim Hougan interviewed Frank Terpil -- apparently at some point in the mid-1980s -- while Terpil was on the lam in Eastern Europe, and the name of David Phillips came up in the interview.

Hougan decided to ask a few questions about Phillips. Well, Terpil said, he actually didn't know Phillips by that name at the time because Phillips was introduced to him as "Bishop"; he didn't remember the first name. Terpil then told Hougan he learend "Mr. Bishop's" real name by checking a CIA security index which he had access to as part of his job. Terpil said he had checked it out

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131 <sup>116</sup>WCR p. 321f.

132 <sup>117</sup>Fonzi 1993 307.

simply because he was curious, since "Mr. Bishop" seemed both important and a bit mysterious. Hougan, who had gotten to know Terpil well, told me, "It would have been entirely in character for Terpil to have disregarded 'need to know' restrictions and to have check up on Phillips, or anyone else who attracted his curiosity."

Hougan said he tended to believe Terpil because the subject came up "out of the blue" and wasn't one in which Terpil might think Hougan had any special interest. Terpil had no reason to lie, Hougan felt. In addition, Terpil had been abroad and in hiding for so long he likely didn't know anything about the Veciana story or the Phillips-Bishop connection or its link to the Kennedy assassination. In fact, Hougan said, when he told Terpil about the significance of his information, Terpil seemed genuinely surprised.<sup>118</sup>

During the years that Veciana and Bishop worked together, contact between them was always initiated by Bishop. When Veciana was out of town, he left instructions on where he could be found with a third party, a woman who was not involved in any other way with anti-Castro politics. With information supplied to him by Veciana, Anthony Summers was able to find her in Puerto Rico and interview her. She did indeed recall telephone messages from Mr. Bishop, and she recalled a number of messages as well from a woman named Prewett, who was a woman.<sup>119</sup> Virginia Prewett "was one of Phillips' most faithful media assets."<sup>120</sup> She was the publisher of a newsletter, the *Hemisphere Hotline*, and a columnist for the Washington Daily News. She admitted having been in touch with Veciana, but said that she had never met him (two statements that may or may not be contradictory; Veciana, for his part, acknowledged having met her a few times). She said she "didn't know Bishop personally", and that she had never met David Phillips. Phillips, in a later interview with David Leigh, confirmed that he knew Virginia Prewett quite well.<sup>121</sup>

### ***Jack Ruby in Dallas***

From Seth Kantor's *The Ruby Coverup*:

By June 8, a Saturday, a large group of Chicago racketeers began to show up at Ruby's Carousel and at two other nearby strip-show clubs...[a] report, written June 16, said that out-of-state syndicate representatives and some area mobsters held a series of meetings that began on June 9,

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133 <sup>118</sup>Fonzi, 1993, 364-365.

134 <sup>119</sup>Fonzi 1993, 319.

135 <sup>120</sup>Fonzi 1993, 319.

136 <sup>121</sup>Fonzi 1993, 320.

aimed at setting up syndicate-controlled prostitution and bookmaking operations in Dallas. The plan was to bring in hired killers to muscle out the independent Dallas pimps and bookies....<sup>122</sup>

This period seems not particularly consequential for Ruby, however.

There are few types of hard evidence concerning Ruby's activities before the assassination; one that can be exploited is the record of his telephone calls. This record shows a marked increase in Ruby's telephone use during the two month period of October and November: he makes strikingly more calls to Mafia contacts throughout the country, in many cases to people he had not been in contact with for quite a few years.

- Oct. 3: 13 minutes to Russell D. Mathews, in Shreveport LA, a "burglar, armed robber, narcotics pusher, and murderer", in the words of the HSCA;<sup>123</sup> Mathews was also an associate of Santos Trafficante and Joseph Campisi; he did not reach Mathews, who had just become divorced and did not live at that residence. Mathews name comes up again in connection with Charles Harrelson (with whom he was close), a convicted contract killer, who has been nominated as a candidate for one of the three tramps arrested after the assassination.

- A few days later: Ruby was seen in New Orleans at a club owned by Frank Caracci, an associate of Carlos Marcello; and the following day, at the Sho-Bar, owned by Pete Marcello.

- Soon thereafter, Ruby was observed by the FBI at a meeting in Miami with Johnny Roselli.

- October 25, 26, 31: calls to Michael Shore, an associate of Mickey Cohen and of Irwin S. Weiner. On October 26, Ruby called Irwin Weiner in Chicago and talked for 12 minutes.

Weiner was a powerful figure in the Mafia world, working with Sam Giancana, Jimmy Hoffa, and Santos Trafficante, Jr. Weiner was a major bondsman for the Teamsters. Weiner has acknowledged that Ruby was a personal friend of long standing; Jack's brother Earl was one of his closest friends.<sup>124</sup>

- Then he called Lenny Patrick (cf. supra) of the Chicago "Outfit", and four days later (Oct. 30), he called Nofio Pecora at the Tropical Court Motel in New Orleans.

- On November 7 he received a call from Barney Baker and the next day Ruby called Baker back, a conversation that lasted 14 minutes (this contradicts Baker's own account; see *The Hoffa Wars*, chap. 8); Baker was a 370 lb. organizer working for Hoffa whose violent side was well-known. Ruby called Baker again on November 11.

- On November 8 Ruby also called Murray W. "Dusty" Miller, leader of the southern conference of Teamsters, who was associated with the underworld; his position in the Teamsters put him in charge of an area that included Dallas, New Orleans, and Nashville.<sup>125</sup>

- November 17, Al Gruber, an old ex-con from Ruby's Chicago days, called Ruby. He visited Las Vegas, and met several times with Al Gruber and Paul Roland Jones.

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137 <sup>122</sup>Kantor, p. 53.

138 <sup>123</sup>cited in Davis, *Mafia Kingfish* 164

139 <sup>124</sup>*The Hoffa Wars*, p. 155.

140 <sup>125</sup>*The Hoffa Wars*, p. 157.

On May 10, 1963, Ruby had had a .38 caliber Smith and Wesson revolver shipped to his "hero" Lewis McWillie; on November 17, 1963, a number of reports place him in Las Vegas, perhaps visiting McWillie.

Subsequently, Ruby went to his lawyer, Graham Koch, on November 19, and informed him that his back tax problems would soon be resolved; he would be coming into a good sum of money.

### ***Oswald in October - November 1963***

October 2: Oswald returns to Dallas. Applies for unemployment the next day, and goes to a downtown YMCA. October 7: moves into a boarding house [621 Marsalis St, belonged to Mary Bledsoe, who will return on Nov 22 on the bus.] . Marina and Ruth Paine visit a neighbor, whose brother (Wesley Buell Frazier) worked at the Texas School Book Depository, and the brother mentioned that there might be an opening there. Marina suggests that this be followed up; Roy Truly, the superintendent of the TSBD, says Oswald can come see him. October 16: starts work there. Moves to another small room in Oak Cliff (1026 North Beckley, again in the Oak Cliff sectino of Dallas, which is just across the Trinity River from downtown Dallas; Dealey Plaza is one of the closest parts of downtown Dallas from Oak Cliff).

October 23: Oswald goes to hear Gen. Walker speak

October 25: Oswald goes to a meeting of the ACLU with Michael Paine. (See 9 W 465).

November 1: Oswald rented another post office box, with FPCC and ACLU as organizations to be using the box. On this day as well Oswald sent a letter to Arnold Johnson of the Communist Party asking for advice concerning internal agitation within the ACLU. In this letter he mentions when the ACLU meetings are in the Dallas area.

November 4: Oswald joins the ACLU, and asks how to get in touch with members in his local area, a question to which we know he knew the answer.

November 6,7: the dubious furniture store visit. Perhaps the date of the gun shop visit as well.

November 8: Oswald allegedly cashed a \$189 check with grocer Hutchison.<sup>126</sup>

- Weekend of 9, 10 November: Oswald visits Marina in Irving, Texas. On the 9th, a visit with Ruth Paine to the motor vehicle bureau to see about a driver's license. Other than that, he stayed at the Paines', according to Ruth Paine,<sup>127</sup> working on a letter to the Soviet embassy.

This letter is a very peculiar document. It is clearly written as if the recipient knew Oswald, and shared some common background knowledge with him. It begins,

This is to inform you of recent events since my meetings with  
comrade Kostin in the Embassy of the Soviet Union, Mexico City,  
Mexico.<sup>128</sup>

This seems to presume an understanding of when those meetings were, and what they involved. Oswald does not identify himself, writing as if he were a known quantity to his interlocutor. He goes on to write,

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141 <sup>126</sup>26 W 178f, 10 W 327-40, cited in Popkin

142 <sup>127</sup>3 WH 13-17, cited in Popkin.

143 <sup>128</sup>16 W 33.

I was unable to remain in Mexico indefinitely [sic] because of my Mexican visa restrictions which was for 15 days only. I could not take a chance on requesting [sic] a new visa unless I used my real name, so I returned to the United States.

Is that ever a call for attention! Oswald is saying that he was using, and had to use, an assumed name for some reason -- that deception was necessary. Who was he hiding his name from? Presumably from the Mexican authorities.

I had not planned to contact the Soviet embassy in Mexico, so they were unprepared, had I been able to reach the Soviet embassy in Havana as planned, the embassy there would have had time to complete our business.

Of course [sic] the Soviet embassy was not at fault, they were, as I say unprepared, the Cuba consulate was guilty of a gross breach of regulations, I am glad he has since been replaced.

The Federal Bureau of Investigation is not now interested in my activities in the progressive organization "Fair Play For Cuba Committee", of which I was secretary in New Orleans (state Louisiana) since I no longer reside in that state. However, the F.B.I. has visited us here in Dallas, Texas, on November 1st. Agent James P. Hasty [sic] warned me that if I engaged in F.P.C.C. activities in Texas the F.B.I. will again take an "interest" in me.

This agent also "suggested" to Marina Nichilayeva that she could remain in the United States under F.B.I. "protection", that is, she could defect from the Soviet Union, of course, I and my wife strongly protested these tactics by the notorious F.B.I.

Please inform us of the arrival of our Soviet entrance visa's as soon as they come.

Also, this is to inform you of the birth, on October 20, 1963, of a DAUGHTER< AUDREY MARINA OSWALD in DALLAS< TEXAS, to my wife.

Respectfully,

- This is also the day at which Oswald was supposed to have had a test drive with Albert Bogard.
- He returns to Dallas the following day.
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- The weekend before the assassination, Oswald did not visit (16-17 Nov.); Marina felt he was persona non grata in the household, and did not encourage him to visit that weekend. He thus had not visited Marina since Nov. 12. On Nov. 21, the night before the assassination, he got a ride from Wesley Frazier, and came unannounced.

### ***FBI interest in Oswald***

Special Agent James P. Hosty, Jr., was assigned Lee Harvey Oswald when it was determined that Oswald had moved from New Orleans to Dallas. On Nov. 1, Hosty went to Ruth Paine's house, looking for Oswald, who was not there. He returned on Nov. 5, and Marina Oswald is alleged to have copied down his license plate number, which was found in Oswald's address book. Shortly after that visit (perhaps on the 6th, 7th, or 8th), Oswald went to the Dallas FBI office. Oswald went to see Hosty with a message in an envelope, but he was informed by the receptionist, Nancy Lee Fenner,<sup>129</sup> he threw the message down on her desk, and left. She recalled it as having threatened Hosty, or the FBI office, if they didn't "stop bothering his wife."<sup>130</sup> Hosty later observed that the message "didn't seem to be of any serious import."<sup>131</sup> "It appeared to be an innocuous type of complaint...I looked at it. It didn't seem to have any need for action at that time, so I put it in my workbox."

### *Rose Cheramie*

Rose Cheramie was an employee of Jack Ruby's in his Dallas night club who was unceremoniously dumped out of a car on the night of November 19-20 1963 on Route 190 near Baton Rouge, Louisiana by two associates of Ruby's. She was found by a police officer, Francis Fruge, and brought to the East Louisiana Hospital in Jackson, Louisiana. She told nurses as well as Fruge that she had come from Miami with associates of her employer, Jack Ruby, who had picked up drugs in Miami, but that she had been dumped out of the car when she became concerned about their talk about assassinating the President.<sup>132</sup> After the assassination, she told Fruge that Oswald had visited Ruby at Ruby's club.

### *INTERPEN, varia*

Two INTERPEN soldiers of fortune, Lawrence Howard and William Seymour -- whom Loran Eugene Hall had claimed were, along with him, visitors to Sylvia Odio -- drove a load of arms eastward from Los Angeles, planning to drive them to Miami. They left the arms in Dallas, however, apparently because a secure place for the arms in Miami had not been found. In October, Hall and Seymour were arrested in Dallas for possession of drugs, but, as Blakey and Bill-

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144 <sup>129</sup>Gentry 544

145 <sup>130</sup>ibid.

146 <sup>131</sup>ibid.

147 <sup>132</sup>Davis, *Mafia Kingfish* 176; di Eugenio 25ff, citing HSCA X: 199-205 and less trustworthy sources!

ings note, "with the help of an influential financial supporter, they were released."<sup>133</sup> The arms then went on to Miami, but were confiscated by customs authorities as the mercenaries were attempting to bring them south to an embarkation point.<sup>134</sup>

Gerry Hemming (see Chapter 2, fn. nn) "told Senate investigators that [he] believed in 1963 that Loran Hall was somehow involved [in the assassination]," as Dick Russell noted in an interview with Hemming published in *Argosy* in 1976. Hemming confirmed this, saying, "Yes, the day of the assassination, I made a call to Texas from Miami. And I pointedly asked, is Lorenzo Hall in Dallas? I made the call about 1:30 or 2:00 in the afternoon. He was there. My contact had seen him in Dallas the day before....he left Miami with the stated intent to get Kennedy. And he had my weapon, a Johnson 30.06 break-down rifle with a scope on it that had been prepared for the Bay of Pigs. I'd left it with a private investigator who had previously worked under Agency auspices on the West Coast. Hall got the weapon when we ran short of funds on a return trip from L.A. to Florida, and we ended up using Hall's car." Hemming said that he understood Hall's plans in November, 1963, to be to stop off and see a number of people, including the brother of Santo Trafficante in St. Petersburg, and "some others who operated under Meyer Lansky's auspices." Hemming added that he thought that "somebody was trying to put him there [Dallas] so he'd be one of the patsies."

### ***Marita Lorenz***

Marita Lorenz was a member of the Cuban exile community in Miami in the early 1960s. She had become Fidel Castro's girlfriend, and had been persuaded to leave Cuba by Frank Sturgis. She testified in a sworn deposition that she traveled in a two-car caravan from Miami to Dallas, whose purpose involved (perhaps among other things) the transportation of guns. Traveling with her was Frank Sturgis and several other people.<sup>135</sup> They arrived in Dallas on November 21, and she testified that she flew back to Miami that day.

The deposition in which Ms. Lorenz described these events was taken in connection with a civil suit brought by E. Howard Hunt against *The Spotlight* for libel. In the course of her sworn testimony she said that Hunt had visited their group on November 21 in their motel room. Hunt's

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148 <sup>133</sup>Blakey Billings 199.

149 <sup>134</sup>As they apparently testified to HSCA investigators; see Blakey-Billings 199.

150 <sup>135</sup>Blakey-Billings 200 include Gerry Patrick Hemming, Orlando Bosch, and Pedro Diaz Lanz among the travelers; all three (and Sturgis as well) deny the charge.

lawyer asked Mr. Lorenz to identify any other members of the group, and Ms. Lorenz identified Gerry Patrick Hemming, Pedro Diaz Lanz, and two Cuban brothers by the name of Novo.<sup>136</sup>

*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."...*

*Q. Have you ever talked about it with Sturgis since 1963?*

*A. Yes.*

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

*A. Yes.*

*...Later Lorenz...explained that when Sturgis sought to recruit her for 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."*

From Mark Lane's book.

**Joseph Milteer**

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151 <sup>136</sup>Mark Lane, *Plausible Denial*, p. 289ff.