

# **WHITEWASH:**

## **THE REPORT ON THE WARREN REPORT**

**by**

**Harold Weisberg**

**A D E L L B O O K**

To my wife, whose ancestors dreamed of man's freedom, fought the Revolution to establish it, and preserved it by fighting both for and against the Union; who is the living embodiment of their spirit and deep beliefs; and whose great labor made this book possible, with the full appreciation of the value of this inheritance that became mine when my parents emigrated to a land in which their son would be born free, this book is lovingly dedicated.

Published by

DELL PUBLISHING CO., INC.

750 Third Avenue

New York, N.Y. 10017

Copyright © 1965 by Harold Weisberg

Dell ® TM 681510, Dell Publishing Co., Inc.

All rights reserved, including the right to reproduce this book or portions thereof in any form.

First Dell Printing—December, 1966

Printed in U.S.A.

## CONTENTS

<b>PREFACE</b>	<b>7</b>
<b>INTRODUCTION</b>	<b>15</b>
<b>A WORD ABOUT INVESTIGATIONS</b>	<b>23</b>
1. Death in Dallas	29
2. The Assassin	39
3. The Set-Up for the Assassination	45
4. The Marksman	64
5. At the Depository: The Tangible Evidence	75
6. The Tippit Murder	111
7. Oswald's Legal Rights	131
8. Oswald's Murder: The Press and the Police	164
9. The Witnesses and Their Treatment	193
10. The Oswalds' Government Relations	220
11. The False Oswald	249
12. The Number of Shots	278
13. The Doctors and the Autopsy	298
<b>CONCLUSION</b>	<b>333</b>
<b>POSTSCRIPT</b>	<b>341</b>
<b>INDEX</b>	<b>347</b>



## PREFACE

This is a story like none other in our history. Perhaps it is unique in all history. It is the story of a most odious event. It is the hitherto untold story of the dubious epitaph of the whitewashing inquest with which the assassinated popular young President, John Fitzgerald Kennedy, was consigned to history.

This is the book that could not be printed—in the United States and eight foreign countries.

And this preface is the story of the book—of the author's fourteen-month effort to get the truth out, and the explanation of its appearance in this, the least desirable of possible forms.

Editors vied with each other in lavishing praises upon the book. Publishers feared to print it.

*Why* do publishers fear this subject? A glance at almost any publisher's list shows the kind of trivia that does get printed. Why, in two and a half years since that tragic day in Dallas, has not a single publisher come out with a single substantial book? Why has not a single major magazine had a single straightforward analysis of the Report? There were a few books of conjecture that slipped immediately and almost unnoticed off the press, including one that is mildly critical of the Commission but is hardly a scratching of the surface.

Why will not a single publisher risk the wrath he anticipates from the government? Is the government in our country that far above criticism for its inadequate investigation of the President's murder? Surely this is a self-imposed fear. "Big Brother" certainly has not sent forth his emissaries to snarl "Verboten!" into the corporate ears.

It is because the government buys such a vast proportion of the outpouring of the American presses, as a number of editors and book-sellers have indicated, and the fear is of financial retribution by exclusion from recommended

listings? Can it be, as others seriously declare, that Americans prefer a placebo, to forget that bleak day and JFK with it?

Seven literary agents, all interested in new clients, suddenly found themselves too busy to "do justice to the book" once they learned its subject matter. One courageous agent alone read it, pronounced it "a really excellent job," but ultimately resigned with the explanation, "No American publisher will now touch this subject." The same is true abroad.

The first publisher to consider this book exclaimed, "This is the most important thing I will do in my lifetime!" The last reported it could be "extraordinarily important." Most who commented found it "fascinating" and described their great interest and its merits in various flattering ways. There was general agreement it is moderate, responsible, and a convincing understatement. An executive of a major publishing house said the book was "important and historic," but declined it, despite sales-staff assurances that it was in the best-seller category. A surprisingly large number of both editorial and sales personnel agreed in this appraisal. At one of the very largest publishing concerns, the author was told they would make this "the best selling book of 1965," a not inconsiderable compliment when the major books of that year are considered.

Perhaps the most self-demeaning excuse offered was the most common, that the American people no longer have any interest in the late President or the circumstances of his murder and its investigation. In the words of a Canadian publisher, "The young man had a certain number of admirers . . . but very few of us have, I think, any continuing interest in either the man or the circumstances of his death." The executive editor for one of the best-known and oldest American publishers, who had earlier praised both the contents and the writing of the book and recommended it for publication, said, ". . . this is simply not the kind of project we would like to publish." Nor is it the kind authors relish writing!

Editors, as a group, were considerate, tried to be helpful and encouraging and were, for the most part, straightforward. A number battled with the owners because of their conviction the book should be printed. In several cases, the controlling powers refused the challenge that they read the book, explaining with candor they feared they'd be

“tempted!” Few editors minced words. There is the executive editor of a vast enterprise which can print a book almost overnight—and has—who said, “You have obviously put in a tremendous amount of work and the result is a highly readable and convincing document . . . Certainly one day soon you must find the publisher with the enthusiasm and courage necessary.” He is among those who sought to interest other publishers, and he later wrote of his company’s “interest in it for paperback,” saying it is “likely, depending completely on the reception it gets in hard cover.” They wanted someone else to “break the ice.” Others found the book reads “like a nonfiction detective story.” Almost without exception, their letters concluded with the warmest expressions of hope for success—elsewhere.

In all, the book was offered to 63 United States book publishers during this fourteen-month period, which in itself may be a record. Of these, 21 had so little interest in the subject matter they declined even to read the book. Some houses considered the book as many as four agonizing times. The history is the same abroad, where in eight countries the author made eleven offers, without acceptance. In addition, an aging but wonderful agent in England made strenuous efforts, without success. One prominent British publisher with a world-wide reputation for “courage” wrote her on August 27, 1965, that the subject “is absolutely no go for us. I’d even go so far as to say the subject is almost dead in England.” Another British publisher of like stature wrote, “I feel this subject has now been exhausted, at least on this side of the Atlantic.” In response to a request that he name a single definitive and responsible treatment of the subject in a book or a major magazine, an underling replied merely, “He asked me to say how grateful he was for the opportunity of considering it.” His “consideration” introduced a new element into the use of the intellect. He did not read the book.

An executive of a highly respected French publisher, in Washington on June 2, 1965, castigated American publishers as cowards. His house, he said, would be very interested in this subject. He would personally read the book and, if his approval was confirmed by the president, they would print it as fast as possible. He even laid out a tentative publishing schedule. Amidst the most uninhibited praise of the author’s courage and persistence, he promised

the final decision within 28 days. Those were his last words. Neither he nor his superior has answered six letters from the author and at least one informal inquiry from an appropriate member of the French foreign service, his personal friend.

Mail from German publishers has failed to reach the author. But this is not surprising when it is understood that his mail from Washington, 30 miles away, sometimes requires six days for delivery, and that from New York, less than 250 miles, as much as two weeks. A major magazine, first written before Thanksgiving by its United States correspondent and the author, finally received a later letter the next year and replied about Eastertime, saying, "Unfortunately, the copy of your book . . . must have been lost, either here in our house or during transportation. We are, however, eagerly interested. . . ." This letter reached the author three weeks prior to this writing.

In the United States and six foreign countries, collateral rights to the book were offered to fourteen major newspapers, eight important magazines and chains in the electronic media.

The promised prompt phone call from one TV network saying whether they'd like to read the book has not been received in six months. Another, however, after readings by two top executives in the department producing "news specials" (they were, they said, "fascinated"), reported that, while they would not initiate anything, upon publication they would "likely" be interested.

The Washington bureau chief of a metropolitan newspaper could not understand why the first publisher who had the book did not hasten to contract for it. His managing editor also read it. Their message was they would have a news interest in it upon publication. Like virtually all the correspondents the author has approached, this one was generous with his limited time and, in whatever ways possible, willingly helpful. Like the others, he has preserved the author's confidences. And like the book editors, all are a credit to their honorable calling, a bulwark of the democratic society.

On another major newspaper, a managing editor, after some delay, read the book. When but 20 percent through it, he admitted it "excited" him. When he finished it, he had not a single adverse comment. But his paper would not be interested in serializing it because they just didn't believe



it. No, he could not point to a single error in it.

A conscientious Congressman who is also a lawyer had a lengthy conference with an editor of still another newspaper, also one of the country's "top ten." The assurances of the lawyer Congressman meant nothing to the editor; he would not read the book. Later, he arranged for one of his by-line writers, an expert on national affairs, to read it. In ten weeks, it had not been read. Yet this editor wrote the author less than a month ago, "Obviously, if you could demonstrate that the circumstances of the murder and the nature of the investigation were different in major degree from those we have been led to believe, you would have not merely an interesting account but the most sensational story since the assassination itself. Any publisher who provided you the vehicle for such a demonstration would be showered with riches and honor."

Such seekers of riches and honors have escaped the author since mid-February 1965 when, following thousands of hours of research and the typing of a third of a million words of notes, the manuscript was completed. Without exception, all the publishers pronounced the subject matter important, one insisting even the author did not realize *how* important. Many also expressed the firm conviction the book should, in addition, be profitable. Yet all shunned the profit as much as the honors. In all, the author alone has made 103 offers of this book, not counting repeaters.

Last November, five months ago, one of the many wonderful people who have sought to help effectuate publication, the cultured and mature representative of a highly respected publisher, phoned the president of the concern to express his conviction that the book was important, worthwhile, well-done and a probable best-seller. On invitation, a copy was immediately and personally delivered. On December 22, in a letter reporting the book was then having "its second reading," this company said, "we are interested." Another copy "would speed up our processes considerably." Their decision would be conveyed "as soon after Christmas as possible." The additional copy was sent special delivery, by return mail. Following two months of silence, after some prodding, they wrote the decision would "take a little time yet. We hope that you will bear with us during the delay." In April they sought the opinion of at least one correspondent and, later, that of a legislator who had read the book.

“You should be proud” of what they had been told, the author was informed.

Finally, in their letter of April 18, which sped to him at an average of 60 miles for each of the four days it was in transit, the author was told an “utterly fearless” lawyer “with one of the most impressive legal minds dealing with material such as yours” had read it and convinced them it had to be reorganized into what clearly would be a strident and sensationalized presentation. The alternative might be “that you will end up with no book at all, at least as far as we are concerned.” An immediate phone call elicited no meaningful elucidation. When, 24 hours later, the promised return call setting the date for a conference had not come, the author again consulted the busy correspondents who to a man reiterated their counsel against any sensationalizing of such a book, which coincides with the author’s own beliefs, as he hopes this volume reflects.

When, after six fruitless months, no publisher offered to print the book, the author prepared a limited edition and, in August 1965, registered it under international copyright. With a few minor additions, this is that book—the book that could not be printed. This is the history and the incident that compelled the decision to present it further in this least desirable of possible forms.

Thus it has become more than an analysis of the investigation of the assassination of the late President. It is a commentary on the freedom of the press, the underpinning of the democratic society, and a measure of the state of that society.

Neither the assassination of an American President nor its investigation may properly, in the author’s belief, be the subject of a hippodrome. Nor can they ever be “exhausted”—especially not by writers and publishers—and never as long as any reasonable question remains. Otherwise, is the President, the Presidency or the democratic society ever safe?

While this form of his book is the one in which he likes least to see it and one by which he cannot possibly recoup his costs, the author believes it is already too late. The time is well past the proverbial “now.” But, however restricted, the word is at last out.

It will not be the last word.

It is rarely possible for a writer to express adequately his

indebtedness to others or, in meaningful terms, to avoid clichés in conveying his gratitude. With this book, it may be less than a kindness to attempt to enumerate them. And the list would be too long. They are the kind of fine, unselfish people who give of themselves and their time to further beliefs they hold dear. They are from all walks of life, both public and private, and from the little-known to the more honored in our society. It is the author's hope that they all—from housewives to artists, clerks to legislators—will understand the deep sense of appreciation he feels for their efforts and, even more, for their willingness.

If this book succeeds in its purpose, much of the credit should be theirs.

HAROLD WEISBERG

*Hyattstown, Md.*

*April 23, 1966*



## INTRODUCTION

Assassination is a political crime. Even in the rare, remote cases where the assassin had no comprehensible political objectives, the crimes had political consequences. Whether it is the head of a state or a lesser official, the assassination has immediate political effects. With the head of state murdered, the changes in the political structure and situation are more immediate and far-reaching. A policy change by the head of state has national and international implications. Even when his successor follows the same basic policies, there nonetheless are changes in the implementation of these policies. No two men work, think or act in exactly the same way.

Nations and people are reluctant to believe that any among them is capable of the horrible crime of assassination. It is less uncomfortable to believe the assassin was insane or at least unbalanced. Individually and nationally, thinking about assassinations turns toward the search for explanations more acceptable than the obvious. No one wants to believe a political murder was committed for personal gain, or that any segment of society is capable of such a monstrous deed for selfish ends. Shocking and paralyzing as assassination itself is to decent people, the traumatic feeling that, somehow, the nation itself is guilty may be even more stunning.

The typical assassin regards himself as a hero. Had John Wilkes Booth not made his dramatic gesture of the leap to the stage of the Ford Theatre with the cry, "Sic Semper Tyrannis," he might well have died a natural death. But the beliefs that drove him to murder President Lincoln were strong and compelling, and he felt called upon to announce to history that he had ended the life and rule of a man he believed a tyrant.

History rarely records complete or satisfactory explanations of the assassinations of heads of state. Many eminent

historians maintain that even the Lincoln assassination is not yet fully explained. By their nature, and because they are political, assassinations usually involve conspiracy. One man, acting alone, is rarely in a position to execute an assassination. Both in preparation and escape he needs help. The exception is such a rarity, history records few such cases that are without substantial challenge.

The assassination of President John Fitzgerald Kennedy at 12:30 p.m. November 22, 1963, in Dallas, Texas, and the official government accounts of it, are like previous assassinations. It was a political crime and, whether by design or not, was followed by political changes within the country and without. Perhaps it was even more of a blow because of the personal popularity of the young President and his family, and so national explanations and justifications were sought that, no matter how unlikely or unreasonable, might help remove this terrible burden from the public conscience.

The machinery of government moved rapidly. President Johnson appointed a commission of inquiry seven days after his predecessor's murder, empowering it by Executive Order 11130 and charging it to make a thorough investigation and to report on its investigation. Congress granted the Commission additional powers through a joint resolution, enacted as Public Law 88-202 on December 13, 1963. The Commission made its inquiry and on September 24, 1964, delivered to the President a 900-page printed Report.

The President chose for the Commission's membership men of distinction and accomplishment, men of outstanding abilities and world-wide reputations, men who had devoted most of their adult lives to public service. The Chief Justice of the United States, the Honorable Earl Warren, was designated chairman. The Commission in turn selected for its staff men of considerable attainment, naming as its chief the general counsel, J. Lee Rankin, a lawyer who had served as Solicitor General of the United States. He had 14 assistant counsels and other personnel, largely from the Executive Branch of the government. Both the Commission and its staff, therefore, were conspicuously able and competent.

Who evolved the philosophy and procedures by which the Commission would conduct its inquiry is not recorded and of little import since, even if the staff evolved the general approach, the Commission had to approve it, and,

therefore, the method of the inquiry is the responsibility of the Commission, regardless of its origin. The Federal Bureau of Investigation had prepared a voluminous statement of its own findings, following the assassination and presented it to the Commission. It was this FBI report that guided the Commission and *from the outset it became clear that the main, if not exclusive, effort of the Commission would be to validate this FBI report and not itself to make a report on the crime, although this ostensibly was the purpose of creating such a Commission.*

There is in neither the Commission's Report nor in any of the 26 printed volumes of its hearings and exhibits any sign that the Commission considered this assassination as a political crime, an unvarying characteristic of all assassinations. Likewise, despite the great amount of space devoted to the subject of conspiracy, there is no sign of any real quest for evidence of conspiracy in the broad or political sense. Both the FBI and the Commission decided, as had the police before them, that Oswald was their legitimate prey. Nowhere in the Report is there any evidence that any other assassin or assassins were ever sought or considered. Can anything be logically concluded other than that nobody wanted to find a different assassin or any additional assassin?

Yet there were abundant and obvious indications of both suspicion of a conspiracy and of its existence. The Report was able to avoid them, a task made easier by the nature of the hearings. It was as successful in avoiding both the obvious indications and the even more obvious suspicions, some of which are dealt with in this book.

The superficial and immature manner in which the Report deals with the possibility of a conspiracy or of a different assassin is only one of the ways in which the Commission may have crippled itself. Despite references in both the Report and the press to the Commission's investigators, the fact is that, in the accepted sense, the Commission had no investigators of its own. It drew upon the men available in the Executive Branch, chiefly the FBI and Secret Service, who were not employees of the Commission and whose primary responsibilities were to those who did employ them. While there is no suggestion that these agencies were in any way involved in the assassination, they were, nonetheless, subject to Commission criticism and they were, in fact, so criticized. In addition, the Secret Service was di-

rectly responsible for the President's welfare and safety, and he was killed while they were protecting him. Besides its normal duty of aiding the Secret Service, the FBI had Oswald under surveillance or investigation at the time the President was killed. He was what might be called an "active" case.

Therefore, both agencies and their employees had personal involvements in the investigation that amounted to conflicts of interest. On one hand was the need for a complete, impartial and exhaustive investigation regardless of where it led and what it showed. On the other, the reputations of the agencies and their employees could have been at stake, for any error, no matter how innocent, could have made the Dallas tragedy possible. This situation was unfair to the agencies, which did not create it, and could have burdened them with impermissible conflicts and temptations, no matter how unconsciously. Further, the Dallas representatives of these agencies had ties of friendship and sometimes long association with the local police and, when the investigation of the assassination was over, faced the need for continuing, day-to-day working associations with them. Contemporarily and historically, it would have been better if the Commission had had its own staff of investigators in the field and had restricted its use of the FBI and Secret Service to technical services.

To a degree, the Commission itself was in a similar position, for it was composed exclusively of men with long government histories. At the time of the Commission's deliberations, only two were not in the government, and they had had long periods of government connections. There may also be questions asked about including anyone with any connections with any intelligence or investigative agency of the government, especially because of the possibility that had to be considered and was, that Oswald might have been a government agent. For instance, Allen Dulles, a member of the Commission, was the former head of the Central Intelligence Agency and the Commission had to consider the possibility of Oswald's having a connection with the CIA and the FBI. It concluded that he had not. But it would seem that, especially with the history of the Gary Powers U-2 mission in mind, fewer questions might now or in the future be asked about impartiality or divided loyalties had another man with a different history than Dulles been appointed to the Commission.



Also, the Commission was in a position where it had to sit in judgment of the government, at least to the degree that it had to decide whether or not agents of the government had been negligent. Other possible considerations, especially involving foreign powers and interests, occupied the Commission.

The cryptic remark of the Chairman—Chief Justice Warren—at the outset of the hearings itself raises questions. The Washington Post of February 4, 1964, reported: “Warren told reporters that, because of security precautions, some of the testimony might not be released to the public within their lifetimes . . .”

Two days later the Washington Evening Star, February 6, 1964, found the initial statement and another by the Chairman intended to clarify the first “astounding” and “unfortunate.” It described Warren’s explanatory statement as characterizing the initial statement as “a mixture of facetiousness and fact.” Editorially, the Star demanded, “What conceivable kind of ‘security’ would require this Commission to play the role of censor?”

In this book an attempt is made to analyze the Report itself *exclusively on the basis of the Commission’s own information*. References are to the Commission’s printed materials. References to the Report are represented by the letter “R” and the page number. The hearings and exhibits are represented by their official numbers, the letter “H” and the page number within the volumes. *No evidence from outside the Commission’s official publications is used in this analysis*. All of the information in this book is readily and publicly available from the Commission’s own publications.

No effort is made to consider each and every question discussed in the Report. By design, a large amount of the Report’s 900 pages is not directed at the assassination itself. Other sections are peripheral. And some, I believe, are unworthy of consideration, as, for example, the presumption made by the Report that Oswald was of unsound mind and had special reasons for committing the assassination, such as securing for himself a place in history. The Commission here was its own psychiatrist, and its claims to competence in such a specialized field are at least debatable. But the major aspects of the Report, as they relate to the murders of President Kennedy and Officer Tippit,

are analyzed in the light of what the Report does and does not do and say about them and how they were handled by the various police agencies involved.

There are defects in both the Report and the inquiry, but only those that are most directly connected with the crimes are considered. A minor example of the sort of thing that is excluded is the story of the "Radical Right" in Dallas. There was no visible evidence connecting any segment of it to the crimes, although there was unavoidable evidence connecting some of these groups to scurrilous advertising and handbills of that general time. The Commission was empowered to compel the participation of representatives of these groups at its hearings, if the Commission believed they were in any way associated with the crimes or the Commission's functions. It did decide to take a casual look at an ad and a handbill. It called a couple of witnesses. The Report makes slight and passing reference to the information elicited in a manner not reflected in the table of contents. But the man who pulled the strings together, the man who more than any other was responsible for the ad, was never called. The printed exhibits contain a number of his letters in which he clearly portrays himself as a political vulture, feeding on the carcasses of others of similar persuasion. He was not called as a witness. The Report quotes a member of this group as saying the funds for the ad came from four active members of the John Birch Society who are named. One of these men is the son of the Texas oil millionaire, H. L. Hunt, although in the Report he is not so identified. None of these men was called upon to testify. It may be fairly asserted that if the Commission was going into such peripheral matters, it should have done so firmly and positively and not left the record either unclear or unfair. When the Commission did not, should its Report have? Could it rightly print the allegation of another that these four men paid for an ad the Commission deemed necessary of consideration in the context of a monstrous crime without a definitive inquiry, including the sworn statements of at least the men involved?

Another and more serious flaw is the failure of the Report to consider whether there might have been significance in the uninterrupted outpouring of prejudicial and inaccurate political charges, usually traceable to police sources, creating an unwarranted belief that somehow the Soviet

Union was involved in the crimes. The Report does destroy this speculation, but it fails to address itself to what motives caused what people to launch such a diversion.

Membership on the Commission and employment on its staff were not the kind of affiliations that could yield the additional benefit of career advancement. It was a difficult, time-consuming occupation on which there could be no 40-hour week. It was by its very nature an unpleasant, thankless job, under great strains and pressures. For most of those participating, this employment represented a major sacrifice. However, none of this can or should remove the Commission from public scrutiny of the manner in which they discharged their responsibilities.

The national honor and integrity, history and the memory of the dead President, demand that, to every extent possible, the Report should have ignored no important question. But the murder was possible only because the Report does not adequately do this or if it is in error to any degree whatsoever, then it becomes a necessity for someone to fulfil the Commission's purpose and to rectify error.

This book is one man's effort to do just that.



## A WORD ABOUT INVESTIGATIONS

For the murder of Oswald, there is but one explanation: The police made it possible. Whether this means the police were part of a conspiracy to have him murdered is another question. But the murder was possible only because the police made it possible. The Warren Report gives an entire chapter to the "Detention and Death of Oswald" and it is the *only* chapter in which the Commission draws no conclusions.

Yet without the murder of Oswald, there would have been no need of a Commission and no Warren Report. There would have been a trial and Oswald would have been convicted or acquitted.

One purpose only was served by Oswald's murder: It forever closed his mouth. With his death, there was no one in custody who could in any way explain any part of the assassination. There were other suspects, including at least one in the hands of the police, but with Oswald's apprehension interest in all other suspects ended. There were obvious ways in which Oswald could have helped solve the crime. He could have been the assassin or an associate of the assassin, or he could have proved he was not. The dead Oswald could do none of these things.

After his murder, the crime of the assassination itself could no longer be subject to the normal and admirable processes of American justice, which provide for a fair, public, and regulated threshing-out of all the facts and issues. There remained but one possibility, an investigation. Congress had the right to conduct such an inquiry, and the President had the power to create a special commission for this purpose. Politics had already been injected into the assassination by public charges that the so-called "radical right" and "hate groups" were in some manner involved. With the widely held belief that one likely presidential candidate might be connected with such groups, there was a

clear danger that the investigations of the assassination could have had political overtones. Hence, no criticism can be made of either the Executive or the Legislative branch of the government for deciding to create a special commission.

Harry Truman would not have been President and Richard Nixon would not have been Vice President had it not been for Congressional investigations. Nor might Hugo Black now be sitting on the Supreme Court. All were prominent in well publicized inquiries. Dozens of judges and politicians may owe their subsequent careers to earlier associations with Congressional committees. Investigations are a necessary function of the government's Legislative branch; they are vital to a thriving and growing democratic system and to the progress of the country.

Investigations and hearings are not limited to the Legislative branch. A number of Executive agencies have the power, need and right to hold such inquiries. Without this right, they could not fulfil their essential responsibilities. The range of this type of inquiry is almost limitless, for by necessity almost the entire activity of government is involved.

There are also special investigations, of which the so-called "Pearl Harbor" investigation was one. The President's Commission on the Assassination of President John F. Kennedy was of this kind. As the Pearl Harbor investigation had the responsibility of assessing and reporting on what happened on that "day that will long live in infamy," so did the President's Commission have the duty of inquiring into and reporting upon the tragic events in Dallas, Texas, on November 22, 1963.

Special investigations such as the Warren Commission (as it came to be called) conducted are established and empowered by Executive order and Legislative authorization. Commissions conducting these investigations have the power of subpoena by which they can compel attendance and the production of records. They have the power to administer oaths and may, in the case of perjury or false swearing about material points, recommend or demand prosecution. Their inquiry must be limited to what is pertinent—they may not properly conduct witch-hunts—and they have no prosecutory functions. They cannot punish, although they may both properly and improperly place witnesses and others in an unfavorable light. Hearings

may be public or private, in the discretion of the commission, and there are substantial reasons for both varieties of hearings, such as security, or the protection of the people testifying or about whom testimony is given.

But these investigations are not legal processes in the sense that those of a court are. The investigating body does not have the powers of a court. When the investigation needs the protection or assistance of the judicial branch, it must seek the help of the proper courts.

Conversely, the witnesses and those investigated do not have the rights they would enjoy in court. There is no judge who, at least in theory, is impartial. Those investigated may be represented by counsel of their own choice, but invariably counsel is severely handicapped. Counsel may not cross-examine, may not offer evidence on the other side, and cannot invoke the protection of many laws that through the years have protected the accused in legal proceedings. Often counsel are restricted merely to giving advice to their clients. Whatever they may do additionally is possible only because the investigating body chooses to grant additional rights and privileges.

The real work of the investigations is rarely performed by the members of the commission or committee. Even when actual questions are asked by the members of the investigating body only, preparation is by its staff. The members are almost invariably men already too busy. A diligent Congressman or Senator can scarcely find the time to do a minimum of what he considers he must and what his constituents expect of him. In the most thorough investigations, the preparatory staff work represents a tremendous effort.

The staffs are selected with great care. Aside from political considerations, ability and reputation frequently provide the basis of selection. Some are famous lawyers or promising younger lawyers. Some are accountants, economists, or other professionals. Some are closer to the popular concept of investigators. The needs and qualifications vary with the investigation.

However, the complexities of the subject, the exhaustiveness with which it is looked into, the sheer volume of documentation, when added to the unavoidable obligations of the legislators, can render the commission or committee members to a large degree the creatures, almost the puppets, of their staffs. It is the staff that pores over the

gathered records and research and figures out the angles and approaches. Members of the commission or committee decide and lay down broad policy and can (and usually do) decide the topics to be covered or not covered. Otherwise, the work is staff work, although the responsibility is that of the members of the commission or committee.

It is a simple matter for a staff, with the assent of the commission or committee, to build up a voluminous record. Minor and peripheral aspects can be pursued for limitless thousands of pages and hundreds of thousands of words. The taking of expert testimony especially lends itself to such treatment. An expert on ballistics can spend hours recounting his own background and experience in order to accredit himself as a real expert. Then he can deliver lengthy technical dissertations on the science of ballistics, following which he can devote almost limitless time to questions of trajectory and velocity, to physical and chemical analysis, to probabilities and possibilities, and all of it may be either irrelevant or unnecessary. But at least it is impressive. It impresses the members, the press and the public. It lends an aura of scientific precision and authenticity to what may not be at all authentic. Unless the weapon and the projectile are known without question, no amount of science can add meaning to testimony. It must relate. The same is true of general witnesses. They can be led into lengthy, interesting and precise expositions, but unless they are talking about a definite thing to the exclusion of all else, their testimony means nothing and adds nothing to the record. It also is impressive, especially if the witness is imposing or colorful or speaks with seeming authority.

It was to be expected that the President's Commission on the Assassination of President John F. Kennedy would necessarily have to lean heavily upon its staff. Almost without exception, the Commission was comprised of men already too deeply committed to public, official, and governmental activity. The most superficial examination of the volumes of testimony shows Commission members not attending hearings, or coming late because of other commitments, or leaving early to meet other responsibilities. The Chief Justice could not delegate his judicial role any more than the Congressmen and Senators could have someone else vote for them. Hence, when they had to be in more than one place at the same time, the easiest place for



them *not* to be was at the Commission's hearings. Here they could and did delegate to the staff. From the very beginning the staff did almost all the work, including the interrogations. One published account of the Commission's work reports one member as attending only two of 44 hearings. Members conducted a minor part of the interrogations at the hearings, leaving the bulk of such questioning to staff lawyers. Only a very small percentage of the hearings was attended by *any* members. *Most* hearings had *no* members present.

The actual investigations in the field were performed for the Commission by experienced government agencies such as the FBI and Secret Service.

Information was collected in four different ways: Unsworn statements; affidavits, or sworn statements; depositions; and testimony before the Commission. In the testimony and depositions, the form of the proceedings was the asking and answering of questions under oath with a stenographic record being made. Affidavits and statements differ from each other in that an affidavit is sworn to. Both are unilateral declarations in which the persons says only what he wants to or has been asked to say. Of the 552 people from whom recorded information was gathered, two gave statements, 61 supplied affidavits, 395 were questioned in depositions, and only 94 appeared before the Commission, meaning with one or more members present by not meaning the entire Commission or even a majority. The Report refers to all methods by the same designation: Testimony (Rxiii).

When the magnitude of the task undertaken by the Commission is measured in terms of only the printed record and the Report, the effort represented is almost astronomical to the average person. There was a total of 27 printed volumes, ranging in size from under 500 pages to almost 1000 pages. Where documents were printed in facsimile, frequently they were reduced in size so that one printed page contained two typewritten pages side by side.

It is asking too much to believe the members of the Commission could possibly have read even an appreciable portion of this tremendous mass of printed words, millions upon millions of them. Even the reading of the depositions taken by the staff outside of Washington, the manner in which most information was gathered, repre-

sented a great burden for men so deeply committed in the public's service.

The Commission had no alternatives. The staff did most of the work.

If the end product as represented in the Report is good, most of the credit should be theirs. They labored mightily.

The coin has two sides.

**PRESIDENT'S COMMISSION  
ON THE  
ASSASSINATION OF PRESIDENT KENNEDY**

---

*CHIEF JUSTICE EARL WARREN, Chairman*

**SENATOR RICHARD B. RUSSELL**

**SENATOR JOHN SHEPMAN COOPER**

**REPRESENTATIVE HALE BOGGS**

**REPRESENTATIVE GERALD R. FORD**

**MR. ALLEN W. DULLES**

**MR. JOHN J. MCCLOY**

*J. LEE RANKIN, General Counsel*

*Assistant Counsel*

**FRANCIS W. H. ADAMS**

**JOSEPH A. BALL**

**DAVID W. BELIN**

**WILLIAM T. COLEMAN, Jr.**

**MELVIN ABON EISENBERG**

**BURT W. GRIFFIN**

**LEON D. HUBERT, Jr.**

**ALBERT E. JENNER, Jr.**

**WESLEY J. LIEBELEB**

**NORMAN REDLICH**

**W. DAVID SLAWSON**

**ARLEN SPECTER**

**SAMUEL A. STEEN**

**HOWARD P. WILLENS\***

*Staff Members*

**PHILLIP BARSON**

**EDWARD A. CONROY**

**JOHN HART ELY**

**ALFRED GOLDBERG**

**MURRAY J. LAULICHT**

**ARTHUR MARMOR**

**RICHARD M. MOSE**

**JOHN J. O'BRIEN**

**STUART POLLAK**

**ALFREDDA SCOBAY**

**CHARLES N. SHAFFER, Jr.**

**LOYD L. WEINBER**

\*Mr. Willens also acted as liaison between the Commission and the Department of Justice.

## 1. DEATH IN DALLAS

The last day in the life of President John Fitzgerald Kennedy, November 22, 1963, began with oppressive rain in Fort Worth, Texas. The young President, who had lived through dangerous illness, major surgery, and other hazards of an active life, who had survived the cutting in half of the torpedo boat he commanded during World War II by a Japanese destroyer, was to be murdered before lunch, in an ambush in Dallas, a short distance away.

For the Secret Service escort, who dedicate themselves to the safety of the President, this day began with nine of them engaged in a post-midnight diversion, including moderate drinking, in clear violation of regulations. Although discipline was mandatory under the regulations, the Secret Service decided punishment would stigmatize these men for life. The men went unpunished, a decision with which the Commission found no fault (R450-1).

In suburban Irving, 15 miles from Dallas, one of the least important men in the country, an almost friendless fellow, frequently unemployed and a political deviationist, overslept his rendezvous with destiny. Lee Harvey Oswald, a "defected defector" to the Soviet Union, was still asleep ten minutes after his alarm went off. He was roused by his Russian wife and rushed off to meet his ride to the Texas School Book Depository at Elm and Houston Streets, in Dallas, where he was a minor clerk. Before the day was over, he was to be the most notorious man in the world, charged with the assassination of the popular young President and the murder of a Dallas policeman, J. D. Tippit.

The rain ended and the sun broke through in Dallas just before the arrival of the Presidential party at Love Field. The President desired the removal of the protective plastic "bubble top" from his limousine. He also ordered that no Secret Service agents ride the steps on the rear bumper. Going to Dallas had been considered a dangerous challenge

by his advisors (R40-1). Only a month earlier, Ambassador to the United Nations Adlai Stevenson had been struck with a picketer's sign and spat upon. But President Kennedy wanted—and got—full exposure to the people. On the ride into town, he disconcerted his protectors by ordering the halting of the motorcade in response to a previously printed request by some of the crowd that he stop with them for a moment (R46).

The motorcade was led by a pilot car, well in advance of the main party. Then came a "lead" car, in which were the Dallas Chief of Police, Jesse E. Curry, the Sheriff, J. E. "Bill" Decker, and the Secret Service's advance agent who had made the plans, Winston G. Lawson, together with Dallas Agent Forrest V. Sorrels (4H161). Behind the advance cars were the President and his escort car, followed by the then Vice President and his escort. The mayor was in the fifth car and the first news vehicle was in sixth position. This car contained still and TV photographers, one with an inoperative camera. Later some of the photographers were to complain that the Presidential car was never in clear view on the trip (6H163). In one of those tricks of fate which later assume importance, this motorcade had no photographic car in the lead, no cameras trained on the President from the front or otherwise close and with him in constant focus. Many of the streets were narrow, and along some of the route the crowds were so thick the motorcycle police flanking the Presidential car had to fall back to avoid injuring spectators. The President had also ordered these flankers to avoid riding directly opposite him. This unnecessary risk was one of the series of unusual events in the impending "crime of the century."

Contrary to expectations, there were no hostile demonstrations. The crowds were both thick and friendly. As the motorcade approached Dealey Plaza from the east, traveling on Main Street, it was behind schedule.

Dealey Plaza is an almost pear-shaped, landscaped grassy area, the point of which funnels under three bridges, a location known locally as "The Triple Underpass." At the opposite or eastern end, the border is Houston Street. Main Street, on which the motorcade was approaching, cuts the Plaza in half lengthwise. On the south is Commerce Street and on the north is Elm. Commerce was for one-way traffic east, Elm for one-way traffic west. The angle of the turn from Houston into Elm is about 135 degrees.

Elm Street then curves gracefully and at a slightly downward grade to a junction with Main and Commerce Streets at the Triple Underpass. At the corner of Houston, there is a short, parallel street also called Elm, at right-angles to Houston. Standing on that corner is the old seven-story building of the Texas School Book Depository.

The assassination occurred at an undetermined point immediately after the Presidential car turned into Elm at about 12:30 p.m. Riding with the President and Mrs. Kennedy were Governor and Mrs. John B. Connally. Driving the car was Secret Service Agent William R. Greer. Also in the front seat and in charge was Roy H. Kellerman, an experienced and painstakingly careful veteran. Behind Kellerman on the jump seat was the Governor; behind Greer, Mrs. Connally. Mrs. Kennedy was in the rear seat behind Mrs. Connally, resplendent in a pink outfit and holding a bouquet of roses. The President was on her right.

Kellerman, since promoted, was then "Assistant Special Agent in Charge of the White House Detail" and "the Secret Service official responsible for the entire Texas journey" (R29).

As the motorcade approached its tryst with fate, it passed the building housing the Dallas County Sheriff's office, at Houston and Main. A number of unassigned deputies were lounging in the sun, watching the procession. As the car turned into Elm street, Mrs. Connally could no longer restrain her exuberance and pride as a Texan that the feared demonstrations had not materialized and that the greeting to the President had been warm and friendly. As she told the Commission:

"Mrs. Connally. . . . I could resist no longer. When we got past this area I did turn to the President and said, 'Mr. President, you can't say Dallas doesn't love you.' Then I don't know how soon, it seems to me it was very soon, that I heard a noise, and not being an expert rifleman, I was not aware that it was a rifle. It was just a frightening noise, and it came from the right. I turned over my right shoulder and looked back, and saw the President as he had both hands at his neck.

(Arlen Specter, Assistant Counsel). And you are indicating with your own hands, two hands crossing over gripping your own neck?

Mrs. Connally. Yes; and it seemed to me there was—he made no utterance, no cry. I saw no blood, no anything. It was just sort of nothing, the expression on his face, and he just sort of slumped down. Then very soon there was the second shot that hit John. As the first shot was hit, and I turned to look at the same time, I recall John saying, ‘Oh, no, no, no.’ Then there was a second shot, and it hit John, and as he recoiled to the right, just crumpled like a wounded animal to the right, he said, ‘My God, they are going to kill us all.’ I never again—

(Allen W. Dulles, Commission Member). To the right was into your arms more or less?

Mrs. Connally. No, he turned away from me. I was pretending that I was him. I never again looked in the back seat of the car after my husband was shot. My concern was for him, and I remember that he turned to the right and then just slumped down into the seat, so that I reached over to pull him toward me. I was trying to get him down and me down. The jump seats were not very roomy, so that there (were) reports that he slid into the seat of the car, which he did not; that he fell over into my lap, which he did not. I just pulled him over into my arms because it would have been impossible to get us really both down with me sitting and me holding him. So that I looked out, I mean as he was in my arms, I put my head down over his head so that his head and my head were right together, and all I could see, too, were the people flashing by. I didn’t look back any more.

The third shot that I heard I felt, it felt like spent buckshot falling all over us, and then, of course, I too could see that it was the matter, brain tissue, or whatever, just human matter, all over the car and both of us. I thought John had been killed, and then there was some imperceptible movement, just some little something that let me know that there was still some life, and that is when I started saying to him, ‘It’s all right. Be still.’ ” (4H147)

Kellerman’s subsequent account to the Commission was dramatic:

“Mr. Kellerman. As we turned north on to Houston

Street, this was primarily the end of the crowd in Dallas, Tex.; in the downtown section, there were still a few on the sidewalk until we got to Elm Street. As we turned in a northerly direction to Elm Street, which would be on our left, then the crowds just diminished. They were spotty, standing on the grassy plot. They were not on the side of the street. In fact, there were just a matter of a handful, that was all, and we were through it.

. . . . .

As we turned off Houston onto Elm and made the short little dip to the left going down grade, as I said, we were away from buildings, and were—there was a sign on the side of the road which I don't recall what it was or what it said, but we no more than passed that and you are out in the open, and there is a report like a firecracker, pop. And I turned my head to the right because whatever this noise was I was sure that it came from the right and perhaps into the rear, and as I turned my head to the right to view whatever it was to see whatever it was, I heard a voice from the back seat and I firmly believe it was the President's, 'My God, I am hit,' and I turned around and he has got his hands up here like this.

Mr. Specter. Indicating right hand up toward his neck?

Mr. Kellerman. That is right, sir. In fact, both hands were up in that direction.

(Senator John Sherman Cooper, Commission Member). Which side of his neck?

Mr. Kellerman. Beg pardon?

Senator Cooper. Which side of his neck?

Mr. Kellerman. Both hands were up, sir; this one is like this here and here we are with the hands—

Mr. Specter. Indicating the left hand is up above the head.

Mr. Kellerman. In the collar section.

Mr. Specter. As you are positioning yourself in the witness chair, your right hand is up with the finger at the ear level as if clutching from the right of the head; would that be an accurate description of the position you pictured there?

Mr. Kellerman. Yes. Good. There was enough for me to verify that the man was hit. So, in the same

motion, I come right back and grabbed the speaker and said to the driver, 'Let's get out of here; we are hit,' and grabbed the mike and I said, 'Lawson, this is Kellerman,'—this is Lawson, who is in the front car. 'We are hit; get us to the hospital immediately.' Now, in the seconds that I talked just now, a flurry of shells come into the car. I then looked back and this time Mr. Hill, who was riding on the left front bumper of our followup car, was on the back trunk of that car; the President was sideways down into the back seat." (2H73-4)

By far the most persuasive and precise testimony about these sad events came from the Governor, an observant man with military experience and a practiced hunter:

"Governor Connally. . . . We had just made the turn, well, when I heard what I thought was a shot. I heard this noise which I immediately took to be a rifle shot. I instinctively turned to my right because the sound appeared to come from over my right shoulder, so I turned to look back over my right shoulder, and I saw nothing unusual except just people in the crowd, but I did not catch the President in the corner of my eye, and I was interested, because once I heard the shot in my own mind I identified it as a rifle shot, and I immediately—the only thought that crossed my mind was that this is an assassination attempt. So I looked, failing to see him, I was turning to look back over my left shoulder into the back seat, but I never got that far in my turn. I got about in the position I am in now facing you, looking a little bit to the left of center, and then I felt like someone had hit me in the back.

Mr. Specter. What is the best estimate that you have as to the time span between the sound of the first shot and the feeling of someone hitting you in the back which you just described?

Governor Connally. A very, very brief span of time. Again my trend of thought just happened to me, I suppose along this line, I immediately thought that this—that I had been shot. I knew it when I just looked down and I was covered with blood, and the thought immediately passed through my mind



that there were either two or three people involved or more in this or someone was shooting with an automatic rifle. These were just thoughts that went through my mind because of the rapidity of these two, of the first shot plus the blow that I took, and I knew I had been hit, and I immediately assumed, because of the amount of blood, and, in fact, that it had obviously passed through my chest, that I had probably been fatally hit. So I merely doubled up, and then turned to my right again and began to—I just sat there, and Mrs. Connally pulled me over to her lap. She was sitting, of course, on the jump seat, so I reclined with my head in her lap, conscious all the time, and with my eyes open; and then, of course, the third shot sounded, and I heard the shot very clearly. I heard it hit him. I heard the shot hit something, and I assumed again—it never entered my mind that it ever hit anybody but the President. I heard it hit. It was a very loud noise, just that audible, that clear.

Immediately I could see on my clothes, my clothing, I could see on the interior of the car which, as I recall, was a pale blue, brain tissue, which I immediately recognized, and I recall very well, on my trousers there was one chunk of brain tissue as big as almost my thumb, thumbnail, and again I did not see the President at any time either after the first, second, or third shots, but I assumed always that it was he who was hit and no one else. I immediately, when I was hit, I said, 'Oh, no, no, no.' And then I said, 'My God, they are going to kill us all.' Nellie, when she pulled me over into her lap—

Mr. Specter. Nellie is Mrs. Connally?

Governor Connally. Mrs. Connally. When she pulled me over into her lap, she could tell I was still breathing, and moving, and she said, 'Don't worry. Be quiet. You are going to be all right.' She just kept telling me I was going to be all right. After the third shot, and I heard Roy Kellerman tell the driver, 'Bill, get out of line.' And then I saw him move, and I assumed he was moving a button or something on the panel of the automobile, and he said, 'Get us to a hospital quick.' I assumed he was saying this to the patrolman, the motorcycle police who were leading us. At about that time, we began to pull out of the

cavalcade, out of the line, and I lost consciousness and didn't regain consciousness until we got to the hospital." (4H132-3)

The Commission elected not to believe the testimony of the Connallys, even though it was supported by an amateur 8-mm. movie taken of the assassination by Abraham Zapruder. On this film the Connallys were able to point out the exact sequence, the precise frames of the film showing the Governor receiving his wounds. Doctors originally agreed with the Connallys (4H114, 128).

The Commission subsequently concluded that all the shots came from the northeasternmost window of the sixth floor of the Texas School Book Depository Building to the exclusion of any and all other places. It concluded also that Lee Harvey Oswald had fired them all with an inexpensive, bolt-action Italian World War II surplus rifle within a span of from 4.8 to 7.9 seconds (R117). And it said he had earlier purchased this weapon under the alias "Hidell," establishing that Oswald was Hidell by forged identifications in his possession when arrested and by handwriting comparisons of Oswald's writing with that on the order form. The rifle was mailed to a post office box Oswald had rented (R174).

But as the motorcade sped toward Parkland Hospital, there was no doubt in the minds of the police chief and the sheriff about what had happened. They also had strong opinions about the source of the shots. Curry grabbed the microphone of his police radio and ordered, "Get someone up in the railroad yard and check those people." (4H161) The railroad yard was near the Triple Underpass and to the west of the Book Depository. Sheriff Decker then radioed instructions that the spontaneous action of his men rendered unnecessary: "Stand by men! All units and officers vicinity of station report to the railroad track area, just north of Elm—Report to the railroad track area, just north of Elm." (R665)

At the alerted hospital, hasty preparations were being made. Doctors were paged from their lunches, nurses were mobilized, and stretchers were being rolled out to the emergency entrance as the motorcade arrived. The Governor was first removed and wheeled into one emergency room, unblocking access to the President, who was then rushed into an adjoining emergency room. The emergency

procedures on the President were of no avail. The doctors tried desperately, performing operations, using drugs, administering blood and using all their many skills. But none had any doubt: The President was irreversibly dead at the time of his arrival at the hospital. The time of death was subsequently fixed at 1 p.m. He had lost a major portion of the top of his head, with massive damage to the brain. He had also sustained what the doctors believed would have been a non-fatal wound that in subsequent Commission hearings became a major question because of its tremendous importance in the reconstruction of the crime. The doctors believed it entered his neck just below the thorax. Lengthy discussions, speculations and hypotheses about these wounds occur throughout the Report and the hearings. The Governor's injuries were soon determined to be less serious, and he was removed to an operating room where three separate and distinct operations were performed by different doctors. The Governor had a wound through his right chest, with large openings on both walls, his right wrist was shattered, and he had a wound in his left thigh, slightly above the knee.

Meanwhile, back at the Depository, as the Report later reconstructed events (R156-180), at 12:33 Lee Harvey Oswald, soon to be labeled the assassin, left the Book Depository Building, walked seven blocks east through the milling crowd in seven minutes, and took a bus that would return him to the west, toward the scene of the crime. The bus was blocked by traffic jams caused by the assassination, and in a few minutes Oswald left it and walked to the nearby Greyhound bus station. Here he took a cab toward his rooming house at 1026 North Beckley Street in the Oak Cliff section of Dallas. There was some confusion in the cabdriver's account about the point at which Oswald left the cab. It was either the 500 or the 700 block of this street. Oswald walked the rest of the way, arriving at about 1 p.m. and leaving about three minutes later. He then, according to the Report, walked to Tenth and Patton Streets where he was stopped by Officer J. D. Tippit in Dallas Police Car No. 10, Radio Call No. 78. In one of the most amazing actions in all police annals, Tippit, having stopped Oswald because he suspected him of being the dangerous criminal who murdered the President, had a casual conversation with him. Neither prior to nor during this conversation had Tippit drawn his weapon. After a brief "calm"

conversation, Tippit emerged from his car in a leisurely manner and was walking toward the front of it when he was shot and killed. The killer then returned to the corner of Tenth and Patton at a relatively unhurried pace, carefully dropping four empty cartridge cases at different points and in the clear view of a number of witnesses. He turned left, continuing to fumble with his pistol, and at the next corner turned right into Jefferson Street, where he soon discarded a jacket he was wearing, although nobody saw him do it. Not one of the number of witnesses who reported all this, followed him. At the scene of the murder, Domingo Benavides, a mechanic who had been almost directly across the street from the murder, hiding in his truck, ran to the police car after the killer had disappeared around the corner and notified the police by radio. This was about 1:16 p.m. A little before 1:50 p.m., Lee Harvey Oswald was arrested by a large number of police at the Texas Theatre about six blocks away and taken to police headquarters, where he arrived about 2 o'clock.

Oswald, in turn, was murdered less than two days later while in the custody of the police, augmented when required by the large staff of the sheriff's office, and with an undisclosed number of Secret Service and FBI men in the area. His unnecessary removal from one jail to another was being guarded by about 70 policemen who feared a threatened attack by an organized mob of a hundred men. Almost all the police were watching themselves and perhaps 40 newsmen. One lone policeman, who saw nothing wrong with leaving his post, was stationed at the only unblocked entrance to the area in which Oswald was murdered. At precisely the right instant, Jack Ruby, a police character with a history of violence and gangland connections, walked through this door and down to the point to which Oswald was being led, handcuffed but with no frontal protection. The police car in which the transfer was to have been made was not in the position it was supposed to have been in. With one shot, Ruby killed Oswald. The damage from that one bullet to Oswald's vital organs was so massive that he could not have survived.

In its Report, after taking millions of words of testimony and examining thousands of exhibits, totaling 26 large printed volumes, the Commission concluded that Oswald alone was the murderer of both President Kennedy and Officer Tippit, that he was unassisted, that there was no

conspiracy of any kind or size—and that Ruby also was without assistance.

Never in history have such crimes been “solved” by such a consistent disregard for truth, honesty and credibility, with so much avoidance of the obvious and such dependence upon the incredible and palpably undependable, with such a prostitution of science, and with so much help from misrepresentation and perjury. This is what this book will show.

## 2. THE ASSASSIN

The most fundamental decision the newly organized Commission had to make was the *scope* of its inquiry. The executive order empowering it said, “The purposes of the Commission are to examine the evidence developed by the Federal Bureau of Investigation and any additional evidence that may hereafter come to light or be uncovered by federal or state authorities; to make such further investigations as the Commission finds desirable; to evaluate all the facts and circumstances surrounding such assassination, including the subsequent violent death of the man charged with the assassination, and to report to me its findings and conclusions.” (R471)

This language granted the Commission extremely broad authority, a necessity in any comprehensive investigation. Yet it obligated the Commission to do but two things: Examine the evidence given it by the FBI and make a report. Whatever else the Commission did or did not do was to be the Commission’s own decision. The Commission could therefore limit its inquiry to only that which was delivered to it by the FBI, as long as it rendered a report. It could and did look into what it considered related matters, such as the killing of Officer Tippit, but it was not so charged.

The magnitude of the FBI and Secret Service investigations is indicated in the Foreword of the Report.

“Beginning November 22, 1963, the Federal Bureau of Investigation conducted approximately 25,000 interviews and reinterviews of persons having information of possible relevance to the investigation and

by September 11, 1964, submitted over 2,300 reports totaling approximately 25,400 pages to the Commission. During the same period the Secret Service conducted approximately 1,550 interviews and submitted 800 reports totaling some 4,500 pages. Because of the diligence, cooperation, and facilities of Federal investigative agencies, it was unnecessary for the Commission to employ investigators other than the members of the Commission's legal staff." (Rxii-xiii)

But nowhere in the Foreword or elsewhere did the Report set forth the scope of the Commission's inquiry. There is no chapter or section of a chapter on this subject. Under "The Commission's Function" in the Foreword the Report does declare, "The Commission's most difficult assignments have been to uncover all the facts concerning the assassination . . ." (Rxiv). Could the Report fairly imply that the Commission had uncovered *all* the facts *without stating what facts it had looked for and where and how it had sought them?*

This leads us to the most obvious question among many others: Did the Commission ever consider that anyone other than Lee Harvey Oswald could have been the assassin? Neither in the Report nor anywhere else is there even any indication that the Commission ever seriously considered such a possibility. Oswald himself denied having shot anybody. The Report concludes his denial was not credible because the Commission considered him a liar. Whether or not Oswald actually was a liar, the fact remains that the Commission ruled out the possibility of anyone else being the assassin of President Kennedy. This was the widely but not officially reported conclusion of the massive FBI report turned over to the Commission. It was the conclusion of the Dallas police. Perhaps it was even the fact. *But in determining before it held its hearings that it would not diligently seek out all other possibilities, the Commission conducted an inquiry with a built-in verdict.* It converted its function from one in which it would "uncover all the facts" to one that could have but a single purpose: To validate the conclusion that Oswald was the lone and unassisted assassin. This can scarcely be called the premise for an impartial and unbiased investigation.

Almost without exception, the contents of the Report and the 26 volumes of hearings and exhibits are directed

to holding Lee Harvey Oswald guilty of the Kennedy and Tippit murders. Historians of the future or public or private investigators who might want to consider the possibility that anyone else could have been the killer will find little to help them in these 27 volumes. This self-imposed limitation has been almost entirely overlooked in comment on the Commission's Report.

Analysis of the Report can therefore be made only in the context of its single-minded devotion to proving Oswald was the lone assassin.

Measured by the attention devoted to biographical data about him in the Report, the Commission evaluated knowledge of the kind of man Oswald was as by far the most important aspect of its work. Careful and prolonged investigations into his life and background were made and reported by various police agencies. The Commission additionally took testimony from many witnesses on this subject—relatives, acquaintances, teachers, social workers and others. Not counting discussion of the crimes, 313 pages of the Report and its appendix—more than one-third of the entire book—are exclusively biographical. By comparison, the chapter of the Report entitled "The Assassination" (R28-59) consumes less than ten percent as much space.

Without doubt, since the Commission had decided Oswald was the criminal, a biographical investigation was in order. The Report presents this data in the fashion of prosecuting attorneys. There is no impartial story of the life of this dead and formerly insignificant man. All that is reported is intended to build a case for the Commission's conclusion that Oswald was an unstable, unhappy character, a failure in everything he did except in killing. Such a man, longing for a place in history, if only in infamy, the Report states, was capable of committing terrible crimes. The Commission was untroubled by psychiatrists of professional standing in reaching this conclusion, preferring its own amateur efforts, unsullied by anything that could fairly be considered actual evidence. By careful selection and equally careful avoidance of the opinions of people who knew him, the authors of the Report portrayed Oswald as the sort of person from the murk of whose mind such evils could emerge.

Lee Harvey Oswald was born in New Orleans, Louisiana, on October 18, 1939, two months after the death of his

father, the second of his mother's three husbands. Never wealthy, the family, with children from two different fathers, was thereafter beset with economic problems. With the end of her third marriage, Mrs. Marguerite Oswald worked to support her children and keep the family together. She was not always successful. At times the children were separated from their mother and each other when Mrs. Oswald provided for them as she could in children's homes and military schools. The family moved often (R377ff., 669ff.).

As he grew, Oswald was an inconsistent student. Sometimes he earned "A's," but more often, especially when older, poor marks. He had a lifelong problem with spelling. In August 1952, Oswald and his mother moved to New York City, where an older, married son by her first marriage also lived. Oswald became a persistent truant and the object of study by social service agencies.

The Report does evaluate testimony from the trained people who examined Oswald because of his truancy. These included Dr. Renatus Hartogs, a psychiatrist (8H214ff.). Although not necessarily valid with respect to Oswald the *man*, two comments in the Report are worthy of consideration because of the lack of alternatives:

"It would be incorrect, however, to believe that those aspects of Lee's personality which were observed in New York could have led anyone to predict the outbursts of violence which finally occurred." (R382)

"Contrary to reports that appeared after the assassination, the psychiatric examination did not indicate that Lee Oswald was a potential assassin, potentially dangerous, that his 'outlook on life had strongly paranoid overtones,' or that he should be institutionalized." (R379)

A more recent psychiatric examination of the adult Oswald is in the Commission's record but avoided in the Report. While in the Soviet Union, Oswald attempted suicide. He was hospitalized and at that time was subjected to three days of psychiatric observation. The psychiatrist's conclusion was that he was "not dangerous to others" (18H464).

In January 1953 Oswald and his mother returned to New



Orleans, living initially with relatives. His school work improved but remained mediocre. When in the tenth grade, he quit school after writing a note in his mother's name saying they were leaving town.

This was eleven days before his sixteenth birthday. He sought unsuccessfully to enlist in the Marines. Until he was finally accepted on October 26, 1956, he worked at various jobs, studied the Marine Corps manual, read much, and became interested in politics.

Just before his enlistment was to end, he obtained a fraudulent "hardship" discharge from the Marines and almost immediately left the country. His destination was the Soviet Union. He arrived in Moscow on October 16, 1959. After first applying for Soviet citizenship, which was never granted, he went to the United States Embassy and delivered a written renunciation of his citizenship, which was not in the proper form and was not accepted. The consul was able to divert him by various stratagems and Oswald never again made a serious effort in this direction. He worked in an electronics plant in Minsk, where he met and married on April 30, 1961, a 19-year-old pharmacist, Marina Prusakova. A month or two later, according to her account, he began talking to his wife about returning to the United States. There are contradictory versions which indicate Marina was interested in leaving the Soviet Union. After many difficulties and considerable assistance from the United States Government, including the loan of \$435.71, the couple and their infant daughter June crossed the Soviet frontier on June 2, 1962. They arrived in the United States on June 13 and flew to Fort Worth, Texas, the next day.

During his life in the Soviet Union, Oswald developed a thorough hatred for that country's political system. Four days after his arrival in Fort Worth, he asked a public stenographer to type a manuscript about his life in Russia and his observations. From the time of his return until his murder, Oswald was never regularly employed. He lived in Fort Worth, New Orleans and Dallas. He made a brief trip to Mexico at the end of September 1963 and returned to Dallas. He obtained employment at the Texas School Book Depository on October 16, 1963, after favorably impressing the manager, Roy S. Truly, in an interview. The lead on the job came from a neighbor of Mrs. Ruth Paine, with whom the then pregnant Marina

and the baby lived while Oswald sought employment in Dallas.

During the week Oswald slept in a rented cubbyhole. He spent weekends with his family at the Paine home, in nearby Irving. There is reason to believe that he sought more desirable employment.

Only in the context of other things that had been imprinted upon the public mind was it even possible to suggest Oswald was an assassin type. He was a quiet person, staying to himself and reading much, especially of history and biography. He was neat and tidy. Above all, he was devoted to his family. His relations with his wife were punctuated with frequent arguments arising from his apparent Victorian concepts of feminine conduct. He objected strenuously and sometimes physically to her smoking and occasional wine drinking. Marina is the source of the intelligence that she could and did give as well as she got and that some of their minor battles ended in victory for her. She and some of their friends in the Russian community of that part of Texas said Oswald had justification for whipping her.

He nonetheless remained in love with her and his fondness for his two daughters was the one thing everyone who ever talked to him remembered. Merely thinking of them made him smile.

He was, from Truly's description, a very satisfactory employee and a man with desirable characteristics. Favorably impressed by Oswald, Truly described him as "quiet and well mannered," and was particularly pleased by Oswald's use of "the word 'sir,' you know, which a lot of them don't do at this time." On reporting for work on the 16th of October, Oswald was put with a more experienced employee. "He worked with him, it seemed to me, like only an hour or two, and then he started filling orders by himself. And from then on he worked alone." Asked how Oswald's work progressed, Truly said, "Well, he seemed to catch on and learn the location of the stock. We have several thousand titles of books in our warehouse. But he was filling mostly one or two publishers' orders . . . The main publisher was Scott, Foresman and Co." Asked where Scott, Foresman books were kept, Truly replied, "On the first floor and the sixth floor." The sixth floor was both a reserve or a warehouse supply and a source from which the bins on the first floor were re-

plenished for the smaller orders (3H214). Almost everyone described Oswald as a man who minded his own business and went about doing his job without idle chatter.

It is this employment which put Oswald at the assassination scene and, according to the conclusion of the Report, in a position to kill President Kennedy. Truly's account of where Oswald worked was quoted because it was from the sixth floor of this building that the Commission decided all the shots were fired.

### 3. THE SET-UP FOR THE ASSASSINATION

Police and investigators approach most of their problems with a theory. Logical people, those who are careful and painstaking, usually learn enough about the facts before permitting themselves to form even tentative conclusions. At that point they search and study to see if the facts support the conclusions they have in mind. But never do they lose sight of other alternatives, or of the possibility that the theory, no matter how attractive, is wrong. As a method of working and thinking, it is usually necessary to have some reasonable beliefs in mind, but not to the exclusion of all other possibilities.

None of the local or federal police ever imposed such restrictions upon themselves. Faced with the certain knowledge that they had made possible, or at least had not prevented, the crime of the century, all were determined to "solve" it expeditiously. The newspapers and magazines, radio and television and the country at large, as well as the rest of the world, demanded to know how such a monstrous crime could have been committed in the midst of police protection of an overwhelming magnitude.

Lee Harvey Oswald, the off-beat, unknown, virtually friendless nobody, had the supreme value of being a man who could, no matter how falsely, be accused of being a Communist. In the temper of the times, this encouraged wild though illogical speculations of a Russian plot. He was heavensent, having all the desirable characteristics the police sought. Better still, he was the bird in hand. Ignoring for the moment *how* the police got him in hand, they *did* have him, and he provided an immediate and the best possible answer to their problems.

With Oswald's capture but little more than an hour after the Kennedy murder, the public relations face of the police was resplendent. Even better, the police charged him with additionally killing a policeman, an officer who had a wife and children.

Emotion and money poured into Dallas from all over the country, and soon the bereaved Tippits were wealthy. Wealth cannot replace a loved husband and father, but at least the people were expressing their sorrow at the Tippit family's loss and doing what little could be done to ease their lot. Abraham Zapruder, who took excellent footage of the Kennedy assassination, got \$25,000.00 for his film and gave it all to the Tippits.

Not until much later, when mature minds began to sift the steady flow of "information" from Dallas, were any doubts expressed. But these were almost entirely abroad, especially in Europe. What few questioning voices spoke out in the United States were weak, unknown, almost entirely unheard, and unbelieved.

So the police, with their suspect first securely in their possession and then dead and buried, had only to prove that the said suspect was the actual and sole culprit. But they were not compelled to prove it in a court of law where the adversary character of American justice would have afforded a disciplined opportunity for public scrutiny and evaluation of their "evidence." Their case needed only to be acceptable in two areas: First, to a press and a public anxious to seize upon any explanation they could persuade themselves might even remotely suggest a solution to the crime; and, second, to the Warren Commission. As it turned out, even before the police appeared before the Commission, that body seemed as anxious as anyone to attribute the crimes to the dead suspect to the exclusion of all others and without consideration of any other possibilities.

To do this, of course, it was necessary to place the suspect at the scenes of the crimes, to put him in a position to commit them, and to show that he had the capability to commit them. This the Commission did by the simplest of expedients: *It believed only what it wanted to believe, without regard to logic or credibility.* It ignored what did not suit its purposes. And it said the sworn testimony in contradiction to its facile approach just was not true,

again in the face of the most compelling logic and reasonableness.

Placing Oswald at the scene of the Kennedy crime was easy: He worked there (3H215). Even to his presence on the sixth floor, from which all of the shots were allegedly fired, he was there automatically. A major part of his work was on that floor. As of the period immediately preceding the assassination, he was working there (3H168).

The police could get away with "presuming" their suspect at the scene of both crimes because the suspect was dead and there was no judge and jury to consider the case. Unlike the police, the Commission had to make its Report credible to an international audience that had to be presented with a case that, at least superficially, seemed reasonable. Here the murder of Officer Tippit was a boon to both the police and the Commission, for it tended to make acceptable the intrinsically weak case on the Kennedy assassination. Superficially, the evidence in the Tippit case was strong and tended to obscure the weakness of the evidence relating to the assassination.

Despite the overwriting of the Report, *there was, after almost a year, a paucity of hard evidence against Oswald. There were presumptions, inferences and theories*, but not much of the kind of substantial documentation that would have held up in court or under cross-examination. To overcome this deficiency, the authors of the Report were driven to attempt what likewise was possible only without critical evaluation: The proving of smaller and less essential details that might also tend to buffer the weakness of the essential elements.

Beginning with the assumption that Oswald wanted to kill President Kennedy, *of which there is not even a suggestion in any of the testimony*, the Report then alleges that Oswald knew all about the plans for the President's visit and the route the motorcade would take. Again, the evidence is to the contrary (R31-40).

The testimony of all the witnesses who were employed at the Depository Building revealed a lack of excitement over the President's trip. Some did not even plan to view the motorcade and watched it only as an afterthought. Others became interested when they learned by the gathering of spectators that it would come nearby.

Oswald's finances, as reconstructed by the Report,

showed no subscription to the daily papers (R741-5). Yet they do show such small expenditures as a \$1.00 subscription to "The Militant" and \$1.23 spent on transportation. No one was produced who ever saw him buy a single issue of the daily papers or knew he used the radio or television.

Manager Roy Truly testified, "I would see him occasionally in the shipping department . . . (eating) . . . Maybe he would be sitting there reading a book or a newspaper" (3H218). Employees testified that occasionally when Oswald lunched in the employee lunchroom he might pick up a back issue of a newspaper that someone had brought in and read it (3H164).

Despite the emotional account attributed to his wife that she had denied her company and even her conversation to her husband the night before the assassination, in the narrative she wrote when *first* put under protective custody she indicated (18H638) that he knew nothing about the events of the next day: "Only when I told him Kennedy was coming the next day to Dallas and asked how I could see him—on television, of course—he answered that he did not know."

Fellow employee James Jarman, Jr., met Oswald on the first floor near a window during the morning of the assassination. He testified: "Well, he was standing up in the window and I went to the window also, and he asked me what were the people gathering around on the corner for, and I told him that the President was supposed to pass that morning, and he asked me did I know which way he was coming, and I told him, yes; he probably come down Main and turn on Houston and then back again on Elm. Then he said, 'Oh, I see,' and that was all" (3H201).

There is nothing here in the Report to indicate Oswald had even this much belated interest in or knowledge of the motorcade. Naturally, the Report could not have quoted what evidence the Commission had because it was opposed to the presumption the Report made, about which there was no evidence. With regard to the route of the motorcade, the Report is on even shakier ground, for it had to presume not only that Oswald knew about it, but that he knew the *exact route*, directly in front of the Depository Building. But it could not make a totally unsupported presumption of the route since critical com-

ment had already been printed questioning anybody's knowledge of the route.

To overcome this, the Report quotes from the Dallas papers in a less than honest or complete manner (R39-40). Selecting from the ten issues of the morning and evening papers for the period November 15-19, it could say only that two of the four articles it referred to even mentioned the motorcade touching Elm Street. The contrary version, with Elm Street excluded, appeared just as frequently. On this basis, all anyone could have if he read the papers was confusion. But there was one map printed, and this the Report avoided like the plague.

The entire front page of the morning paper of the day of the assassination was devoted to the President's visit and to the political situation in which it was being made. Buried in the body of one of these stories was some text the Report could and did use to connote something sinister on Oswald's part: "On the morning of the President's arrival, the Morning News noted the motorcade would travel through downtown Dallas onto the Stemmons Freeway, and reported 'the motorcade will travel slowly so that crowds "can get a good view" of the President and his wife.'" This planted the idea that Oswald knew all about the slow pace and found assurance of a better target because of it. Of course, the Report in this quotation does not find it necessary to use the exact language, "Main and Stemmons Freeway," as the route to the place of the luncheon meeting, with no mention of Elm Street.

And what the Report totally suppresses is the major reference to the route on the front page of that issue of that paper. Headed "Presidential Motorcade Route," there is a map showing the entire route, beginning at the airport. This map shows the motorcade *would not leave Main Street from the time it got on it until it reached the Triple Underpass*. It showed the motorcade was *not* going to turn off into Elm Street, as it did. And it further showed that the planned route included an illegal turn into the Stemmons Freeway, the turn the Report infers could not be made because it was against regulations. And as though to answer the as yet unasked question, as though it knew the future significance of its front-page map, the paper marked the point of the only turn from Main Street with an arrow labeled "Triple Underpass."

The authors of the Report found a small fragment of

type they could wrench from the paper and use out of context. But they seemed unable to refer to a map two columns wide, so large the authors did not have to read the entire front page to find it. There is a photograph of this map on page 65.

It is fair to regard this as a less than completely honest representation. It likewise seems fair to describe the two basic assumptions with which the Report begins its narrative of the assassination as in contradiction to the Commission's own evidence. This showed Oswald had neither knowledge of nor interest in the motorcade and that, instead of going to Irving to get the rifle the night before the assassination, even if he had known of and been interested in the President's visit despite the contrary evidence, he had no way of knowing the route would be under the window from which the Report alleges he fired.

The Commission had to prove that Oswald had taken the rifle to the scene. With the possible exception of Oswald's alleged and completely unproved attempt on the life of General Edwin Walker (Marina's tale that even General Walker himself did not believe), no one reported any rifle in Oswald's hands for months. Actually, *there is no proof that Oswald ever had the Serial No. C-2766 Mannlicher-Carcano rifle in his possession* after getting it at the post office. And that is the rifle the Commission held was the assassination weapon. To try and show that on the morning of the crime Oswald might have taken the rifle to work, the Commission called four witnesses, not counting his wife, who was in bed and had not seen him leave the house.

By means of these witnesses, the Commission attempted to show that Oswald purloined the materials from his place of employment and fabricated a long bag at home, disassembled the rifle, saving but a few inches in its overall length, placed it in the bag and took it to and into the Book Depository. It never attempted to show how or, in fact, that he *did* take it from the first-floor entrance up to the sixth and through the entire length of that floor, on which a number of people were continuously employed. In questioning those witnesses so employed, the Commission carefully avoided this question.

*Without exception, each of these four witnesses either swore that Oswald could not have carried the rifle (2H245ff.; 2H210ff.; 7H531ff.), did not carry it into the building (6H377), or did not take the materials for manu-*



*facturing the bag to the Paine residence in Irving (2H242), and, in fact, could not have (6H356ff.).* Each and all of the witnesses proved the impossibility of the Commission's reconstruction. These were the only witnesses the Commission examined on this matter, except for technical experts on unessential aspects. And even their testimony does not support the Commission. Yet the Commission's conclusion is that Oswald did all of these things. Every single and essential aspect is clearly and unequivocally disproved by the witnesses in one of the unfortunately rare instances in which the Commission pressed its witnesses in search of fact. The more the Commission tried to get the witnesses to change or alter their stories, the more positive the witnesses became in their testimonies.

The alleged assassin's day began with his mind so untroubled he overslept his rendezvous with destiny, as the Commission describes it. Even the night before, which the Commission portrays as one of serious domestic disturbance, Marina said he played with the children and was "not particularly agitated" (Exhibit 994, 18H596). In her narrative prepared at the beginning of her period of protective custody, she recounts her husband's early retirement, following his revelation that he knew so little of the next day's events in Dallas he could not tell her how to view them on television.

"In the morning," she continued, "I did not usually get up to make breakfast for Lee—he always did that for himself. (This of the man the Commission elsewhere said *never* ate breakfast, quoting Marina as its authority!) At 7:00 a.m. the alarm rang, but Lee did not get up. After 10 minutes I woke him up and began to feed Rachel. He said I should not get up, got dressed, said good-bye and went out . . ."

Having almost missed the opportunity for the place in history the Commission said was his driving compulsion, Oswald had to hurry. He was due half a block away, dressed and with his "large and bulky package" 10 minutes from the time Marina awakened him. His "ride," Buell Wesley Frazier, testified the normal departure time was 7:20 (2H210ff.; 7H531ff.). In 10 minutes he had to dress (Marina was disturbed because he had not eaten) and get to Frazier's home, meanwhile either picking up the package the Report says he carried or, so far as we know, even having to make the package. On this the Report says

nothing except in conclusion. It merely places his departure from the Paine home at about 7:15 a.m. (R131). It quotes Mrs. Paine as saying that the previous night she had worked in the garage, the place in which the rifle was normally kept (R130). Mrs. Paine noticed the light in the garage was on and was certain she had not left it on. She "went out to the garage to paint some children's blocks, and worked in the garage for half an hour or so." That garage was a monument to clutter. It was so stuffed with the Paine and Oswald property not elsewhere in the home there was hardly room to move about in it. The Report makes no reference to this, nor does it reveal how Ruth Paine could have worked in it for a half-hour or so without noticing anything odd or foreign, such as the "long and bulky package." And, although the garage provided little walking space, the Commission does not explain how Mrs. Paine could have maneuvered about in it for not less than half an hour, first collecting her paint, brushes and blocks, and then painting and arranging the blocks and storing the paints and brushes, without at least stumbling on the rifle, which the Report insists was "usually" kept lying on the floor, wrapped in a blanket (R131).

The Report leaves us to assume that Oswald had made his package earlier the night before, even though he was known to have spent much of his time playing with the children. Neither Marina nor Ruth saw him in the garage, which was entered from the kitchen. We must also assume that, having removed the rifle from its blanket wrapping, it was normal for Oswald to replace the blanket in its "normal" place on the floor, being careful to make the blanket look as though it still contained the rifle. And, of course, we must assume that such an elaborate operation served a purpose not served by merely putting the blanket elsewhere.

The narrative continues with Mrs. Linnie Mae Randle (2H245ff.), Frazier's sister with whom he lived, noticing Oswald approaching with a "heavy brown bag," in the Commission's words rather than Mrs. Randle's. "He gripped the bag in his right hand, near the top. 'It tapered like this as he hugged it in his hand. It was . . . more bulky toward the bottom than toward the top.'" If this seems like a novel or dangerous way to carry a rifle, especially with the metal portion not attached to the stock and more likely to punch a hole in paper, it did not seem so to the Com-

mission. And if Oswald's "gripping" and "hugging" might be expected to leave marks of at least crumpling on the bag, the Commission did not so expect and the bag itself (Exhibit 142, 16H513; Exhibit 1304, R132, etc.) shows no markings of the shape of a rifle, assembled or disassembled. The creases where it was folded in four are still sharp and clear. After untold handling, examination and testing, these creases are strong enough to keep the bag from lying flat when extended to its full length.

"Mrs. Randle estimated that the package was approximately 28 inches long and about 8 inches wide," according to the Report. It was not quite that way. Mrs. Randle first described the manner in which Oswald was carrying his package. In the part the Commission does *not* quote in the Report, Mrs. Randle said, ". . . it *almost* touched the ground" (7H248).

This was not lost upon the Commission, for when Assistant Counsel Joseph A. Ball misinterpreted Mrs. Randle's testimony, asking, "And where was his hand gripping the middle of the package?" Mrs. Randle corrected him, saying, "No, sir; the top . . ." Ball reiterated her correction and her description of the package as almost touching the ground.

Knowing Oswald's sleeve length and height, as the Commission did, measuring the length of a package he could have held in his grip without touching the ground was simple and provided an accurate means of approximating the length. Actually, it requires a tall man, which Oswald was not, or a man with abnormally short arms (we don't know his arm length), for a 28-inch package to even barely clear the ground. The Commission had a passion for reconstructions. All of them had unsatisfactory results and at best jeopardized the Commission's findings. Some disproved the Commission's theories. The minimum length of the disassembled rifle was 34.8 inches (R133). The Report does not quote a package reconstruction.

Instead, it worked on its witnesses. Shown Exhibit 364, a replica bag, Mrs. Randle maintained, "Well, it wasn't that long, I mean it was folded down at the top as I told you. It definitely wasn't that long." Asked to stand up and use the bag as a prop, she reiterated it was too long. Then asked, "About how long would you think the package would be, just measure it right here," Mrs. Randle did, saying ". . . like this." Ball confirmed her markings, saying,

"From here to here?" and is given an affirmative reply, concluding, ". . . with that folded down this much for him to grip in his hand."

The measurement was neither taken nor recorded. Anxious as the Commission was for a specific measurement, one can only speculate about this "oversight." Counsel Ball continued working on his witness, even asking her to guess the length of the entire bag, which she had not seen. Finally, she folded the bag to the length she thought it might have been, while Ball told her he was not sure which was the top and which the bottom of the bag. This time the length was measured, and it would seem the new length suited Mr. Ball better, for he measured it at 28½ inches. Mrs. Randle informed him, "I measured 27 last time." Earlier Ball had described another estimate of the total length of the bag by Mrs. Randle at "about two feet." She had indicated it might have been "a little bit more."

Thus, by both her description of the haphazard manner in which the bag was carried and in her repeated estimates and markings of the length of the bag, Mrs. Randle emerges as a consistent, highly credible witness. She was neither persuaded, cajoled nor deceived into altering her account in the slightest. Certainly the manner in which Oswald was carrying the bag is the kind of image she could clearly have kept in mind. And it fixed the bag's maximum length.

Her brother, whom the Report next quotes, was completely consistent with her, and his account likewise never varied. The Report says, "Frazier recalled that one end of the package was under Oswald's armpit and the lower part was held in his right hand so that it was carried straight and parallel to his body." On December 1, 1963, he had shown FBI agents the space he recalled the bag occupying on the back seat of his car (and who would have put a knocked-down rifle on the back seat, from which the first sudden stop could have hurled it to the floor, attracting attention and risking the rupture of the bag and revelation of its contents?). By the FBI measurement, 27 inches was the maximum possible length. Frazier's own estimate of the size when he first saw the package, which he assumed contained curtain rods, was two feet. When Frazier was questioned (2H210ff.; 7H531ff.), it turned out that he had once worked in a de-

partment store and had, in the course of that employment, handled packaged curtain rods.

At the time of the assassination, Frazier was picked up by the police. Before the Commission he was grilled and pushed in an effort to get him to change his description of the length of the package. At one point, when Frazier conceded the package might have been a bit wider than the five or six inches he remembered, Ball tried to interpret this as a concession of greater length until Frazier specified "widthwise not lengthwise."

After Ball declared there were no more questions, he suddenly told Frazier the Commission had the rifle in the bag and asked him to "stand up here and put this under your arm and then take a hold of it at the side." Frazier demurred. Ball ordered him, "Turn around." Frazier continued to demur, with explanations that accomplished nothing. He again insisted Oswald had the package "tucked under his shoulder" when asked by the Chairman, adding again that Oswald "had it cupped in his hand." The Chief Justice said, "I beg your pardon?" and Frazier replied, "I said from where I noticed it he had it cupped in his hands. And I don't see how you could have it anywhere other than under your armpit" without the end being visible. To Ball he insisted the package was not and could not have been carried in any position other than the one he described. After reiterating his observations to Ball, Frazier added that he had followed Oswald to the place they worked for two blocks "and you couldn't tell he had a package from the back." Then, viewing Frazier holding the package rifle, Ball conceded the package extended "almost to the level of your ear."

In the course of attempting to get Frazier to modify his testimony, which the Report accurately depicts as two feet "give or take a few inches," the Commission merely established the clarity and positiveness of his recollection. As a by-product, this hearing called attention to the Commission's failure to allude to the third dimension of the package, its thickness. Frazier, however, unintimidated even if nervous, did this in two ways. First, he testified that from the manner in which Oswald carried the package "you couldn't tell he had a package," hardly a description of a bulky military rifle, especially when carried in two pieces (2H243). Earlier, when pressured by Ball about

the narrower width of the package than suited the Commission's theory, Frazier gave the lawyer a polite lecture on measurements, saying, "if you were using a yardstick or one of these little—" Ball interrupted to declare, "I was using my hand." Frazier replied, "I know you were, but there are some different means to measure it," and specified the difference between a rigid yardstick and a flexible tape measure, which would follow the contour of the package and, by including some of the thickness, result in a greater width measurement.

In the Report (pp. 133-4), of all the testimony by Frazier pinpointing the maximum length of the package, testimony in which Frazier never budged from either his opinion of the length or his observation of the position in which the bag was carried, the Commission quotes (from 2H241) this: " 'Like I said, I remember that I didn't look at the package very much . . . but when I did look at it he did have his hands on the package like that,' and at this point Frazier placed the upper part of the package under his armpit and attempted to cup his right hand beneath the bottom of the bag."

The direct quotation is accurate. The rest is not. It is, in fact, a distortion and misrepresentation difficult to regard as accidental. Where the Report says, "at this point Frazier placed the upper part of the package under his armpit," Frazier was actually in the middle of his explanation, previously quoted, of the width, not the length, of the package, concluding with the specification that he was talking about the width and not the length. The quoted excerpt related to width, not to length.

This is not the only part of Frazier's testimony reflected in the Report in a manner other than as intended. The Report states that, when they arrived at work, "Frazier parked the car in the company parking lot about two blocks north of the Depository Building. Oswald left the car first, picking up the brown paper bag, and proceeding to the building ahead of Frazier. Frazier walked behind . . . It was the first time that Oswald had not walked with Frazier from the parking lot to the building entrance." (R133)

The sinister implication is that this had something to do with secrecy or stealth on Oswald's part, or was at least a reflection of his state of mind because of the dastardly deed he plotted. This is not only unwarranted; it is dia-

metrically opposite to the truth, on which Frazier was explicit: "(I) looked at my watch . . . saw we had a few minutes . . . sat there . . . watching (railroad) cars . . . , but I was letting my engine run and getting to charge up my battery, because when you start and stop you have to charge up your battery" (2H227-8). A glance at Frazier's ancient vehicle (Exhibit 447, 17H167) would seem to remove any doubt of the desirability of this practice.

There is none of Frazier's testimony about Oswald that is not opposed to the Commission's theories. He found Oswald truthful, quiet, devoted to his family, especially fond of his children and smiling and happy in talking of and being with them. Oswald never talked politics and made no mention of the President's visit or the motorcade (2H219ff.). Frazier's account of the clothes Oswald was wearing that day was in contradiction to the Commission's, and Frazier saw more of these clothes than anyone else. Frazier also insisted the shots came from a point other than the one the Commission alleged, and in this he was in accord with a majority of the observers, including police of various kinds.

Frazier's truthfulness was established, according to Detective R. S. Stovall, by a polygraph examination (7H190; 21H602). Stovall's words were, "The examination showed conclusively that Wesley Frazier was truthful and that the facts stated by Frazier in his affidavit were true."

But the Commission had to use Frazier to get Oswald to the building with any kind of a package, even though Frazier, as did his sister, proved Oswald could not possibly have been carrying the rifle. With complete and total disregard of the only testimony it had, the Commission concluded exactly the opposite from its only evidence. It said simply, "Frazier and Randle are mistaken" (R134).

So Frazier put Oswald at the building and was himself about 50 feet behind the presumed about-to-be assassin. This is how the Report gets him into the building: "One employee, Jack Dougherty, believed that he saw Oswald coming to work, but he does not remember Oswald had anything in his hands as he entered the door. No other employee has been found who saw Oswald enter that morning." (R131) At this point the Report refers by footnote to that part of Dougherty's testimony (6H373-82) appearing on pages 6H376-7.

The excerpt from the Report needs clarification. It was

Oswald, not Dougherty, who was then coming to work, and Oswald, not Dougherty, who went through the door. Dougherty was trusted with extra responsibilities by his employer and reported to work an hour earlier than the other employees.

Asked, "Did you see Oswald come to work that morning?" Dougherty told Ball, unhesitatingly, "Yes—when he first came into the door."

"When he came in the door?" the interrogator repeated, and Dougherty said, "Yes." Then Ball wanted to know, "Did you see him come in the door?"

"Yes; I saw him when he first came in the door—yes," was Dougherty's unqualified reply. So much for the use of the word "believed" to describe Dougherty's testimony.

Now for the language that says Dougherty "does not remember Oswald had anything in his hands."

Dougherty had answered the question less positively than satisfied Ball, saying, "I didn't see anything if he did." Ball then asked him additional questions, to which Dougherty replied, "I didn't see anything in his hands . . ."

"In other words, you would say *positively* he had nothing in his hands?" Ball demanded. (All emphasis added.)

"I would say that—yes, sir," was Dougherty's equally unqualified response.

Oswald was now in the building. The only person who saw him enter swore "positively" that Oswald had no package in his hand, and the package the Commission was concerned about was in a bag 38 inches long with two heavy items each of awkward and uncomplementary shape!

The Report does not consider it necessary to do more than get Oswald to the building and into it. It dismissed the unequivocal and uncontradicted testimony of Frazier and his sister by deciding they were "mistaken." It paid even less heed to Dougherty, the only witness who saw Oswald enter the building when he said "positively" Oswald carried no package—it just ignored him in its conclusions (R137).

These conclusions also state Oswald "took paper and tape from the wrapping bench of the Depository and fashioned a bag large enough to carry the disassembled rifle."

Just as there is no evidence of any kind that the rifle was ever disassembled, there is no evidence that Oswald



ever took any paper and/or tape. There were no eyewitnesses. There was absolutely no evidence—not even a wild rumor about either. The Commission simply decided that, because the unassembled rifle was 5.4 inches shorter, it was 5.4 inches closer to the only testimony on the size of the package. It did the same with the packaging materials. Having decided that Oswald carried the rifle into the building in a bag, despite the fact that its only evidence was exclusively to the contrary, the Commission had no problem deciding that Oswald had just taken these materials and made the bag. It does not say whether he made the bag in the building before taking it to Irving—which involved the possibility, if not the probability, of detection—or made it in Irving, which the statements by Marina and Ruth Paine would seem to eliminate as a possibility. He just made it, unseen and somewhere. Each reader may decide for himself where and how. It made no difference to the Commission. And it makes no difference, in any event, for there is no evidence that he made or used it.

Having made the bag of a material that had the remarkable quality of preserving fold markings imperishably and accepting none other, or having just stolen this paper, Oswald had to get the bag or the paper to Irving. The only man who ever took him there, and without doubt the man who took him there the evening of November 21, was asked about this. His answer was: Oswald had nothing that evening and never had. Ball asked about both a package and about “anything,” and Frazier was positive in his response to both forms of the question (2H242). And the package was much too large to have been pocketed.

Meanwhile, the Commission’s identification expert is invoked in a section erroneously entitled “Scientific Evidence Linking Rifle and Oswald to Paper Bag” (R135-7). Through FBI questioned-documents expert James C. Cadigan, the Commission established that a sample of paper taken from the wrapping table the day of the assassination could be identified as from the same roll as that from which the paper for the bag came (R135; 4H93). This related no more to Oswald than to anyone else with access to the building. But in also establishing that a roll of paper was consumed in three days (R136), the Commission clearly proved that Oswald could not have taken the bag and/or the paper to Irving, for the materials could have

been taken at most two days (if, indeed, at all) before the day of the assassination. Unless, of course, it could prove that the Depository had other rolls of paper from the manufacturer's same batch, which it could not prove (R136).

Mr. Cadigan's science further weakened the Commission's theory in two additional ways, which the Report ignores. First, he established that the tape had been run through the tape-dispensing machine. The significance of this will become clear in discussion of the totally suppressed testimony of Troy Eugene West. Then he reported on his careful scientific examination of the bag to see "if there were any significant markings or scratches or abrasions *or anything* by which it could be associated with the rifle . . ." The result? There were none (4H97).

The Commission found it expedient to ignore this part of its own expert's testimony on his scientific inquiry on its behalf in referring to the "Scientific Evidence Linking Rifle and Oswald to Paper Bag."

Instead, it quoted Paul M. Stombaugh, another FBI laboratory expert, on his examination of "a single brown delustered viscose *fiber* and several light green cotton *fibers*." Stombaugh compared these few fibers with the blanket and found they did match some of those in the blanket. Despite this, "Stombaugh was unable to render an opinion that the fibers which he found had *probably* come from the blanket . . ." (R137).

Briefly, then, the "Scientific Evidence Linking Rifle and Oswald to Paper Bag" did not do any such thing. It may fairly be said this "evidence" did the opposite.

Custodian of the wrapping table at which these materials are kept was Troy Eugene West (6H356-63). West had been employed by the Book Depository for 16 years and was so attached to his place of work that he never left his bench, even to eat lunch. His only separation from it, aside from the necessary functions of life (and this is presumed, it is not in his testimony), was on arrival before work, to get water for coffee.

He knew of no time when any employees had ever borrowed any tape or ever used it for themselves. Asked if Oswald ever helped him or if he ever noticed Oswald around either the paper or the tape, both of which are at his bench, West replied: Never. Asked, "Do you know whether or not he (Oswald) ever borrowed or used any

wrapping paper for himself?" West declared, "No, sir; I don't." Assistant Counsel David W. Belin, conducting the examination, repeated, "You don't know?" and West reaffirmed his answer, replying, "No; I don't." (6H360)

If this is not the reason the Report ignores West's testimony, what follows is equally destructive to what the Commission wants believed. West reiterated his testimony that, so far as he knew, no employees "ever" used or borrowed the tape for themselves, and Belin turned to questions about the dispensing machine itself. The Commission had already established that two of the cuts on the tape had been made by the machine, presuming them to be the cuts at the end of a length of tape that was later torn into smaller pieces by hand. Hence, Belin wanted to know, "If I wanted to pull the tape, pull off a piece without getting water on it, would I just lift it up without going over the wet roller and get the tape without getting it wet?" West explained this would be impossible, saying, "You would have to take it out. You would have to take it out of the machine. See, it's put on there and run through a little clamp that holds it down, and you pull it, well, then, the water, it gets on it." (6H361)

Having proved that the tape on the bag had been dispensed by the machine, the Commission thus established beyond any question that the tape was wet when dispensed and had to be used immediately, if not at the bench, at least very close to it. And the man who was always there established that Oswald never was.

The only possibility remaining, an effort to get West to admit that he was away from his bench, was totally unsuccessful and had the opposite effect.

"No, sir," he reiterated, "I never did hardly ever leave the first floor. That is just I stayed there where all my work was, and I just stayed there" (6H362).

The only suggestion of any connection between Oswald and the bag was through fingerprints. Because Oswald worked where the bag was reported to have been found, the presence of his fingerprints was totally meaningless. Sebastian F. Latona, supervisor of the FBI's Latent Fingerprint Section, developed a single fingerprint and a single palmprint he identified as Oswald's. More significantly, "No other identifiable prints were found on the bag" (R135).

After all the handling of the bag attributed to Oswald, first in making it, then in packing it, then taking it to

Frazier's car, putting it down in the car, picking it up and carrying it toward if not into the building for two blocks, and then, at least by inference, through the building, and when removing and assembling a rifle Marina testified he kept oiled and cleaned, how is it to be explained that he left only two prints? The only thing as strange is that this bag was also handled by the police and was the only evidence they did not photograph, according to their testimonies, where found. Yet the freshest prints, those of the police, were not discovered.

"Oswald lied when he told Frazier that he was returning to Irving to obtain curtain rods," the Report declares (R182). Because it evaluated as false some of those things Oswald is reported to have told the police, the Commission decided to believe none of what he is alleged to have said.

On what basis did the Commission prove Oswald had no curtain rods with him that fateful morning? Was there an immediate and thorough search for them (if for anything)? Not at all. The Commission's "evidence" is a long-delayed afterthought. On August 31, 1964, almost as the Report was going to press and more than nine months following the assassination, the Commission wrote the FBI Dallas office asking that Roy S. Truly, manager of the Depository, "be interviewed to ascertain if he knows of any curtain rods having been found in the TSBD building after November 22, 1963."

The FBI reported, ". . . He stated that it would be customary for any discovery of curtain rods to immediately be called to his attention and that he has received no information to the effect that any curtain rods were found . . ." (Exhibit 2640, 25H899).

Aside from the inference that Truly had special regulations about the finding of curtain rods, this means nothing. After more than nine months, who knew what might or might not have been taken from a building into which a rifle was taken without detection? Truly had testified twice, at great length and under oath, without having once been asked about the curtain rods. Nobody cared to ask him. On August 3 he supplied the Commission with an affidavit (7H591) attesting that the door in the vestibule outside the employees' lunchroom was usually closed because it was controlled by an automatic mechanism. It would seem that it was not until the Commission called Oswald a liar

in the draft of the Report that, too late for the inclusion of a sworn statement, the staff belatedly asked for a second-hand, unsworn and meaningless opinion.

One possibility remained: Did the "room" Oswald rented need curtain rods? The Report quotes the owner, not the housekeeper (R130), as saying the room "had curtains and curtain rods." It may well have, but the Commission need not have depended upon the word of a landlady who could hardly be expected to say her tenants lived in a fish-bowl. This room was so thoroughly searched by the police immediately after the assassination that on a check the following day nothing was found except a single paper-clip. Many police and media people were there. The hearings abound with identical pictures repeated numerous times under different exhibit numbers, and both the Report and the Hearings have large areas of blank spaces on countless pages. Why, then, was there no picture showing whether, in fact, Oswald's cubicle had curtains?

Perhaps Joachim Joesten, the German writer, has supplied the answer. He wrote a book on the Kennedy assassination in early 1964. The Commission's general counsel, under date of March 4, wrote to him and asked for copies in German and English. His wife was visited by two FBI agents in New York. And the Assistant Legal Attache of the United States Embassy in Bonn located the surprised Joesten in Hamburg and flew there to interview him, declining to discuss his business by phone for reasons of national security. All wanted the same thing, Joesten's information. Joesten said he supplied it.

Mr. Rankin's promise to Joesten was only too well kept. He had said, "You may rest assured that the material you furnish us will not be circulated beyond the files of the Commission."

On page 32 of the book, Joesten said, "With a ground-floor window front running the full length of his room and opening out on the neighbor's driveway, Oswald was indeed living, as his landlady herself said in the course of a 45-minute talk I had with her, in 'the most public room' of the house. A goldfish has more privacy in his glass bowl than Oswald had behind this unbroken window front, especially at night, when his room was glaringly lighted by an unshaded bulb dangling from the ceiling."

The Report has an entire section of perhaps 15,000

words devoted to what the Commission entitled "Speculations and Rumors" (Appendix 12). If there were any the Commission had assured itself of knowing, they came from Joesten.

There is no reference to this in that entire Appendix.

The Report of the Commission which called Oswald a liar ends its major subsection, "The Rifle in the Building," in its chapter titled "The Assassin" and labeled "Conclusion" (R137) as follows:

"The preponderance of the evidence supports the conclusion that Lee Harvey Oswald (1) told the curtain rod story to Frazier to explain both the return to Irving on a Thursday and the obvious bulk of the package which he intended to bring to work the next day; (2) took paper and tape from the wrapping bench of the Depository and fashioned a bag large enough to carry the disassembled rifle; (3) removed the rifle from the blanket in the Paines' garage on Thursday evening; (4) carried the rifle into the Depository Building, concealed in the bag; and (5) left the bag alongside the window from which the shots were fired."

#### 4. THE MARKSMAN

"The essence of intelligence," Allen Dulles, Commission Member and former head of the Central Intelligence Agency, once said, "is to get one fact and bulldog it to death."

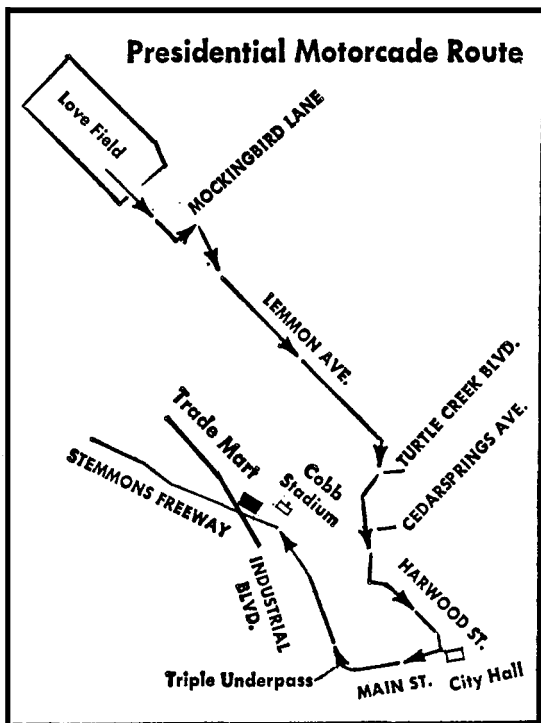
Unfortunately, as a Commission Member, Dulles did not practice what he preached. Had he done so, the Dallas shootings would have busied the bulldogs for years. There is no single thing that is proved beyond reasonable doubt about the marksman, the rifle, the ammunition, the shooting or the number of shots except that President Kennedy was killed, Officer Tippit was killed, and Governor Connally was wounded. The Report evades much of the solid evidence the Commission could not avoid developing, misuses the testimony to which it does refer, ignores and compounds the sins of the police agencies, escapes the

# The Dallas Morning News

1963

DALLAS, TEXAS, FRIDAY, NOVEMBER 22, 1963—54 PAGES IN 4 SECTIONS

\*\*\*\*



obvious and evolves unalloyed speculation in contradictory forms.

What the Report concludes is that Lee Harvey Oswald alone owned and used a cheap Italian war-surplus rifle to fire three rounds of presumed Western 6.5-mm. ammunition, killing the President and wounding Governor Connally. It declares he was a skilled marksman with the "capability" and was on the sixth floor of the Texas School Book Depository Building and at the very window from which the shots are all stated to have been fired.

Only the completely incredible allegations of the totally impossible Leslie Brennan about things he could not possibly have seen can be used to place Oswald at that window. Without exception, all other quoted testimony proves that immediately after the shooting no one was heard moving around or seen on the sixth floor or leaving it by either the stairs or elevators until after Oswald was definitely seen in the second-floor lunchroom. There were three witnesses directly beneath this window and listening on the fifth floor and another working at the elevator shaft and the stair landing on the fifth floor, and there were others elsewhere in the building. Both elevators were on the fifth floor and could be started from no other floor.

Entirely by surprise the Commission received and the Report neglects the most reasonable and probative testimony on marksmanship from one of the witnesses heard with least enthusiasm. New Orleans attorney Dean Andrews was called because he reported Oswald's connections with Cuban groups to the Secret Service, by phone, while hospitalized. He caught the Commission entirely by surprise by saying Oswald had not and could not have killed President Kennedy. He emphasized the point that the Commission had never asked all the experts quoted: Marksmanship is a skill that requires a high degree of coordination and practice (11H330-1).

"I am basing my opinion on five years as an ordnanceman in the Navy. You can lean into those things, and with throwing the bolts—if I couldn't do it myself, 8 hours a day, doing this for a living, constantly on the range, I know this civilian couldn't do it. He might have been a sharp marksman at one time, but if you don't lean into that rifle and don't squeeze and control consistently, your brain can tell you how to do it, but you don't have the capability . . . to fire three shots controlled with accuracy, this boy couldn't do it."

Commission Assistant Counsel Wesley J. Liebeler asked, "You base that judgment on the fact that, in your own experience, it is difficult to do that sort of thing?"

"Mr. Andrews. You just don't pick up a rifle or a pistol or whatever weapon you are using and stay pro-



efficient with it. You have to know what you are doing. . . . Somebody else pulled the trigger . . . It's just taking the 5 years (experience) and thinking about it a bit. I have fired as much as 40,000 rounds of ammo a day for 7 days a week. You get pretty good with it as long as you keep firing. Then I have gone back after 2 weeks. I used to be able to take a shotgun, go on a skeet, and pop 100 out of 100. After 2 weeks, I could only pop 60 of them. I would have to start again, same way with the rifle and machineguns. Every other person I knew, same thing happened to them. You just have to stay in it."

Assuming what was never true, that Oswald was a skilled marksman, how, where and with what did he practice to maintain this skill? There is testimony from a number of witnesses proving that a person seen at shooting galleries and looking like Oswald was not and could not have been him. There remains only the word of Marina, and all she said was that in New Orleans she saw him practice using the bolt and the scope, "dry runs," with a weapon she did not recognize, and in the dark! Even her unbelievable allegation that Oswald fired one bullet at General Edwin Walker is entirely without support. The expert testimony by FBI Ballistics Expert Robert A. Frazier was that he could not state even the manufacture of either the rifle or the bullet (3H429-40). The only bullet the Commission ever "knew" Oswald fired from his rifle was this Walker bullet.

Oswald's marksmanship in the Marine Corps, several years earlier, was poor, despite the efforts of the Report to establish otherwise. It nonetheless concludes "that Oswald had the capability with a rifle which enabled him to commit the assassination" (R19, 195). The method by which this transformation was accomplished is of admirable simplicity: First, make invalid comparisons and then, when you get the best possible testimony, if it does not suit your purpose, just keep scraping the barrel until you do get what you want.

During his Marine Corps career, Oswald was twice tested in marksmanship. The first time came after an extensive period of training and under skilled supervision, with an excellent weapon with which he was thoroughly familiar and ammunition of unquestioned dependability. After first

firing at least 250 rounds, he just managed to make the grade mistakenly called "Sharpshooter." This is one of three designations used by the Services to describe rifle skill. It is actually only the middle grade, the top being "Expert Rifleman." At that time, Oswald did make the middle grade, not near the top. In a later test, when not under the intensive training, he did very badly. He just made the very bottom of the lowest grade that everybody has to make, placing but a single bullet over the absolute minimum in the target. And even this was with a known weapon he had fired several hundred times and handled regularly!

The Commission asked the Marine Corps for information "relative to Marksmanship capabilities of Lee Harvey Oswald." From the Headquarters of the Marine Corps came a response dated June 8, 1964, by Lieutenant-Colonel A. G. Folsom, Jr., head of the Records Branch of the Personnel Branch, "by direction of the Commandant of the Marine Corps" (19H16-8). Colonel Folsom also correlated proficiency with practice. He stated, "The Marine Corps considers that any reasonable application of the instructions given to Marines should permit them to be qualified as at least a marksman. To become qualified as a sharpshooter, the Marine Corps is of the opinion that most Marines with a reasonable amount of adaptability to weapons firing so become qualified. Consequently a low marksman qualification indicates a rather poor 'shot' and a sharpshooter qualification is a fairly good 'shot'."

So, Oswald at his military best was only "fairly good" and at the end of his service was a "poor shot."

To offset this destruction of its sand castle, the Commission compared Oswald with a number of men who have spent their lives firing and studying weapons, men of the highest competence, firing weapons regularly as part of their livelihoods for all or most of their adult years, men who had had scientific weapons training. Then on July 24, 1964, the Commission called James A. Zahm, a Marine non-commissioned officer in weapons training (11H306ff.). Zahm was willing to call Oswald a good shot. But even he specified a minimum of ten practice shots as prerequisite in the use of the telescopic sight (R192). And this, of course, assumed a good telescopic sight.

After deliberation, the Report concludes that Oswald's Marine experience, "his other rifle experience (a bad per-

formance with a .22 rifle) and his established familiarity with this particular weapon (totally non-existent) show that he possessed ample capability to commit the assassination" (R195).

Just how easy were these assassination shots? Could the performance be regarded as within the "capability" of a man who was at the time less practiced than when the Marine Corps several years earlier had evaluated him as a "poor shot?"

The Commission arranged what it presumably considered a fair test, with its three genuine marksmen, "rated as master by the National Rifle Association" (R193). *"The marksmen took as much time as they wanted for the first target and all hit the target. For the first four attempts, . . . missed the second shot. . . . Five of the six shots hit the third target . . ."* (R193). And they were firing at still targets, not moving, living things!

These three really were "masters." Two were civilians in the Small Arms Division of the Army's Development and Proof Services, and the third man was in the Army and had "a considerable background as a rifleman" (3H445). Yet even they were not able to do what the Report says Lee Harvey Oswald, the poor shot in the Marines, when out of practice, "had ample capacity to commit."

There is no reason to doubt that the ten-dollar rifle could be fired accurately. The improbability of an assassin ordering his weapon by mail when the same weapon was readily available locally (26H63) is not referred to in the Report, nor is his getting such a cheap weapon for such serious shooting. But the testimony of the experts is clear and unequivocal. The rifle could be fired accurately. (3H390ff.) *Only not at the time of the assassination, and not when received at the FBI laboratories in Washington, for initial testing, or at Edgewood Arsenal for further tests.*

Robert A. Frazier, the FBI's expert, said, "When we attempted to sight this rifle at Quantico we found that the elevation adjustment in the telescopic sight was not sufficient to bring the point of impact to the aiming point. . . . every time we changed the adjusting screws to move the crosshairs in the telescopic sight in one direction it also affected the movement of the . . . point of impact in the other direction." The defect in the sight was structural (3H405). So, ". . . we left the rifle (alone) as soon as it

became stabilized and fired all of our shots with the point of impact actually high and to the right." Frazier did not know the nature of "the defect in the scope" but he had noticed a damage from which "the scope tube could have been bent or damaged" (3H406). After some experimentation, they learned that "you could take an aiming point low and to the left" and fire accurately (3H407). Such experimentation and adjustment were unreported from the assassination scene or anywhere else in Dallas.

By the time Frazier got it, "apparently the scope had been taken off the rifle," hence, there is no way of knowing how it was set in Dallas (3H411). And when the rifle was first received, there were no shims under the sight. Shims had subsequently been added. This mystery is cleared up in Volume 17 where the table of contents refers to "Three shims inserted under the mount of the C2766 rifle during tests performed on the rifle." One can only wonder what else was done to it before it got to the masters who even then failed to duplicate the feat. The same source prompts limitless conjectures in describing Exhibit 542 as a "replica" of the "C2766 rifle" (17H241). All of the expert testimony establishes beyond cavil there is no such thing as a replica of a rifle. This is the basis of identification of used shells and bullets. Both are marked unmistakably by each weapon, like fingerprints, characteristically and uniquely, a point the Commission belabored and with which it unnecessarily cluttered its record. Other experts found the sight adjusted for a left-handed man, which Oswald was not. This information is buried among the exhibits (25H799).

The precision with which the Commission attacked the manufacture of the ammunition is equally scientific: They presumed it. With the bullets, this would seem more reasonable than in other cases. When the rifle was found (R79), it had a live cartridge in firing position. This was of Western Cartridge Company manufacture. There were also three empty shells found in the same area. The Report leaves one to assume on this basis that the three shells were expended at that firing and all were Western bullets (R555). There were no extra bullets in the clip, and the Report treats this unusual situation as normal. It was, in fact, one of the most obvious bones for Dulles' bulldogs. Also, the clip did not come with the rifle and had to be purchased separately (R555). There is neither

evidence that Oswald ever bought a clip or that the Commission sought proof that he had. Ammunition is not sold by the piece but by the box. The possibility of Oswald having had more than the four bullets attributed to him is eliminated by the thorough searches of his person and residences, so complete at his roominghouse that a checkback by four detectives revealed but a single item overlooked—a paperclip. Nothing would be more conspicuous or unforgettable to an ammunition dealer than such an unusual purchase. Yet, even though some motions were made in the direction of checking such purchases with the dealers who handled that ammunition, there was no real search and the negative results of what investigation was made are completely overlooked in the Report (3H416).

Even though the Report does not indicate the manufacture of the empty shells, they were made by the Western Cartridge Company. These shells were identified as the same as the shell of the remaining live cartridge, which was loaded with what Frazier described as a “full metal jacketed bullet of the military type” (3H399). As will become clear, it was not a fair assumption that the expended shells had contained the same type of bullet. This type of bullet, unlike the consistent references of both the Report and the Commission, is not a “high velocity” bullet. Frazier said it had “a rather low velocity” (3H414).

But when the testimony from Frazier turned to positive scientific identifications of the bullet and fragments in the Commission’s possession on Wednesday, May 13, 1964 (5H58ff.), all he said of them was that they were of lead.

Almost by accident, in trying to suggest what it cannot and does not prove, that Oswald practiced with a rifle, the Report casually mentions that “examination of the cartridge cases found on the sixth floor of the Depository Building established that they had been previously loaded and ejected from the assassination rifle, which would indicate that Oswald practiced operating the bolt” (R193). This intelligence is not examined by the Report in connection with the bullets. It is, of course, not necessary to use bullets to practice operating the bolt. And it is equally true that practice is not the only procedure that will mark a shell. Firing, for example, does exactly the same thing.

A footnote at this point refers to something totally unrelated, four photographs of Oswald following his arrest. But there is a letter from J. Edgar Hoover on the bullets

buried in the very last of the 26 volumes (26H449-50). Of these empty cases, Hoover reported one had marks indicating it had been loaded and extracted at least three times and "three sets of marks on the base of this cartridge case which were not found (on the others) or any of the numerous tests obtained" from the rifle. Of a second casing, it had been "loaded into and extracted from a weapon at least twice," and there are two marks connecting this casing with the rifle, Hoover says, but it is not possible to determine whether these were made on the same or different occasions. The inference is clear: It could have been just one entry into this weapon. And the same was true of the third casing.

And even with the live bullet, there were additional marks which "were not identified with" the rifle!

Is it not surprising that the Report completely fails to indicate that by the best science available all three empty cases and the live bullet were connected with *another* rifle? Nor is this surprise lessened by the failure of the Report to say whether the empty shells had been *fired* from another rifle. Could they have been reloaded following fire from another rifle and marked by merely being placed in the Mannlicher-Carcano, or vice versa?

Then there is the question of *how* the casings were loaded. Bullets of an entirely different character in this casing were readily available in Dallas. There is evidence only that Oswald did not buy any. This is proved in another of the Commission's burials, like the others reproduced in facsimile, in greatly reduced size. It is Exhibit 2694, an unsigned, undated, unidentified document bearing no letter-head. The tables of contents of these volumes are usually less informative than they might easily be. In this case, even less than usual is revealed. The listing is "Report of the investigation of possible target practice of Lee Harvey Oswald in Dallas, Tex., area (CD778, pp. 5-23)" (26H58-68).

What relates to the investigation of target practice reports its illegality, and no evidence that Oswald ever did practice target shooting. But during the course of this investigation, presumably by the FBI, the sources of ammunition of this type in the Dallas area are generally indicated and some specific investigations reported. The rifle, according to one dealer, had been imported by "boat loads" and had a wholesale value of but \$3.00. At two

specified sources, this type of cartridge loaded with an entirely different type of bullet, hunting or soft-nosed bullets, was found. At one of these, "On March 26, 1964, two boxes, 20 rounds each, of 6.5 M/M Mannlicher-Carcano, Western Cartridge Company, ammunition were obtained for forwarding to the Laboratory of the Federal Bureau of Investigation. One box loaded with a hunting load (soft nose) was obtained from John Thomas Mason, and the other, which was a military load, was obtained from John H. Brinegar" (26H64).

The other source identified the Crescent Firearms Company as the supplier of both rifles of this type and soft-nosed bullets (26H65). The Commission was in touch with this company, from which on July 23, 1964, it obtained an affidavit five brief sentences long. This set forth that the FBI had been in contact with the company November 22, 1963, had learned of the sale of the C2766 rifle to Klein's Sporting Goods in Chicago, had gotten all appropriate records from Crescent, and mentioned not a single word about ammunition (11H205).

The Dallas police did think of checking into the source of the ammunition, at least briefly. This led to a kind of shell game with evidence in which there was a never-ending confusion by the witnesses involved about what happened to the shells following detection, who had them when, what he did with them, and at whose instructions. First there was testimony, then clarifying affidavits, more testimony and more affidavits, which merely added confusion. Originally only two of the empty cases were given to the FBI. This gave fertile ground for more faulty recollections.

Involved were Captain Will Fritz, homicide chief, Lieutenant J. C. Day, of identification, and Detectives Dhority, Sims and Studebaker. In an affidavit dated June 9, 1964, Fritz said of this third shell, "I told Detective Dhority that after these hulls were checked for prints to leave two of them to be delivered to the FBI and to bring one of them to my office to be used for comparison tests here in the office, as we were trying to find where the cartridges had been bought. When Detective Dhority returned from the Identification Bureau, he returned the one empty hull which I kept in my possession. Several days later, I believe on the night of November 27, Vince Drain of the FBI called me at home about one o'clock in the morning and

said that the Commission wanted the other empty hull and a notebook that belonged to Oswald. (Hardly possible because the Commission was not appointed until two days later.) I came to the office and delivered these things to the FBI." (7H404)

The possibility that these empty shells had been discarded by hand, especially in the absence of fingerprints on them, seems never to have been considered by anybody. Yet in view of what was known to all the police agencies and the Commission, this possibility should have been thoroughly pursued.

As of the date of its purchase, the Commission did link the C2766 rifle to Oswald. This was done by handwriting experts, who identified the penmanship on the order blank purchasing the rifle under the name of "Hidell" as Oswald's. The rifle also was mailed to Oswald's earlier Dallas post office box (17H635, 677-8, 788-9). From that moment on, however, in one of the pet phrases of the Report, this particular rifle "to the exclusion of all others" was not associated with Oswald personally. Marina saw him with a weapon but was unable to distinguish between a rifle and a shotgun, a difficulty the Chairman said his wife also would encounter. The George De Mohrenschildts, acquaintances of the Oswalds, saw a rifle in their apartment before the move from Dallas to New Orleans. There is no positive identification of this rifle. On their return to Dallas, Oswald did not unload the Paine stationwagon in which the property and Marina were traveling. He went instead to Mexico. In the Paine garage, the normal storage place for the rifle reportedly was on the floor, wrapped in a blanket—hardly a careful man's way of protecting his weapon. If the Commission had any evidence that as of the time of the assassination Oswald and Oswald alone owned and possessed this rifle, it is not quoted in the Report. Nor is there mention of the question of general accessibility to the Paines' garage. The Report contains no indication whether or not this garage was usually locked or whether the entrance from either the inside or outside was open to strangers or friends, especially when Ruth Paine and Marina were away or visiting neighbors. It is known, however, that the Paines on at least one occasion did go away and leave their premises unprotected. During the second police search of the property, both Paines drove off while the police were still searching.



As was the case with the evidence about the bag, the information in the Report does not accurately reflect the Commission's best information about the marksman, his marksmanship, his weapon and ammunition. Rather than the superb marksman required to shoot even better than the best "masters" the Commission tests, Oswald was a poor shot. Whether or not the secondhand war surplus rifle was capable of being fired accurately, the best evidence is that at the time of the assassination the condition of the sight precluded this, unless the marksman was proficient and practiced with the maladjusted and broken sight. There is no evidence Oswald had either the practice or the skill. There was at best an abortive investigation of the source of the ammunition. Oswald was never connected with either the ammunition or the clip in which it was contained. The clip did not come with the rifle. The empty cartridge cases from which the bullets were presumed to have been fired and the live cartridge had all been in this rifle on a previous occasion and/or in another unidentified and ignored rifle. Mysteriously, the police suspended their investigation of the source of the ammunition without tracing it to Oswald. The police also swore to contradictory and conflicting statements about what they did with the empty shells.

Nonetheless, the Report concludes that Oswald had the skill required for the assassination and that the rifle was the assassination weapon. What it does not ignore about the ammunition it is satisfied to presume, even in the presence of contrary evidence. It also presumes Oswald's possession of the rifle and ammunition and, on the basis of these presumptions, concludes that Oswald was the marksman who committed murder.

## **5. AT THE DEPOSITORY— THE TANGIBLE EVIDENCE**

At about 12:30 p.m. the Presidential motorcade turned right into Houston Street, went a couple of hundred feet and turned left into Elm and was fired upon. The President received a wound below the larynx and a massive head wound that was probably irreversibly fatal. He lost much of the right side of his head. The Governor was hit near the right armpit by a bullet which exited under his right

THIS IS THE OFFICIAL OPINION OF THE MARINE CORPS,  
THAT OSWALD WAS A "POOR" SHOT.

MCAS El  
Toro Calif 6May59 \*"B" M-1 (191MM) 200 rds

For Course "A", as shown above, qualification scores were as follows:

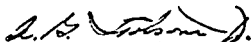
EXPERT -220; SHARPSHOOTER -210; MARKSMAN -190

For the Course marked "B", the qualification is:

EXPERT -225; SHARPSHOOTER -215; MARKSMAN -190

Regarding a comparison of the Marine Corps' requirements with those of the other services, it is believed that the requirements of the other services can be best obtained by you directly from those services. Enclosed, however, are copies of Marine Corps regulations describing the several marksmanship courses. These were effective at the time Oswald was on active duty in the Marine Corps.

The Marine Corps considers that any reasonable application of the instructions given to Marines should permit them to become qualified at least as a marksman. To become qualified as a sharpshooter, the Marine Corps is of the opinion that most Marines with a reasonable amount of adaptability to weapons firing can become so qualified. Consequently, a low marksman qualification indicates a rather poor "shot" and a sharpshooter qualification indicates a fairly good "shot". I trust the foregoing will serve the purpose of your inquiry.



A. G. FOLSOM, JR.

Lieutenant Colonel U. S. Marine Corps  
Head, Records Branch, Personnel Department  
By direction of the Commandant of the Marine Cor

Encl:

- (1) Copies of MARCOR Regs  
describing marksmanship courses

nipple. His right wrist was shattered and he sustained a wound in his left thigh. Within seconds the motorcade was racing toward Parkland Hospital at speeds of up to 80 miles an hour.

This synopsis of the Report includes most of the central facts that are not treated with equivocation, contradiction or evasion. They are among the few that are not subject to question, doubt or disbelief.

The language of the Report is employed skillfully. There are many central facts of which, when one version is questioned, the Commission can shift to another.

Unless it was willing to launch a searching investigation of its own, which clearly it was not, the Commission had little alternative. It could work with only the vast amount of information and misinformation in which it was submerged by the local police and national agencies. The full

measure of the power of the police to alter and misrepresent a crime is beyond the comprehension of the average person. At the time of this writing, there was a scandal in New York City in which an innocent man had been prevailed upon to confess to barbaric crimes of which he was clearly innocent. Yet his confession was complete with details otherwise "known only to the police." The public is outspoken and persistent in its demands for solutions to spectacular crimes and the police, who are public employees, are human. As a result of this pressure, their "solutions" sometimes "solve" nothing and their actions sometimes undermine the freedom and rights of innocent citizens. Even the guilty can be and have only too often been convicted in proceedings so flagrantly illegal that, as Chief Justice Warren himself has said, the rights of all are jeopardized.

The investigation of the assassination at the Book Depository alone was of so highly dubious a character and accompanied by so many faults that, in itself, it could be the subject of more than one long book. Perhaps experts will some day make such a study. The Commission inherited this botch and formalized it into fact and history with the imprint of its approval.

Rarely has a crime of such magnitude been perpetrated in the presence of so many police. Besides the large number of Dallas police, including ranking officials, there were also a large number of Secret Service agents and sheriff's deputies. The alleged source of the shots was reported within seconds. The exact window of the building from which the shots were supposed to have been fired was immediately pointed out. *Yet this building was never sealed off—not ever*—despite the obfuscations in the Report. Belatedly, it and the entire two or three block area were ordered isolated by an official, but there was not even a gesture in this direction. Even more inexplicably, *there was no organized search of the building, either immediately or as an afterthought*. No one was ordered to inspect and search the area from which witnesses immediately reported the shots were fired. Not one of the police, from private to inspector, undertook this obvious search on his own. The empty cases of the bullets that both the police and the Commission concluded were fired were found in plain view at precisely the spot reported by witnesses—42 minutes after the assassination (R79). The rifle was not

found until ten minutes later than that, and it was on the same floor. An alleged eyewitness description of the man later accused of being the assassin was immediately reported to radio-equipped police who did nothing about it. With the supposed killer still in the building, its exits were not secured. His description was not even broadcast on the police radio for almost 15 minutes.

These blunders, if that is what they were, did not stop once the immediate shock of the crime had passed. They were the persistent pattern of the entire police operation, and they have been dignified and perpetuated by the Commission in both its hearings and its Report. Nowhere in the Report will you find any criticism of the police, except for its "public relations." Nowhere will you find any suggestion that the police could or should have done otherwise, or that their "errors" were in any way suspicious.

At the scene an abundance of evidence was immediately available from both tangible objects and many eyewitnesses. The evidence was sometimes contradictory, as it was regarding the source of the shots. But it was there. So were the eyewitnesses. These people in some cases were just told to wait until they were questioned, without their identifications even being sought. Today there is no way of knowing whether all these witnesses were ever interviewed or whether their knowledge was ever transmitted to the police.

The chief of homicide, Captain Will Fritz, went to the hospital on orders of Chief Jesse E. Curry. Before his experts got to the scene of the crime, Deputy Sheriff Luke Mooney (3H281ff.) found three empty cartridge cases near the easternmost window on the sixth floor of the building on the south side, facing the motorcade route. No one was allowed to touch this evidence until the identification experts arrived. About 1:22 p.m., Deputy Sheriff Eugene Boone and Constable Seymour Weitzman simultaneously saw the rifle. At a moment less precisely fixed the "bag" was identified as an important piece of evidence. These items have already been discussed. Both the shells and the rifle were ordered treated carefully. They were, at least until the picture possibilities of Captain Fritz holding the rifle arose. But the bag was not so handled. In his subsequent account, Captain Fritz said he ordered only that the rifle and bullets be "protected" for the crime laboratory (R599).

It was about a half-hour after the assassination before the chief of the crime laboratory, Lieutenant J. C. Day (4H249-78; 7H402), was ordered to the scene. By the time he got there, newsmen were already on the sixth floor (4H623). He and his assistants took about 50 pictures, but not one showing the bag in the place where it was found. No question is raised about this in the Report, especially regrettable because of the importance this bag assumes in the Commission's reconstruction. All sorts of pictures were taken, but not that one. Instead, there is a picture of the blank floor showing where the bag allegedly had been (Exhibit 729). Yet Day had immediately recognized the importance of this evidence, for "at the time the sack was found," he wrote on it, "Found next to the sixth-floor window gun fired from. May have been used to carry gun" (4H266-7). A number of pictures were taken with the police photographer standing on the very spot where that bag was found. There were no fingerprints on the outside, although it had been moved by Day's assistant, Robert Lee Studebaker (7H137-49). Studebaker testified that he had not taken any pictures first and that the bag does not show in any other pictures (7H144). He was not asked why. Everything else Studebaker is known to have moved he left well supplied with fingerprints (R566). The Commission was no less indifferent in questioning Day about the inexplicable moving of evidence.

The police were at least consistent. The boxes in the area, especially those allegedly stacked up by the assassin to serve as a gun rest (7H149), were treated with equal carelessness. They were moved before they were photographed. Some had been moved before the police identification people arrived. Yet these were the pictures used to re-enact and reconstruct the crime!

Studebaker twice testified he had taken pictures of the boxes in the window before they were moved. On one of these photographs, identified as "Studebaker Exhibit A" (21H643), he marked an indentation he believed caused by the rifle. Thereafter he was asked, "Do you have any pictures of the boxes before they were moved . . . ?" Studebaker replied, "Just these two," referring to Exhibit A and another marked "B," taken from the opposite direction and showing only a very small part of a box on the windowsill (7H140-1). Then, with but the briefest interrogation ending with, "Then, you don't have any pictures taken of the

boxes before they were moved?" Studebaker admitted, "No, sir" (7H141).

Before they were moved he said these boxes were "in the left-hand corner of the window looking towards Elm Street . . . right at the edge" of the sill (7H142). This was the correct location, according to a photograph taken at the time of the assassination, "Dillard Exhibit C" (R66). (This exhibit also appears throughout the supplementary volumes in a number of differently edited versions, each with a different exhibit number.) When shown another of his photographs, identified as Studebaker Exhibit J (21H649), he twice said of the boxes, "I put them back in the exact same position" (7H147).

However, Studebaker Exhibit J shows these boxes not in the eastern corner of the window as does Studebaker A, but at least as far west as the middle of the window. Because the entire window is not shown, it is not possible to know how much further west the boxes were repositioned. Both photographs show the boxes at about a 45-degree angle to the window and piled all pointed in the same direction. Unfortunately, this reconstruction has the alleged mark of the rifle on the box pointing about 90 degrees in the wrong direction. Then there is another Studebaker photograph of the same "rifle-rest" boxes, Exhibit D (21H646). This picture shows all three boxes pointing in different directions, with the top box at right angles to the window and not touching the sill.

A photograph similar to or from the same negative as Studebaker Exhibit J appears in Volume 22 as Exhibit 1301. It appears to be part of the FBI report, from the lettering that has been added. This lettering reads, "South-east corner of Sixth Floor Showing Arrangements of Cartons Shortly After Shots were Fired." The description of this photograph in the table of contents reads, "Photograph of southeast corner of sixth floor of Texas School Book Depository Building, showing arrangements of cartons shortly after shots were fired." Does not Studebaker's testimony provide the best characterization of this language and the only purpose it could have been intended to serve?

Exhibit 1301 shows the three places on two of these boxes where Oswald's fingerprints or palmprints were said to have been found. It is not at all surprising that the prints of an employee assigned to work among these boxes appears upon them. What is surprising is that any serious effort

should be made to attribute meaning to the presence of these prints. It is also surprising that Exhibit 1301 should, by another of the never-ending coincidences upon which this Report is built, find Oswald's prints on only the top one of the three "gun rest" boxes and attribute meaning to this in the light of the Studebaker and Day Testimony that the police rearranged the boxes.

The Report discusses these prints (R140-1). It quotes Studebaker as authority for the opinion that "the boxes in the window seem to have been arranged as a convenient gun rest (see Commission Exhibit 1301, p. 138)." It also suggested that the large second box on which Oswald's palmprint was found was a place upon which he sat, implying, in contradiction to the testimony of its star witness, Brennan, that the assassin was sitting. The words used are, "Someone sitting on the box facing the window would have his palm in this position if he placed his hand alongside his right hip. (See Exhibit No. 1308, p. 139)."

Having seen fit not only to refer to these exhibits but to reproduce them in the Report, it is distressing that the authors of the Report appeared to overlook another in this series of photographs in Volume 22, Exhibit 1312, *which shows that a man Oswald's size sitting upon this box could not have fired the weapon as the Report represents he did because the closed part of the window would have been in his way*. The height of the window sill from the floor, as this exhibit shows, is about one foot. In this entire discussion, the authors of the Report found no interest in all the testimony about the moving of the boxes and in the fact that the boxes were placed in the pictures they reprinted in a way that did not and could not duplicate their positions at the time of the assassination.

Lieutenant Day was more helpful, but he, too, added confusion. These, remember, were the official photographs, from which both the police and the Commission were to reconstruct the shooting. At first, Day said he did not believe any boxes had been moved prior to his arrival. He was shown Exhibit 482 (21H200), a cropped version of Dillard C, and said this view from the outside coincided with what he saw on the inside (4H251). But after examining this picture, he decided it "Doesn't jibe with my picture of the inside" (4H252). Day was correct. The Dillard photograph clearly shows another box extending much higher than the "rifle rest" box in the opposite or western

side of the window. But this box and the boxes upon which it rested are missing in all the official photographs. The official interest in them ended as soon as it began, too. Perhaps this was necessary because of the probability that a barricade such as these westernmost boxes necessarily represented could have effectively prevented the ricocheting of the third empty cartridge to the point at which it was found. This point is shown in Studebaker Exhibit A and in Exhibit 716 (17H500), similar but not identical photographs represented as taken before the empty cartridges were touched.

This mystery is not solved in the Report, which details the ricocheting of the ejected cases with the most scientific precision. But it avoids explaining how the case could have gone through a solid object. It also avoids mention of either this western barricade of boxes or how they disappeared completely. And it makes no allowance in its time reconstructions for the removal of such a barricade by Oswald.

Day understood what must have happened. He said the boxes had to have been moved after Dillard took his picture and before the identification police arrived (4H253). This left limited alternatives. If Oswald had done it, there had to be other boxes with his fingerprints, and there were none, and the extra time required would have shattered the Commission's time reconstruction which was tenuous at best. If another person did it, he is not accounted for and there is at least a strong suspicion he might have been the assassin. Otherwise, is there anyone left but the police?

With the "rifle-rest" boxes, Day was no help. He admitted that at the time Exhibit 722 (17H504) was taken these boxes had been moved. This photograph shows the windowsill and the view south on Houston Street with no boxes at all (4H264). He identified Exhibit 724 (17H505) as a picture he took at 3:00 or 3:15 p.m. the day of the assassination from the assassination window looking west on Elm Street. This is still a different, though official, version. This photograph has the boxes stacked one on top of the other, all pointed toward Elm Street at about a 45-degree angle to the *west*. None of the boxes is on the windowsill. They had been carefully stacked to allow the assassin room for his body between them and the eastern end of the window, a situation precluded by the Dillard photograph. When he acknowledged that the boxes had



been moved prior to the taking of the picture, the Commission had no further interest or questions about such an obvious fake (4H264-5). Day's first attempt at an explanation was interrupted by the Commission's examiner. Day then returned to his self-justification, saying that an hour and a half after the assassination he did not know the direction in which the shots had been fired.

There are other contradictions, but are they in need of exposition? Day is perhaps best left with this explanation of what happened to the boxes: "They weren't put back in any particular order" (4H265). The reader should recall this account of what really happened to the boxes in considering the photographic reconstructions.

The story of the empty rifle shells is just as bad and does not require complete tracing. They were photographed in place. Detective Sims carefully picked them up and Day sought fingerprints. There were none. They were put into an unsealed envelope which Day signed and returned to Sims. Although Day had earlier informed the Commission he had marked all three shells at the scene, he admitted that was incorrect. At about 10 o'clock that night he had marked two of the shells. Although the third shell was missing, Day said, "I didn't examine it too close at that time." The third shell bears the identification of Captain George Doughty, Day's superior. Why the shells did not all bear Day's mark is unexplained. How Doughty's mark constitutes any kind of an identification at all is a mystery. There was much conflicting and contradictory testimony about these empty cases and a number of affidavits of further explanation were filed. There is this additional mystery: Day was asked by the examiner of one of these shells, "It appears to be flattened out here. Do you know or have you any independent recollection as to whether or not it was flattened out on the small end when you saw it?" Day's response was, "No, sir; I don't." What needs explaining is how a deformed shell fit into a precisely machined rifle breach (4H253-5).

By this time what happened when the identification experts were called over to where the rifle had been found should be comprehensible in a streamlined account. There is no indication the area was checked for fingerprints at all, even though the rifle was completely surrounded by boxes and carefully hidden in a space "just wide enough to accommodate that rifle and hold it in an upright

position" (4H259). By "upright," Day meant horizontal. He and Studebaker clambered all over the unfingerprinted barriers behind which the rifle was hidden to take pictures, but they took only similar pictures from exactly the same spot. Studebaker's even show his own knee as he photographed downward (21H645).

After the rifle was photographed, Day held it by the stock. He assumed the stock would show no prints. Then Captain Fritz, perhaps because of the presence of newsmen, grasped the bolt and ejected a live cartridge. Day had found no fingerprints on the bolt. If there was any need for this operation, it was never indicated. There was no print on either the clip or the live bullet.

As with all the evidence, the pictures of the rifle also have other minor mysteries. Day testified that he made a negative (Exhibit 514) from one of his two negatives (Exhibit 718) of the rifle in the position in which it was found. What useful purpose this served, especially if the result sought was greater clarity, is not apparent (4H257ff.). If these are identical, they were at the very least cropped differently. The confusion extended to the Commission's editor, who described the copied negative as "depicting location of the C2766 rifle when discovered" but of the original negative said, "Photograph of rifle hidden beneath boxes . . ."

In any event, the rifle was almost clean of prints, as were the shells, and well hidden. Two men appear to have found it at the same time. The Commission saw fit to call only one to Washington. He is Eugene Boone, a deputy sheriff (3H291ff.). The other was Seymour Weitzman, a constable and one of the rare college graduates in the various police agencies. He had a degree in engineering. Weitzman gave a deposition to the Commission staff in Dallas on April 1, 1964 (7H105-9). Under questioning, he described "three distinct shots," with the second and third seeming almost simultaneous. He heard some one say the shots "come from the wall" west of the Depository and "I immediately scaled that wall." He and the police and "Secret Service as well" noticed "numerous kinds of footprints that did not make sense because they were going in different directions." This testimony seems to have been ignored. He also turned a piece of the President's skull over to the Secret Service. He got it after being told by a railroad employee that "he thought he saw somebody

throw something through a bush.”

Then he went to the sixth floor where he worked with Boone on the search. With Weitzman on the floor looking under the flats of boxes and Boone looking over the top, they found the rifle, “I would say simultaneously . . . It was covered with boxes. It was well protected . . . I would say eight or nine of us stumbled over that gun a couple of times . . . We made a man-tight barricade until the crime lab came up . . .” (7H106-7).

When shown three unidentified photographs that seem to be those the police took, Weitzman said of the one with the hidden rifle, “it was more hidden than there” (7H-108). If it had not been so securely hidden, he said, “we couldn’t help but see it” from the stairway (Ibid).

In addition to his only too graphic testimony about the finding and hiding of the rifle, Weitzman provided information about seemingly meaningful footprints at a place not in conformity with the official theories of the crime and about a strange effort to hide a piece of the President’s skull. All this should have been valuable information for the members of the Commission. Why he was not called to appear before the full Commission is a mystery. Boone, who *was* called, did not have such testimony to offer.

Weitzman’s testimony about the care and success with which the rifle was hidden and about the searchers stumbling over it without finding it is important in any time reconstruction. With the almost total absence of fingerprints on a rifle that took and held prints and the absence of prints on the clip and shells that would take prints, this shows the care and time taken by the alleged user of the weapon. That this version is not in the Report can be understood best by comparison with the version that is.

Marrion L. Baker is a Dallas motorcycle policeman who heard the shots and dashed to the building, pushing people out of the way as he ran. He is the policeman who put his pistol in Oswald’s stomach in the dramatic lunchroom meeting. The Commission also used him in a time reconstruction intended to show that Oswald could have left the sixth floor and been in the lunchroom in time to qualify as the assassin (3H241-70). The interrogator was Assistant Counsel David W. Belin. As so often happened, despite his understanding of his role as a prosecution

witness, Baker interjected information the Commission found inconsistent with its theory. It is ignored in the Report.

The time it would have taken Oswald to get from the sixth-floor window to the lunchroom was clocked twice (3H253-4). Secret Service Agent John Joe Howlett disposed of the rifle during the reconstructions. What he did is described as "putting" it away or, in Belin's words, he "went over to these books and leaned over as if he were putting a rifle there?" Baker agreed to this description. But this is hardly a representation of the manner in which the rifle had been so carefully hidden. With a stopwatch and with Howlett streamlining, they made two trips. The first one "with normal walking took us a minute and 18 seconds . . . And the second time we did it at a fast walk which took us a minute and 14 seconds." During this time Oswald had to clean and hide the rifle and go down to the lunchroom and 20 feet inside of it, and a door with an automatic closure had to shut. This was an additional time-consuming factor ignored in the reconstruction and the Report.

On the other hand, the first reconstruction of the time the Commission staff alleged it took Baker was actually done at a walk! In Baker's words, "From the time I got off the motorcycle we walked the first time and kind of run the second time from the motorcycle on into the building." Once they got into the building, "we did it at kind of a trot, I would say, it wasn't a real fast run, an open run. It was more of a trot, kind of" (3H253).

Walking through a reconstruction was pure fakery and the "kind of run" or "kind of trot" was not much better. Both Baker and Roy Truly, who accompanied him once inside the building, described what would have been expected under the circumstances, a mad dash. They were running so fast that when they came to a swinging office door on the first floor it jammed for a second. In actuality, Baker had sent people careening as he rushed into the building. He had been certain this building was connected with the shooting that he had immediately identified as rifle fire (3H247). The totally invalid walking reconstruction took a minute and 30 seconds. The "kind of trot" one took a minute and 15 seconds.

The reconstruction of Baker's time began at the wrong place, to help the Commission just a little more. To com-

pare with the rifleman's timing, this reconstruction had to begin after the last shot was fired. Witnesses the Report quotes at length describe the leisureliness with which the assassin withdrew his rifle from the window and looked for a moment as though to assure himself of his success. Not allowing for his leisureliness, the assassin still had to fire all three shots before he could leave the window. Commissioner Dulles mistakenly assumed the Commission's reconstruction was faithful to this necessity. He asked Baker, "Will you say what time to what time, from the last shot?"

The nonplused Baker simply repeated, "From the last shot." Belin corrected them both, interjecting, "The first shot" (3H252). Dulles asked, "The first shot?" and was then reassured by Baker, "The first shot." The minimum time of the span of the shots was established by the Commission as 4.8 seconds. Hence, that much as a minimum must be added to the Baker timing. During this time, according to Baker, he had "revved up" his motorcycle and was certainly driving it at something faster than a walk or "kind of a trot."

Added to this impossibility are a number of improbables. Roy Truly was running up the stairs ahead of Baker and saw nothing. He retreated from a position between the second and third floors when he realized Baker was not following him. Neither he nor Baker saw the door closing, as it did, automatically. The door itself had only a tiny window, made smaller by the 45-degree angle at which it was mounted from the lunchroom. Baker saw 20 feet through this, according to his testimony.

Dulles was troubled by this testimony. He asked Baker, "Could I ask you one question . . . think carefully." He wanted to know if Oswald's alleged course down from the sixth floor into the lunchroom apparently could have led to nowhere but the lunchroom. Baker's affirmative reply was based upon his opinion that a hallway from which Oswald could also have entered the lunchroom without using the door through which Baker said he saw him was a place where Oswald "had no business" (3H256). This hallway, in fact, leads to the first floor, as Commission Exhibit 497 (17H212) shows. It is the only way Oswald could have gotten into the lunchroom without Truly and Baker seeing the mechanically closed door in motion. It also put Oswald in the only position in which he could have been visible

to Baker through the small glass in the door. And Oswald told the police he had, in fact, come up from the first floor.

There are ten references in the Report to this reconstruction. Two are specific. All conclude the reconstruction proves that Oswald could have been in the lunchroom before Baker got there and infer that he could have come from no other place than the sixth floor. The first one (R152-3) says, "The time actually required for Baker and Truly to reach the second floor on November 22 was probably longer than in the test runs." The second says, "Tests of all of Oswald's movements establish that these movements could have been accomplished in the time available to him" (R649).

Exactly the opposite is the truth. Ignoring the flummery in these reconstructions and the obvious errors, the Commission itself proved that the unhurried assassin would have required a minute and 14 seconds. And the policeman at a "kind of trot" rather than a fast run would have required only a minute and 15 seconds less than the time-span of the shots, or at least four seconds less time. If things happened as the Report alleges, Baker would have been at the lunchroom before Oswald. And with Baker's gun in his belly, Oswald, having just killed the President, was "calm and collected" (3H252).

In following his role as a prosecution-type witness, Baker said that in going into the lunchroom Oswald was seeking escape. "There is a door out here," he alleged, "that you can get out and to the other parts of the building." This door leads to the conference room. The next witness in the Commission's reconstruction proved it was normally locked and, specifically, was locked that day.

Texas Attorney General Waggoner Carr was given an opportunity to ask Baker a question. Speaking of the day of the assassination, Carr asked, "Did you have occasion during the rest of the day either in passing visits or idle conversation or anything of that type with any of the people who were there at the time who might have seen something or told you some theory they had about what might have happened?"

"Not until last Friday morning," Baker responded. "Chief Lunday . . . asked me to go to this Texas Depository Building, and I had—I had worked traffic outside several times but I never did go inside or talk to any of the em-

ployees." Carr told Baker he was asking about only the time of the shooting. Baker was never asked what he had learned the Friday morning prior to his testimony at the Book Depository (3H264).

Unsolicitedly, Baker also offered the Commission unwelcome evidence of the invalidity of its conclusion that a single bullet hit both the President and the Governor. He quoted Officer Jim Chaney, one of the four flanking the Presidential car, Chaney said he saw a separate shot hit the Governor and that he had so informed the Chief of Police. Chaney also said, as had Truly and "several officers," that at the time it made the turn into Elm Street the Presidential car "stopped" (3H266).

Chaney was never called as a witness.

Getting Oswald to wherever he had to be to make the Commission's reconstruction possible was a never-ending problem. In not a single case did the time reconstructions prove the Commission right. Following the fatal Baker reconstruction was one intended to get Oswald out of the building in time. This was attempted with Mrs. Robert A. Reid. Mrs. Reid's reconstructed time from her view of the motorcade outside to her desk was fixed at two minutes. When she began to protest that it was longer, she was interrupted and diverted. Her desk was near the lunchroom and she recalled seeing Oswald walk past it, something not confirmed by other employees present. The Report thus theorizes that, whereas it took Mrs. Reid two minutes to run to her desk from the outside, Oswald could have calmly walked it in one minute. But Mrs. Reid shattered the reconstruction by undeviatingly insisting that at the time she saw Oswald he was wearing no shirt over his T-shirt. All who saw Oswald thereafter without exception say he was wearing a shirt. The Report allows no time in its departure reconstruction for Oswald to have gotten his shirt from elsewhere in the building.

The Report has no witnesses to Oswald's presumed trip from the sixth to the second floor. But the Commission had witnesses who gave evidence proving it impossible. Jack Dougherty was working on the fifth floor at the stairway where both elevators were then located. He saw no one going down the stairs. Three employees were at the windows on the fifth floor underneath the one from which the Report says the shots were fired. They testified they heard the empty cartridge cases hit the floor and the slight

clicking of the operation of the rifle bolt. But all agreed that even after the shooting, when they were alerted and in some fear, they heard no one moving around on the sixth floor (3H181). Nothing but silence (3H179). Ten minutes before the shooting, Bonnie Ray Williams, one of the trio, had eaten his lunch next to this sixth-floor window (3H173). Asked “. . . did you hear anything that made you feel that there was anybody else on the sixth floor with you?” he explained, “That is one of the reasons I left—because it was so quiet” (3H178).

Placing Oswald at that sixth-floor window was one of the most unsuccessful tasks of the Report. They had the testimony of but a single man, Howard Leslie Brennan. Congressman Gerald R. Ford, Commission Member, was to describe Brennan as the most important of the witnesses in an article in LIFE dated October 2, 1964. Brennan had already described himself as a liar when lying served his purposes, as his own words will show. The Report has a section mislabeled “Eyewitness Identification of Assassin” (R143-9).

This section begins with a prime example of the use of words to convey meaning that is the opposite of the truth. It says, “Brennan also testified that Lee Harvey Oswald, whom he viewed in a police lineup the night of the assassination, was the man he saw fire the shots from the sixth-floor window of the Depository Building.” It is true that Brennan “viewed” the lineup, although he appears to be the one person of whose presence the police have no written record. But he did not identify Oswald. Two pages later the Report, in its own way, acknowledges this by admitting “he declined to make a *positive* identification of Oswald when he *first* saw him in the police lineup.” The fact is that Brennan *at no time* at the lineup made any identification (3H147-8). The next sentence reads, “The Commission, therefore, does not base its conclusions concerning the identity of the assassin on Brennan’s subsequent certain identification . . .” How certain Brennan could be of anything he saw or alleged he saw his own testimony will reflect better than any description. But the fact is that the Commission had and quoted no other so-called eyewitness. In the balance of this section it refers to the testimony of a number of people, none of whom identified Oswald. Congressman Ford’s article stated without semantics or equivocation that Brennan “is the only



known person who actually saw Lee Harvey Oswald fire his rifle at President Kennedy." Nobody did, as Brennan admitted.

The Report imparts a new meaning to words in saying "the record indicates that Brennan was an accurate observer . . ." (R145). It says his description "most probably" led to the description broadcast by the police (R144), having forgotten its earlier and contradictory version that this broadcast was "based primarily on Brennan's observations" (R5). The earlier version also concedes Brennan was the "one eyewitness." Between the 12:45 police broadcast and Brennan's statement to the police the same day, there were changes in Brennan's description, but the Report calls the two descriptions "similar." The Report quotes the police broadcast of the suspect as "white, slender, weighing about 165 pounds, about 5'10" tall, and in his early thirties." Of his account to the police, the Report says "he gave the weight as between 165 and 175 pounds and the height was omitted." This information is footnoted. The source referred to in the footnote contains no description of any kind. It does not even refer to Brennan.

However, in a statement made to the Sheriff's Department immediately after the assassination (19H470), Brennan swore he saw "a white man in his early 30's, slender and would weigh about 165-175 pounds. He had on light colored clothing but definitely not a suit." The three different and contradictory versions of the same police radio log are discussed elsewhere. The Report here refers to but two. The description given by all three included "reported to be armed with what is believed to be a .30 caliber rifle." The logs reveal "no clothing description"; Brennan had one available for his statement at the Sheriff's office, which was actually at the scene of the assassination.

How the Report can be vague about the source of the police description or accept the inability of the police to provide their source when there was but a single eyewitness is simply beyond comprehension. This is one of the most basic elements of both the investigation and reconstructions and cannot possibly be accepted unless unequivocally stated in the most positive terms.

A page after beginning its account of the observation of its "accurate observer," the Report begins apologizing for him. It says, "although Brennan testified that the man in

the window was standing when he fired the shots, most probably he was sitting or kneeling." It does not say how Brennan would have known the height, weight and clothing of a man sitting or kneeling behind a solid 16-inch wall. Exhibit 1312, previously referred to, shows a sitting man could not have performed this feat without major contortions, and his face would have been against a double thickness of dirty windows from which the sun was reflecting. Exhibit 1311 (22H484) shows a standing man also would have had to fire through the doubled window.

How accurate an observer does Brennan show himself to be when under oath? He was questioned about his observation of the Negro employees he saw on the fifth floor. He was shown a photograph of the south side of the building. By accident or design it was rigged to make identification of the windows in which these Negroes had been as automatic as possible. Of the 84 windows in the picture, only four were open. One was at the western end of the building. So, in the entire side of the building in which these men had been, the only windows open just happened to be the same as those in which they actually had been, one at each, at the moment of the assassination. These were three of the four easternmost windows on the fifth floor. Of this series of adjoining windows, the only wrong window was closed.

When shown the picture, Brennan at first said he was confused. The questioning lawyer, with a big fat hint, asked if this was because some of the windows were open. It was not, and Brennan proceeded with his marking. First, he encircled two adjoining windows on the sixth floor as the *one* from which the assassin had fired. This was wrong, and only one had been open. Then he marked the one wrong window on the floor below as the one in which all the Negroes had been. Brennan's powers as an "accurate observer" are preserved on page 62 of the Report, Exhibit 477. Although he had spectacularly upset the law of averages with his fifth-floor identification and had the assassin shooting out of two windows instead of one, the explanation of this photograph reads: ". . . marked by Brennan to show the window (A) in which he saw a man with a rifle, and the window (B) on the fifth floor in which he saw people watching the motorcade."

His testimony about what he saw cannot in any way be explained by the apology in the Report. He testified:

“Mr. Brennan. Well, as it appeared to me he was standing up and resting against the left window sill, with gun shouldered to his right shoulder, holding the gun with his left hand and taking positive aim and fired his last shot. As I calculate a couple of seconds. He drew the gun back from the window as though he was drawing it back to his side and maybe paused for another second as though to assure himself that he hit his mark, and then he disappeared. And, at the same moment, I was diving off of that firewall and to the right for bullet protection of this stone wall that is a little higher on the Houston side.

Mr. Belin. Well, let me ask you. What kind of a gun did you see in that window?

Mr. Brennan. I am not an expert on guns. It was, as I could observe, some type of a high-powered rifle.

Mr. Belin. Could you tell whether or not it had any kind of a scope on it?

Mr. Brennan. I did not observe a scope.

Mr. Belin. Could you tell whether or not it had one? Do you know whether it did or not, or could you observe that it definitely did or definitely did not, or don't you know?

Mr. Brennan. I do not know if it had a scope or not.

Mr. Belin. I believe you said you thought the man was standing. What do you believe was the position of the people of the fifth floor that you saw—standing or sitting?

Mr. Brennan. I thought they were standing with their elbows on the window sill leaning out.

Mr. Belin. At the time you saw this man on the sixth floor, how much of the man could you see?

Mr. Brennan. Well, I could see—at one time he came to the window and he sat sideways on the window sill. That was previous to President Kennedy getting there. And I could see practically his whole body, from his hips up. But at the time that he was firing the gun, a possibility from his belt up.

Mr. Belin. How much of the gun do you believe that you saw?

Mr. Brennan. I calculate 70 to 85 percent of the gun.” (3H144)

*The men he saw "standing" on the fifth floor were kneeling behind a foot-high windowsill.*

After giving his statement Brennan went home, getting there about a quarter of an hour either side of 2:45 p.m. and saw Oswald's picture "twice on television before I went down to the police station for the lineup." At the lineup he failed to identify Oswald. He admitted to the Commission that he later told a different story to a federal investigator. This is Brennan's explanation:

"Mr. Brennan. Well, he asked me—he said, 'You said you couldn't make a positive identification.' He said, 'Did you do that for security reasons personally, or couldn't you?' And I told him I could with all honesty, but I did it more or less for security reasons—my family and myself.

Mr. Belin. What do you mean by security reasons for your family and yourself?

Mr. Brennan. I believe at that time, and I still believe it was a Communist activity, and I felt like there hadn't been more than one eyewitness, and if it got to be a known fact that I was an eyewitness, my family or I, either one, might not be safe.

Mr. Belin. Well, if you wouldn't have identified him, might he not have been released by the police?

Mr. Brennan. Beg pardon?

Mr. Belin. If you would not have identified that man positively, might he not have been released by the police?

Mr. Brennan. No. That had been a great contributing factor—greater contributing factor than my personal reasons was that I already knew they had the man for murder, and I knew he would not be released.

Mr. Belin. The murder of whom?

Mr. Brennan. Of Officer Tippit.

Mr. Belin. Well, what happened in between to change your mind that you later decided to come forth and tell them you could identify him?

Mr. Brennan. After Oswald was killed. I was relieved quite a bit that as far as pressure on myself of somebody not wanting me to identify anybody, there was no longer that immediate danger.

Mr. Belin. What is the fact as to whether or not

your having seen Oswald on television would have affected your identification of him one way or the other?

Mr. Brennan. That is something I do not know.”  
(3H148)

Despite the end of his fears, Brennan did not communicate with the police or federal agents following Oswald's murder. Yet he had presumed he was the only eyewitness (3H160). The basis for his alleged fears is melted elsewhere in the testimony, startling the examiner.

“Mr. Brennan. Well, don't you have photographs of me talking to the Secret Service men right here?

Mr. Belin. I don't believe so.

Mr. Brennan. You should have. It was on television before I got home—my wife saw it.

Mr. Belin. On television?

Mr. Brennan. Yes.

Mr. Belin. At this time we do not have them. Do you remember what station they were on television?

Mr. Brennan. No. But they had it. And I called I believe Mr. Lish who requested that he cut those films or get them cut by the FBI. I believe you might know about them. Somebody cut those films, because a number of times later the same films were shown, and that part was cut out.” (3H150)

And despite the assurance of the Report that Brennan “saw a rifle being fired” (R5), Brennan testified to the contrary. Asked by Commission Member McCloy, “Did you see the rifle discharge, did you see the recoil or the flash?” Brennan replied, “No” (3H154).

Almost all of Brennan's testimony is preposterous and impossible. But of one thing there is no doubt: He spoke to the police immediately. As though it were something unusual, he testified he may have run across the street “because I have a habit of, when something has to be done in a hurry, I run.” He reported the rifle on the sixth floor (3H145). He also incorrectly said he spoke to Secret Service Agent Sorrels at that time, but Sorrels was not there.

This was about 10 minutes before the alert was broadcast and within seconds the whole area was alive with

radio-equipped police vehicles. At least one, Sergeant D. V. Harkness, was parked on that corner before the assassination. No explanation of the crucial delay of about 14 minutes is offered, nor was one asked for. The Report has no questions about the absence of any immediate directed organized search of the building or of the area of the sixth floor from which the shots had reportedly been fired. It sought to apologize for the failure of the police to seal the building. It says, "While it is difficult to determine exactly when the police sealed off the building, the earliest estimates would still have permitted Oswald to leave the building by 12:33" (R155). That was really the Commission's only interest, getting Oswald out. The front door was not sealed until Inspector J. Herbert Sawyer arrived. With the most dubious kind of computations, the Report says this was "no earlier than 12:37 p.m." The Report refers to only one "rear door." It quotes Sorrels as saying he walked through it about 20 minutes after the assassination and found no one there (R156). What the Report avoids mentioning is that there are, besides the rear walk-through door, also four warehouse-type doors leading to loading docks. There is no reference to even a gesture toward securing them. Even though the Report says the police sealed off the building but it could not know when, *there is no evidence the police ever did seal the building.*

No one saw Oswald leave the building and the Commission was extremely careful to avoid the photographic evidence that might have shown him leaving after 12:33, as certainly he did from the Commission's own evidence. One of the strangest blanks in all the record is of any contemporaneous photograph after the very moment of the assassination. They were available in abundance. But the only photographs of that period used were those taken by the news photographer Dillard and show only part of the face of the building, not the street level.

Mary Moorman had a Polaroid picture of the front of the building that from its description in the testimony of her companion, Mrs. Jean Lollis Hill, was taken from her and never returned. Mark Lane also testified to this. Mary Moorman was never called as a witness. Nor is there any "Moorman Exhibit."

Malcolm Couch, a newsreel photographer for WFAA TV (6H153-62), made pictures of the crowd as his press

car swept around the corner of Houston and Elm. He was in the sixth car and had seen the rifle or rifle-like object in the window 50 or 60 feet before the turn. When the car stopped about 70 yards past the Depository, he got out and ran back getting "sweeping pictures" as he ran. He took these pictures not more than a minute and a half after the last shot was fired. The Commission even asked him if he knew of any other photographs of the south side of the building (6H160). But they did not use his.

The assistant news director of KRLD-TV had bad luck that might have been good luck for the Commission if it had had any interest in film of the front of the building, including the entrance and showing men "going in and out of the building." James Underwood (6H167-71) had a defective camera at the moment of the assassination and ran back a short distance to get a good one from another photographer. When he got back to the building, he saw that "most of the people in the area were running up the grassy slope toward the railroad yard" to the west of the Depository. Among these he "recognized at least a dozen deputy sheriffs . . ." Underwood remained at the corner of Elm and Houston and continued to take pictures. During this time he heard Amos Euins tell Sergeant Harkness that the man he had seen in the sixth-floor window was a Negro. This Euins account, according to the Report (R64), was radioed by Harkness at 12:36, making more inexplicable the Commission's lack of interest in Underwood's footage. The Commission could have used photographic proof that Oswald walked out that front door, as it theorized. The lack of interest is revealing. Underwood had enough footage so that when he got time in January he spent several days checking it. But what would have happened to the testimony of other questionable witnesses if the camera showed they were outside the main entrance at a time they said they were elsewhere, or if it showed Oswald leaving at a much later time?

Other pictures were used extensively by the Commission. How they were used may be another question, but used they were. The most important of these was a roll of 8-mm. color movies taken by Abraham Zapruder, a still picture by veteran AP newsman James W. Altgens, and excellent amateur pictures by former Air Force Major Phil Willis. By a strange quirk, Willis is in Zapruder's film and Zapruder in Willis's a moment *after* the first shot

struck the President. Altgens is probably in the Zapruder film, but the Commission went out of its way not to find out. With this photographic knowledge properly interpreted, the Commission could have learned a great deal about the position of the Presidential car at the important times. The logical inference from what the Commission did do and neglected to do is that it did not want to learn—it wanted to theorize and reconstruct. The use and misuse of these pictures demonstrates clearly that, rather than making the crime fit the evidence, the Commission wanted to adapt the evidence to the crime.

Six months and a day following the assassination, the Commission had the FBI photographic agent, Lyndal L. Shaneyfelt (5H138ff.), do a photographic reenactment. The Report indicates no reason for such a prolonged delay. The Secret Service had completed its reenactment by December 5, 1963. It is difficult to imagine that the Commission could have loaded Mr. Shaneyfelt with more invalidating conditions. His reenactment could serve only one purpose, to try and make credible a reconstruction under which the Commission's thesis, that all the shots came from the sixth-floor window, might be possible. In fact, he attempted nothing else. In order to accomplish this, he had to show that no shot was fired before the frame numbered 210 on the Zapruder film.

To begin with, Shaneyfelt had to work with a black-and-white copy of the original Zapruder color film. Necessarily, the copies were less clear. Then the reenactments began at 6 a.m. as a concession to traffic. Between the time of the year and the time of the day differences between the mock-up and the real thing, all the values of shadows in photographic intelligence were forfeited. For the precise placing of the camera, mounted on the rifle, and other measuring devices Shaneyfelt had the information supplied by the Commission. He was working in fractions of degrees, yet he had to base everything on "information furnished us by the Commission, photographs taken by the Dallas Police Department immediately after the assassination . . ." (5H145).

With no two of them in agreement with each other or the facts, as the testimony quoted earlier in this chapter shows, with none of them even close to what incontrovertible actual photographs taken at the moment of the assassination showed, this was an immediate and total



disqualification of anything he might try. No matter how fine an expert Shaneyfelt is, no matter how excellent his equipment or how careful his associates, his testimony and reconstruction could have no validity. It had no more relationship to reality than a statement by such an eminent mathematician as Albert Einstein that two plus two equals five and a half.

The experts surrounded their reenactment and reconstructions with impermissible questions. For example, Exhibit 887 (R99) is a photograph of a camera mounted atop the rifle pointing westward from the sixth-floor window. The window is raised several inches higher than it was shown in the Dillard photograph. Of necessity the rifle is mounted on a photographic tripod. But there can be only one necessity for fudging on the window—to make the whole reconstruction possible where otherwise it would not have been. The tripod is adjustable. The rifle is inside the window. With such an obvious flaw, the exhibit is invalid as is any testimony based upon it. Another photograph of the reenactment printed on page 41 of LIFE Magazine for October 2, 1964, shows that part of the reconstruction was made with the window entirely open. This picture shows the ballistics expert resting his arm on a box incorrectly positioned. It is much too far to the west. Worse, the rifle is without its telescopic sight. Can any testimony based upon this reconstruction have any value?

The reason is made clear from an examination of an ignored picture taken by Phil Willis (21H773). The twelfth slide in this series was taken from the opposite side of Dealey Plaza. It shows the Depository Building at a much flatter angle. The so-called "gun rest" box clearly extends almost to the eastern end of the window and with equal clarity takes up at least half of the open space. When to these additional handicaps to shooting from that position in that window is added the 16-inch thickness of the wall and the need for shooting at a sharp downward angle, the entire theory is jeopardized. This picture also shows the box that baffled Lieutenant Day. From this angle it is shown to be both larger and higher because the wide stile between the windows that were installed in pairs does not block the view of the box, as to a degree it did in the Dillard picture. This box extended as high as the middle of the window, providing an even greater obstacle to the

passage of ricocheting shells. This sequence of Willis pictures also shows that the entire area was already littered with police cars. With the police in possession, the boxes had not yet been moved.

In addition, the experts "duplicated certain frames of the Zapruder film" and of two others available to the Commission. These appear in the Report on pages 100-8 and are readily available for inspection. Not a single one can be called a duplication, as the most superficial inspection, even without instruments, will show. The angles are grossly different. The elevations are radically wrong. Even the backgrounds are not the same. One of the best examples is the critically important frame 210 (R102). These are printed side by side and it will be no problem for any doubting reader to satisfy himself. This particular illustration is also proof of another inexcusable fault: The landscaping in the background has been altered. Valuable intelligence was thus lost. In other cases trees which served the same purpose were removed and even the vital signs that figure in all of this identification and testimony were both moved and removed. It is no longer possible to make the most precise photographic reconstruction of the assassination because of this destruction and mutilation of evidence.

If the Commission did not know it sooner, it learned it not later than the testimony of Emmett J. Hudson, groundskeeper of Dealey Plaza (7H562). In discussing Exhibit 875, photographs of the earlier Secret Service reconstruction (17H875ff.), Hudson said, ". . . Now, they have moved some of those signs. They have moved that R. L. Thornton Freeway sign and put up a Stemmons sign." Assistant Counsel Wesley J. Liebeler asked, "They have? They have moved it?" After Hudson reaffirmed his statement, Liebeler contented himself with explaining, "That might explain it, because this picture here, No. 18, was taken after the assassination and this one was taken at the time—No. 1."

Even stranger, with the importance the Commission imparts to frame 210 of the Zapruder film, reproduced in the Report and duplicated in the re-enactment, is its absence from Exhibit 885, in Volume 18, where 160 frames of this film are printed. Beginning with frame 171, they appear seriatim through frame 207. *The frames 208, 209, 210 and 211 are entirely omitted.* And frame 212? It has

so amateurish a splice through it that a single tree in the upper section is a full quarter of the frame to the left in the lower section! There is no indication of damage to the original film, nor that this was done by the staff of LIFE, which provided the film clips. Why, then, was this frame cut and spliced at all? And why are these most crucial frames, 208 through 211, omitted from the one place they serve the greatest value, where they could be compared with each other and with what preceded and followed them? Or is the question self-answering?

Shaneyfelt's science was not always controlled by scientific or even pseudoscientific methods. He was recalled by the Commission on September 1, 1964 (15H686ff.). This was at a time when the Commission's work was almost complete. Most of its Report, handed to the President in printed form but 23 days later, certainly was drafted. Shaneyfelt's appearance could not have contributed to affirmative purposes of the Commission for its conclusions had already been reached, at least for the most part. In context, one of his major functions, with the help of misrepresentation by the Commission, was rebuttal. He was used to try and destroy the clear meaning of the Willis pictures, especially the fifth in the series.

This picture was taken after President Kennedy had been shot. It was therefore important to know exactly where Willis was standing and what kind of equipment he was using. This picture also showed Zapruder taking his movies. For purposes of establishing where Willis was standing, Shaneyfelt wrote and asked him and then made his own interpretations of Willis's letter. Actually, as the Commission well knew, it had a photograph showing the precise place, for it was in the Zapruder footage. Besides, Willis had informed the Commission that this frame of the Zapruder movies had been printed in the November 29, 1963, issue of LIFE on page 24.

As a basis for expert opinion, Assistant Counsel Norman Redlich told Shaneyfelt that Willis had testified "he took this photograph almost at the instant that the President was hit . . ." (15H697). What Willis had actually said (7H493) in several different ways was that he had taken the picture after the shot, "in fact, the shot caused me to squeeze the camera shutter . . ."

Redlich also asked Shaneyfelt if it would have been possible to locate Willis's location "by reference to two

fixed points in the background. . . ." Shaneyfelt agreed and was asked if he was "reasonably satisfied" he had been "reasonably accurate," and again Shaneyfelt agreed. When the variation of a tiny fraction in an angle or a foot or two in a distance of several hundred feet could destroy the Commission's entire case by proving the President had been shot prior to frame 210 on the Zapruder film, such evasions can serve only the obvious purpose of avoiding precise accuracy. But Shaneyfelt's conclusion was that by correspondence rather than the available pictures in the Commission's files he had accomplished "an exact establishing of the position of Mr. Willis."

This was transferred onto a chart, Shaneyfelt Exhibit 25 (21H471). In a Report and a record in which the Commission usually managed to omit the scale from its important charts and to include it on the unimportant ones, and where the important ones are illegible or barely legible and the less important ones are large, clear and bold, this exhibit is the prize-winner. It includes the entire area from Houston Street to the Triple Underpass, five hundred feet, in three and a half inches. It is indistinct, unclear and incomplete. The lettering is so fine that it cannot be read with a magnifying glass under strong light. And above all, it appears to be inaccurate on the two major points: The location of Willis and the location of the President after he was shot.

These devices were necessary because, according to the best calculations of the agents, from frame 166 until frame 210 of the Zapruder film, an oak tree blocked the President from the sixth-floor window (R98). Actually, the limits probably should have been moved in both directions, for the testimony of two of the important witnesses showed a strong wind was blowing the day the President was assassinated. Patrolman Marrion L. Baker said it was so strong it almost blew him off his motorcycle a block from the Depository. Photographer Altgens said that he got a picture as the wind almost blew Mrs. Kennedy's hat off at the same location. *So, if any shot was fired after frame 166 and before frame 210, it could not have come from that window.*

What do these various motion and still pictures show and how did their makers describe them and what they saw through the camera viewers?

Zapruder is a manufacturer of women's dresses. His

office is in the building to the east of the Depository. On the day of the assassination, he was standing on a raised concrete abutment to the west of the Depository Building and on the north side of Elm Street. He started taking pictures with his 8-mm. movie camera as the advance escort turned from Houston into Elm and suspended photographing until the Presidential car came into view. He then exposed film continuously, until the motorcade disappeared under the Triple Underpass on its way to Parkland Hospital. This film may have been the best single piece of evidence of the crime. But the Commission, while having access to it from the beginning, never called Zapruder as a witness until toward the end of the hearings. He was questioned on July 22, 1964 (7H569ff.).

There was one thing that distinguished Zapruder from all other spectators. His camera, to which he had his eye glued, had a telephoto lens. It was focused on the President and it greatly enlarged what Zapruder saw. No other person is known to have had this greatly magnified view of the President. Therefore, Zapruder was also a unique eyewitness. While the delay in calling the man who had these unusual films was in itself questionable, when the nature of the eyewitness testimony Zapruder could have given when the shocking events were fresh in his memory is added, the failure to call him is particularly suspect. In his testimony only the slightest attention was paid to what he saw and it was even then not properly compared with his film record.

The middle of the three large road signs on the north side of Elm Street was between Zapruder and the President for about 20 frames, from about 205 to 225. Because of the downward grade to the underpass, at the beginning of the sequence, only part of the President's head is still visible over the top of this sign. The Commission's entire case is predicated upon the assumption that the first shot could not have been fired prior to frame 210, for that is the portion of the film in which, even on a still day, the President first became a clear shot from the sixth-floor window.

Zapruder was explaining how he took his pictures. "I was shooting through a telephoto lens . . . and as it (the Presidential car) reached about—I imagine it was around here—I heard the first shot and I saw the President lean over and grab himself . . ." (7H571). Lawyers know very well that such words as "here" in testimony relating to a

location reflect nothing on the printed page. When they want the testimony clear, they ask the witness to identify the spot meant by "here." Zapruder was not asked to explain where "here" was. *But the startling meaning of Zapruder's testimony is this: He saw the first shot hit the President! He described the President's reaction to it. Had the President been obscured by the sign, Zapruder could have seen none of this. Therefore, the President was hit prior to frame 210, prior to frame 205, the last one that shows the top of his head, and the exact point can probably be reconstructed from another unique quality of the Zapruder footage the Commission saw fit to ignore entirely.*

The first 80 pages of Volume 18 are devoted to clips from this film, printed two to a page. These suffer from the reduction in clarity due to the printing process. They had a built-in reduction of distinction because they are printed from black-and-white 35-mm. slides made from 8-mm. color film. Zapruder himself pointed out this well known fact to the Commission. Nonetheless, they are almost all pretty clear, although detail has suffered from the extra steps in the processing. Beginning with frame 190, this film suddenly becomes fuzzy. Nothing had changed—the exposure was the same, the sun had not gone behind the clouds and the camera had kept clicking away. As any amateur photographer knows, this clearly means that the change was in Zapruder. He was no longer holding the camera as still. The slight motion imparted to the camera by his emotions at what he saw seems to be the only reasonable explanation for this fuzziness in the film to which the Commission was so completely indifferent. The failure to question Zapruder about this obvious possibility when the Commission had such eminent photographic experts available to it, if it had no amateurs on its staff, reinforces this belief. It was just too obvious to be overlooked. The Commission's work was incredibly sloppy. Its interrogations were puerile. Before long the analyst of its record becomes used to this and even gets to anticipate the pertinent questions that will not be asked. But this omission in the Zapruder testimony is so flagrant it is not susceptible to such explanations. The government had a print of this roll of film in its possession the night of the assassination. It was shown countless times to countless people. The meaning of the failure to ask *any* questions about the fuzzi-

ness of the film or the place represented by "here" is truly shocking.

Zapruder even informed the Commission that he saw the President's waving motion with his hand turn into a grasping at his neck (7H571). He even called to the attention of the Commission something wrong at this precise sequence in the footage (7H573). He had been shown a few frames beginning with 185 and was testifying about them when he said, after looking at 185 and 186, "Yes; this is before—this shouldn't be there—the shot wasn't fired was it? You can't tell from here?"

The lack of response from Assistant Counsel Liebler was noted by the court reporter: "Mr. Liebler. (No response)."

Zapruder then continued, "I believe it was closer down here where it happened. Of course, on the film they could see better but you take an 8-mm. and you enlarge it in color or in black and white, you lose a lot of detail. *I wish I had an enlarger here for you*" (7H573).

His offer was never accepted. The Commission did not want this clarified. He was not even asked anything about the characteristics of his lens or other such elementary technical questions!

Exactly the same thing happened with James W. Altgens on exactly the same day (7H515-31). He was not only an experienced, competent professional photographer but had been with the Associated Press for more than 26 years and was a news photo editor. It was Altgens who took the famous still picture used by the Commission to show that a man resembling Oswald, standing in the main entrance of the Book Depository at the moment of the assassination, was really someone else (R113). This photograph is used throughout the hearings in a number of different versions and for a number of different purposes. *The entire photograph is never used at any point. The Commission prefers the left-hand side and omits the right-hand side.*

Altgens was standing opposite the Book Depository on the south side of Elm Street when he took this shot. He had, as professionals do, set up for it in advance. At the time of his testimony, the Commission was well aware of what this photograph revealed, for it had been testified to by Shaneyfelt in a manner that makes it clear without spelling it out. He was standing closer to the Presidential car than

sued the Commission's theories. He had previously identified the spot at which he was standing to FBI Agent Switzer. On Exhibit 354 he marked this spot for Liebeler. Unfortunately, Exhibit 354, as reproduced by the Commission, is not the same as the one marked by Altgens (16H949). First, it is a fuzzy aerial photograph, not at all unusual in the Commission's photography. It shows about four times as much area as is necessary to show the assassination scene, resulting in further size reduction and lack of clarity. It was not the ideal type of photograph to show Altgens' location. More informative would have been a shot showing his relationship to the picture he took. In addition, the Commission chose to transfer Altgens' marking onto a photograph with more than a dozen and a half other and confusing identifications, all of which at this point in the record stand totally unexplained. The "Spot" marked by Altgens as reproduced turns into an area twice the size of automobiles visible in the same photograph. So he is placed with anything but accuracy.

When Altgens said he was about 30 feet from the Presidential car at the time he took the picture, and about 15 feet from it at the time the President received his fatal head wound, Liebeler disputed him. By making a simple assumption that was known to the Commission to be false, Liebeler made the record look credible and confused Altgens, who could do little more than hold his ground.

"I don't know how many feet it moved," Liebeler argued, "but it moved quite a ways from the time the first shot was fired until the time that the third shot was fired. I'm having trouble on this Exhibit 203 (one of the many barbed versions of the Altgens picture) understanding how you could have been within 30 feet of the President's car when you took Commission Exhibit No. 203 and within 15 feet of the President's car when he was hit with the last shot in the head without moving yourself" (7H521).

Liebeler had simply pretended the photograph had been taken the moment the President received his first wound. It was, in fact, taken much later, after both the President and Governor had been injured and, as Shaneyfelt had already told the Commission (5H158), corresponded to frame 255 of the Zapruder film. Altgens tried to counter the argument with scientific information about optics without getting anywhere until he suddenly challenged Liebeler to a reconstruction. At that moment Liebeler lost all inter-



est, saying, “. . . it's not all that important as to how far you were away from the car at the time you took the picture . . .” (7H522). Liebeler's statement was correct only if the Commission did *not* want to know the exact location of the Presidential car, the subject of a massive and expensive phony reconstruction to justify the Commission's untenable conclusions.

The failure of the Commission to call as a witness the man who took this important photograph until eight months after the assassination, until well after the Commission had buffered its own theory, was pointed up by Altgens in his polite comment at the end of his testimony: “Well, I wish I had been able to give this information to you the next day when it was fresh in my mind . . .” (7H525).

Like Zapruder, he had been asked to bring nothing with him—not his camera, not his original film, nothing (7H517). Both would have done it voluntarily. Both could have been compelled to. Neither was asked, and only the record and the solution of the crime suffered.

But the importance in the Altgens photograph cannot possibly be exaggerated. Had the Commission not seen fit to edit all the most significant information out of it, there would have been no difficulty placing the exact position of the Presidential car at the time it was taken. In addition, the Commission had a positive fix of this picture in the Zapruder sequence, which also contains basic intelligence suppressed by the Commission.

The Altgens picture shows that at frame 255 of the Zapruder film the front end of the Presidential car had barely reached the beginning of the fourth road stripe in Elm Street, coming from Houston. This is a fixed landmark that requires no elaborate and confusing interpretations and calculations. No transits were needed, no surveyors. All the Commission needed was a ten-cent tape measure. Here the significance of the lack of intelligibility in the various charts of the area becomes clear. In addition to the Shaneyfelt exhibit referred to above, there are two similar charts, Exhibits 882 and 883 (17H901). These also have the road stripes clearly marked. But except for the curb lines, almost nothing else in these charts is intelligible. Most of the lettering is too small to be read with a magnifying glass. Even the outline of the Depository Building is incomplete. The western end is left out completely. So both the scale in feet and the landmarks necessary for

complete orientation are omitted from comprehensible charts. For what purpose? Can this be regarded as mere carelessness? And if it is but carelessness, what does this say of a Commission with such special and vital obligation, responsibilities and duties?

Other vital and equally ignored intelligence springs from this photograph, or, rather, from the parts suppressed by the Commission. Part of the building on the northeast corner of Elm and Houston is clearly visible. It has a fire escape accessible from the street leading to an open window on the second floor. It was in this building that one of the mysterious suspects referred to earlier was apprehended.

The Altgens photograph also shows the total lack of reaction of the Presidential guard and the alertness of the vice presidential escort. By the time this picture was taken, Secret Service Agent Rufus Youngblood's shadow is visible as he hurled himself from the front seat. He immediately shielded then Vice President Johnson with his own body, before the President received his fatal wound. The back door of the vice presidential escort car is already open as agents respond to what they have already recognized as an assassination attempt.

Of all the cars in the motorcade, this is the last one visible. This car also has barely reached the first of the road stripes. It was then just around the corner, not much more than a car length from the intersecting curb lines. This irrefutable knowledge helps in both time and distance reconstructions.

There is much more valuable information in this picture, or rather, in the expurgated parts of it. None is reflected in the Report. Why? Is it possible that all the excellent lawyers on the Commission's staff and all the government's photographic analysts were unaware of its importance? Is it possible this persistent suppression in all the various versions that were used of this picture was accidental?

The details of the location of the vice presidential follow-up car are clear in the margin of the Zapruder film. Movie film has sprocket holes by means of which cogs advance the film. When shown through a projector, this part is invisible on the screen, but when the film is printed, what is recorded between the sprocket holes is visible. Parts of both the vice presidential car and the vice presidential followup cars are clearly visible in frame 171, the very first of the clips from the Zapruder film printed in Volume

18. From the Commission's point of view, these films disturb the pat little package it had inherited and decided to accept. With any shot fired before frame 210 or with Governor Connally wounded by a bullet other than the one that caused the President's non-fatal wounds, there was no more package left, for the assassination could then no longer have been the act of a single man.

These films are not without other confirmation. For example, the testimony of several witnesses places the first shot *before* frame 210. Also, when Governor and Mrs. Connally were shown the Zapruder movies (4H145ff.), in the presence of their doctors, they all picked the same narrow range of frames beginning with 230 as the point at which the Governor was shot. This, in turn, was confirmed by the testimony of Shaneyfelt, even with the questionable foundation on which his reconstruction was based (5H155-8). Shaneyfelt said the Governor could have been hit in this sequence, up to about frame 240. The films also completely confirm the probatory testimony by the Connallys about what they did, and in detail. The Commission elected not to believe either the Connallys or the evidence of the film.

The Report's version of the photographic evidence is contrary to all the above (R96ff.). In saying the films were viewed by the Connallys, it neglects to mention what the Connallys testified to (R97). At the same point it misrepresents the faithfulness with which the reconstructions were staged. For example, it says that the window "was raised half-way, the cardboard boxes were repositioned. . . ." The window was, as we have seen, raised more than halfway, and the cardboard boxes *could not* have been repositioned accurately by any of the number of police photographs, all of which are in contradiction with each other and the real situation at the time of the assassination. It also says the cars were located "in the exact spot where they were" (R98) for each frame, whereas the previously cited pages of the Report show the opposite. The President's reaction is "barely apparent" in frame 225 (R105), whereas he has reacted strongly. His right hand is at his throat and his left hand is just beneath it. The only sense in which this can be called "barely apparent" has nothing to do with his reaction. That is the first frame in which the President is visible as the car emerged from behind the sign. The Report ignores it, but this sequence

clearly reflects the accuracy of Governor Connally's testimony about turning toward the front when he had been unable to see the President on turning to his right (18H24ff.).

One glaring omission deserves a final comment. The Commission was reconstructing the crime, ostensibly to find out what happened, not to prove that Oswald alone committed it. When the motorcade turned toward the Depository Building on Houston Street, for several hundred feet there was a completely unobstructed view of it from the sixth-floor window. The police photographs and the forgotten Secret Service reconstruction of 1963 also show this. There was not a twig between the window and the President. There were no curves in that street, no tricky shooting angles. If all the shots came from this window, and the assassin was as cool and collected as the Report represents, why did he not shoot at the easiest and by far the best target? Why did he wait until his target was so difficult that the country's best shots could not duplicate his feat?

J. Edgar Hoover raised this point (5H105) in non-response to a question about Oswald's possible motives: "Now, some people have raised the question: Why didn't he shoot the President as the car came toward the storehouse where he was working?" Unimpeded by the incontrovertible and obviously contrary fact, Hoover supplied his own answer: ". . . there were some trees between his window on the sixth floor and the cars as they turned and went through the park . . ."

In their handling of the tangible evidence of the assassination at the Depository Building, the Commission and the Report were consistent with their treatment of the earlier evidence. Both ignored or suppressed what was opposed to the predetermined conclusion that Oswald alone was the assassin. This meant that the destruction, alteration and manipulation of evidence had to be "overlooked." It was. This meant that impossible testimony from preposterous witnesses had to be credited. It was. This meant that invalid reconstructions had to be made. They were. This meant that valuable evidence available to the Commission had to be avoided. It was. This meant that the incontrovertible proofs in the photographs had to be replaced by elaborate and invalid reenactments which, in turn, had to be based upon inaccuracies, misinformation and mis-

representation, which is what was done.

The solid proof in the record that supported Oswald's denial of guilt had to be kept from the Report. It was. The indescribably incompetent performance of the police, a description that may be a great euphemism, had to be shielded from public scrutiny. It was. The Report had even to misrepresent the Commission's own time reconstructions, which showed that Oswald could not have done what it attributed to him. The Report does just that.

Had it not, the Report would have had to concede that Oswald was not the unassisted assassin and that he could not have been the murderer of Officer J. D. Tippit.

## 6. THE TIPPIT MURDER

If the Tippit murder had not happened, it would have had to have been "invented." There is reason to believe that, in effect, it was.

The assassination case against Oswald was no case at all. It hung on coincidences, conjectures, speculations, and eye-witness accounts of such dubiousness no sensible lawyer would have taken them to court. Above all, it depended upon a willingness to believe. That willingness was supplied by the murder of Tippit. As the police seized upon this "coincidence" and wholesaled their version to an upset world clamoring for the capture of the assassin, there seemed to be no question in this murder. Innumerable dependable witnesses saw everything—the shooting, the flight, and the capture.

Nothing could be further from the truth. The so-called evidence in the Tippit case is a tissue so thin the Commission should have seen through it without difficulty. But its myopia in the Kennedy assassination turned into blindness in the Tippit killing.

The Commission accepted the police version of the Tippit slaying without any audible question. With all of its powers, with the unequalled investigative resources upon which it could draw, even with its ability to compel testimony sheltered from cross-examination, for all of the vaunted eyewitnesses and the so-called "ballistics evidence," it wound up with a case so feeble that it lacks even the official certification that Tippit is dead!

As with the solution of the assassination, when the Commission was faced with undesirable alternatives, choosing the unbelievable version of the Dallas police and launching its own *real* investigation, the Commission chose to stick with the pat story which most Americans had been cozened into believing. The police lost all interest in any other suspect when they had Oswald in hand. This is clearly established by the 362 typewritten pages of the three otherwise contradictory versions of the same radio logs, which reveal the existence of other suspects. The Commission was unwilling to confront the inevitable consequences of destroying the reconstructed "solution" of the Tippit murder. Had it done so, the "solution" of the assassination would have been jeopardized. Then all the questions crying to be asked would have been heard.

Both the police and the Commission made the same decision: With a bird in hand, why beat the bushes?

The result in the Tippit case was that the Commission *proved* Oswald could not have been the murderer. For all the care used in drafting the Report, with all that its authors were able to suppress from the evidence—and no other word will do—there emerged a highly questionable story. Examination of the misrepresented, scattered, buried, avoided and suppressed evidence in the supplementary volumes reveals a shocking story.

Having gotten Oswald out of the Texas School Book Depository Building at 12:33 p.m., in defiance of its own unimpeached evidence, the Commission then got him to his roominghouse at 1026 North Beckley Avenue in the Oak Cliff area by a combination of fast shuttle and fast shuffle—the shuttle on the transportation and the shuffle of the witnesses and their testimony.

To get to his roominghouse, Oswald had to take a bus that went past the Book Depository Building to the west. With the confusion already beginning in the area and the even greater confusion certain rapidly to ensue, we are to believe that he walked seven blocks to the east to catch an oncoming bus that would be bound to get caught in the traffic jam. He stayed on this bus just long enough to involve the Commission with two of the most fantastic of its witnesses and left in time to involve it with another. The reader is encouraged to compare the delicately selected portions of their testimony quoted by the Report with what they actually said. This section of the Report is entitled

## “Oswald’s Movements After Leaving Depository” (R157-65).

Cecil McWatters was the busdriver. He had his own private candidate for assassin—not Oswald—and voted for him at the lineup. With commendable understatement, the Report decided “McWatters’ recollection alone was too vague to be a basis for placing Oswald on the bus” (R159).

He was reinforced by Mary Bledsoe. She generously, if injudiciously, provided the Commission with the kind of purple language it could quote and it did, but not in context. The Report culled the phrases: “I didn’t like his attitude”; “just didn’t want him around me”; “there was something about him I didn’t like . . .”; “. . . he looked so bad in his face, and his face was so distorted” (R159). Any meaning in all but the last quotation really has to be supplied by the reader. Mrs. Bledsoe was alone in her opinion of Oswald’s visage.

In half a sentence, the Report condensed Mrs. Bledsoe’s testimony about Oswald’s shirt, saying, “Mrs. Bledsoe identified the shirt as the one Oswald was wearing and she stated she was certain that it was Oswald who boarded the bus” (R159). The Report found no space for the means by which she identified the shirt—it alone was shown her by government agents. Nor did it find it necessary to quote her testimony that prior to being shown the shirt she had never seen it.

Four blocks after leaving the bus on which, to the Commission’s good fortune, he was seen by McWatters and Mrs. Bledsoe, Oswald took a cab driven by William Whaley. It was Whaley who in his testimony escalated the size of the four-man police lineup to six and delivered Oswald to three different addresses, including an intersection of two streets that run parallel. Of Whaley’s identification of Oswald’s clothing, the Report says he “testified that Oswald was wearing either the gray zippered jacket or the heavy blue jacket. He was in error, however. . . .” So is the Report. Oswald was wearing neither, but Whaley swore he was wearing *both*.

Whaley’s commentary on the Dallas police, which began with the flat statement that they had prepared for him a statement to which he swore, identifying Oswald before viewing the lineup, the Report found unworthy of mention. It did, however, refer with Whaleyian accuracy to his performance at the lineup: “Whaley said that Oswald was

the man under No. 2. Actually Oswald was under No. 3" (R161).

After a dose of Whaley, the authors of the Report may be forgiven almost anything. Oswald was under number 2, regardless of what the Report says (6H430). In his final appearance before the Commission, Whaley resolved the problem with which he had confronted it with this affidavit in which he said Oswald was the No. 3 man. Although each position had a number over it, and Oswald was under the number "2," Whaley decided to ignore the official numbers and count. Not from left to right, as the official police numbers went, but from right to left. That is how Oswald got to be No. 3.

The confusion in the addresses to which Whaley said he took Oswald was resolved in the Report in the same way it resolved the contradiction in Whaley's manifest, which showed the wrong time. It just got him to say he had been wrong and what the Commission needed in its race against time was right. So, as Oswald had, according to the Commission, seen fit to walk seven blocks in the wrong direction to catch his bus, he also rode the cab five or more blocks past his roominghouse and then walked back (R162-3). By means of clocking both the cab ride and the walk, with the help of Whaley's verbal correction of his written manifest, the authors of the Report felt they were able to say that Oswald got to the roominghouse at 1 o'clock. Perhaps the exact language, which makes mention of the other address Whaley gave, might be more interesting. Oswald "would have entered the cab at 12:47 or 12:48 p.m." because he left the bus at 12:44. The cab took six minutes.

"If he was discharged at Neely and Beckley (the Commission's preference) and walked directly to his roominghouse, he would have arrived there about 12:59 to 1 p.m. From the 500 block of North Beckley (the address in the manifest, two blocks farther from the roominghouse), the walk would be a few minutes longer, but in either event he would have been in the roominghouse at about 1 p.m." The Commission was going to get him there at 1 p.m. come hell, high water or fact, because, as it will soon be seen, 1 p.m. was really too late, anyway.

The testimony that placed Oswald at his roominghouse was vague by even the Commission's standards. Instead of quoting it, they state it on their own authority, "about 1



p.m. he entered the house . . ." (R163). The section on the roominghouse is concluded with more of the "if" evidence: "If Oswald left his roominghouse shortly after 1 p.m. and walked at a brisk pace, he would have reached 10th and Patton shortly after 1:15 p.m. Tippit's murder was recorded on the police radio tape at about 1:16 p.m." (R165).

Mrs. Earlene Roberts, then housekeeper at the roominghouse, testified to almost what the Commission wanted on time. But seconds were too precious for the Report to quote her testimony as the source of its knowledge. There were too many hazards involved. Only once during her ten-page deposition (6H434-44) did the subject of time arise. The Commission knew in advance just about all the witnesses would testify to. Assistant Counsel Ball asked her "approximately" what time Oswald arrived.

"Now it must have been around 1 o'clock, or maybe a little after, because it was after President Kennedy had been shot—what time I wouldn't want to say because—"

That was enough for Ball. He interrupted her to ask, "How long did he stay in the room?"

"Oh, maybe no more than 3 or 4 minutes . . ." Mrs. Roberts answered (6H440).

The Report acknowledges Mrs. Roberts' statement that shortly after Oswald left the house she saw he was waiting at a bus stop. She did not use the word "seconds" as the Report does. Nor did this question even come up in her testimony. It was in an affidavit she executed December 5, 1963 (7H439). The Commission, of course, knew of the affidavit and quoted it in her testimony but avoided this part. In it she stated, "I saw Lee Oswald standing on the curb at the bus stop just to the right and on the same side of the street as our house. I just glanced out the window that once. I don't know how long Lee Oswald stood at the curb nor did I see which direction he went when he left there."

Understandably, the Report wanted to avoid this as much as possible. The bus stop at which Mrs. Roberts last saw Oswald is for the bus going *north* on Beckley. The Tippit murder was *south* of there. The Report preferred not to explain why a man it wanted to be going south without the waste of a fraction of a second was waiting for a northbound bus. Naturally, the amount of time waiting at a bus stop should have been deducted from the

time Oswald had to get to the Tippit killing. The Report did not want to deduct it, and so it did not.

Although not at this point, the Report also acknowledges Mrs. Roberts' testimony that after Oswald got home and before he left, a police car stopped in front of the house. It signaled with the horn "several times," and drove off (R253).

"Investigation has not produced any evidence that there was a police vehicle in the area," the Report continues. It also pretends to account for all the vehicles with numbers similar to 106 or 107. Mrs. Roberts had made clear she paid no attention to the number and guessed it might have been one of these (6H443). Her vision is so bad—she is blind in one eye—she waived reading her deposition, a courtesy granted by the Commission (6H444).

Dallas police cars bear their numbers in relatively small and thin lettering within the word "Dallas," arranged like an arc above the word "Police," lettered horizontally. In the combination of these numbers the Commission investigated, it avoided one—10. The first two numbers given by Mrs. Roberts were one and zero, 10. That was the number of Tippit's car.

What kind of investigation the Commission conducted on the assignment of police cars is not indicated, but one thing is certain—it did not include examination of the police radio logs which clearly reveal one police car was assigned to that area—No. 10, Tippit's.

In Exhibit 705 (17H401), the dispatcher asked Tippit, "You are in the Oak Cliff area, are you not?" Tippit replied, "Lancaster and 8th." The dispatcher told Tippit, "You will be at large for any emergency that comes in." Tippit acknowledged. This conversation was between the 12:54 and 12:55 p.m. time checks. Lancaster and Eighth is about nine blocks from the roominghouse. The Report, for all the space it devoted to Jack Ruby, did not reveal his address. In his questioning by the Commission, Ruby was not asked for his address. The Appendix on "Speculations and Rumors" (R662) says Oswald's room and Ruby's apartment were 1.3 miles apart. One unofficial account located Ruby's apartment at Ninth and Lancaster, a block from Tippit's broadcast location.

Soon the dispatcher called Tippit again and got no response. The time is not given in Exhibit 705. The dispatcher's request for his "location" addressed to Tippit, ac-

ording to another version of the log, Exhibit 1974, was about 1 p.m. It was prior to a 1:04 time check. By coincidence, this unanswered call from the dispatcher is just about the time Mrs. Roberts said the police car signaled.

At the rate the Commission said the Whaley cab drove, Tippit was about 2 minutes away from Oswald's rooming-house when he reported his location. Why he should have failed to answer the call from the dispatcher, which just happened to be about the time the only police car in the area, his, was reported outside the roominghouse, is, of course, a mystery.

If the Report can say of the above evidence in its possession "investigation has produced no evidence" of a police car in the area, what can be said of the investigation? In what light does it put all the investigations?

While the text has avoided the exact time Oswald left the roominghouse, in a chart purporting to show Oswald's unseen movements, Exhibit 1119-A (R158), the Report fixes this time at 1:03. The only evidence, Earlene Roberts', is to the contrary. If there is anything clear from Mrs. Roberts' evidence on time, it is that at 1:03 Oswald could not yet have started walking to the Tippit murder scene. But again, the Commission needed more time than it had. The Report agrees Mrs. Roberts was the last person to see Oswald before he allegedly appeared nine-tenths of a mile away, at Tenth and Patton Streets (R165).

Undaunted, the Report reconstructs Oswald's walk without the handicap of eyewitnesses. Exhibit 1119-A shows that he walked back down Patton, retracing the walk he allegedly took when leaving the cab, to Davis Street. For reasons known only to the Commission, he turned east on Davis to Crawford, which runs diagonally to the southeast. At Tenth he turned toward the northeast. A block ahead was the scene of the coming Tippit slaying.

The Commission's chart, for all the rare telepathic powers the artist had, enabling him to commune with the dead, omitted three of the four streets crossing Beckley upon which Oswald could have turned. It does not show that Patton, the street whose corner with Tenth is closest to the scene of the killing, parallels Beckley north of Davis. If Oswald was going to a rendezvous with Tippit, he was not using the most convenient route. He did go out of his way, which at least has the merit of keeping all the Commission's route reconstructions illogical and unlikely. If

he had been going to where Ruby's apartment was reported to have been, at the scene of the killing he was about six blocks away. Again, if he were going to Ruby's, he was not going by the direct route.

The telepathic powers of the staff did not extend to learning the alleged Oswald's alleged destination. There appears to be no reason why he should have been walking as he was in the reconstruction. The one possible destination indicated by the Report or its chart is the Texas Theatre. He would have reached this by walking south on Beckley to Jefferson and turning west a short distance. That is where he was subsequently arrested. No suggestion of where Oswald was going or why he would have gone the way the Report says he did is even hinted at. He was seen by no one. He went that way because the Report says he went that way.

There is but one thing that makes sense of this reconstruction. That is an effort to make it conform to the highly suspect testimony of Helen Markham. Mrs. Markham said she saw the man she later identified as Oswald cross Patton at Tenth, going from southwest to northeast. The most direct route in conformity with Mrs. Markham's account was the one the Report used, whether or not it makes sense. By using its new technique of willing the existence of proof, by just wishing it into existence, the Report substantiates her. If anybody needed substantiation, it certainly was Mrs. Markham.

The Report allows Oswald less than 13 minutes to walk from his roominghouse to Tenth and Patton. This generosity towards itself was accomplished by simply ignoring Mrs. Roberts' unquestioned testimony. As it did with its other Oswald movements, the Commission timed this one with a stopwatch on April 8, 1964. It did not bother to take sworn testimony from the staff members who did the timing. Assistant Counsel David W. Belin merely declared while examining Whaley that he and others had walked by what he described as the "long way around route" (6H434). How long did it take?

Seventeen minutes and forty-five seconds! Tippit was killed five minutes before Oswald could have gotten to the scene of his murder!

It is now clear why this is the only one of the time reconstructions not quoted but "interpreted" by the Report.

So we begin our examination of the Tippit murder, with which Oswald was charged by both the police and the Commission, with the certain knowledge that he could not have been the killer. The Commission itself proved this, though unintentionally.

### *"Poor Dumb Cop"*

Patrolman J. D. Tippit was cruising east on Patton Street at about 1:15 p.m. when he saw and stopped a man he must have recognized as the suspected assassin. The Report reaches this conclusion because the police radio had broadcast the suspect's description and Tippit had a radio (R165). If Tippit had heard the description, did it not follow he was just ignoring the dispatcher's call to him? Having found it expedient to avoid the unanswered 1 o'clock call to him, the Report also avoids the likely implications.

The policemen who commented upon this broadcast description of the assassin found it "vague." The Commission's purposes were served by regarding this as a description from which an identification could be made. Therefore, it pretended the description was meaningful. Its purposes were served by assuming Tippit heard the broadcast. It so assumed. No contradiction is possible. Tippit is dead. The Commission represents power and authority. Its conclusions have been more widely reported and believed than those of any document in history. One of the foundations of its entire Report is this assumption, for it is this unsubstantiated hypothesis, without authentication, that provides the reason for Tippit's action.

Of the man the clairvoyant Tippit stopped, there were enough readily available descriptions from the various witnesses so that almost any average size man who was not fat would have fit. The Report, as with the Kennedy assassination, was unable to come up with who gave the broadcast description. This is as incredible with the Tippit killing as it was with the assassination, even if the Commission was content.

Mrs. Markham was standing on the diagonally opposite corner. Although she lives in the area, she was unable to identify directions even with assistance, and strong hints from the Commission. She was standing there screaming after the shooting. She put her hands over her eyes but

kept her fingers spread, baby-fashion, and through the cracks she saw the gunman. This is her account, in any event, even if other witnesses contradict it. Mrs. Markham's description "and that of other witnesses led to the police broadcast at 1:22 p.m. describing the slayer as 'about 5'8", black hair, slender'" (R167). Omitted from this description is the fact that the pickup notice was not for the killing but for "investigation." It also gave a clothing description, including "a white jacket" and a "white shirt." This was not a description of the clothing Oswald was wearing (17H410).

There were serious problems with Mrs. Markham and her contradictory descriptions. The Report does not quote her as the source. It is satisfied with the police composite.

Prior to the murder, the police car stopped and the man walked up to it and rested his forearms on the righthand door and had a calm chat with Tippit. Then with equal calmness, Tippit got out of the police car and started to walk toward the front. Having, as the Report informs us, suspected this man was the dangerous killer, the policeman did not find it necessary to draw his pistol. Instead, he just sat there, unarmed, and they had a quiet talk. In quoting Chief Curry's characterization of Tippit as a "very fine, dedicated officer," the Report merely adds to the incredibility of this account.

When Tippit was abreast of the hood of his car, the gunman fired. Three shots, according to Mrs. Markham (R165). Three shots, according to Domingo Benavides, the only bona fide eyewitness who was 25 feet or less away and looking (R166). Captain Glen King, three times (20H454). The Davis women, two times. The Report, however, says *four bullets* were recovered from Tippit's body (R172). Captain King, having placed the number of shots at three, also located them. At some point, there must be some record that states precisely what injuries Tippit sustained. He was taken by ambulance to Methodist Hospital. And they do have autopsies in Texas, even if the President did not get one. *But the Report has no medical statement on Tippit and no autopsy report.*

Further contradicting the account of the Report and compounding the uncertainty is an undated and unsigned Dallas Police Department "case report" on which J. R. Leavelle is listed as the investigating officer (Exhibit 2003, 24H253). Undescribed in the table of contents of the

volume, which identifies this single exhibit of hundreds of pages of different—even unrelated—documents as “Dallas Police Department file on investigation of the assassination of the President,” this “case report” says Oswald “. . . shot Officer Tippit three times: one time each in the hand, chest and stomach.”

Having killed the policeman, did the murderer flee? Of course not. First he remained at the scene, in plain view of the eyewitnesses. He removed two empty casings from the revolver and carefully dropped them where Benavides (6H444) could not avoid seeing them. Then he took his time back down to the corner he had just crossed and repeated the performance in view of Mrs. Markham and two other women named Davis whose exact relationship the Commission leaves unsettled.

At the corner he increased his pace a bit. He crossed Patton either there or near the next corner, depending upon which eyewitness you believe. Having gone south for a block on Patton, he turned west on Jefferson and was last seen near a parking lot in that block. Twelve people saw him during this short time. None followed him.

If this man was Oswald, as the Report says, and if it was Oswald seen sneaking into the Texas Theatre with \$14.00 in his pocket, as the Report also says, it took this officially authenticated block-a-minute walker almost half an hour to traverse that five-block distance. However, according to the testimony, he got there looking as though he had been running.

At the murder scene, meanwhile, Benavides had reported the slaying over the dead officer's radio. The place was soon crawling with police, despite the apparent inability of the dispatcher to give the right address. He was given it immediately, but each time he answered a call he gave a different wrong address. Benavides carefully recovered the two empty shells he saw fall. The police appear to have then made no real search for the others.

Mrs. “Charlie” Virginia Davis and Mrs. Barbara Jeanette Davis had different apartments in the old house on the southeast corner of Tenth and Patton. At the time of the shooting, Charlie Virginia was on a bed in Barbara's livingroom. Later that day, she found one of the empty casings dropped at the corner. Still later, Barbara found the other (3H345). They turned the casings over to the police.

Although the police appear to have made no serious search for the empty cartridges, there are two indications of a police interest in them. Both were recorded in the radio logs. One reported the finding of an empty automatic pistol shell (17H417). It would seem that policemen would know the difference between revolver and automatic casings. And it would seem they should all count to four without error. But after the two Benavides shells and the finding of the automatic shell, the dispatcher ordered two cars back to the theatre, saying, "they want the theater shaken down good for two hulls (Dallas police jargon for empty shells). Believe the subject reloaded his pistol in the theater. We need the two hulls, 2:26 p.m." (17H429).

There is no further interest in the automatic shell. Oswald had been arrested and was on his way to police headquarters before 1:51 (17H420). *His* revolver could not accept the .38 caliber automatic shell reported found at the scene.

Prior to the 2:26 broadcast, the police had had graphic descriptions of how the suspect had emptied his gun with such ostentation. The reason for the belief the suspect emptied his revolver in the theater is not indicated and the subject is forever forgotten.

Why the weapon had to be emptied one shell at a time also is not indicated. Most revolvers have automatic ejector mechanisms. When some are opened, all the shells, empty or full, are ejected simultaneously. Others have an ejector mechanism that accomplishes the same result. The photograph of this pistol (R170) seems to show such a mechanism. Whether the mechanism was on the pistol and whether or not it was working, nothing could be more suspicious than the discarding of the empty shells at the scene of the crime. Nobody is that stupid and nobody ever accused Oswald of being stupid. Dropping the empty shells could be intended for only one purpose, to have them found and identified.

The witnesses on the shell-dropping episode were not consistent on details. Some had him tapping them out on one hand, some the other; some had him shaking them out. One even saw him rolling a fresh cartridge under his thumb from a half-block away.

Inconsistent witnesses are the rule rather than the exception in the Tippit killing. The clothing, for example,



was mildly troubling to the Report. The white shirt was just abandoned. Oswald was wearing a dark one. The white jacket that had been edited out of the text of the police broadcast became a "light-colored" one after a jacket was found (R175).

Later, the Report had to cope with the discrepancies in color description and at that point quotes the rest of the description broadcast by the police (R175). It repeatedly refers to the jacket in its possession as "light-colored," however. It quotes Mrs. Roberts as believing the jacket Oswald was wearing was darker. Helen Markham and Barbara Davis thought the jacket they saw on the Tippit killer was darker, but William Scoggins, a cabdriver, thought it was lighter. It was Scoggins who reported the killer was muttering "poor dumb cop" or "poor damn cop" while passing Scoggins' cab (R166).

Barbara also told the Commission the man was wearing a "black coat" (3H347).

The Report did not think "Charlie" Davis's description worthy of mention (R176). She did have some trouble distinguishing between what she saw and what she heard or thought (6H456). She heard only two shots. The killer "didn't look like he was over 20." He had light brown hair and was wearing a "light-brown-tan jacket," open, but she did not see the shirt (6H457). The four men in the police lineup were five to her (6H462). Although the man she identified in the lineup (that magical number, "2"), Oswald, was "for sure" the man she saw leaving the scene of the crime, she was not certain when she saw Oswald's picture on television that he was Oswald. She "wouldn't say for sure" he was the man she saw leaving (6H462). She and her sister notified the police before they knew what happened in one version she pondered long at the Commission's request (6H467). In a sworn statement, she said she had given the shell she found to Detective Dhority. But she told the Commission she had never heard that name (6H464).

This is a sample of the accurate observers from whom the Commission drew its witnesses.

Where, then, did the police get the description?

The jacket was found about 1:25 p.m. It was lying on the ground in a parking lot (17H411). A few moments later, Sergeant G. L. Hill radioed from Twelfth and

Beckley, "have a man in the car with me that can identify the suspect if anybody gets one" (17H412). This may not be as much of a joke as it seems.

A description closer than any other came after the jacket was found. In a broadcast after 1:32 p.m., Patrolman H. W. Summers reported he had an "eyeball witness" who saw "a white male, 27, 5'11", 165 pounds, black wavy hair, fair complexed (sic), wearing light gray Eisenhower type jacket . . ." (17H416).

That black wavy hair was a problem. Oswald's was medium brown and anything but wavy. Mrs. Markham gave a similar description of the hair of the man she saw, although she also denied giving it. The Report does not account for the disposition of the "eyeball witness" as such. He is the only one to have described the found jacket with any degree of accuracy. The Report is also barren on the laundry mark on the found jacket, which was also broadcast.

During a conversation with the dispatcher at 1:44 p.m., Sgt. H. H. Stringer said, "the jacket the suspect was wearing over here on Jefferson bears a laundry tag with the letter B 9738. See if there is any way you can check this laundry tag" (17H471, 18H925). It would be comforting to know that this tag enabled the police to make a positive identification of ownership. On the other hand, the silence of the Report strongly suggests the check of the marking did not lead to Oswald. But perhaps detective-story readers have been under a misapprehension about laundry marks as important means of clothing identification.

Within a few minutes it all became academic. Johnny Calvin Brewer, 22-year-old manager of a shoestore on Jefferson near the Texas Theatre, had been listening to accounts of the crimes on the radio. He saw a man looking in the window of his shoestore and suspected him for the most logical and scientific reasons: "He just looked funny to me. Well, in the first place, I had seen him someplace before. I think he had been in my store before. His hair was messed up and looked like he had been running, and he looked scared, and he looked funny" (7H4). The man's shirttail was also out.

After his struggle with the police, Oswald's hair was still not "messed up." He never looked frightened, even in the arrest pictures. And for the time it took him to go

the last alleged six blocks, why should he have been running?

This man then went to the Texas Theatre where neither the cashier, Mrs. Julia Postal (7H14), nor the usher, Warren E. Burroughs (7H14-7), saw him enter. Brewer called this to Mrs. Postal's attention. Because children had crashed the theatre in this fashion by the only means of getting past Burroughs, walking up the stairs to the balcony, Brewer and Burroughs checked the balcony and the man was not there. So Mrs. Postal called the police (7H5), giving them a description of a "ruddy-looking" man. They promptly told her, "Well, it fits the description" (7H11).

For no clear reason, the Report slighted Brewer, leaving the location of his shoestore off the chart of Oswald's movements (R158).

Then, at 1:45 p.m., a horde of police were converging on the theatre (R178). They surrounded it. Brewer took Patrolman M. N. McDonald (3H295-304), who had entered by a rear door, and pointed out his suspect. The house lights were turned on (7H5). Instead of going immediately to the suspect, who was in the back of the theatre, McDonald played it smart. Not fearing this dangerous killer might shoot him, he turned his back on the suspect, and worked his way toward the back, frisking the other patrons as he went. Asked if he kept his eye on the suspect, McDonald replied, "Yes, sir. He was to my back. I was looking over my shoulder at him" (3H299).

During this man-by-man search of the theatre, Oswald remained seated. When McDonald got abreast of him and ordered him to his feet, "he rose immediately, bringing up both hands . . ."

What is proper police procedure on approaching a dangerous killer who had accommodated the arresting officer by raising his hands in surrender? Dallas-style, the policeman does not order the suspect to move, such as out from between the seats. The policeman just grabs the surrendering suspect and starts a fight. At least, that is McDonald's version. When he grabbed Oswald by the waist, Oswald hit him, and he hit back. Meanwhile, Oswald was withdrawing the gun from his waist. McDonald got his other hand on Oswald's gun hand and they fell down, struggling, with McDonald's hand on "the action," presumably meaning the mechanism. McDonald called for help and a number of named officers approached. McDon-

ald then got his hand on the butt of the pistol and "jerked it free" (3H300).

The Report also credits McDonald with taking possession of the pistol (R179) and adds, "Detective Bob K. Carroll, who was standing beside McDonald, seized the gun from him." Carroll's name was not one of those given by McDonald.

Assistant Counsel Ball asked McDonald, "And did you put your mark on the revolver?" McDonald replied, "Yes, sir; I did." There were six live rounds in the revolver, one of which McDonald said bore a slight indentation on the primer, the center of the end of the shell containing the detonating charge. But of these six bullets, he put his identifying mark on but one (3H301-2). Had not Senator Cooper asked at the end of the hearing, "Did you mark the pistol at that time, before you turned it over?" the Record would indicate the identifying mark was immediately put on the weapon. McDonald said he marked it later at the police station (R304). He also said he turned the revolver over to Carroll.

Carroll is a special service bureau detective who sought and got permission to leave the Depository Building where he was participating in the search when he heard of the Tippit shooting (7H19). Mysteriously, his radio call is not given in any of the versions of the radio logs. This is his own version of Oswald's arrest:

Oswald and McDonald were struggling "and then when I got up close enough I saw a pistol pointing at me so I reached out and jerked the pistol away and stuck it in my belt, and then I grabbed Oswald" (7H20). When they got in the car, he gave the weapon to Sergeant G. L. Hill. At a time of which Carroll is not certain, Hill unloaded the revolver (7H22). He also "could see what looked to me like a hammer might have fallen on" one of the bullets when he later examined it (7H23).

The time Carroll put his mark on the firearm was not asked. Carroll had given the weapon to Hill, and McDonald lost possession to Carroll before either put any identification on anything. How did they know what they were identifying when it was not in their possession?

Nor had the arresting officers searched their mad killer. There had been so many policemen in on the arrest, Captain W. R. Westbrook testified it was a wonder Oswald did not get hurt worse than he did. He had gotten a cut and

was bruised. The lack of a search is only one of the many facets of the strange Tippit case not mentioned in the section of the Report on "Oswald's Arrest" (R176ff.). Detective Richard M. Sims testified he and E. L. Boyd searched Oswald at about 4:05 p.m. the day of his arrest, more than two hours after the capture. There were then five revolver cartridges in Oswald's pocket (7H173).

The history of these bullets and shells in the hands of the police is approximately the same as that of the rifle shells. This evidence never was secured or tamper-free.

The revolver was traced to Oswald through a mail-order slip in the name of A. J. Hidell. Experts identified the handwriting as Oswald's. The weapon was sent to his Dallas Post Office box. As of the time she was taking her famous one and only picture, showing Oswald armed, Marina thought this was the holstered revolver in that picture. The Report has a section on "Ownership of Revolver" (R172-4). Except for Marina, no one connects Oswald with that or any other revolver. Marina's qualifications in firearms recognition include the inability to distinguish between a rifle and a shotgun.

This section makes no reference to ammunition. Oswald just had it—two different kinds—but there was none in his property. There is no reference to any police search to see if or where he bought it, as with the rifle. There is not even the remotest suggestion he ever once fired this revolver. Nor is there even a hint from the ever-available Marina to suggest he ever practiced with it. Each of the shots that hit Tippit, however, would have been fatal; there is no evidence of a missed shot. Revolver ammunition is also sold by the box, not by the piece. What happened to the remainder of two boxes of different ammunition? The Report solves this with one of its standard procedures: It just ignores it.

When he got back to the roominghouse, according to the Report, Oswald picked up the revolver and put it in his belt. The only proof offered is that an empty holster was found there. The evidence connecting this holster with Oswald is Marina's opinion it could have been the one he wore when she photographed him. We are not told the revolver fit the holster. We are told that the housekeeper never saw either a firearm or holster in his cubicle when she cleaned and straightened it up.

Two policemen each claim to have disarmed Oswald.

In McDonald's version, he turned the revolver over to Carroll. Carroll said he "jerked" it when it was pointed at him. Was one policeman about to point a loaded revolver at another while he was fighting with a desperate killer? Each of these policemen saw fit, for reasons nowhere cited, to turn the weapon over to another. If the Commission ever asked why, there is no record of it. Why did either have to let the weapon he was going to be called upon to identify, to the exclusion of all others, out of his possession without first following the normal police practice of placing an identifying mark upon it? If the struggling McDonald turned it over to Carroll while he was fighting, he could have repossessed it after the struggle or at least have marked it before leaving it in Carroll's possession. Carroll had no such excuse for giving the weapon to Hill.

Even the police testimony about the snapping of the firing-pin and the denting of the cartridge is denied by the Report, elsewhere, to be sure. In Appendix X, almost 400 pages later, it admits "none of the cartridges found in the revolver bore the impression of the revolver's firing-pin" (R560). Did the police swear falsely? Were the bullets switched?

These may, in print, seem like minor considerations. In court, they have a different impact. American justice requires proof, not supposition, and these witnesses would have been subject to the most intensive examination by defense counsel—had Oswald lived and been tried.

Expert testimony proved the four empty shells were fired in this revolver (R-171-2). But the slugs taken from Tippit's body could not be proved to have been fired from it. "Three of the bullets recovered from Tippit's body were manufactured by Winchester-Western, and the fourth bullet by Remington-Peters, but only two of the discarded cases . . . were of Winchester-Western manufacture." This is the dilemma of the Commission—bad arithmetic again. The Commission got around this by concluding, in opposition to almost all the witnesses, "that five shots may have been fired, even though only four bullets were recovered." To get around the single Remington-Peters bullet for two Remington-Peters cartridge cases, the Report decided "either one bullet of Remington-Peters manufacture is missing or one used Remington-Peters cartridge case, which may have been in the revolver before the shooting, was discarded along with the others . . ." (R172).

Would it not have been interesting, however, if the methods of the Tippit case had been applied to the assassination? In that case, as the previous chapter of this book shows, the Commission refused to heed, not speculation, but hard proof that its empty rifle shells had been in another or other weapons. The scientific evidence, not conjecture, that the "missed" rifle bullet was of a different type from the one the Commission presumed—it had no proof—was ignored. The aborted search for the source of the rifle bullets was left from the Report and the search appears to have been dropped when proof of reloaded ammunition was found.

In the Tippit case, speculation was converted into conclusions; in the assassination, evidence was abandoned in favor of speculation.

With the assassination, the Commission decided upon the number of bullets fired on the basis, it said, of the testimony of the majority of witnesses. In the Tippit case, it preferred the testimony of but two remote witnesses to that of an overwhelming majority.

In the Tippit case, the Commission found a needle of fact in its haystack of confusion. It would not pick up the needle. Its own time reconstruction proved Oswald could not possibly have shot Tippit. It got but a single meaningful description of the criminal, from Benavides. That description included identifiable characteristics that eliminated Oswald. Benavides was the only person close to the killing. He was the only one not taken to a police lineup. This meant nothing to the Commission.

The testimony the Commission preferred was of the most dubious credibility. Its major witness tenaciously swore falsely about material points. But like the police, the Commission had a bird in hand. Even if it was a crow, the Commission was willing to eat it.

There is much more that can be said about the total incredibility of the reconstruction of the Tippit case. However, it is not the purpose of this book to mimic the Report and swamp the reader in a sea of unnecessary detail. Yet there remains one conspicuous consideration which should have been pondered by the Report but was not.

If Oswald had shot both the President and Tippit, the one time he was really clear began within a minute or two of the second shooting. He had left \$170.00 in Irving; he

had \$14.00 with him. He was unseen for almost a half-hour. When he had made his getaway, so far as he knew and the evidence shows, why should he have bottled himself up in the blind alley of a theatre?

The answer of the Report is that he wanted to get caught. Then why run?

One hour and twenty-one minutes after the first shot rang out in Dealey Plaza, the dead President was being readied for return to Washington, the Governor was in the first stage of the three-part surgery that saved his life, and Lee Harvey Oswald was in the hands of the police, where he was to lose his life. Nine minutes before 2 p.m., he was in the rear seat of a police car on his way to police headquarters, his hands shackled behind his back and his pockets unsearched. At that moment, the entire nature of the case and the responsibilities of the Commission had already changed.

Until now we have reviewed the assassination and much of the tangible evidence the police agencies and the Commission related to it. We began with the alleged assassin the night before the crime and the victim from his awakening the morning of his assassination. Step by step we have retraced the Commission's information on the crime. Now the alleged criminal is in custody. Now the law and public authority are center stage. This is a new act of the drama. Oswald is no longer only a suspect. He is now a prisoner. He is no longer in real or fancied flight; he is to be subject to American justice.

The Commission, in reconstructing the crimes, manages to prove the only suspect could not have committed them. The several chapters of the next section of this book will spotlight what happened to Oswald during the less than two days he was a police prisoner. The Commission looked at this unprecedented performance which had ended in 45½ hours with the murder of Oswald. At that moment, all opportunities for a legal solution to the assassination ended. With no one to take into court, there could be no trial. And with the interment of Oswald's body, the only then known source of information about the crimes was also buried. Oswald was and remains the lone suspect.

In turning our attention to what happened to Oswald while he was in the hands of public authority, our focus may seem to be on the police, his custodians. However, be-



cause this is an analysis of the Report, the ensuing chapters relate also to the Commission. Through its Report the Commission was to reveal everything it could learn about the assassination. Those last 45½ hours of Oswald's life, therefore, become a most important means of appraising both the police, who were charged with the solution of the crimes, and the Commission and its Report.

## 7. OSWALD'S LEGAL RIGHTS

Perhaps the most radical and basic concept of the American Constitution is that of the preeminent rights of the individual. First enunciated in the Declaration of Independence, it was made the basic law of the land in the Constitution, and has since been fortified by court rulings. This then almost heretical conviction of our founding fathers may, in fact, be the major contribution of the American society to the entire world. From before our Revolution, uncountable hundreds of thousands of Americans have offered and given their lives that this exalted principle might survive. For generations it has been the spark that set fires for freedom burning all over the world.

What are these rights that have come to be called "legal rights?" They are not alone the right of the minority groups for equality with all others. They are the rights of all. Today they are so fixed and automatic in our everyday existence that most of us have to stop and think to realize what these essential legal guarantees are. Fundamentally, we believe no man has any rights every other man does not have, and that no man has any less rights than all others. These include the right to life; to a fair trial by an impartial and unprejudiced jury; to counsel of his own choice; protection against self-incrimination, even if only feared; and protection from abuse of the great powers of government.

Through the police, government can exercise almost inconceivable abrogations of the rights of individuals, and the courts have been the restraints against such transgressions. Today, what the police may or may not do has been so carefully defined by the judiciary that all police know of the limitations placed upon them, at least by existing laws and decisions.

In theory, at least, Lee Harvey Oswald had all these

rights until the moment of his murder. Whether or not he was denied his rights is, as a matter of the highest principle, an all-important question. This effort to answer the question is not directed at the now academic question of Lee Harvey Oswald and whether government and the country allowed him less than he was entitled to. The question has now become why he was treated as he was, in the context of the ancient legal maxim, "cui bono?", or "who profits?" Was there a purpose behind the persistent and systematic abuse of this unknown and almost unwanted man, entirely unimportant except for the crimes with which he was charged, if any American can be legally unimportant?

Among the first assurances that flowed from Dallas after Oswald's apprehension—the first and most reemphasized one was his guilt—was the assurance that he was enjoying all legal rights. When the composition of the Commission was announced, with the Chief Justice as Chairman and the membership including prominent lawyers, outstanding Members of the Congress, and a staff headed by a former Solicitor General of the United States, it was assumed that, in the remote event Oswald's rights had been denied or even limited, the Commission would so state and place the blame.

With the appearance of the Report, the news media again assured us this had been exhaustively examined and all fundamental American rights had been both allowed and enjoyed.

The most careful analysis of the Report shows that this statement is untrue.

At almost every step and in almost every way, with the pretense of legality always emphasized, Lee Harvey Oswald was, as a practical matter, either denied or prevented from exercising his rights. In the Report itself the question is barely touched upon.

In a casual, superficial manner, it is suggested in the "Summary," in a brief paragraph. It is avoided in a subsection entitled "Oswald's Legal Rights," part of the Fifth Chapter, "Detention and Death of Oswald" (R196-242). This subsection is *one* of the 900 pages in the Report.

The Report at no point states what Oswald's legal rights were nor how or whether they were observed. Nowhere does the Commission face this basic issue. It is basic because it is the substance of America and it is basic because it is essential to any effort really to learn what

*did* happen and *who* really did *what* in Dallas November 22, 1963. Without examining those terrible events in this way, they could not be truly examined and the question of conspiracy could never be answered.

The sorriest spectacle of all was the shameful pretense that before the Commission Oswald's interests would be diligently guarded by outstanding lawyers. Perhaps, as lawyers say, the question was "moot" with Oswald's death. In that case, there should have been no pretense that his name, at least, was being afforded safeguards.

Ours is an adversary legal system. The accused is presumed innocent until convicted. The facts are aired publicly, with the freely selected representative of the accused given full opportunity to question them, to prevent illegal methods and tactics, to examine witnesses not as the prosecutor wants but as the interests of his client demand. In this manner is the presumed truth presented to a jury. The court is not by design a partisan, and it is not the function of the court to safeguard the interests of the prosecution alone. With Oswald's murder he was, of course, denied his day in court. But also with his murder there ended the guarantee of an adversary proceeding in which the prosecutor would have every allegation scrutinized and rebutted if possible.

The Commission decided it could not or would not conduct an adversary proceeding, and in making this decision, it was on solid ground with all the law behind it. Congressional investigations, for example, also are not adversary proceedings. But they are surrounded by many safeguards, including public proceedings except in narrowly defined areas. Step by step they are subject to examination by at least the public and the press. The Commission decided to conduct its business in secret except where those it was hearing desired otherwise. Hence, almost all its hearings were secret. Those it was hearing found their interests best served by no publicity.

But this did not mean that the Commission should adopt a partisan attitude and conduct its inquiry in the manner of a prosecutor preparing a case as it is clearly evident from its own Report it did.

In its widely publicized "Conclusions" that, together with its "Summary," constitute the first chapter and formed the basis for most of the publicity when the Report was issued, the Commission found it necessary to reach no conclusions

with respect to Oswald's legal rights as such. But in its conclusions concerning his interrogations and detention, it did nibble a bit at the edges, saying, "Except for the force required to effect his arrest, Oswald was not subjected to any physical coercion by any law enforcement officials. He was advised that he could not be compelled to give any information and that any statements made by him might be used against him in court. He was advised of his right to counsel. He was given the opportunity to obtain counsel of his own choice and was offered the legal assistance of the Dallas Bar Association, which he rejected at that time." In two subsequent paragraphs, the Commission found that the presence of media representatives as he was taken to and from the interrogations subjected him to "harrassment and (was) not conducive to orderly interrogation or the protection of the rights of the prisoner" and that "numerous statements, sometimes erroneous, made to the press by local law enforcement officials . . . would have presented serious difficulties to the obtaining of a fair trial for Oswald" (R20).

Even this is in the context of an inferred apology for the police because of the "confusion and disorder in the police station." An interest in precision would suggest the rephrasing of the comment on the campaign of misinformation waged by public authority in Dallas to "sometimes *not* erroneous."

Having stated the Commission's only relevant conclusions, let us see what the appropriate chapter, in which there are no conclusions, discloses. After a brief physical description of the layout of the third floor of the Dallas Police and Courts Building, containing police headquarters, the Report presents a chronology of the things that happened to Oswald. He was interrogated for a total of 12 hours beginning after 2:15 p.m. November 22, 1963. The first session ended at 4:05, when Oswald was taken to a lineup. While waiting for the lineup to begin at 4:20, he was searched for the first time, two and a half hours after his arrest. Then further questioning, broken by a second lineup at 6:20, which lasted 15 minutes and was followed by further interrogation, with arraignment on the charge of killing Officer J. D. Tippit at 7:10. Immediately he was taken to the third lineup and was returned to the homicide office at 7:40. After about an hour of further questioning, he was fingerprinted and a paraffin test (which the Com-

mission believes is meaningless) was made. Questioning continued and at 11:26 Captain Fritz signed a complaint charging Oswald with the assassination of the President. Shortly after midnight, there was Oswald's only "press conference." It was terminated the moment he began to talk. According to what is clear elsewhere, it was permitted for two reasons only: To butter the press for Chief Curry and to show that Oswald was not being beaten up.

Here the Report says that Oswald was placed in maximum security at 12:20 a.m. and later was formally arraigned for the murder of the President. Elsewhere in the supplementary volumes it is revealed that in the careful written record made of Oswald's movements, *there is a 35-minute period during this interval that is not accounted for.*

Nothing apparently happened to Oswald before 10:25 a.m. Saturday, November 23, when he was again questioned, until a little after 1:00, with an hour in his cell during this period. He was allowed to be with his family for the first time (they had been denied permission to see him the day before) for about 20 minutes beginning about 1:10. At 1:40 "he attempted to call an attorney in New York" and he appeared in another lineup at 2:15. At 2:45 "with Oswald's consent," the police took fingernail scrapings and hair specimens. At 3:30 he had 10 minutes with his brother Robert. Between 4:00 and 4:30, he twice placed phone calls to Mrs. Ruth Paine. At 5:30 he spent 5 minutes with the president of the Dallas Bar Association. From 6:00 to 7:15 he was again interrogated, and at 8:00 he again called the Paine residence to speak to his wife "but Mrs. Paine told him that his wife was no longer there."

Presumably nothing else of note occurred until 9:30 a.m. Sunday, when he was again interrogated, until 11:15. He was murdered at 11:21. And in these few dry words the last two days of his life are telescoped. Dull, matter-of-fact, these words impart none of the feelings of this man, innocent or guilty, that first day, entirely alone, charged with a terrible crime, without a single free minute recorded until 20 minutes after midnight at the earliest. Or how he felt having no access to his family the first day and suddenly being told the night of the second by Mrs. Paine "his wife was no longer there."

With this arid recitation of statistics, the Report leads

to "Interrogation Sessions" (R199), a one-page subsection that is composed of rhetoric and expressions of sympathy for overworked Captain Will Fritz and his troubles. This, despite the promise in Chapter IV (R180), "A full discussion of Oswald's detention and interrogation is presented in Chapter V of this Report." Of the vast amount that should have been learned from the kind of examination the Commission could and should have made of Oswald's interrogations, there is nothing at all here, except the opinion of some present that he remained calm and refused to answer some questions and the breakdown of the times of the interrogation sessions: 7 hours Friday, "only 3 hours" Saturday, and less than 2 hours Sunday. In a different context, these are fascinating statistics, for the reason given by the police for delaying the unnecessary transfer that led to his murder was that they had not completed the interrogation. Also interesting in a different context than that in which it is presented are these concluding words of this section, quoted from Chief Jesse Curry in extenuation of the problems of the police: "We were violating every principle of interrogation . . . it was just against all principles of good interrogation practice."

### *Right to Counsel of Choice*

With this unintentionally appropriate introduction, the Report is up to "Oswald's Legal Rights" (R200). Here it says Oswald was not subject to physical hardship while in custody, although it would seem certain that, had he ever been tried, his lawyer would have found a different interpretation for the first-day schedule that left him not a moment for thought. Referring to Oswald's complaint to newsmen "demanding his 'civil rights,'" the Report alleges "Oswald did not complain to any of the numerous police officers. . . ." But in making this demand that the Report deprecates with quotation marks, Oswald was protesting. This was his only "press conference" and he used it. In any event, the statement in the Report is false. Oswald complained to the police, the FBI and the Secret Service in private and in public at the lineups.

"Before the first questioning session Friday afternoon, Fritz warned Oswald that he was not compelled to make any statement and that statements he did make could be used against him," the Report informs us. Without doubt,

Captain Fritz did exactly that. Only he neglected to so state in his own unsigned and undated statement appearing in the Appendix about 400 pages later (R599-611). And on each of the occasions he was arraigned, without doubt, as the Report declares, Oswald was advised of his rights to counsel and silence.

Nonetheless, the Report is constrained to admit that "Throughout the period of detention, however, Oswald was not represented by counsel. At the Friday midnight press conference . . . he made the following remarks: 'Well, I was questioned by Judge (Justice of the Peace) Johnston. However, I protested at that time that I was not allowed legal representation during that very short and sweet hearing. I really don't know what the situation is about. Nobody has told me anything except that I am accused of, of murdering a policeman. I know nothing more than that and I do request someone to come forward to give me legal assistance.' 'Q. Did you kill the President?' 'A. No. I have not been charged with that. In fact nobody has said that to me yet. The first thing I heard about it was when the newspaper reporters in the hall asked me that question.'"

The Report washes its hands of "Oswald's Legal Rights" with the following excerpt, which is fully one-third of the entire space given the subject:

"On Friday evening, representatives of the American Civil Liberties Union visited the police department to determine whether Oswald was being deprived of counsel. They were assured by police officials and Justice of the Peace Johnston that Oswald had been informed of his rights and was being allowed to seek a lawyer. On Saturday Oswald attempted several times to reach John Abt, a New York lawyer, by telephone, but with no success. In the afternoon, he called Ruth Paine and asked her to try to reach Abt for him, but she too failed. Later, in the afternoon, H. Louis Nichols, president of the Dallas Bar Association, visited Oswald in his cell and asked him whether he wanted the association to obtain a lawyer for him. Oswald declined the offer, stating a first preference for Abt and a second preference for a lawyer from the American Civil Liberties Union. As late as Sunday morning, according to Postal Inspector

Harry D. Holmes, Oswald said that he preferred to get his own lawyer.”

In short, the Report, which has avoided defining civil rights, said that Oswald had his because he was not abused physically, was told he could keep his mouth shut, and was permitted to seek a lawyer of his own choice. It may be true that Oswald was not physically abused, although the Commission received graphic contrary testimony from witnesses who had no reason to lie, such as the cashier of the Texas Theatre and a patron. And without doubt, he was “fed and allowed to rest,” even though the Report has persuasively demonstrated the first day would have to be considered an exception. But this and telling him he did not have to talk while at the same time keeping after him to talk, as happened repeatedly when he declined to talk, and telling him he could seek a lawyer from half the width of the country while not giving him time to get to a phone, do not exhaust the civil rights, with or without question marks, he should have been able to expect.

Note the extreme care with which the quoted paragraph above was drafted. “On Saturday Oswald attempted several times to reach John Abt.” Why no mention of Friday? He made this demand immediately. The Report’s own account of the treadmill on which the police kept their prisoner did not permit such an effort. The interrogation reports printed as Appendix XI (R598-636), contain no statement that Oswald was, in fact, allowed to or even told he could. All except one make it clear this offer was not made to Oswald until Saturday. The one exception is ambiguous. It is Captain Fritz, the man in charge, who wrote, “Oswald asked if he could have an attorney and I told him he could have any attorney he liked, and that the telephone would be available to him up in the jail and he could call anyone he wished, I believe it was during this (first) interview that he first expressed a desire to call Mr. Abt, an attorney in New York” (R602).

The first time Oswald was “up in the jail” was 12:20 a.m. Dallas time, 1:20 a.m. New York time, and then he was in “maximum security.” In the few moments he had with the press, as soon as he started to talk he was withdrawn. Even though what he said was inaudible to most present, he had demanded a lawyer. And from the first he had asked for a Civil Liberties Union lawyer if Abt was unavailable.



If, as would seem from the Report's chronology, Oswald had no opportunity to seek his lawyer Friday, what about Saturday? John Abt testified April 17, 1964. He was questioned by General Counsel J. Lee Rankin. Abt and his wife had left New York Friday evening for a weekend in their cabin in the Connecticut woods. They were reached by the press Saturday and reported having heard nothing from Oswald or from anyone on his behalf. But Abt told the press that "if I were requested to represent him, I felt it would be probably difficult if not impossible for me to do so because of my commitments to other clients." Abt also said he never had any communication, directly or indirectly, from Oswald, of whom he had never previously heard (10H116).

There is no indication Oswald was ever informed of the unavailability of his first choice and every indication that he still did not know at the time of his death, for the interrogation reports are consistent in representing his continuing request for Abt. Referring to Saturday interrogations, Fritz's statement reads, "He (Oswald) said he didn't have money to pay for a phone call to Mr. Abt. I told him to call 'collect.'" With \$170.00 at the Paines' and with almost \$14.00 in cash on him at the time of his arrest, this seems odd (R606).

Secret Service Inspector Thomas J. Kelley, in his report of the Saturday morning interrogation, quoted Oswald as saying "if he could not get Abt then he would hope the Civil Liberties Union would give him an attorney to represent him." The next line of his report reads, "At that point Captain Fritz terminated the interview at about 11:30 a.m., 11/23/63" (R627).

The version of FBI Agent James W. Bookhout was "Captain Fritz advised Oswald that arrangements would be immediately made whereby he could call Attorney Abt." This indicates they had not been made the previous day. This is from Bookhout's report on the Saturday interrogations. It makes no reference to Oswald's second choice (R623).

Oswald's legal rights were, however, of concern to a number of people, including some in the Dallas area. Both the Civil Liberties Union and the Bar Association did something, in that order. Gregory Lee Olds, a weekly newspaper editor and president of the Dallas Civil Liberties Union, testified about this (7H322-5). By Friday night

they began to feel a concern over Oswald's legal rights "having heard him directly quoted as saying he had not been given the opportunity to have counsel. . . ." Olds called the police department "and finally talked to Captain Will Fritz. . . ." Fritz said that Oswald "had been given the opportunity and declined." Questioned about the exact meaning, Olds told the Commission, "what I was told, that he had been given the opportunity and had not made any requests."

After consultation, Olds and the board members decided to "go down and see about it at the police department, in person, to get further assurances . . ." (7H323). Olds said it was not just a question of Oswald's being told he could have counsel. On arrival at the police station, Olds continued, they "conferred with Captain King" who he thought was "assistant to the chief of police. . . . This was shortly after 11:35 or 11:40 . . . and we told Captain King what we were there for, and he said, *he assured us that Oswald had not made any requests for counsel.*" Two of the others in the delegation then sought out Justice of the Peace Johnston before whom Oswald was arraigned, "and he also assured us . . . *Oswald had declined counsel*" (7H323). The delegation "felt fairly well satisfied that Oswald had not been deprived of his rights" so they broke up (7H324). Olds has since "been sorry that we didn't talk with Oswald because it was not clear whether we would be permitted to see him that night or not" (7H325).

H. Louis Nichols, president of the Dallas Bar Association, had also been questioned about Oswald's rights "during a critical time after his arrest." He contacted the District Attorney who "advised me that so far as he knew, Oswald was not then represented by an attorney, nor had he made any demand or request that an attorney be appointed to represent him or made available to him." Nichols said a captain "who is an administrative assistant to the Chief of Police . . . advised me that as far as he knew, Oswald was not then represented by an attorney, and that he had made no request of the police that an attorney be made available to him or that he be permitted to call an attorney." This was Saturday afternoon. At about 5:00 or 5:30, Nichols went to the jail and saw Oswald. Oswald said he wanted to be represented by Abt and, if he could not get him, by a lawyer from the Civil Liberties Union (20H685-6).

The language of the Report (R200-1) does not reflect the Commission's knowledge about Oswald's denial of counsel of his choice. His lawyer of preference was not available, he was known to be unavailable, Oswald was not so informed, and when his second preference, the Civil Liberties Union men, both inquired and appeared, they were lied to by Dallas public authority. "Cui bono?"

### *The Interrogations*

The interrogations themselves involved a question of Oswald's rights. There was no transcript of any kind. The Commission accepted Captain Fritz's explanation that the small size of his office and the lack of a recording machine assigned to him precluded having a transcript (4H232). The Report raises no question of his ability to rent or borrow one, including from the federal police agencies in Dallas, privately or commercially. On the size of the Captain's office, which he gave at 133 square feet, there are several lines of unasked questions. If, in fact, it was too small, were there not other and undoubtedly better places in which the interrogations could have been held, especially in view of the chaos from virtually unrestricted access to the building? For example, the jail cell, where security and privacy were certainly unexcelled. But even in Fritz's own part of the building, the third floor, there were a number of larger and more private areas that should have been available. With a different purpose in mind, the Report prints Exhibit 2175 on page 197. This is the plan of the third, Fritz's, floor. There are at least five much larger offices, the assignment of which is not indicated. While we cannot assume that the Dallas police department can afford the luxury of so much unused premium space, we also cannot assume that the assassination of the President is a normal event. Because these are not the offices of the top officials, whose locations are indicated, was it not possible that, for such an important case, the space could have been available to the homicide bureau?

And if all else failed, why not use the "conference room," about twice the size of Fritz's office?

But Fritz's office, even if crowded, permitted both the use of a tape recorder, which would have provided no problem if anybody really wanted it, and even a stenog-

rapher. Sitting in on these interrogations with Fritz were up to two FBI and two Secret Service men at a time, a postal inspector and up to four detectives who, by their own statements, did not participate in the interrogations. Inspector H. D. Holmes also pointed this out in the first paragraph of his statement (R633), where he said the detectives were merely guarding Oswald and were not interrogating. Oswald was handcuffed and, by Captain Fritz's word, gave no trouble. Even if he did, the Captain's office had but one entrance. The police could not have been afraid of Oswald, for they did not search him until more than two hours after his arrest. Is it not then possible that one of the detectives could have been exchanged for a police stenographer?

Oswald had been told anything he said might be used against him in court. How? There was no stenographic transcript and no tape recording. The Report even asserts that Captain Fritz "kept no notes" (R180). This is not what Inspector Holmes recorded in quoting Oswald directly in a complaint about repetitious questioning: "You took notes, just read them for yourself if you want to refresh your memory" (R636). And even Captain Fritz said he had "rough notes" (R611).

What, then, were the police going to use against Oswald in court? There remain only their reports and their recollections. These reports hardly reflect 12 hours of questioning, but it is worth examining what the various authors recorded on a few of the more important points that would have been at issue.

The important bag, in which Oswald was alleged to have taken the rifle into the Depository Building: Not a single reference.

Oswald's statement of where he usually worked: Fritz said "usually on the second floor" (R600); FBI Agent Bookhout said "first floor" (R619).

Where Oswald said he ate lunch: Fritz, "he said that he was having his lunch about that time (of the first shot) on the first floor" (R600); Fritz, ". . . he said he ate lunch with some of the colored boys who worked with him. One of them was called 'Junior' and the other was a little short man whose name he didn't know" (no reference to what floor) (R605); Bookhout and Hosty, without reference to companions, "On the first floor in the lunch room," where, certainly, Oswald knew it was not located (R613); Book-

hout, "he took this coke down to the first floor and stood around and had his lunch in the employees' lunch room" (R619); Bookhout, "He had eaten lunch in the lunch room . . . alone, but recalled possibly two Negro employees walking through the room during this period. He stated possibly one of these employees was called 'Junior' and the other was a short individual whose name he could not recall but whom he would be able to recognize" (R622); Kelley, "He said he ate lunch with the colored boys who worked with him . . ." (R626); and Holmes, "When asked as to his whereabouts at the time of the shooting, he stated that when lunch time came, and he didn't say which floor he was on, he said one of the Negro employees invited him to eat lunch with him and he stated 'You go on down and send the elevator back up and I will join you in a few minutes.' Before he could do whatever he was doing, he stated, the commotion surrounding the assassination took place and when he went downstairs . . ." (R636).

What Oswald did back at his roominghouse: Fritz, "changed his trousers and got his pistol and went to the picture show" (R601); Fritz, "changed both his shirt and trousers" (R604); Bookhout and Hosty, no mention (R612-3); Bookhout, no mention (R619-20); Bookhout, "changed his shirt and trousers because they were dirty . . . reddish-brown, long-sleeved shirt with a button-down collar and gray colored trousers" (R622); Kelley, "changed his trousers and shirt, put his shirt in a drawer. This was a red shirt" (R626); Holmes, no mention (R633-6).

The row with Hosty: (This incident does, at least, show Oswald was not without courage. He was all alone with not only the young army of homicide detectives led by the chief, but surrounded by hordes of police and both FBI and Secret Service agents. It occurred in the first interrogation. Hosty had been introduced because of FBI Dallas Bureau Chief Shanklin's urgent call to Fritz. Hosty was the "Oswald expert.").

Fritz, "became very upset and arrogant with Agent Hosty when he questioned him and accused him of *accosting* his wife two different times. When Agent Hosty attempted to talk to this man, he would hit his fist on the desk. (This is something none of the others refer to at all, and it would seem unusual for a handcuffed man to strike the desk each time with only a single fist.) I asked Oswald what he meant by accosting his wife when he was talking

to Mr. Hosty. He said Mr. Hosty mistreated his wife two different times when he talked to her, practically *accosting* her" (R601).

Hosty and Bookhout, "Oswald at this time adopted a very violent attitude toward the FBI and *both Agents* and made many uncomplimentary remarks about the FBI" (R612); Bookhout, "felt his wife was intimidated" (R623); FBI Agent Manning C. Clements, no mention (R614-8); Bookhout alone, same date, no mention (R619-20); Kelley, "He said that in the past three weeks when the FBI talked to his wife they were abusive and impolite; that they had frightened his wife . . ." (R627).

With his first appearance, in the first interrogation, Hosty, the FBI's "Oswald expert," participating at the urgent intervention of Shanklin, also made his last. It is, perhaps, significant that quietly he was later disciplined and transferred, although there is no reason to believe this had any connection with his interrogations of Marina on November 1 and 5, 1963.

Buckhout was questioned by the Commission about what Oswald had said (7H308-18). Asked if Oswald said "anything specifically regarding the FBI?" Bookhout said merely, "Yes." Asked what this was, Bookhout said, "He accused the FBI of, generally, unfair tactics in interviewing his wife on some previous occasions." But when questioning indicated the truth was known, Bookhout interrupted this question, "Was this directed specifically at either you or Hosty, or to the general—" to admit "It was directed against Hosty" (7H310).

Oswald's political beliefs: Fritz, "he had none" (R601); "I asked him if he belonged to the Communist Party, but he said he had *never had a card*" (R605); "Marxist but not a Leninist-Marxist" (R605); Hosty and Bookhout, no mention (R612-3); Clements, no mention (R614-8); Bookhout, no mention in report on November 22, 1963, interrogation (R619-20), but on November 23 interrogation, "Oswald denied that he is a member of the Communist Party" (R622); Kelley, "he denied . . ." (R626); "I am a Marxist but not a Marxist-Leninist" (R629); Holmes, "he himself was a pure Marxist" while "a communist is a Lenin-Marxist" (R635).

On membership in the American Civil Liberties Union: Fritz, "he belonged . . . and paid \$5.00 dues" (R605-6). None of the others refer to this except Holmes, who said

“he had made some effort to join but it was never made clear whether he had or had not been accepted” (R634).

His purchase of the pistol: Fritz, “he had bought it several months before in Ft. Worth, Texas” (R606); Bookhout, “He declined to state where he had purchased it” (R623), vs. Bookhout, “. . . has never ordered any guns (as distinguished from rifles)” (R622). The others made no appropriate references.

His attitude toward President Kennedy: Fritz, “he didn’t have any views” (R607); Kelley, “I am not a malcontent; nothing irritated me about the President” (R627).

How he registered at the roominghouse under the name of O. H. Lee: Fritz, “I asked him why he did this. He said the landlady did it. She didn’t understand his name correctly” (R602); Hosty and Bookhout, “He further admitted that he was living at 1026 N. Beckley, Dallas, Texas, under the name of O. H. Lee” (R612).

The Report does indicate that a similar inaccurate registration of Oswald in Mexico was likely from such a confusion of all given names (R730, 733).

Captain Fritz’s report bears no reference to the questioning of Oswald about the shooting of the President. Oswald himself had told the newsmen, “Nobody has told me anything except that I am accused of murdering a policeman. I know nothing more than that . . .” (R200-1). Hosty and Bookhout reported, “Oswald frantically denied shooting Dallas police officer Tippit or shooting President John F. Kennedy” (R613). Bookhout alone additionally reported Oswald’s denial of shooting the President in his report covering Saturday’s interrogation (R624).

There are reasons for believing that Oswald did not talk to the police completely voluntarily. From the police reports he appears to have talked without inhibition about himself and consistently to have refused to talk about anything that might have tended to connect him with crimes, although he is also quoted as having been provoked into touching on this aspect. This might have assumed significant meaning in a court of law, especially when considered with the complete lack of any kind of transcription of what actually was asked and said and even more in the light of the real story about his lack of counsel.

The first such occasion is in Captain Fritz’s report. It deals with Oswald’s claim that the one of the two photographs the police said they found in the Paine garage, show-

ing Oswald with a rifle, pistol and some literature, was a fake. He told Fritz that "in time, he would be able to show that it was not his picture . . . At this time he said that *he did not want to answer any more questions . . .*" (R609).

FBI Agent Manning C. Clements, on November 22, 1963, described the representation he made to Oswald as "to furnish descriptive and biographical data." He got four typewritten pages of it. But by his own report, Clements switched to other questions, pursuant to which Oswald "stated he thought perhaps interview to obtain descriptive information was too prolonged, that *he had declined to be interviewed by any other officers previously, and did not desire to be interviewed by this agent*" (R614).

Bookhout referred to Oswald's refusal to take a polygraph test, saying "Oswald stated that he would not agree to take a polygraph examination without the advice of counsel" (R622).

The version of the picture incident by Bookhout is this, "Oswald stated he would not discuss this photograph without advice of an attorney" (R625).

Oswald "had no intention of answering any questions concerning any shooting . . . he would not answer any questions until he had been given counsel," according to Inspector Kelley's first report (R627).

What were the police going to use against Oswald? Certainly not these statements. And what a field day defense counsel would have had confronting prosecution witnesses with these statements. These are witnesses the Commission believed. But it called Oswald a liar at least six times (R20, 118, 130, 180, 182, 185) based on these statements. If Oswald was a liar, what of these witnesses? One of the eight classifications "evaluated" in determining Oswald's guilt was "(6) the lies told to the police" (R118). Of his statements during these interrogations, "While Oswald's untrue statements during interrogation were not considered items of positive value by the Commission, they had probative value in deciding the weight to be given his denials . . . (Because) independent evidence revealed that Oswald repeatedly and blatantly lied to the police, the Commission gave little weight to his denials of guilt" (R180).

As an example of one of the Oswald "lies," it is worth noting that his account of what he did during lunch hour, if one version by FBI Agent Bookhout is believed, is supported by the testimony of the Negro employees. Bookhout



and Hosty placed this "on the first floor" (R613), and Bookhout alone said Oswald "recalled possibly two Negro employees walking through the room during this period. He stated possibly one of these employees was called 'Junior' . . ." (R622). "Junior" Jarman so testified. And had Oswald been anywhere but on the first floor, he would have had no way of knowing this.

There are other contradictions between the written statements of the participants, and conflicts between their written statements and testimonies. There is also a provocative fact included on which all versions are in accord but of which the text of the Report says nothing. This had to do with Oswald's assertion he had seen another rifle in the building and that Truly and other employees had examined it (R601, 612). Other testimony showed this incident actually did happen. Warren Caster had purchased two rifles, a .22 for his son and what is described as "a 30.06 sporterized Mauser" for himself. This was a few days before the assassination. His rifle was at home the day of the assassination, according to Caster (7H386). What is surprising is that the Report completely ignores this incident in its text, especially because the Caster rifle is of the same make that so many, if not all, of the first reports of the found rifle said it was. Mention of this additional rifle escaped notice in the press until after the reaction of the FBI to the mild criticism the Report addressed to it. This was one of the few provocative things that had never been leaked to the press. The Washington Evening Star, which enjoys excellent relations with the FBI, had an unattributed box inserted in the statement of J. Edgar Hoover referring to these two additional Texas School Book Depository rifles.

Some of the participants refer to things others never mention. Inspector Kelley said he and Secret Service agents were present "as observers" (R626), although he and others elsewhere refer to his participation in the interrogation (R607, 627, 630).

Oswald's last moments before he was taken on the "abortive transfer" that led to his murder are thus described by Inspector Holmes alone, ". . . Chief of Police Curry came into the room and discussed something in an inaudible undertone with Captain Fritz, apparently for the purpose of not letting Oswald hear what was being said. I have no idea what this conversation was. . . ."

Almost but not quite entirely suppressed is this incident, mentioned in the interrogation reports by Kelley alone, ". . . he asked me whether I was an FBI agent and I said that I was not that I was a member of the Secret Service. He said when he was standing in front of the Textbook Building and about to leave it, a young crew-cut man rushed up to him and said he was from the Secret Service, showed a book of identification, and asked him where the phone was. Oswald said he pointed toward the pay phone in the building and that he saw the man actually go to the phone before he left." (R629)

Newsmen talk of an incident reminiscent of this behavior in which an unnamed FBI man went charging into Parkland Hospital intent upon his duty and without identifying himself. He is said to have been knocked cold by a Secret Service agent, following which he is supposed to have shown his credentials.

There are also a few vague references in the appended 26 volumes to a similar incident at the hospital. Secret Service Agent Andrew E. Berger reported on November 30, 1963, "I assumed a post in the entrance of the emergency room . . . with SA Johnsen . . . Shortly thereafter FBI Agent Vincent E. Drain, commission book #5067, Dallas office arrived at the room entrance. He showed me his credentials and said he had received a telephone call from Director Hoover telling him to make himself available to us. This information was conveyed to ASAIC Kellerman. When I inquired of Agent Drain who the unidentified male was who accompanied him, he replied that he was a doctor friend of his. The agent and unidentified male then proceeded to the end of the hall. Approximately 5 minutes subsequent to the visit of Agent Drain a unidentified CIA Agent, after showing his credentials said that he would be available. At approximately 1:30 p.m., the Chief Supervising Nurse, a Mrs. Nelson started to enter the emergency room with an unidentified male (WM, 45 yrs, 6'2" 185-190 lbs, grey hair). As the reporting agent and SA Johnsen started to ask his identity he shouted he was FBI. Just as we began to ask for his credentials he abruptly attempted to enter the emergency room and had to be forcibly restrained by us. ASAIC Kellerman then appeared and asked this individual to go to the end of the hall." (18H795)

In a companion statement of the same date, SA Richard E. Johnsen placed himself with Berger ". . . when Chief

Nurse Nelson entered the President's room. She was followed by an unidentified man (WM, 40-45 yrs, 6'2", 185 lbs, grey hair). When SA Berger and I stopped him he said, 'F.B.I.,' and made a determined effort to enter the President's room. We stopped him and asked for his credentials. He again tried to forcibly enter the President's room and had to be restrained. After he had been subdued he produced his F.B.I. credentials. At this time ASAIC Kellerman appeared and asked the F.B.I. agent to go to the end of the hall. Congressman Olin E. Teague (D-Texas) witnessed this incident. SA Berger was assured by the Congressman that the F.B.I. man had not attempted to produce any identification and appeared to be *determined* to enter the President's room. He stated that if there were any inquiries that he would be more than glad to give a statement in our Service's behalf. Nurse Nelson was interviewed by SA Berger in my presence. She stated that the F.B.I. agent had showed her no identification" (18H798-9).

None of this appears in the Report. No one of these people was called as a witness, except Nurse Nelson. None, including the nurse, is even mentioned in the Report. When Mrs. Nelson appeared as a witness, she was not asked about this incident (6H143-7). And what was an agent of the CIA, which has no internal functions, doing there at all, and especially so fast?

There is another item by Inspector Kelley alone. It is exceedingly important. It was completely ignored when the Commission called him on June 4, 1964. His testimony was carefully restricted. He was asked *nothing* about the interrogations, and especially was this reflection of his mind avoided. He was asked about the White House automobiles and about reconstructions of the crime. In this testimony Kelley declared that from the area of the Triple-Overpass the President was never at any time obstructed by the windshield from a potential assassin in that area, but that, based on what he had been told of the President's non-fatal wound, with what the Report calls the "neck" injury as high as it was, the overpass could not have been the source of that shot. He was using Exhibit 386, the "artist's conception," as identification of the location of the wounds (5H129-34, 175-6).

In the ignored statement, Inspector Kelley shows that the lack of counsel to advise Oswald effectively closed his mouth. Oswald had made clear he would not talk about

the crimes, if about anything, depending upon which police version is believed, until he had counsel. No counsel, no talk. It was that simple. And once he had counsel, then he would be guided by his counsel's advice, and either Oswald or the lawyer would talk to the Secret Service:

"I approached Oswald then and, out of the hearing of the others except, perhaps one of Captain Fritz's men, said that, as a Secret Service agent, we are anxious to talk with him as soon as he had secured counsel; that we were responsible for the safety of the President; that the Dallas police had charged him with the assassination of the President but that he had denied it; we were therefore very anxious to talk with him to make certain that the correct story was developing as it related to the assassination. He said that he would be glad to discuss this proposition with his attorney and that after he talked to one, we could either discuss it with him or discuss it with his attorney, if the attorney thought it was the wise thing to do, but that at the present time he had nothing more to say to me." (R630)

This was the last event in Oswald's life before he left on the "abortive transfer" and death. Perhaps it is symbolic of the crowded, chaotic events of those two horrible days. But imagine the scene and the significance of Inspector Kelley's drawing Oswald aside. Here we have a room so small that Captain Fritz said its size alone prevented both the keeping of any kind of transcription of the questions and answers and the proper conduct of the interrogations. But Inspector Kelley had something of a confidential nature he did not want either the police or the FBI to hear. He drew Oswald out of the hearing of the others to have a whispered private conference with the accused man!

And immediately Oswald was murdered!

### *The Lineups*

Oswald clearly believed that the police were framing him. He said so, to their faces. Contrary to the assertion of the Report that he "did not complain about his treatment to any of the numerous police officers and other per-

sons who had much to do with him during the two days of his detention" (R200), he did complain, both publicly and privately. He protested as much as could be expected of a man in his parlous environment, perhaps more than most would have had the courage to do. He was completely isolated, in the hands of a large police force which he had already accused of framing him. He had no lawyer and had no success in reaching the one of his choice. Yet he cried bloody murder about the rigged nature of the lineups which made his selection almost completely automatic. Only one of those looking at him had failed to make "identification," whether or not he knew it. This was Brennan, of whose participation in the lineups the police, by odd coincidence, had no written record, and who was earlier discussed in this book.

Captain Fritz's "rough notes and memory" apparently did not include this, for it is missing from the twelve pages of his report. But Bookhout did include one sentence in one of his reports, reading "Oswald complained of a lineup wherein he had not been granted a request to put on a jacket similar to those worn by some of the other individuals in the lineup" (R625). He said essentially the same thing in his testimony, but eliminating the word "some" (11H310).

Because the Report makes only passing reference to the lineups and represents the opposite of what Oswald did or tried to do about them, it would seem that the Commission decided that either Oswald was not being framed or that protection against frameups is not a legal right.

The methods of the police were simple and straightforward. Oswald was always in the No. 2 spot in the lineup. He was the only one in any lineup that was both bruised and cut on the face. His face was also slightly swollen. He was the only one whose clothing was described as "dirty," having been through the scuffle at the theatre and having also lived in them from the time of his apprehension. In addition, besides the matter of the jacket, which Bookhout mentioned, he was also dressed differently. All the others in the first series of lineups were police employees, neatly dressed and not in sports clothing. Almost without exception, the witnesses in subsequent testimony referred to Oswald as "Number 2." Most of them admit to having seen his picture in the papers or on TV or both prior to being taken to the lineup. Some of the few denials are suspect.

Apparently in response to Oswald's complaints, the police changed the others in the lineup, with as distinctive a touch as it employed in utilizing its own differently and neatly dressed employees. They used teenagers (2H260-1; 6H461). Even then, the identifications were far from conclusive, for some of those identifying Oswald did not even recall with accuracy the number of men in the lineups. One of the most important witnesses gave three different versions: four, five and six (2H253-62; 6H428-34).

In identifying Oswald at the scene of the Tippit killing, the Commission drew upon the same witnesses utilized by the police. By far the most important of these was Mrs. Helen Markham, who will be discussed separately. Of her and her condition at the time she identified Oswald for the police, Captain Fritz said his men "were about to send her to the hospital or something" and they had to give her ammonia to revive her, hence his anxiety to get that lineup under way (4H212). Charlie Virginia Davis, as she is called by the Commission, although her name was not "Charlie," is used to describe how Oswald emptied his pistol for the second time as he passed her home and carefully left the empty shells for her to find. She said of the four men in the lineup, "and these five boys, or men, walked up on platform, and he was Number 2." When asked "Who was Number 2?" her immediate reply was, "The boy that shot Tippit." She had not seen the shooting, for she had been lying in bed in her living room. Although she said she was certain of her identification of Oswald in the lineup, when she saw him on television, she said, "I wouldn't say for sure." But of the man in the lineup, "I would say that was him for sure" (6H463). Mrs. Barbara Jeanette Davis, her sister or sister-in-law, on which the record is unclear and she may actually be both, was asked if the "Number 2" she picked out in the lineup was wearing the same clothing he had worn at the time she saw him leaving the scene of the Tippit killing, and said "all except he didn't have a black coat on when I saw him in the lineup." She was the only person to say the Tippit killer was wearing a coat and the only person to say his garment was black (3H346-7). But she had told Patrolman Poe at the scene of the killing that the killer had been wearing "a white jacket" (R175).

Another lineup witness at the scene of the Tippit killing was William Scoggins, a cabdriver. He was taken to a line-

up the day following the killing, "along about dinner time," actually after 2 p.m. Asked about the identification at the lineup, he said, "I identified the one we are talking about, Oswald. I identified him." Assistant Counsel David W. Belin said, "You didn't know his name as Oswald at that time, did you, or did you not?" Scoggins replied, "Yes, the next day I did. But of course I didn't know what his name was the day that I picked him out." Having asked us to believe that in the 24 hours he had not seen a newspaper or television, although the Commission was careful not to ask him if he had on Friday night, Scoggins nonetheless admitted. "I think I saw one (picture) in the morning papers," before the lineup (3H334).

There were only two witnesses to the Tippit killing. The second was the only one that was close to it, perhaps as close as 15 feet and not over 25 feet. He is the only one to give a meaningful description, with distinguishing characteristics. Domingo Benavides was in his garage truck on the opposite side of the street (6H444-54). He described a man so much like Belin that the counsel felt constrained to say, "I might say for the record, that I was not in Dallas on November 22, 1963," and at another point, "I was flying from St. Louis to Des Moines, Iowa, at about this time." There was as little humor in what happened to Benavides as there was in the events to which he testified. He was a more-than-willing witness, anxious to help, but some of his distinguishing characteristics, such as the complexion and "curly" hair, ruled Oswald out. He was not taken to the lineup. The Report's explanation is "he did not think he could identify the man who fired the shots. As a result, they did not take him to the police station" (R166). The truth is that Benavides was under the impression that he had to guarantee in advance that he could or would make positive identification. As he said, "I wasn't going to say I could identify and go down and couldn't have" (6H452). In addition, who ever heard of the police exercising such delicacy about the wishes of witnesses? There was no questioning in the hearing about the significance of the above quotation. The Report imputes no error to the police.

Of utmost importance to the Commission once it determined it had to prove *all* of Oswald's movements following the assassination (actually, it proved almost none) was William Wayne Whaley, the cabdriver. He was regarded

as of sufficient importance to be one of the relatively few selected to appear before the Commission itself (2H253-62; 292-4). His appearance was a disaster to the case against Oswald of a magnitude exceeded by few things except his subsequent deposition (6H428-34).

After seeing Oswald's photograph in the papers, Whaley told his superior in the cab company this man had been a passenger the day before. This appears to have been the means by which the police became interested in him. Although Whaley himself had said he saw Oswald's picture in the papers, in his appearance before the Commission, Assistant Counsel Joseph A. Ball asked, "Before they brought you down, did they show you a picture?" If this question had any purpose, it could not have been to establish that Whaley had not seen a picture prior to his lineup identification of Oswald, for that was already a matter of record. It could have served only to supply a quotation that might indicate the absence of police chicanery in that the police did not show him a photograph. Of course, the police did not have to; he had already seen one (2H260).

At the lineup, the police "brought in six men, young teenagers . . . At that time he had on a pair of black pants and a white T-shirt, that's all he had on. But you could have picked him out without identifying him by just listening to him because he was bawling out the policemen, telling them it wasn't right to put him in line with these teenagers and all that and they asked me which one and I told them" (2H261). Further on what Oswald said, "He showed no respect for the policemen, he told them what he thought of them. They knew what they were doing and they were trying to railroad him and he wanted his lawyer." At this point Assistant Counsel Ball asked only, "Did that aid you in the identification of the man?" Whaley, of course, was not helped a bit, but someone else? "Anybody who wasn't sure could have picked out the right one just for that" (2H261).

The subsequent effort of Counsel Ball to clarify this testimony was little credit to the police and district attorney and less help to the Commission. "Now, in this police lineup, now," Ball began, "and this man was talking to the police and telling them he wanted a lawyer, and that they were trying to, you say he said they were trying to, frame him or something of that sort—" He was interrupted by Whaley who explained, "Well, the way he talked that they



were doing him an injustice by putting him out there dressed different than those others. . . ." Ball then wanted to know, "Now, did any one, any policeman who was there, say anything to him?" "Yes, sir;" Whaley replied, "Detective Sergeant Leavelle, I believe it was, told him that they had, they would get him his lawyers on the phone, that they didn't think they were doing him wrong by putting him out there dressed up" (2H294).

It is clear that Abt was available by phone to those who sought him, but was not in his office, as he testified. He was easily reached by both friends and the press. The Commission apparently did not consider this in its meditations about Oswald, the police and his lack of a lawyer. Whaley's testimony put but the unkept promise into the record. So the Commission did know.

Whaley was not finished yet. He managed to let it slip out that Oswald "was the only one that had the bruise on the head." And he also identified Oswald as having been in the No. 2 position. But in an affidavit he executed the day of the lineup he swore, "The No. 3 man, who I now know as Lee Harvey Oswald, was the man who I carried . . ." This discrepancy led to a later deposition-taking. The testimony quoted above was given to the Commission itself, not the staff without members of the Commission present, as most of the statements were given. Here Oswald's, and presumably his family's, interests were being looked out for by Walter Craig, former head of the American Bar Association. On March 12, 1964, Craig was not present. Asked if he had a statement to make following Whaley's testimony, Craig's representative, Lewis F. Powell, said, ". . . In a conversation with Mr. Rankin (Commission General Counsel) yesterday morning we agreed that rather than my asking questions directly of witnesses, I would make suggestions . . . and I have been following that practice . . ." (2H294).

The real Whaley whammy was reserved for April 8, when Assistant Counsel David W. Belin took a deposition from him in Dallas (6H422-34). There remained the conflict between Whaley's sworn statements in the identification of Oswald.

In a futile, almost ridiculous, attempt to reconcile the conflicts in his identification at the lineup, and ignoring the fact that all positions were identified by an official number, which he saw, over the heads of the four different men in

the lineup, Whaley said that, counting from right to left rather than left to right, Oswald was the third man. After attributing the "error" of two blocks in the location at which Oswald disembarked from his cab to the presence of reporters in the building (with no identification that they were anywhere near him when he executed the affidavit), Whaley administered the coup de grace to the lineups:

"I signed that statement before they carried me down to see the lineup. I signed that statement, and they carried me down to the lineup at 2:30 in the afternoon."

The transcript cannot give the tone of voice in which Belin asked him questions, but the reader should have no trouble imagining it. "You signed this affidavit *before* you saw the lineup?" he asked. Whaley's reply was, ". . . you are getting me confused."

There then was a brief exchange of questions and answers in which Whaley volunteered that "Bill Alexander from the district attorney's office was there also" and then manfully started all over again, detailing how the police wrote out what they wanted him to sign, but in this version he said the number of the man he was going to identify was left blank pending the lineup (6H430). With still another version in part of which Whaley said, "I made this statement more to Bill Alexander," intervening, Belin asked, "Now when you signed it—what I want to know is, before you went down, had they already put on there a statement that the man you saw was the Number 3 man in the lineup?"

"I don't remember. I don't remember whether it said three or two or what," Whaley responded.

"Did they have any statements on there before you went down to the lineup?" Belin wanted to know.

"I never saw what they had in there," Whaley told him. "It was all written out by hand. The statement that I saw, I think was this one, and that could be writing. I might not even seen this one yet. I signed my name because they said that is what I said" (6H431).

With a little encouragement, Whaley offered still a different version, in which he signed a blank paper, as his confused words seemed to say, "because they had to get, a stenographer typed it up." Soon he got back to saying he signed the affidavit after it was typed. But when asked by Belin, ". . . had they already put on there a statement that the man you saw was the No. 3 man in the lineup?" Whaley

again said, "I don't remember that. I don't remember whether it said two or three or what . . . I never saw what they had in there . . . I signed my name because they said that is what I said" (6H431).

When Belin again made an effort to undo the "two-three" punch Whaley had thrown at everyone involved, Whaley uttered a magnificent and appropriate understatement: "I don't want to get you mixed up and get your whole investigation mixed up through my ignorance, but a good defense attorney could take me apart . . ." (6H432).

### *Oswald's Representation Before the Commission*

Mark Lane is a lawyer and former New York public official. He was engaged by Mrs. Marguerite Oswald, the dead man's mother, "to represent the interests of her son" (2H59). Shortly after the Commission was organized, he presented it with a brief in Oswald's behalf. By the time of his appearance before the Commission on March 4, 1964, he had been informed by the Commission that it had rejected his request to be permitted to represent Oswald. The reason given by the Chairman was that "Lee Oswald left a widow. She is his legal representative. She is represented by counsel . . ." (2H57).

Charles Rhyne, another former head of the Bar Association and an assistant to Craig, asked one of the exceedingly few questions ever asked by any of these gentlemen: Did Lane want the Commission to "make an inquiry into whether his civil rights were violated . . ." (2H59). Lane replied affirmatively. Rhyne told Lane he was repeating what came from other sources, such as newspapers, in reply to which Lane alleged two other evidences: The death of the accused and the fact "that it would be impossible . . . to secure 12 jurors probably anywhere in this country" who had not already concluded that Oswald was guilty.

There were few interjections by those lawyers recognized by the Commission as representing Oswald's interests. Mostly these few have been intended to help the Commission. An example was the interjection by Charles Murray (4H19), relating to an Oswald fingerprint only, despite police handling, on the bag in which the Commission alleged the rifle had been taken into the building. Murray suggested, "Since the print on the bag may become obliterated and since Members of the Commission have already

seen it, it might be advisable to put on the record that they have seen it, because in time to come it may not be visible to anybody.”

Already quoted is the agreement not to ask questions by Lewis F. Powell, one of these counsel. If at any point a single question was directed to any of the many questionable witnesses, such as Whaley and Markham, that met the purposes served by the adversary system of our kind of justice, I have not seen it. Nor have I seen any record of their participation in the taking of depositions, the source of by far the most of the testimony.

### *Were the Searches Legal?*

Soon after Oswald's apprehension, his room at 1026 North Beckley Street was searched by the police. They obtained a search warrant, signed by Justice of the Peace Johnston, the same official before whom Oswald had been arraigned. It later turned out that J. P. Johnston, locally known as "Judge," participated in the search. This is revealed in the police radio logs, Exhibits 705 and 1974, which would seem to indicate that he is an adjunct of the police department. He responds by radio on their frequencies. This is not a suggestion that there is anything wrong or illegal under Texas law in the authority signing the search warrants being at the search. But it does seem a bit unusual.

That search was so comprehensive that a check-back on the room by four detectives the next day turned up one item: A single paperclip (7H177).

There is none of this clarity about the search of Oswald's residence (R617) in Irving; Oswald's property and possessions were in the home of Ruth Paine, where his family resided, and the FBI considered it his residence, as most people would.

At shortly after 1:20 p.m., November 22, 1963, Captain Will Fritz was given Oswald's home address with the report that he was missing from work (4H237). Captain Fritz apparently saw no urgency in doing anything about it, for he did not use the available telephones or any of the many police radios to issue instructions, nor did he order any of the many police on the spot with him to do anything about it. Instead, he remained at the Depository for a while and left for his office with Detectives R. H. Sims

and E. L. Boyd, stopping en route to visit Sheriff Bill Decker for about 15 minutes (R599). He arrived at his office about 2:15 p.m., where Oswald was in the custody of two detectives and Sergeant Gerald L. Hill. Fritz told the detectives to get a search warrant and go to the Paine residence and pick Oswald up (R179-80). With typical vagueness, in his report Fritz said only that he "instructed" unnamed "officers to make thorough searches of these places" (R603).

Oswald was already in custody. The police, however, went to the Paine home to search it. Detectives Richard S. Stovall, a plainclothesman, G. F. Rose and J. P. Adamcik, those ordered, had a problem. Stovall (7H186-95) explained it to the Commission: "Well Irving is out of our jurisdiction, actually, we had to either have the Irving police or the county officers with us" (7H188-9). Deciding on the sheriff's men, the trio had to wait 40 minutes (21H599) for the deputies, who did not know the purpose of the "mission" until told at the scene. How the police could get a search warrant, as ordered by the chief of homicide, to perform police functions where they had no jurisdiction is not indicated. Nobody had a search warrant. In the Report there is no reference to any consideration of its need or desirability. They had only to pick up the phone and ask to get one (21H603). They did not.

Stovall told Mrs. Paine they wanted to search the house but "did not have a search warrant but if she wanted us to get one we would, and she said, 'That won't be necessary'—for us to come right in, so we went into the house and started to search out the house, and the part of the house that I searched was the front bedroom where Marina Oswald was staying" (7H188).

To laymen this would seem to raise the question, could anyone else, including his wife, waive Oswald's legal rights? Obviously, Ruth Paine had no interest or need to insist upon a search warrant, especially upon the assurance of the police that it would be granted automatically. Under the circumstances, she certainly would not want to be put in the position where she might be accused of interfering with the investigation of the assassination of the President.

Stovall also makes it clear that he and not the deputies conducted the search, saying, "I don't believe there was anybody went with me. . . ." Stovall also heard Mrs. Paine suggest they look into the garage, saying it was Marina's

idea, "so they looked and they were out of my sight then." Here he again refers not to deputies but only to Detective Rose.

The list of what was taken in the search was not made until the next day, when another search was made, in the presence of FBI agents. The time of the search was then placed at 3:30 to 4:00 p.m., November 22, 1963 (7H189).

There was off-the-record discussion, which the transcript subsequently indicated was about Stovall Exhibits A-1 and A-2 (21H596-7), the inventories of what was taken both days, the 22nd and the 23rd. The concluding sentence of Exhibit A is "The above property was recovered from 2515 W. 5th, Irving, by Detectives G. F. Rose, R. S. Stovall and J. P. Adamcik. All the property has been initialled and marked for evidence by Stovall and Rose." Here again is what would appear to be proof that the search was by the police who had no jurisdiction, not the sheriffs (7H190).

The search seems to have made no distinction between Paine and Oswald property. They even took Ruth Paine's phonograph records, books and picture slides, knowing they were hers (7H190). They had to use both cars to hold what they took (7H191). The list includes a considerable amount of photographic materials, cameras, projectors, films, slides, unexposed film, etc. Among the relatively undescribed items is "small German camera and black case on chain and film," which suggests a Minox. It also lists a "Russian 35-mm. camera and brown case." Neither is the camera which Oswald allegedly set for Marina to take his picture with the rifle and pistol. That is Exhibit 751, described as "Imperial Reflex camera" (R594). There is an additional camera on this inventory, a "Sterio Realist," but there is no "Imperial Reflex." There is no questioning about this important discrepancy nor any reference to the answer, if any, elsewhere. There is no identification of any film by size except 35-mm.

Acknowledging that the photographic materials came from both the Oswald and Paine bedrooms, Stovall testified, "I'm not sure which came from which place" (7H-190). After two to two and a half hours of searching, the detectives returned to Dallas with the complete Paine and Oswald families (7H191).

Before returning to the Paine residence the next day, the same trio obtained a search warrant and were accom-

panied by Detectives Moor and McCabe of the Irving police. This time they concentrated on the garage, with the Paines pointing out the Oswald property. The Paines drove off and left the detectives alone in their unsecured home, raising the question of the security of the garage in which the rifle was allegedly stored on earlier occasions (7H193).

There is an intriguing entry on the property list, "Stovall Exhibit B" (21H598). It reads, "1 notice of attempt to deliver mail, card dated November 20, 1963, to Mr. Lee Oswald, 2515 west 5th St., Irving Texas—a parcel to be picked up." There is no reference to this parcel in the Report. The Commission allows it to remain a highly suggestive mystery.

The famous pictures of Oswald and the weapons were found by Rose. There is no separate listing of them in the inventory. They are, according to Stovall, included in the entry "miscellaneous photographs and maps" on "Exhibit B," the inventory of the 23rd. Under questioning Stovall described these photographs and declared they took both the prints and the negatives—plural (7H194).

But the Report is inconsistent with this testimony. It says only one negative "was found among Oswald's possessions" (R127). In the footnote of reference, we are directed to the quoted testimony of Stovall that there were two negatives, and to the testimony of Rose (7H231) where Rose described the photographs and swore, "I found two negatives." The footnote also refers to "CE 2011, p. 26." This exhibit appears in photocopy in Volume 24. The pagination on the originals is invisible or indistinct in most cases, and on what seems to be page 26 it is invisible. Examination of that and the adjacent pages reveals no reference to these described photographs or negatives. The balance of the footnote reads, "The recovered negative was the picture introduced as GE 133-B" (R823). The evidence is to the contrary. Two negatives were taken by the police, legally or illegally. The footnote is further deficient in not referring to Stovall "Exhibit D" (21H603), a further statement of the search saying Rose found "two snapshots and negatives showing Oswald holding the rifle (murder weapon) and wearing a pistol in a holster on his right hip (Tippit weapon). . . ." The propaganda is in the original; but so is the identification of two negatives.

Photographs retouched and distorted in various ways but ultimately traced to the print of which the negative was

missing began to appear throughout the country shortly after the search. One version was on the cover of LIFE Magazine. The Commission and the Report discuss the alterations made in this photograph without pointing out that the changes made the photograph conform more to the information then emanating from Dallas. When the story of the adding of the telescopic sight at the Irving Sport Shop was current, the telescopic sight was airbrushed off this picture!

But the record is clear. The photographs and two negatives were taken by the police. The Report says only one, which is inconsistent with the sworn testimony. And the Report neither raises a question about the missing negative nor in any way explains what happened to it.

It is by no means certain that these prints and negatives were, in fact, taken on the 23rd. There is no way of telling from the inventories. While there are such separate listings as "9 pictures of Russia," "2 cards with picture of stork for Oswald baby," "1 picture of Oswald and wife," there is no separate listing for these pictures Rose regarded as so important he called Stovall over to see them. About the search of the 23rd, Stovall testified (7H193) they got to the Paine residence "about 1:30 or 2 o'clock." They were in the garage alone "about 1½ or 2 hours. We might have been there longer" (7H193).

The police reports of the interrogations contain only one additional reference to the searches, and it refers only to that of the 23rd. From reading Inspector Kelley's statements and all the other reports, one would never know of the search of the 22nd. The Inspector said the "6:00 p.m." interrogation was conducted "for the purpose of displaying to him the blowups of photographs showing him holding a rifle and a pistol which were seized as a result of the search warrant . . ." (R628).

It is, of course, possible these prints and negatives were not seized until the 23rd. There is no indication that these photographs were kept separate. All indications are the other way. From Stovall's testimony, it might well have been after 4 p.m. when he and his companions left the Paines'. In two hours or less, then, they traveled about 15 miles back from Irving, unloaded their haul, discussed the operation with the proper superiors, located the negatives and got them enlarged, dried and let the homicide



people know in time for arrangements to be made for a 6 p.m. interrogation session. And during the same two hours or less, something happened to that all-important other negative? It may have been possible, but it does not seem probable.

Unlike the Report, I do not believe that Oswald enjoyed his civil or legal rights, either as a matter of law or as a practical consideration. The cited record is clear. From the moment of his apprehension, members of the Bar and the general public expressed doubts about even the possibility of his ever being brought to trial because the activities of public authority may have precluded any chance of impaneling a jury. This position was publicly taken by many prominent legal experts. It was emphasized by the national office of the American Civil Liberties Union, whose local inquiry into Oswald's legal rights was diverted by the police. Even the Report grudgingly and inconspicuously concedes this but manages to avoid any real exposition of it under "Oswald's Civil Rights." While seeking to mitigate the sins of "various local law enforcement officials during this period of confusion and disorder in the police station," it concedes that "the numerous statements" which it euphemistically describes as "sometimes erroneous" nonetheless "would have presented serious obstacles to the obtaining of a fair trial for Oswald." One four-line sentence (R20).

It is not alone the accused who suffers from the denial of these basic American rights. We all lose something. As it was aptly phrased by the Chairman, speaking as Chief Justice in a celebration of the Philippine Constitution in Manila on February 8, 1965 (UPI), ". . . the rights of all . . . the rights of the most powerful are jeopardized when the rights of the weakest are violated . . . Implicit in a democratic system is the realization that one charged with even the most serious crime must under the Constitution be tried by civilized standards of criminal justice." The news agency account continued, "impatience with courts is great when a crime is particularly odious and a defendant's guilt appears obvious . . . when a defendant is granted a new trial it is important to 'evaluate what has occurred in the larger perspective of the Constitution.' In such cases, he said, the accused may not have been accorded the right to counsel, or a confession may have been extorted from him,

or he may have been convicted on illegally seized evidence. Constitutional bars to these practices 'can never be compromised by shortcuts,' Warren said."

The real question is the one posed at the beginning of this chapter. In context, "Cui bono?" Who profits?

Suppose, then, that no impartial jury could have been selected, suppose the searches were illegal, or that because of his lack of counsel or the conduct of the police and district attorney, the case was thrown out of court? Then there would have been the unsolved assassination of the President, the crime of the century without a solution, for there was no other suspect.

The Supreme Court itself may have given us an appropriate answer to the questions raised about the legality of the searches. In a unanimous decision, as reported in the Washington Post of January 19, 1965, it struck down a warrant under which Texas authorities had seized about 2,000 books and pamphlets from the residence of John W. Stanford, Jr.:

"Justice Potter Stewart, writing the Court's opinion, said the warrant was invalid because it did not comply with the requirement by the Federal Constitution that things to be seized must be described with particularity . . . Stewart said, 'The constitutional impossibility of leaving the protection of those freedoms (guaranteed by the First Amendment) to the whim of the officers charged with executing the warrant is dramatically underscored by what the officers saw fit to seize under the warrant in this case.' Stewart added that the Constitution 'guarantees to John Stanford that no official of the State shall ransack his home and seize his books and papers under the unbridled authority of a general warrant. . . .'"

For Oswald there was not even an invalid warrant.

## **8. OSWALD'S MURDER: THE PRESS AND THE POLICE**

Who was responsible for the murder of Oswald? Nobody directly. Everybody indirectly. Perhaps most of all, but still indirectly, the press (R242).

This is the inference of the Alice-in-Wonderland-like

fifth chapter of the Report entitled, "Detention and Death of Oswald" (R196-240). With the logic of a reserved, even-handed and scholarly Mad Hatter, what evolved is a superficially reasonable exposition of how the press was responsible for Oswald's death, with a few references to minor procedural errors on the part of the police.

That brief section of the Report (only slightly more than a page) devoted to "Oswald's Civil Rights" has already been discussed. While not revealed in the table of contents, the Report devoted more, although still understated, attention to this essential subject in its criticism of the press. In the first chapter, entitled "Summary and Conclusions," the Commission in effect wrote the press release for the newspapers. It was the most widely used part of the Report and it served also to condition the mind of the reader to accept illogical, unreasonable and unfounded passages to follow. Here the Report escapes the necessity of reaching any firm conclusions about the legal conduct of the police or the press as they related to Oswald's rights—really the country's rights. The burden of the conclusion is that, having not been beaten after his arrest, Oswald was, in fact, allowed to enjoy his legal rights. Of the 44 pages of this fifth chapter, only four pages are devoted to the introduction, Oswald's treatment, the chronology of events, the interrogation sessions *and* his legal rights. The bulk of the chapter deals with the media personnel and their behavior, with mild comment on police public relations, the "abortive transfer" and the "Adequacy of Security Precautions."

In this positive statement of a negative lies the clue to the entire direction of the Report. These "precautions" were so completely inadequate that there was almost nothing the police could have done that they did not, short of arming and hiding the murderer, to facilitate that murder.

Nowhere in the chapter, either in the table of contents or the subject headings, does the word "police" appear. Yet the "Detention and Death of Oswald" was 100 percent a police matter. Had the Report said less than it does about the police, every nose in the country would have wrinkled. But reduced to fundamentals, the Report makes no explicit criticism of the police in connection with Oswald's murder and goes out of its way to justify fables and fabrications and to ignore false statements on the highest level. Nowhere is there a statement of the normal responsibilities of the police, how they work with and to protect prisoners,

what police know from experience and training, how they operate. Nowhere is there a reasonable explanation of the great mystery of Chief Curry's not answering his phone or of his phone being out of order at just the moment threats against Oswald's life were to have been discussed with him. There was, in fact, no investigation of the police.

This is the only chapter in which "conclusions" were appropriate and which has none. Of the eight chapters in the body of the Report, only one other, "The Assassination," which narrates the events, has no section of "conclusions." The chapter on "The Assassin," in which the Report builds its prosecution-like case against Oswald alone, has not only "conclusions" at the end as one of the major sections, but five of the sections of this chapter have their own listed sections of "conclusions."

When confronted with the painfully obvious fact that Oswald could not have been murdered while in the custody of the police unless the police made the murder possible, the Report avoids even evaluating the question and finds it expedient to avoid making any conclusions. It does not even use the words "murder" or "kill." Oswald was only "transferred" or "shot." When Marina was shown the shirt he was wearing when he was killed and saw its condition and asked how it got that way, she was told that happened when her husband was "hurt." The most obvious manner in which Oswald's detention and death should have been considered by the Commission was in the context of possible police involvement in two conspiracies. There is no hint of such a possibility in the entire chapter from which just such clues demand consideration.

The Report focuses criticism and public attention upon the press instead by indulging one of its more persistent vices—ignoring the obvious.

The press is the subject of three sections of the chapter and is discussed in others. No one questions the validity of the statement in the Report that 300 newsmen in the Police and Courts Building, especially when concentrated on the third floor, made for chaos. Even a smaller number, with police accustomed to newsmen and even in the presence of a lesser tragedy, would have meant confusion.

But how did all those newsmen get there? Were they there without invitation? Were they there in defiance of orders to the contrary? Did they do anything unexpected or unexpected? They did not. The press behaved exactly

as could have been predicted. They had a hot story and they wanted to know all they could about it. Did the police ever even discourage them? Again the opposite is the case. The police kept feeding the press what, for lack of a more appropriate word, might be called "information." It was generally wrong and served only two purposes: To spread poison about Oswald and to make the police look good. Almost every cop who talked about it made clear that Chief Curry wanted to "butter" the press.

If the press made for confusion that injured Oswald, and even if they can be blamed for contributing to his death, it is entirely outside their responsibility. They are completely without blame. They were there in violation of neither law nor ethic nor, for that matter, even in violation of longstanding Dallas police practice.

Never at any point considered by the Report is what anyone with any press experience, either on the side of gathering or disseminating news, knows and accepts as an article of faith. There are some things to which the press cannot be and is not invited on a wholesale basis. For these events, without any problem whatsoever, the press "pools." That is, a certain small number are selected to represent and inform the entire press. It works well and has for years. When President Johnson was ill and in the hospital, only a couple of newsmen were invited in to see him to confirm the official statements about the condition of his health and the opinions of his doctors. When the President travels by air, the entire press corps cannot and does not accompany him. The press has always "pooled" whenever it was necessary. There is no reason they could not have done so in Dallas and there is no reason to believe they would not have done so.

It is asking too much to believe that the Commission and the authors of the Report did not know about press pooling. And it is asking too much to believe they simply forgot to include it in the Report. Even the Dallas police know about press pooling, for the administrative assistant to the chief is his public relations man, and he is a journalism school graduate of enough stature to have been invited to address the American Society of Newspaper Editors. The press was merely a convenient whipping boy and served to divert attention from the police.

If any criticism should be directed at the press, it relates to its treatment of the Commission and its Report. For

months there were regular "leaks" of the contents of the FBI report, of Commission files and other data, and certain elements of the press were selected for special favors. That at least some of the press never gave any thought to what this could and did mean is hard to understand for the technique was obvious. It was pure flackery that from any other source would have been both suspected and understood. There was nothing accidental about these leaks. They served the purpose for which they were intended, to prepare the public mind for conclusions that might otherwise have been unacceptable. And they brainwashed the press, too, for in reading all these wrong and out-of-context but official documents which all tended to show that Oswald did what he was charged with and was just the kind of person who would, the editors and reporters were also pre-conditioned.

With the issuance of the Report, the press was remarkably uncritical; but for this it is difficult to fault either the papers or their employees. The time allowed was too brief for any critical analysis of 900 pages of what superficially seemed like a moderate, well reasoned statement of fact and the footnoting and documentation were extremely persuasive. The press was in the same position as the members of the Commission. It was submerged in a sea of words, most of which were neither essential nor related to the assassination. It had neither the time nor the means for making its own analysis and, except for the special treatment it had received in the leaking, had no reason to suspect the Report. Predictably, the press accepted the first chapter as had been expected, and the "Summary and Conclusions" became the basis of the stories.

A variation of the same theme was employed with the release of the 26 volumes of hearings and exhibits, where the unavoidable ghosts were buried. All the releases informed the world these would be in the hands of the press for five days prior to publication date. Of course, five days was not enough time to begin to wade through that tremendous, amorphous mass of unrelated, uncoordinated mixture of words, charts and pictures. But it succeeded in giving the world the impression the Commission had nothing to hide and was making all its files available to public scrutiny.

Meanwhile, the Associated Press had this material made available to it, with the stricture that it could be used in

advance of the official release date only if the story "broke" in advance. At the same time, in some mysterious manner, Drew Pearson got some of the human interest contents: Mrs. Lyndon Johnson's warm, emotional and very human reactions to the assassination of President Kennedy. Pearson's column appeared the morning of the first day the press was to have had access to these 26 volumes, whereupon the Associated Press hastily distributed what it could on such short notice. After that moment, these 26 volumes became a second-day story. They were no longer news. In the haste that followed, with everybody trying to catch up with Pearson and the AP, the human interest contents were found and printed. But the meat stayed on the bone. The important contents of the 26 volumes remained as unavailable to the general public as though they had been deliberately suppressed. The sale of the 26 volumes is mute evidence of the success of this ruse. They are probably the poorest sellers in the stock of the Government Printing Office. Another measure was taken to help guarantee this result: The books may not be bought separately. You cannot buy the testimony without buying the exhibits. You cannot purchase any single volume you might want.

Surprisingly enough, if any major voice in the press understood the trick that had been played on both press and public, his voice remained unheard.

Further to restrict the distribution of these volumes, the normal free distribution of government documents, such as to the appropriate committees of Congress, was denied. Even the Judiciary Committees of the Congress had to buy them, at \$76.00 a set, if they wanted to examine them. And what chance was there that such busy committees could undertake the additional major task of analyzing millions and millions of words while still meeting their existing heavy commitments?

The press, then, can be examined only in connection with the police, for without the police there would have been no press presence. Two questions above all should be borne in mind: Who got what benefit and why, and what purpose was served? Were the police possibly involved in a conspiracy?

At great length and redundantly the Report describes what it terms "Activity of Newsmen" (R201ff.). It shows the confusion that prevailed on the third or police floor. But even then it could not avoid acknowledging the pres-

ence of other than newsmen. The presence of Jack Ruby made that inescapable. There never was any security. The bona fide press was never given any Dallas police identification. Assistant Chief of Police N. T. Fisher admitted that even the second day "anybody could come up with a plausible reason for going to one of the third floor bureaus and was able to get in" (R206). There is also testimony of people who were never even asked to identify themselves and had no trouble getting in.

In the page and a half devoted to "Oswald and the Press" (R206-8), the Report acknowledges that "at least fifteen times" Oswald was taken down 20 feet of corridor "within arm's length of the assembled newsmen" and others. But at no point does the Report ever raise the separate question, once the newsmen were given the run of the place, why was not Oswald interrogated elsewhere; for example, in the security of his cell? The Report also avoids the same question in sympathizing with Captain Will Fritz's complaint that his office was too small.

Nonetheless, the Report does acknowledge that the Dallas police had a practice of preventing the photographing of prisoners without the permission of both the police and the prisoner. About Oswald as a prisoner, the Report says only, "this practice was not followed." And it likewise acknowledges that the press "exercised more restraint and shouted fewer questions at" him when so requested by the police. With the irreparable damage already done Oswald's legal rights, who benefited from his reduced output to the press?

And of what the Report euphemistically refers to as "Oswald's press conference," what does the Report acknowledge? "Curry had instructed the reporters that they were not to 'ask any questions and try to interview (Oswald) in any way.'" After "a few minutes, Chief Curry intervened and directed that Oswald be taken back to the jail. . . ." The police were not about to let Oswald have a press conference and run the risk of puncturing their case. He had a chance to make only his complaint about having no lawyer and he was withdrawn. During these few minutes, according to the Report, "it was difficult to hear Oswald's answers above the uproar." The police wanted to show only that he had not been beaten, the ploy the Report also fell for. Oswald was even put on the wrong side of the protective screen in the room used so he could be



photographed better. But on the other side he had a kind of security and there would have been no excuse for such a brief exposure. The Report does not consider any of this (R208).

In context of the press rather than the police, the Report then considers what it, with great delicacy, calls "The Abortive Transfer" (R208-16). Oswald was murdered while in police custody, but the Report does not use such direct language. It loses no time in trying to justify the police all over again, saying, "In Dallas, after a person is charged with a felony, the county sheriff ordinarily takes custody of the prisoner and assumes responsibility for his safe-keeping." Deputies normally picked up such prisoners within a couple of hours. "In cases of unusual importance, the Dallas city police sometimes transport the prisoners to the county jail" (R208-9). But at no point does the Report in any way indicate a legal necessity for such a transfer. The use of the words, "cases of unusual importance," is propaganda, intended to condition the reader's mind to believe that, because this was a case of unusual importance, there was some necessity for the police on this occasion to make the transfer. There is no indication of a need either for the transfer or for the police to make it. Outside the Report, in the hearings, there is ample indication to the contrary.

Because of the murder of Oswald, why the transfer was attempted is a germane question. It was neither asked nor answered. Thereafter the questions of how, when and by whom ordered remain. These also were neither asked nor answered, but they were not completely ignored. They were touched upon only slightly and in a superficial way. Just about the only person who displayed no fear of what happened was Chief Curry. The FBI and the Dallas Sheriffs Department and some of the police were quite worried. Even at Parkland Hospital, preparations were made for the unwanted contingency. When the hospital heard Oswald was going to be moved Sunday, they actually made arrangements to receive him (21H170-1, 181-2, 215, 227).

The sheriff's department has nowhere been singled out for the credit it deserves. At the moment of the assassination, Sheriff Bill Decker took Chief Curry's radio and ordered the police dispatcher to direct all unassigned deputies to the scene. Without apparent exception, every

deputy in the sheriff's office ran to the scene before receiving any instructions. Almost without exception, they recognized from the first sound they heard that it was not "firecrackers" or "backfiring" but rifle shots. Most ran immediately to the area to the west of the Depository Building. Deputy Mooney found the empty rifle shells on the sixth floor and Deputy Boone and Constable Weitzman at about the same time located the "abandoned" rifle. At all times, the sheriff's office feared what was being done about Oswald's transfer.

Deputy C. C. McCoy reported to Sheriff Decker on the events of the night of November 23-24 (19H537-9) in a way that indicated this worry had the sheriff up at 2 a.m., even though Oswald was a police prisoner:

"When you called the office at 2 a.m. I had not received any threats on the life of Oswald but at that time you mentioned the fact that you thought that Oswald should be transferred from the City Jail while it was still dark and you wanted to know at what time it was daylight, and I told you it was daylight at approx. 6:30 a.m. or 6:45 a.m. and you asked me to call you at 6:00 a.m. and you would see about getting Oswald transferred while it was still dark. At approx. 2:15 a.m. I received a call from a person that . . . stated he was a member of a group of 100 and that he wanted the sheriff's office to know that they had voted 100% to kill Oswald while he was . . . transferred . . . wanted this department to have the information so that none of the deputies would get hurt."

McCoy had someone with him to corroborate his statement.

"A short time later Mr. Newsome, from the FBI office called and wanted to know if we had received any calls on the life of Oswald and I passed on the above information and he asked me to call the Police Department and give them the same information."

After McCoy relayed this information to Captain Fritz's office, there was another call which declared "Oswald would never make the trip to the jail."

McCoy recalled a sheriff's plan for the inconspicuous transfer of Oswald while handcuffed to McCoy. McCoy had expressed a willingness to take on the chore and to have Oswald stay on the floor of the car where he would not have been seen. This was subject to police approval. The sheriff could not get in touch with Captain Fritz and told McCoy to keep the night shift on duty. Police Captain Frazier told McCoy by phone he could not "get an answer" from Chief Curry. Frazier was going to send a squad car to the Chief's home.

Decker went out of his way to shelter his police colleagues from criticism. He personally had taken such precautions as locking up the press at the scheduled transfer time. After hearing of the shooting, he went to the jail and released them so they could go to city hall "at great speed" (19H465). But he refused to give the FBI information which could have been used against the police. FBI Agent A. D. Neeley reported on November 27, 1963, that Decker "stated he has no desire to discuss the matter further and does not desire to furnish any details of conversations he had with the Police Department, and declined to state whether he advised the Police Department that he had a preference as to the time of day the transfer of the prisoner should be made" (19H452).

Decker then also indicated he did not know of the planned Oswald transfer until the day after Oswald's arrest and then learned of it from a member of the press. But when he got this rather informal notification, he "ordered special officers to the area and began roping off the area to keep spectators away from the drive-in entrance to the County Jail" (19H464). Decker told FBI Agent Bookhout on November 28 that "to his knowledge there is no State law governing transferring of prisoners from the Dallas City Jail to the Dallas County Jail" (19H453). When Decker learned of the police plans the morning of the murder, he told Bookhout "the Dallas Sheriff's Office had no plans for participating in removal until Oswald was delivered to the County Jail" (19H453).

Captain Fritz knew about the threats to kill Oswald and testified about them (4H233). Captain Frazier phoned him, "And I said, well, I don't know. I said there had been no security setup." He told Frazier to call the Chief, and Frazier called back "in a few minutes and he told me he couldn't get the chief. . . ." Fritz was opposed to a night-

time transfer because he did not think it any safer. Apparently murderers can see to sight a rifle at night where the police cannot. Gratuitously, Fritz added that, if he had been in charge of the transfer, "I don't know that we would have used this same method but we certainly would have used security of some kind." Fritz added that when he asked the chief about security Curry had told him, "The people are across the street, and the newsmen are all well back in the garage . . . It is all set." And having gone out of his way twice to acknowledge police receipt of threats against Oswald, in his own behalf, Fritz pointed out that he had transferred Jack Ruby safely.

Captain Frazier confirmed to the FBI in early December 1963 that he had received calls relaying the threats from the FBI and sheriff's office by about 3:45 a.m. the morning of Oswald's murder. Frazier phoned Fritz at 5:00 to 5:30 a.m. Fritz "told him that Chief Jesse Curry was handling the transfer of Oswald and suggested that he (Frazier) call Chief Curry" (19H770-2). Frazier also acknowledged the deputy's call at about 5:30 a.m. repeating the sheriff's desire to hear from the chief and that "Decker wanted Oswald transferred to the County Jail as soon as possible." On phoning Fritz a second time, Fritz again insisted Frazier phone Curry, "as he (Curry) was handling it." When Frazier tried to call about 6 a.m., for about 15 minutes the chief's line was busy and a check with the telephone company at that time elicited the report the line was out of order. The Report finds nothing of interest in this, one of the most remarkable of a never-ending series of coincidences, all in favor of or worked out by the Report in consonance with the Commission's theories. It was not until after this, with the arrival of Captain Cecil E. Talbert, that the squad car was sent to the chief's home.

In a statement to the FBI the day of Oswald's murder, Frazier also acknowledged receipt of the warnings at 3:30 a.m. and said he told the FBI he "would give this information to Chief of Police Jesse E. Curry immediately" (19H770-2).

Chief Curry's testimony was inconsistent within itself and with the foregoing. He posed as a sort of elder statesman of the police business with a department so finely trained that everything was automatic and worked entirely by the chain of command. He testified three times and

gave an additional affidavit (12H250-2; 4H150-202; 15H-124-33, 641). He also gave interviews to the FBI on November 25 and December 11, 1963 (19H406-9), which he affirmed in his testimony. He tried to place responsibility for everything on Fritz:

"The plan . . . was left to the discretion of Captain Will Fritz . . ."

"Fritz told him he planned to remove Oswald some time during the following day . . ."

He left "when and how" up to Fritz.

But he also made clear these statements were untrue:

"When I went back to the homicide office and told Fritz of our plans for transferring the prisoner he was not particularly pleased with the idea of putting the prisoner in an armored car."

He did not specifically delegate security on the Oswald movement to anyone because he saw on his arrival Sunday morning it "was being taken care of by the captain on duty, Captain Talbert . . ."

Deputy Chief Fisher "had instructed Captain Cecil Talbert . . . to make certain that the proper security was set up in the basement . . ."

". . . had discussed security measures with his staff, that he had not given any specific assignments to any one individual inasmuch as the department went strictly by chain of command and he did not feel it was necessary to give specific assignments."

On why Oswald was transferred:

"Sheriff Decker had made no request," presumably Friday night.

At the moment of transfer, "Decker said, 'either way, I'll come after him or you can bring him to me,' and I thought since we had so much involved here we were the ones that were investigating the case and we had the officers set up downstairs to handle it, so I told Decker—I said, 'Okay, we'll bring him to you.'"

Curry raised evasiveness to a new high in testimony that was characterized by police vagueness and convenient lack of recollection when asked about the threats: "Someone asked me if I had heard of the threats that had been made against him, and I had. They had called me at home about it, and I called Sheriff Decker, I think, from Fritz's office, and when Fritz said they were ready to transfer the man, and this something after 11 o'clock—probably a

little after 11, and Decker said 'Okay, bring him on,' and at that time I said, 'I thought you were coming after him.'"

If any of this evasiveness or the multiple contradictions or coincidences caused any concern to Assistant Counsel Leon D. Hubert, Jr., who was interrogating, it was not reflected in his questions.

Even in his statements about telling the press in advance of the time Oswald was to be moved, Curry was allowed to offer a pretense that would not do credit to an intelligent child. Saturday night he was asked this question and in his version he "at no time gave a specific time when Oswald would be removed. . . ." He told them instead the time *following which* the movement would come:

". . . asked by the press when they should come back he told them 10:00 o'clock the next morning."

". . . they should be there by 10:00 a.m. . . ."

". . . made the remark then, 'I believe if you are back here by 10 o'clock, you will be back in time . . .'"

To top it all off, after he finally got to his office Sunday morning, Curry explained the security precautions to the press (R213).

These had not been made in advance and there had, in fact, been no plan. It was only on Sunday morning that the police improvised the scheme for moving Oswald in an armored truck. And the truck was so uncertain the driver was afraid to take it into the police garage for fear it could not get out! (R215)

The Report admits "Curry decided that Oswald would leave the building via the basement . . . Sunday morning, when members of the press had already begun to gather in the basement." Several policemen and Secret Service Agent Sorrels proposed to Fritz that Oswald go at an "un-announced time when no one was around but Fritz again responded that 'Curry wanted to go along with the press and not put anything over on them'" (R210). At this point the Report gives the lie to Curry's story about Fisher ordering the security measures that were improvised Sunday morning by stating "Captain Talbert, on his own initiative, undertook to secure the basement. . . ."

At the very moment Oswald was to have been moved, the makeshift "plan" was subject to further improvisation. The armored truck would be used as a decoy, with Oswald in one of two unmarked police cars to follow it briefly and

then go by a different route. Oswald was handcuffed to Detective J. R. Leavelle. Lieutenant Rio S. Pierce went to the basement to get another car and, going out the Main Street door, would lead the procession.

Pierce had no choice. The armored car blocked the Commerce Street entrance. There was hardly room for a man to squeeze by either side of it (R223). The truck was backed well into the entrance but not nearly as far in as the Report's diagrammatic representation (R211).

Talbert's instructions were for a thorough search of the basement parking area prior to the move, and Sergeant Patrick T. Dean and 14 men made a thorough search. They examined the rafters, the tops of the air-conditioning ducts, every closet and room opening off the garage, the interior and trunk compartments of parked autos, locked the doors of the two passenger elevators not in use, and the service elevator was sent to the first floor, with the operator instructed not to return it to the basement. All but police personnel were cleared from the area about 9 a.m. Guards were stationed at both garage entrances and at five doors leading into the garage. But "despite the thoroughness . . . there still existed one and perhaps two weak points . . ." (R212). And after the search the newspeople were allowed in. Any old credential would do, just so "they appeared authentic." A small number of newsmen "did not recall that their credentials were ever checked" (R212).

Even "all available detectives" were ordered to the basement. By the time Oswald arrived, there were from 70 to 75 police guarding 40 to 50 newsmen! Despite the accounts of chaos and confusion, a photograph made just before Oswald was taken into the passageway in which he was killed shows relatively few people in it and they were lined against the wall (R214).

When Pierce left, he had with him two detectives. When he got to the Main Street entrance, "Patrolman Roy E. Vaughn stepped from his position . . . to watch for traffic." With all those police in that immediate vicinity and with the fear an assault was going to be made on Oswald by a hundred men, Vaughn was alone at that entrance. It appears to have been the only point at which there was but a single guard.

And despite the telephoned assurances that everything was in readiness before Oswald was brought out, the car

in which he was supposed to have been transported was in motion but was not yet in place. "I was surprised," Leavelle testified, ". . . but had it been in position where we were told it would be, . . . it would have been sitting directly upon the spot where Ruby was standing when he fired the shot" (R230). That one shot was fatal. Captain O. A. Jones testified "There is no reason why that . . . car can't get all the way back to the jail door" (R231). In short, Oswald even then need not have been exposed at all. Nor were there any police guarding the area in which Ruby was standing.

Even so, had the police made any effort to shelter him, Oswald would not have been a target. There was a man on each side of him and one at his rear, but no one in front. With any fear at all for his safety, normal practice would have been to have completely surrounded him. He was, instead, a sitting duck, and the point from which Ruby shot him was entirely unsecured. Although there were police around who knew Ruby, none reported seeing him until afterward, except Sergeant Dean, who said he was too far away to do anything, except holler, which he did not do.

Odd as is the Commission's disinterest in Dean's failure to shout an alarm, even odder is the Report's ignoring the accusation of perjury against him by Assistant Counsel Burt W. Griffin. Dean demanded and got a brief hearing by the Commission (5H254-8), which displayed little interest in the reported belief of one of its senior staff that a major witness was a perjurer. It never took testimony from Griffin. Yet it credited Dean's deposition, essential to its conclusions. According to Dean, Griffin went "off the record" and *directed the court reporter to leave*. Implying Dean had sworn falsely in the Ruby trial because of fear for his job (5H256), Griffin charged, "Jack Ruby did not tell you that he had thought or planned to kill Oswald two nights prior" and "Your testimony was false . . ." (5H255-6). Thanks to Dean, the gamy character possible in off-the-record discussions is recorded, but not by the Report.

Aside from the enormous importance of whether a major witness was a perjurer is the significance of just this testimony about what Ruby said. Ruby did kill Oswald, but legal requirements had to be met at his trial. His lawyer, Melvin Belli, in his book, "Dallas Justice," declared



it was just this testimony—later called perjurious—that satisfied this urgent legal need of the prosecution (“Dallas Justice,” pp. 166-7).

Further enhancing the exotic nature of the Commission’s lack of interest is the fact that it was Dean who assigned a *single* officer, R. E. Vaughn, to guard the door (5H257) through which the Report declares Ruby entered, unchallenged, to kill Oswald. Dean volunteered the information; it was not asked of him. And another of the unending coincidences, if coincidences they are, is that Dean appeared before the Commission with District Attorney Henry Wade and Texas State’s Attorney General Waggoner Carr, who preceded and followed him on the stand, respectively.

No conclusions were drawn about the perfumed and expurgated version of the murder of Oswald which was never called a murder. No aspect of it was examined by the Report in any manner suggesting the possibility of a conspiracy involving the police. The contradictions, lies, distortions and misrepresentations never gave the authors of the Report enough concern to cause them to raise an eyebrow. There were no questions raised about this incredible story. Not even the figurative shrug of a shoulder about the murder of the only man who, so far as the police knew and the Report unequivocally states, might have shed any light on the assassination of the President. With 70 police to protect him, a single, well known police type was, without hindrance or detection, able to kill Oswald. The Commission knew that Oswald had, as practically his last living act, told Secret Service Inspector Kelley (R630) he would talk to the Secret Service when he had a lawyer. This lack of reaction or comment in the Report is even more incredible when examined with the information contained in the sections of this book dealing with the Tippit murder and Oswald’s legal rights.

But the Report could not *entirely* ignore the possibility of a conspiracy. The authors were, however, able to come close. The next section of this chapter in the Report is entitled “Possible Assistance to Jack Ruby in Entering the Basement” (R216-31). There was no such assistance, according to the Report. It does concede “it is appropriate to consider whether there is evidence that Ruby received assistance from Dallas policemen or others in gaining access . . . An affirmative answer would require that the

evidence be evaluated for possible connection with the assassination itself." The word is avoided, but the reference is to conspiracy. In the next sentence the Report declares that "the Commission has found no evidence . . . but . . . his means of entry is significant in evaluating the adequacy of the precautions taken to protect Oswald" (R219).

Earlier in the same paragraph the Report refers to Chapter 6, where it "has considered whether there is any evidence linking Jack Ruby with a conspiracy to kill the President." In that chapter the Report found no such evidence. But nowhere did it consider the possibility of anyone on the police force being connected with any conspiracy.

Here again the Report is contrary to the only evidence taken. It decided Ruby walked in the Main Street entrance "because it has found no credible evidence to support any other entry route" (R222). That may very well have been the way in which Ruby did enter. The only witnesses were Officer Vaughn, whose denial that Ruby passed him is encompassed in two sentences, and a former policeman, N. J. Daniels, who was with Vaughn. On November 24, the Report says, "Vaughn telephoned Daniels to ask him if he had seen anybody walk past . . . and was told he had not; it was not until November 29 that Daniels came forward with the statement that he had seen a man enter" (R221). To the Report this five-day delay is worthy of neither notice nor comment. The man then described by Daniels "differed in important respects from Ruby's appearance on November 24," and he has testified that he doesn't think the man was Ruby.

Ruby's account, according to the Report, "merits consideration." He told three Dallas policemen approximately 30 minutes after his arrest "that he had walked to the top of the Main Street ramp (and) down the ramp at the time the police car driven by Lieutenant Pierce emerged into Main Street. This information did not come to light immediately because the policemen did not report it to their superiors until some days later" (R219).

By this time it should come as no surprise to the reader that if the authors of the Report thought there was anything unusual in three unnamed Dallas police officers not reporting such vital information to their superiors "until some days later," they in no way indicate it. The quoted sentence is all the Report says. But there is a footnote. It

refers to a page in the testimony of Criminal Investigation Division Detective Bernard Clardy and to one page of Sergeant Dean's. On the pages referred to there is no reference as to why there was *any* delay in reporting this intelligence. There were no questions asked about this delay. The number of days represented by "some" is not indicated. While Detective Clardy was being questioned, reference was made to Exhibit 5063, an FBI report of its questioning of Clardy. Should the reader be one of the extremely rare Americans who own the 26 supplementary volumes, he will find no reference on the bindings to any exhibit with a number in the 5000's. Should he then look at the very last thing in Volume 26, entitled "Commission Exhibit Numbers Assigned to Previous Commission Documents," on the 147 pages of this document he will find no reference to Exhibit 5063. However, if he looks through other volumes, he will find this FBI report in Volume 19 on pages 336-8. But nowhere in *that* report is there any explanation of the delay. Clardy was not specifically asked who was with him when he asked Ruby how Ruby entered, but he named three other officers, not including Dean, in a context that indicated they were present (12H412; 19H332). Sergeant Dean at the point referred to was not asked who was with him at the time Ruby told him, and he likewise did not volunteer this information.

But elsewhere (12H432) Dean indicated he was present and that *he* asked this question, when Ruby had not yet been placed in a jail cell. He said that Officers Archer, Clardy and McMillon were present and possibly Secret Service Agent Forrest Sorrels. Dean's version was that he asked the question after Sorrels had interrogated Ruby when, after identifying himself, Ruby had told Sorrels, "Okay, I will answer all your questions." Sorrels, according to Dean, had not asked this question and might have left, or, as he also indicated, might not have, for, "if I am not mistaken, I rode down on the same elevator with Mr. Sorrels" (12H433).

There may have been reasons the Report decided not to mention the names of those present, not to state exactly what time elapsed before any of the police saw fit to report the important knowledge to their superiors, and not to say why it was not reported immediately, especially because Ruby was being interrogated.

But *good* reasons do not suggest themselves.

It can readily be seen that the Report had no difficulty finding that Ruby had no assistance from the police.

The Report then turns to the "Adequacy of Security Precautions" (R225-31). Here again it concerns itself largely with the press. It refers to their "unwieldy proportions." J. Edgar Hoover had sent a messenger the first day to convey his concern for Oswald's safety and there had been the reported threats after Friday midnight. But the Report states (R226), "The decision to allow newsmen to observe the transfer on Sunday *followed naturally* the policy established during these first two days of Oswald's detention." Entirely aside from the previous accounts by the Report, that no one made any decisions, that the "inundation" by the press was just allowed to happen, this without any basis in fact or logic amounts to a justification of the unjustifiable, for there never was any need for Oswald's life to have been jeopardized, especially after the threats against it, just to humor the press and curry its favor. In the same spirit, the Report introduces this section with the statement that "the Dallas police took special security measures to insure Oswald's safety" (R225). One can only wonder what could have happened if they had not!

Two pages later it describes the measures taken Sunday morning, including the issuance of teargas and the calling of the armored truck as "the most intensive security precautions . . . designed primarily to repel an attempt of a mob to seize the prisoner" (R227). With 70 cops *inside* the building looking at each other and the press and *one* at the most exposed outside entrance?

Finally the Report meets one of the issues head-on—"the right of the public to know." But instead of blaming the police for the presence of the unrestricted press, the Report declares "the right of the public to know does not give the press license to interfere with the efficient operation of law-enforcement agencies" (R228). Without doubt, the idea is sound, but does it mean anything in the context in which it is used? Was the press running the Dallas police department? Without perhaps intending to deny itself so soon, the Report in the same paragraph acknowledges that the press had been kept off other floors of the building.

Of course, the Report does not leave the police entirely uncriticized. It does say the security measures it has

previously described as "special" and "most intensive" were more or less haphazard. It also finds "coordination" inadequate (R230).

In the final two sections of the chapter, "News Coverage and Police Policy" and "Responsibility of News Media," the flogging of the press continues (R231-42). After delineating a police press policy in which each policeman is practically his own public relations counselor, the Report describes the "ambulatory press conference" that "became a familiar sight," with the chief or other officials surrounded by the clamoring press and usually complying with its requests. No records or transcripts were kept of these impromptu statements and no written releases were used. "As a result . . . the press was able to publicize virtually all the information . . . that had been gathered . . . a great deal of misinformation was disseminated to a worldwide audience" (R231-3).

Although Curry did not participate in the interrogations, he nevertheless "gave detailed information on the progress of the case." The chief managed to communicate more than one man's share of misinformation. The Report quotes one of his more accurate press conferences in which he said the ballistics report on the gun was "favorable," (false); the price of the rifle (false); that the case was "wrapped up"; and that new evidence since the press conference earlier that day "just makes a stronger case," but he declined to reveal it because "it might jeopardize our case" (R233-4).

Captain Fritz and others, from high officials to patrolmen, were interviewed without displaying any reluctance. District Attorney Wade said the interviews were conducted even on street corners where "they were interviewing anybody." Wade should have been the last to complain, for although on one occasion he told the press "he would not reveal any evidence because it might prejudice the selection of a jury," he did speak to the press from the very beginning and continued even after Chief Curry refused to tell him any more of what the police believed (R234-5).

The result was that hearsay and unverified leads, many inaccurate, were disseminated. Among the most vicious of these was the misrepresentation of the city map Oswald used in job-hunting as his plan for assassination (R235).

Having devoted slightly more than a page to "Oswald's Civil Rights" and saying he had them, the Report here

could no longer avoid the subject and a contrary view. "Concern about the unlimited disclosures," it admitted, "was being voiced by Saturday morning. According to District Attorney Wade, he received calls from lawyers in Dallas and elsewhere expressing concern about providing an attorney for Oswald and about the amount of information being given to the press by the police and the district attorney . . . J. Edgar Hoover became concerned because 'almost as soon as . . . (FBI Laboratory reports) would reach the Dallas Police Department, the chief, . . . (or others) would go on TV or radio . . .' On Sunday, after Oswald was shot (somehow, the words "killed" or "murdered" invariably escaped the authors of the Report in describing what happened to the prisoner), Hoover dispatched a personal message to Curry requesting him 'not to go on the air any more until this case . . . (is) resolved' " (R235-6).

District Attorney Wade on Sunday evening "held a meeting with 'all the brass' except Curry" and recounted stories he said were being spread about the public officials. He said "somebody ought to go out on television . . . and tell them everything." When the police refused to furnish him any more details, Wade "sat down and listed from memory items of evidence in the case . . . Wade nonetheless proceeded to hold a lengthy formal press conference . . . Unfortunately . . . he lacked a thorough grasp . . . made a number of errors. . . ." The Report lists only a few (R236-7).

What it could not bring itself to say even in this subdued, overly moderate way in relation to whether Oswald was denied his legal rights and whether any ulterior motive might have been involved the Report does let slip, though buried in the section and not in any way revealed in the table of contents or index:

"A fundamental objection to the news policy pursued by the Dallas police, however, is the extent to which it endangered Oswald's constitutional right to a trial by an impartial jury. Because of the nature of the crime, the widespread attention which it necessarily received, and the intense public feelings which it aroused, it would have been a most difficult task to select an unprejudiced jury, either in Dallas or else-

where. But the difficulty was markedly increased by the divulgence of the specific items of evidence with which the police linked Oswald to the two killings. The disclosure of evidence encouraged the public, from which a jury would ultimately be impaneled, to prejudge the very questions that would be raised at trial.

Moreover, rules of law might have prevented the prosecution from presenting portions of this evidence to the jury. For example, though expressly recognizing that Oswald's wife could not be compelled to testify against him, District Attorney Wade revealed to the Nation that Marina Oswald had affirmed her husband's ownership of a rifle like that found on the sixth floor of the Texas School Book Depository. Curry stated that Oswald had refused to take a lie detector test, although such a statement would have been inadmissible in a trial. The exclusion of such evidence, however, would have been meaningless if jurors were already familiar with the same facts from previous television or newspaper reports. Wade might have influenced prospective jurors by his mistaken statement that the paraffin test showed that Oswald had fired a gun. The tests merely showed that he had nitrate traces on his hands, which did not necessarily mean that he had fired either a rifle or a pistol.

The disclosure of evidence was seriously aggravated by the statements of numerous responsible officials that they were certain of Oswald's guilt. Captain Fritz said that the case against Oswald was 'cinched.' Curry reported on Saturday that 'we are sure of our case.' Curry announced that he considered Oswald sane, and Wade told the public that he would ask for the death penalty.

The American Bar Association declared in December 1963 that 'widespread publicizing of Oswald's alleged guilt, involving statements by officials and public disclosures of the details of 'evidence,' would have made it extremely difficult to impanel an unprejudiced jury and afford the accused a fair trial.' Local bar associations expressed similar feelings. The Commission agrees that Lee Harvey Oswald's opportunity for a trial by 12 jurors free of preconception as to his

guilt or innocence would have been seriously jeopardized by the premature disclosure and weighing of the evidence against him."

Before finally abandoning its belated afterthought, the Report declares the public's "curiosity . . . should not have been satisfied at the expense of the accused's right to a trial by an impartial jury. The courtroom, not the newspaper or television screen, is the appropriate forum in our system for the trial of a man accused of a crime" (R240).

Had it so desired, the Report could have quoted other eminent and entirely impartial authority, including the deans of some of the country's outstanding law schools, who made flat statements that Oswald could never have been tried because an impartial jury could not have been impaneled.

### *What About the Police?*

While blaming the press for the sins of the police and mildly criticizing some of the publicity activities of the police, the Report manages to avoid mention of any serious shortcomings of an orthodox police character. Were they good policemen? Did they do a good job? Was their investigative work thorough and accurate? Did it, in fact, meet the minimum standards for ordinary police work, not for these particular crimes but even for ordinary murder cases?

Throughout this book, these questions are inherent in the treatment of several of the major aspects of the crimes and their handling in the Report. But the Report never addresses itself to the way the police performed as police, one of the strangest omissions in what was supposed to be the final, official explanation of what happened.

If the police felt they had something to hide from the Commission, they were not long in finding out they could get away with it. If they did not learn from the very first stages of the federal investigations that they would never really have to face up to the botched investigation of the assassination and the completely inexcusable murder of Oswald, they certainly learned as soon as they had their first contacts with the Commission.

There are three different and contradictory versions of



the police radio logs, all represented as recording the communications relating to the crimes. Both police radio channels were recorded and, even allowing for well used equipment, there could not be any reasonable explanation for the Commission's being supplied with what amounts to deceptive, misleading and incomplete information. Nor can the failure of the Commission to do anything about it or the failure of the Report to comment on it be explained. The radio log, accurate and complete, was fundamental to any kind of an investigation. The failure of the Commission to have one to work with, its acceptance of the obviously doctored material it took, and the pretense of conducting even a sham investigation without it cannot be explained to anyone with investigative experience. There was no possibility of conducting any real investigation without this most basic record. It should have recorded who was where, when, what he did and saw and what he said. It is one piece of evidence not subject to faulty or conveniently lost recollection. Yet the Commission accepted two obviously doctored versions before making even a pretense of getting a complete one—and that did not happen until the investigation was just about over. It could not conduct even a sham investigation with the so-called log it was given in March. There were not only omissions on it, there were misrepresentations of such an obvious nature that in themselves they should have raised the most serious questions about the police. For example, in the first version, the one with which the investigators were supposed to be working, Inspector Sawyer, the man in charge at the Book Depository, was listed as "unknown!" And he supplied this log! The failure of the Report to raise any kind of a question about this—to avoid even acknowledgment of it—is in itself a thorough self-condemnation.

In the March version, all the radio logs, including the Sheriff's and the State Police's, are Exhibit 705, appearing in Volume 17 on pages 361-494. The police section begins on page 390 and takes up 104 pages. It was "made available" by Inspector Sawyer. If the investigators did not detect the inaccuracies in this log, one thing they could not avoid was the lack of identification of almost any of the code numbers. Much of the value of this version in any investigation was in knowing who saw and reported what. Except for a few officials, none of the code numbers was identified with names in this version.

On April 8, 1964, one of the dispatchers, Gerald Dalton Henslee, appeared and testified (6H325-7). His was one of the briefest appearances. During his testimony Sawyer Exhibits A and B were introduced into evidence (21H388-400). In a dozen pages he prepared a version of what was incomplete in 104 pages, and it was accepted without question. His version was also prepared with no names, but at some point the names were added in longhand. It misidentified some and failed to identify others. None of the logs ever did identify call 492, a mysterious figure in the Oswald arrest.

Finally, under date of August 11, 1964, in response to a Commission request, the FBI supplied the final version, Exhibit 1974 (17H361-495). There are 216 sheets to this document, yet it was incomplete by the Commission's design. In its request the Commission limited the periods to be covered to a total of but nine hours for the three-day period. And it was not received until the Commission was almost finished with its work.

A book could be written about the logs alone. What is one supposed to think of a police department that identifies a lesser official as its chief, whose dispatchers pretend not to know who the sheriff is, who cannot identify by name the members of the special agencies of the department active in the case, and which omits the most significant kind of information from a 104-page version of the logs that it includes in a 12-page version? As an example of the reflection of events at the time of the assassination, it quotes Captain Talbert as issuing instructions to cover an area two to three blocks from the Depository, and it quotes Inspector Sawyer as telling the dispatcher the "current witness can't remember" the clothing worn by the suspect at the time he was supposed to have seen the suspect. Neither is in the longer version.

Not that the Report is any better on the description. Brennan's description "most probably" led to the broadcast description in one version (R144), but in a second version, "the police broadcast a description of the suspected assassin *based primarily* on Brennan's observations" (R5). If it is either, it cannot be both. There should never have been any question in anyone's mind of the source of the eyewitness description, especially in a Report based on the conclusion that there was no conspiracy.

Why should the "Sawyer Exhibit" have the unchallenged false statement, "This is the last radio transmission between Officer Tippit and the dispatcher" added as a comment? It could not have been in the log or aired. It was appended to the last *instructions* to Tippit. But the dispatcher radioed Tippit again at 1 o'clock, slightly more than a quarter of an hour before Tippit was killed. Tippit *did not* answer that call.

Or why should Tippit's broadcast of his precise location at 12:45 p.m. be included in Exhibit 1974 ("I'm at Kiest and Bonnieview") and have been omitted in the earlier version, Exhibit 705? Or why did the dispatcher give only many wrong addresses to police cars going to the scene of the Tippit murder when the first information he got was correct?

Why did Exhibit 705 not identify call 550/2, another important figure in the Oswald arrest, when the "Sawyer Exhibit" identified the call as that of Captain Westbrook (who was 550), whereas Exhibit 1974 correctly identified it as Sergeant G. L. Hill?

Why was there not a single radio car in the basement at the time of Oswald's murder? The dispatcher radioed calls 95, 108 and 118, "the first squad to arrive—stand by your radio so we will have radio contact with the basement" (Exhibit 1974).

Or why is there no explanation of the disposition of about a dozen suspects and cars and trucks, some with rifles, some arrested, at least one at the scene of the crime, in the building across Houston Street from the Depository? These are revealed in the logs.

Is it reflected by the following excerpt from Exhibit 705? "Dispatcher—101, investigate traffic congestion at Elm and Central . . . Do you have an officer at Houston and Elm?" "101—That's what's causing the traffic congestion up there."

Is befuddlement a way of life with the Dallas Police Department, or is there an even less pleasant explanation of all of this? Why is there nothing about the corrupted logs in the Report, even in the form of questions? Why did not the Commission get even its barbered version of the police logs until the Report was ready to go to press, when the inquiry was about over, with almost five months' lapse of time following receipt of the first version and al-

most nine months after the assassination?

Aside from the logs, there are other odd factors about the police such as the following:

There was no organized search of the Depository Building or the surrounding area, none recorded in nearby buildings. There is no record of anyone being directed to the reported source of the shots at any time. More than a half-hour elapsed before the empty shells were found, yet they were “found” at exactly the window pointed out. It was almost three-quarters of an hour before the rifle was “found,” and it was found on that very floor.

Why did Captain Fritz have to handle the rifle at all where it was found? Why was the building never—*ever*—secured? Whatever happened to the police investigation of the source of the empty rifle shells? The ammunition was never traced to its purchaser.

Why at the moment of the assassination was the chief of homicide ordered to the hospital instead of to the scene of the crime? And why did he wait so long before sending anyone in search of Oswald when Oswald was reported missing?

Why was the mysterious unavailability of Chief Curry by phone ignored? Was his phone out of order? Why did it take so long to send a squad car to his home, and why was he so long in responding to the sheriff’s message after the threats on Oswald’s life?

With all the experts having identified the “found” rifle as a Mauser, why was Constable Seymour Weitzman’s affidavit, also thus identifying it and signed the next day, avoided—unmentioned? (CE2003, 24H228)

Who tampered with the telescopic sight of the rifle before it was delivered to the FBI Laboratory?

Whose idea was it to launch a phony “Red scare” and why?

Why were there no photographs taken of the bag in which the rifle was allegedly brought into the building where it was allegedly found? There were about 50 photographs of the suspected evidence taken and this bag was marked as evidence at that time. Photographs of that area do not show the bag. Why were there no fingerprints other than Oswald’s on this bag when it was moved by Detective Studebaker, who left his fingerprints on boxes at that spot that he also testified to having moved?

Why is there a discrepancy in the accounts of the num-

ber of bullets taken from J. D. Tippit's body?

These are by no means all the questions that should have been asked and answered in the Report but are not. They are enough to show that nothing that can be called an investigation of the police was made. They should be enough to show the Report is in no position to make any conclusions about the police. There is no chapter, no section or subsection of any chapter of the Report that even suggests examination of the performance of the police. There are almost 300 such breakdowns in the table of contents. The word "police" appears but twice. Only its public relations activities were examined. But close scrutiny of the police performance would seem to have been indicated.

That the Report, signed without dissent by all members of the Commission, managed to avoid serious examination of the performance of the police is even more astounding when considered with the publicly expressed beliefs of some of the Commissioners.

Congressman Gerald Ford is the Republican leader in the House of Representatives. Congressman Hale Boggs is Democratic "Whip." Each is one of the most important and influential members of the Congress. In a New Orleans, Louisiana, television appearance, they spoke on behalf of pending legislation to make the assassination of the President a Federal crime. The Associated Press report of their statements that appeared in the Washington Post of June 7, 1965, concluded:

"Both men also expressed the view that if the FBI and the Secret Service had had jurisdiction in the investigation of the shooting of President Kennedy, *then the killing of Harvey Lee Oswald* (sic) would not have occurred. The two agencies, they said, would have provided more safeguards for Oswald, the accused assassin."

Why this conviction is not embodied in either the Report or a minority report only the members of the Commission can explain. They should.

Now Oswald, too, has been murdered. His killing was the third in a related series of homicides, none of which should have been possible. It was the crime that should have been closest to absolutely impossible. Among the

many questions about the performance of the police, it was one the Report could not ignore completely.

It simply almost pretends it did not happen at all. We have already seen the manner in which the Report finds it possible to keep from saying that Oswald was killed by Ruby, that he was murdered in cold blood. In this the Report is faithful to the Commission's inquiry, where there was no real investigation into how the police allowed such an impossible thing to happen. Of the 17 appendices to the Report, 10 are devoted to what the Commission found related to the crimes. Of these, two are spent on Ruby. Appendix 16 is entitled "A Biography of Jack Ruby." Appendix 17 is on the "Polygraph Examination of Jack Ruby." Neither is worthy of serious note. The biographical material is carefully arranged to portray Ruby as an emotional, unsteady, violent man who came from a family with a history of insanity. Thus, the reader is supposed to believe that killing Oswald was normal for Ruby and that he would have done such a thing without inspiration or assistance. The lie-detector test borders on the ridiculous. It was demanded by Ruby, then already allegedly insane. It was opposed by Ruby's sister and counsel on these grounds and because they believed it would be "meaningless" (R808). The brief transcript, slightly more than three pages, clearly reveals the purpose for which the "test" was conducted by the Commission and included in the Report (R809-13). Ruby was restricted to "yes" and "no" answers. He denied being a Communist or that he shot Oswald because of "foreign," "underworld" or "trade union influence." He said he knew neither Oswald nor Tippit, that he just walked into the police garage at the only instant possible, and that he just wanted to save Mrs. Kennedy the ordeal of a trial.

The entire performance was a gruesome farce. Even then, however, the obvious and necessary questions were not asked. The Commission restricted itself to what was only self-serving. This did not prevent the Report from invoking the word of the madman in support of its theory, that Ruby, too, was a loner.

With the murder of Oswald, the restatement of the events in Dallas during those incredible 47 hours beginning at 12:30 p.m. on Friday, November 22, 1963, is essentially completed. This restatement has been presented in a manner intended to permit the reader to compare those

sections of the Report with the information upon which they are based.

The important evaluation of how the Commission functioned remains to be made. How carefully did it select its witnesses? How precisely did it gather its scientific evidence? How fair, thorough and complete was it? Above all, how did it embody itself and its hearings in its Report, by which alone the Commission and its performance can be appraised, both now and by history?

It is to such questions as these that the following section of this book is devoted.

## **9. THE WITNESSES AND THEIR TREATMENT**

Eyewitnesses are always a problem, and the Commission had more than its share of problems.

Few of the spectacular events about which people are called to testify are of a nature that permits careful observation. Rarely do these events happen slowly or with advance warning. The witnesses generally do not know anything out of the ordinary is taking place and are not paying close attention, nor do they believe they are observing events about which they will subsequently be called to bear witness. The assassination of President Kennedy was such a case. Nobody expected he would be shot, including those whose job it was to protect him. For example, nowhere in the Report or the thousands of appended pages of testimony and exhibits, including hundreds upon hundreds of photographs, is there a single picture showing the President's guard looking upward, examining the buildings the motorcade was passing.

Even after the shooting began, none of the Presidential escort looked upward and they were, at that particular moment, directly under the location from which the Report insists all the shots came. The famous Altgens photograph, Exhibit 900 in the Report (R113) and reproduced in various versions under other exhibit numbers throughout the 26 volumes, shows this clearly (see Appendix). Some may have begun to react to the shot or shots that had then been fired. Some of the motorcycle policemen have turned to look in the President's direction. Two of the runningboard crew of the Secret Service agents in the fol-

lowup car have turned to look backward, but none are looking upward. Almost all the faces visible in this picture register no awareness of unusual events.

When trained people whose responsibility it is to be alert to just such events do not react instantaneously, even less speed in recognition of what is happening can fairly be expected of others.

There is also the problem that everybody does not see things the same way. Powers of observation vary, as do recollections. Lawyers are familiar with the situation in which witnesses to the same event give different versions.

Especially when the events to be testified about have great significance and when powerful interests are involved do even more serious problems with eyewitnesses arise. When the police have a stake, there are certain classes of people who are immediately under pressure. Examples are those whose livelihoods depend upon their acceptability to the police, those who require licensing, and those who, either themselves or through relatives or friends, have reason to fear the police and their great power in any community.

If to these already great handicaps is added a special animus, a particular angle or a special theory the agency calling upon the eyewitnesses is determined to pursue, then witnesses are under even greater pressure.

There are always those people who suddenly see a chance to become important, to themselves, to those for whom they will testify, and to their circle of friends and the world at large. The temptation to "remember" having seen what, in fact was not seen then becomes great. The mind plays the game and without external encouragement (which is sometimes provided) there develops a strong recollection. A mind-picture that is really fantasy becomes a certain and fixed recollection.

And there are nervous people and neurotics. These become so shaken by what they do see that they are incapable of clear or accurate observation. In the hands of skillful questioners immediately after the events, they sometimes translate the questions asked of them into mind-pictures of what they think they saw. Soon, as the mind deals with the events, there is a blending of fact and fiction that are indistinguishable to the witness.

Some people are always anxious to be helpful. Rapidly detecting the interests of those interrogating, they throw



themselves into a condition in which they more easily imagine the precise shade of color, size, shape or weight about which they are being asked. It subconsciously becomes the exact one they saw, whether or not it, in fact, was.

Inevitably, there are those who do have axes to grind—hatreds or dislikes to be indulged, political objectives to be attained, people who, like all of those responsible for the President's safety, had nonetheless seen him slaughtered. The drive to self and public absolution is a powerful force and confronts honest people with a problem few can adequately cope with, for the subconscious is a difficult, invisible adversary.

On the opposite side are those who have reasons for not recalling things that happened and that they saw or did. Generally speaking, the questioned police had remarkably poor recollections of things most people not involved would assume had been imperishably impressed on their minds. A small but important example of this is what happened to those three spent shells found on the sixth floor of the Depository Building, who had them when, and what he or they did with them. If it was ever accurately determined, this determination was arrived at only after a series of conflicting testimonies and affidavits had been given the Commission.

The American system of justice has built-in safeguards against false, self-seeking or even honestly mistaken witnesses. In court each witness must face the searching examination of counsel for the side his testimony endangers, and good lawyers are skillful and diligent in their cross-examinations. Knowing this, opposing counsel protect themselves, their clients and their witnesses by advance auditions of the testimony in which the witness is closely interrogated and the inaccuracies and imaginings eliminated. To fail to do this is to risk facing disaster in court when opposing counsel demonstrates testimony is false, imaginative, or inaccurate. No good lawyer willingly goes to court with a shaky witness or a phony story. If his integrity does not stop him, the inherent hazards do.

These are the normal problems. The Commission had additional ones. Above all, it was handicapped by a pre-determined decision it felt it had to reach and prove, for reasons undoubtedly compelling to it. One man, alone,

had to be the culprit; otherwise, the whole structure would come clattering down around everyone's ears. All questioning had to be directed toward establishing this improbability. This meant evading obvious clues and not asking equally obvious questions. Honest men normally do not do well in dishonest endeavors. Honest examiners are unskilled in carrying off a pretense of searching deeply when they do not. Competent lawyers do not normally fail to ask the pertinent questions or overlook the obvious facts and possibilities in their examinations of witnesses, nor do they overlook desirable witnesses.

Most of the available witnesses had already been interviewed by the local and national police. These witnesses had either sworn to affidavits or were recorded with a version of events represented by the reports of the questioners, whether or not in accordance with the stories told by the witnesses. On a number of occasions, witnesses did contest the accounts of the FBI and the Secret Service, but for the most part, whether accurate or not, when confronted with recorded, especially sworn, accounts, the witnesses adhered to them. The interests of the police demanded immediate solution of the crimes, and it is certain they never lost sight of this in taking statements. As the Report itself acknowledges, immediate and widespread publicity was given even the most minor details, originated by public authority and usually not accurate. All potential Commission witnesses had been subjected to these accounts, which carried the weight of public authority. The performance of the press with the picture of Oswald with a rifle and pistol, purloined from his property according to even the official version, illustrates what normally responsible people will do. This picture received the widest possible distribution and news media paid fantastic prices for copies. Yet the picture appeared in four different altered forms. In one case the entire telescopic sight was removed, to make the picture consistent with the then current story, that the sight had been added by a gunsmith.

In addition, the nation and the world wanted a positive, final determination.

So, the Commission had more heels than Achilles.

It suffered seriously from the absence of the automatic restraints of the adversary system. There were no cross-examiners. This was guaranteed by the character and type

of the investigation. The Commission could not, in the normal sense, hand down a decision. It could mete out no punishment to the dead Oswald, its preordained defendant and culprit, not at least in the orthodox sense of jail, fines or death. Only the dead man's name and position in history were involved and, to a degree, the reputation and future of his family. The Commission was under no compulsion to allow cross-examination, and there was no requirement that its proceedings be in public. Had they been, there was always the chance that spectators, especially the press, might have seized upon the inconsistencies or false statements or prejudices. The Commission did permit public sessions, but under conditions guaranteeing the least possible attention to them. When a witness such as the lawyer Mark Lane demanded a public session, it was granted. But not being known in advance, the public and press had no reason to be waiting for the hearing to be thrown open. Without doubt, the Commission was satisfied this was a proper and perhaps necessary procedure. But it did eliminate one of the safeguards against unfair or biased proceedings.

Hence, the nature of the proceedings was conducive to the practice into which the questioners fell. With no fear of cross-examination, witnesses were asked about only those things that could help to build a case to the satisfaction of the questioners. This does not mean that all the facts cannot be elicited in this type of proceeding. It does mean that the temptation to avoid the unpleasant facts is great. Specifically, during the hearings of the Commission, questioning rarely turned to anything that did not help build the prosecution case the Commission decided upon. Only when the questioners were really provoked by the witnesses did they ever show flashes of interrogation skill. That was not often—certainly not often enough. And when the nature of some of the witnesses and their testimony is considered, it must be admitted the Commission's questioners showed great forbearance.

With such an attitude and such a situation, almost anything can be "proved." And it is in just this way the Commission was able to "prove" the things it said it established to its own satisfaction. The Commission's record is a most eloquent if unintended tribute to the merits of the American system of adversary legal proceedings.

The basic case the Commission sought to prove was

very weak. It was, therefore, dependent upon witnesses whose appearance would never have been risked in an adversary proceeding. They and the lawyers who presented them would have been laughed out of court. The most preposterous and incredible nonsense came from them even without cross-examination.

The importance of witnesses is directly related to the importance of what they say. This, in turn, is directly related to the approach taken by the lawyers or investigators. The Commission's approach imparted great responsibility and significance to witnesses another body or other lawyers might have ignored or to whom they would have assigned minor roles. The Commission's case might have been stronger had it elected some of the alternatives available to it.

With its witnesses the Commission decided upon a reconstruction approach. The reconstructions ended badly. The Commission's time reconstructions ended badly. The Commission's time reconstructions show the opposite of what was intended.

Even at the Book Depository the Commission decided it needed eyewitnesses to both Oswald and the shooting from the sixth-floor window. It drew upon Howard Leslie Brennan (3H140ff., 184ff., 211ff.), who enjoyed none of the desirable attributes of witnesses besides animation, and a 15-year-old boy, Amos Lee Euins (2H201ff.).

Euins, in a selection from his testimony included in the Report (R64), said, "And so I seen this pipe thing sticking out of the window. I wasn't paying too much attention to it . . . Then I looked up at the window and he shot again." Not that he *saw* the shooting, notice. The Report also says of Euins, "he could not describe the man in the building," but he appeared to have "a white bald spot on his head" (R147).

Two other statements by Euins are not quoted: That he saw this man in the window lean out of the window (6H170), something not otherwise reported; and that he was with a "kind of old policeman" when a "construction man" reported seeing a man with such a bald spot flee the back of the building immediately after the assassination (2H205-6).

The day of the assassination Euins gave the Dallas Sheriff's Department an affidavit stating explicitly the man he saw in the window was white (16H963). But within

minutes of the shooting, he told Sergeant Harkness the man was colored (6H170). The Report resolved the dilemma with ease, deciding that the portion of what Euins said which suited the Commission's needs was "probative" as to the source of the shots but is inconclusive as to the identity of the man in the window" (R147). This "eenie-meenie-minie-moe" system of selective credibility is raised to new and exalted eminence throughout the Report. But in a courtroom a lawyer would have to be really hard pressed for witnesses to use a minor who, from a distance of about a hundred feet or so, saw a man several times on a sunny day and had previously described the man as both white and Negro.

Oswald's reconstructed trip home led the Commission into the use of three other witnesses who in no way contributed to the fair construction of the case against him and in no way added lustre to the Commission or its record. Two transported him and the third was an aging, ill, former landlady.

The Report has Oswald leaving the Depository at 12:33 and walking seven blocks in the wrong direction to catch a bus coming back past the Depository. He alighted after a few minutes because in that time the bus had traveled only two blocks due to the traffic jam at the Depository intersection (R6). He then took a cab a few minutes later and rode it to *near* but not *to* his roominghouse.

Placing Oswald at and leaving his roominghouse at a time the Report calculated could have allowed him to get to the Tippit killing on time was all that was necessary, and this the Report did with Mrs. Earlene Roberts, the housekeeper. But Oswald had a bus transfer in his pocket when arrested and the police made the initial blunder of calling Cecil J. McWatters, the busdriver. First he was taken to an evening lineup and then to the Sheriff's department for an affidavit (19H561). In this statement, McWatters swore that the man he identified with the magical words "No. 2" in the lineup was the one to whom he gave that particular transfer, that he picked up the man at 12:40, the exact minute the Commission later wanted him to have the man alighting, that this man was grinning about the shooting of the President, and that he picked up this man at Elm and Houston, the corner on which the Book Depository is located and seven blocks away from where the Commission wanted the man to

have taken the bus and five blocks away from the point at which he departed.

March 12, 1964, was transportation day before the Commission. The entire morning was devoted to McWatters and the cabdriver, William Whaley. For 30 pages (2H262-92), McWatters rambled about the details of the bus business and his route, where the man about whom he gave the deposition and the man the Commission wanted identified sat, did and said, what other passengers thought of the man grinning about the shooting of the President, and other such completely unnecessary details that merely added to the impressive bulk of the record without in any way advancing the case against Oswald. The Report used only that brief portion of McWatters' testimony that served its purposes as part of the "overwhelming" approach in which a monumental mass of undigestible unessentials was to bog everybody down but, in bulk and statistics, was imposing. In this spirit, the staff had photographs and diagrams of the bus on which McWatters could identify the seating of his passengers and other impressive and valueless data.

But it turned out that, in identifying "No. 2," McWatters was not identifying Oswald. He had had a suspicion a teenager, a regular passenger on his bus, might somehow be connected with the assassination. In selecting No. 2, without absolute certainty, he had this teenager and not Oswald in mind. Alas! in the No. 2 spot was the real Oswald. The Commission had McWatters' affidavit and it needed explaining. It is referred to but only in order for McWatters to explain it. The brief text does not appear in the Report. Despite the affidavit, Commission Assistant Counsel Ball asked McWatters, "Anyway, you were not able to identify any man in the lineup as the passenger?" Dutifully, McWatters replied, "No, sir" (2H370), only to admit subsequently that he was "under the impression" the man he pointed out to the police at the lineup "was the teenage boy who had been grinning" (2H281). This grinning incident, attributed to Oswald by the police, received tremendous publicity and was instrumental in fixing the character of a ghoul on him. McWatters also went further and, again despite his previous oath, said he "really thought" he was identifying the man who did not get off the bus, to whom he had not given the transfer (2H281). He could not identify Oswald (2H283).

Ball and McWatters agreed on one thing. When showing him a copy of his affidavit, Ball told McWatters, "And sometimes when you see something that you signed before it refreshes your memory." McWatters declared, "It sure does" (2H279).

If the Commission got less than the value of his fare from Dallas to Washington from McWatters, cabdriver Whaley was a major disaster. Again, the Report carefully filtered out Whaley's unintended assault on the honesty of the police and their framed "lineup." There are but three brief references to his 18 pages of "testimony" on two different occasions (2H253-62, 292-4; 6H428-34).

Oswald presumably walked to the cabstand from the bus. Whaley delineated a novel picture of an assassin running away:

"And instead of opening the back door, . . . he opened the front . . . and got in . . . And about that time an old lady . . . said, 'Driver, will you call me a cab?' . . . he opened the door a little bit like he was going to get out and he said, 'I will let you have this one,' and she says, 'No, the driver will call me one.'"

Whaley did not because he was certain one would soon be there (2H256). Whaley had seen Oswald approach his cab and enter it and Oswald had sat next to him for almost three miles. He noticed an identification bracelet (2H256). When shown a bracelet marked "Exhibit 383," Whaley said he thought that was the one he saw on Oswald but "I couldn't tell exactly whether that was the bracelet or not" (2H292). Ball, without description, said, "Offer this in evidence," and Congressman Ford accepted "this." The transcript then reads "(Commission Exhibit No. 383 was withdrawn and a photograph of the bracelet was received as Commission Exhibit No. 383-A.)" This photograph is included in Volume 16, where the table of contents is blank of Exhibit 383 and describes Exhibit 383-A as "Photograph of the identification bracelet of Lee Harvey Oswald." The photograph, as poor as those of the Commission consistently are, shows not only what may be taken to be an identification bracelet but also another detached and rather large undescribed object not identified in the interrogation or the picture. In telling how he saw this bracelet, which

would appear to be an "identificationless" bracelet, Whaley testified, "His coatsleeve was like this when he stretches his arm out," for the purpose of opening the door for the old lady. Only it was the left arm, the one away from the door, and Oswald was righthanded (2H293).

Whaley was one of the only two among the numerous witnesses who described Oswald as wearing a coat, an identification he changed for the worse. Oswald had worn a jacket that day and the Commission said he left the jacket at work, where it was later found on a windowsill. Whaley explained further about this bracelet, saying, "I always notice watchbands, unusual watchbands, and identification bracelets like these because I make them myself . . . I particularly notice things like that." Asked if he had told both the Dallas police and the FBI that Oswald had been wearing "a heavy identification bracelet," Whaley said he did "but I don't remember saying it was heavy because I wouldn't know how heavy it was without handling it."

Whaley was not an expert on clothes, as his testimony displayed. Asked early in his first appearance to describe what Oswald had been wearing, he said, "I didn't pay much attention to it right then. But it all came back when I really found out who I had. He was dressed in just ordinary work clothes. It wasn't khaki pants but they were khaki material, blue faded blue color, like a blue uniform made in khaki. Then he had on a brown shirt with a little silverlike stripe on it and he had on some kind of jacket. I didn't notice very close but I think it was a work jacket that almost matched his pants. He, his shirt was open three buttons down here. He had on a T-shirt . . ." (2H255).

Later the questioning returned to Oswald's clothing, about every element of which except the T-shirt Whaley had testified incorrectly in varying degrees. When shown Exhibit 150, he exclaimed, "That is the shirt, sir, it has my initials on it . . . Yes, sir; that is the same one the FBI man had me identify." How clothing identifications were made will become more evident shortly.

Whaley identified this shirt by "a kind of little stripe in it, light-colored stripe. I noticed that" (2H259). Exhibit 150 (16H515) shows no stripe.

Shown two pairs of pants, Exhibits 156 and 157 (16H518), Whaley said, "I don't think I can identify the pants except they were the same color as that, sir." Asked "which color?" he responded, "More like this lighter color,



at least they were cleaner or something." He selected Exhibit 157. Both pairs of pants are gray, the one he selected being quite light in color and highly light-reflective. He had earlier described blue pants. But about the pants, "I am not sure about the pants. I wouldn't be sure of the shirt if it hadn't had that light stripe in it" (2H239-60).

When shown Exhibit 162 (16H520), identified by Ball as "gray jacket with zipper":

"Mr. Whaley. I think that is the jacket he had on when he rode with me in the cab.

Mr. Ball. Look something like it? And here is Commission Exhibit No. 163, does this look like anything he had on?

Mr. Whaley. He had this one on or the other one.

Mr. Ball. That is right.

Mr. Whaley. That is what I told you I noticed. I told you about the shirt being open, he had on the two jackets with the open shirt.

Mr. Ball. Wait a minute; we have got the shirt which you have identified as the rust brown shirt with the gold stripe in it.

Mr. Whaley. Yes, sir.

Mr. Ball. You said that a jacket—

Mr. Whaley. That jacket now it might have been clean, but the jacket he had on looked more the color, you know like a uniform set, but he had this coat here on over that other jacket, I am sure, sir.

Mr. Ball. This is the blue-gray jacket, heavy blue-gray jacket.

Mr. Whaley. Yes, sir.

Mr. Ball. Later that day did you—were you called down to the police department?

Mr. Whaley. No, sir.

Mr. Ball. Were you the next day?

Mr. Whaley. No, sir; they came and got me, sir, the next day after I told my superior when I saw in the paper his picture, I told my superiors that that had been my passenger that day at noon. They called up the police and they came up and got me." (2H260)

It is no wonder Ball was anxious to change the subject to the lineups. He could not conceive the additional disaster Whaley, alone and unassisted, was yet to launch

against the Commission and the police. But he knew how utterly and completely wrong his witness was on Oswald's clothing. Instead of two jackets, Oswald, according to all other witnesses, was not wearing any. The "brown shirt with the silverlike stripe" that Whaley had described earlier Ball converted to a "rust brown with the gold stripe on it." The blue khaki pants with matching jacket had become light gray pants with two jackets.

It was not difficult for Whaley to be certain of the shirt, as he later revealed, even though his descriptions varied from white to silver to gold and the "stripe" became a "lining." About a week after he spoke to the police "an FBI man brought the shirt over and showed it to me" (2H293).

This type of identification was not restricted to Whaley. It also happened to another witness who was even less necessary to the establishment of the case against Oswald. She is Mrs. Mary Bledsoe, a former landlady, who saw him on McWatters' bus. That is all she could say, but there were other things the Commission wanted her to say, especially about a traveling bag of some kind (6H400-27).

Mrs. Bledsoe had had an unsuccessful marriage that ended in divorce in 1925. She had had a stroke. She took in roomers, keeping her records on a calendar. The only month missing from her calendar, mysteriously and inexplicably, was October 1963, when Oswald stayed with her for five days. She said she asked him to leave for no reason that is clear and refused to refund the balance of his rent. The reading of her testimony would indicate her biggest complaint against Oswald was that he would not spend time chattering with her. She talked of him as a bad person without ever being asked or saying anything bad that he ever did. Like all the other witnesses who ever did talk with him, however, she saw the picture of his wife and child. Mrs. Bledsoe's appearance can hardly be described as testimony. At one point, following one of her non-responsive answers, Ball interrupted her to say, "But, before you go into that, I notice you have been reading from some notes before you." Her reply was, "Well, because I forget *what I have to say*." When Ball asked her, "When did you make these notes?" (he did not ask her how she knew what she was going to be asked), her reply was a rephrasing of his question. Her attorney, Melody

Jane Douthitt, interjected to explain, "When Mr. Sorrels (Dallas Secret Service) and I were talking about her going to Washington, he made the suggestion that she put all the things down on paper because she might leave out something . . . and that's when she started making notes" (6H407-8). This had happened during the previous week.

Most of Mrs. Bledsoe's answers were, "I don't know," "I didn't pay any attention," "I didn't care," "I didn't look," "I didn't even look," "I couldn't tell you," and other such valuable contributions to the Commission's knowledge.

The major effort by the lawyers had to do with one of the two bags in which Oswald had brought his clothes. This old lady was subjected to one of the longest interrogations in the Commission record. From what is known, it could not have had great significance in the assassination. In addition, the unqualifiedly uncertain character of most of her testimony would have rendered any identification she might make meaningless. But the Commission's lawyers took turns working on her. When one gave up, another tried, and then Miss Douthitt sought to do it for them. Through it all, Mrs. Bledsoe persisted in proclaiming her lack of knowledge. At one point Miss Douthitt became concerned about her interventions into the Commission's proceedings and excused herself in a little confusion, saying, ". . . Mary, pardon me, I am not—this is not for the record." Assistant Counsel Albert E. Jenner, Jr., assured her to the contrary: "That's fine, leave it on the record." Miss Douthitt then spent the next 3½ pages acting as a member of the Commission's legal staff, but without any more success (6H422ff.).

During the lengthy interrogation, the old lady frequently complained of being tired and called to everyone's attention that she had had a stroke. There was no intermission and she had no respite. But when Marina was on the stand in Washington, on the other hand, she was told at the outset that the Commission would take short recesses "for her refreshment" (1H2). After six pages of testimony, without a request by her, the Commission took its first such recess. Four pages later came the lunch recess. Less than four pages after the resumption of the hearings, she was again offered a recess but declined, saying, "Better to get it over with" (1H16).

The Commission even tried to get Mrs. Bledsoe to say she had seen Oswald with a package approximately the di-

mensions of a wrapped rifle. After a series of such questions, Mrs. Bledsoe said bluntly, "Didn't have anything like that with him" (6H426).

Mrs. Bledsoe's personal dislike for Oswald was clear, even if she never gave a reason for it. Her complaints included using her phone (with her permission) to speak in a foreign language (she presumed it was Spanish "because the girl is Spanish," referring to Marina) (6H408); not knowing of Marina's pregnancy (6H406); and apparently because she thought she was in some way shamed. One of the first things she told the Commission was, "Of course, I had no idea he was the kind of man he was" (6H403). She also did not approve of his eating in his room, although she had directed him to the grocery (6H403).

Of seeing Oswald in McWatters' bus, she said, "He looks like a maniac . . . I didn't look at him. That is—I was just—he looked so bad in his face, and his face was so distorted" (6H409). Even Whaley, who saw two different jackets where there was none, did not see that much.

When Mrs. Bledsoe saw the Oswald shirt, Exhibit 150, before Ball was able to describe his evidence and ask his questions, she interrupted him to exclaim, "That is it." While the counsel persisted in formulating his question, she interrupted him three times to exclaim again, "That is it." While Ball was trying to lay a foundation for his questioning with further questions, she twice again interjected, "That is it." Finally, she said the shirt had been brought to her "by some Secret Service man."

"Mr. Ball. It was brought out by the Secret Service man and shown to you?

Mrs. Bledsoe. Yes.

Mr. Ball. Had you ever seen the shirt before that?

Mrs. Bledsoe. Well—

Mr. Ball. Have you?

Mrs. Bledsoe. No; he had it on, though." (6H412)

When Mrs. Bledsoe, who had said she had seen Oswald on the bus and given such a graphic description of the expression she alone saw on his face, also said that she had never seen the shirt he was wearing until it was shown her by the Secret Service, while insisting that Oswald had it on, Ball faced a problem. He finally solved it, at least in part,

by leading her through the same sort of questions and getting her to say, "Uh, huh," when he asked, "First time you ever saw the shirt was when you saw him on the bus" (6H413).

With three buttons missing from his shirt, she did not see the color of his undershirt. Of his pants, "They were gray, and they were all ragged in here . . . at the waist, uh, huh" (6H410). Shown both pairs of pants, Exhibits 156 and 157, she said it could not have been 157 because "it was ragged up at the top." With only one pair left from which to make her identification, Mrs. Bledsoe said of 156, "That must have been it, but it seemed that it was ragged up at the top" (6H414).

Despite Mrs. Bledsoe's vivid description of Oswald's appearance and her dislike of him and her displeasure at having seen him on the bus, she did not at first connect him with the assassination, even when hearing his name on television.

" . . . I wanted to hear about the President and there was a little boy came in that room in the back and he turned it on, and we listened and hear about Mr. Tippen (sic) being shot, and it didn't dawn on me, and I said—told his name as Oswald. I don't—didn't mean anything to me, so I wanted to hear about the President, only one I was interested in, so, he went on back to work and they kept talking about this boy Oswald and had on a brown shirt, and all of a sudden, well, I declare, I believe that this was the boy, and his name was Oswald—that is—give me his right name, you know, and so, about an hour my son came home, and I told him, and he immediately called the police and told them, because we wanted to do all we could, and so, I went down the next night. He took me down, and I made a statement to them, what kind of—Secret Service man or something down there" (6H412).

Mrs. Bledsoe was not the only witness who, as reflected in the Report, recalled only what the Commission needed. Another was Mrs. Robert A. Reid, clerical supervisor at the Texas School Book Depository (3H270-81). She was used to place Oswald on a path that led to one of the exits from the building on the floor below. This was an-

other shaky time reconstruction of which even she was leary. When Commission Assistant Counsel David Belin went over this reconstruction with her, recalling his time check on her path back to the office at "about 2 minutes," he forgot that, even on the 17-minute-plus reconstruction of the walk from Oswald's roominghouse to the scene of the Tippit killing, the time was given in seconds. Mrs. Reid answered, saying, "Well, it wasn't any less than that, I am sure, because two minutes time . . ."

That was as far as she got. Belin interrupted her with more questions. Mrs. Reid had seen the assassination. She had conversed with a superior, O. V. Campbell, about the source of the shots; Mrs. Reid thought they came from above, Mr. Campbell from the grassy area to the west of the building. She had looked up and seen the Negro employees in the windows. And she had remained outside long enough to see the reaction of the crowd. She then ran into the building, noting no one where, at most, seconds before Officer Marrion L. Baker had had to push his way through people standing around. With all of this, Belin's time reconstruction got her into her office on a two-minute run two minutes after the first shot of the assassination rather than the last.

The Commission's problem was to get Oswald out of the building by 12:33, the time the Report says he left the building (R155). Only by misusing Mrs. Reid could this have been possible, for of all the employees in the doorway downstairs, none saw Oswald leave. The time reconstruction using Officer Baker, the policeman who encountered Oswald in the lunchroom, placed him in the lunchroom not earlier than 12:31:30, and this was accomplished by having the policeman retrace his steps from too far away and starting too early (3H252). By doing the same with Mrs. Reid, it was made to seem that in the half-minute between her reconstructed time and Baker's, Oswald could have gotten his coke and been in her office on his way, presumably, out. And he had to be out by 12:33 because the Commission next located him seven minutes after 12:33, seven blocks away, getting on the bus.

In this case, as in all others, the Commission's time reconstruction proved the opposite of what had been intended. But Mrs. Reid gave the reconstruction an additional fatal blow by insisting Oswald was, at the time she

said she saw him, wearing only a T-shirt. She was specific and positive in declaring he was not wearing the brown shirt. Shown the shirt, in an effort to get her to "remember," she stated flatly, "I have never, so far as I know, even seen that shirt" (3H276). So Mrs. Reid's testimony, even placing Oswald in her office at 12:32, proved he could not have left the building by 12:33. She had described him as walking at a very slow pace, "calm" (3H279), whereas she had been running and excited. It had taken her two minutes running. The Report says it took him one minute, walking. But in this one minute Oswald had had to go to an unspecified place elsewhere in the building, get his shirt and either drink his coke or put an untouched bottle down somewhere, put on his shirt and leave, all without being seen. Nor was a full bottle of coke found anywhere.

Those things Mrs. Reid remembered with clarity were what the Commission required of her. She remembered Oswald when none of the other women in the office did. She remembered not only that he had a coke, but that it was full and in his *right* hand. They passed at her desk and she did not see him again (3H279).

Prior to her appearance, the Commission had a pretty good idea of what Mrs. Reid could and could not say, especially about the shirt, of which she informed it she had been asked before. Except for the T-shirt, she remembered nothing about Oswald's clothing and could not identify his trousers when shown them (3H279).

What Mrs. Reid did not remember gives an interesting appraisal of the value that can be put on what she did:

On what floor she saw the Negroes looking out the windows after the assassination, she could not even guess, and this was the building in which she had worked for seven years (3H273). When pressed to identify the floor, she said "a couple of floors up." It was the fifth floor.

With whom she ate lunch, and her estimate of the time she finished was impossible (3H271).

Whether or not she was the last to leave the lunchroom.

Whether there were any men in the lunchroom.

With this history she was not asked about seeing other employees, whether others were in the office area when she returned, or who they were. The only person she saw was Oswald, whom she knew only as an employee and did not even know his name until after the assassination

(3H276). And he was the only one to whom she spoke. None of the others saw him. But Geneva Hine, who had not left the building, saw Mrs. Reid return and was sitting where Oswald would have to pass and did not see him. Miss Hine did name employees she recalled seeing (6H393ff.).

Mrs. Reid's testimony is also in conflict with that of other employees. She ate in the lunchroom regularly and saw Oswald only "a few times" (3H276). Others said he was there regularly. In his entire employment at the Depository, she saw him only about five times.

And what characterization of this monster did she give? He was a quiet man who minded his own business. The only conversations he had with the other office employees of which she knew were about his family, including the new baby (3H276). He "always went about his business" (3H280). And if the recollections of Roy Truly and Officer Baker were correct, after the policeman poked a pistol in his belly, the killer still took the time to buy, but not drink, a coke, walk through the office at "a leisurely pace," calmly, instead of taking a hallway which led to the same stairs and was as convenient and more private, all with no show of emotion, not even fear.

Naturally, the Report reflects only that slight and most questionable part of Mrs. Reid's testimony that suited the Commission's purposes. She saw him walking in the general direction of a stairway that could have taken him to the entrance of the building.

And if Oswald had entered the lunchroom for any purpose other than to buy a coke, as he had told the police, what could this purpose have been? Could it have been part of an elaborate escape route? Mrs. Reid disproved that possibility. The only other exit is through a conference room, normally locked, and on that day she personally unlocked it for the police (3H277).

These are not exaggerated samplings of the many Commission witnesses. The worst is yet to come. At the scene of the Tippit killing the same was true. For example, Sam Guinyard (7H395) saw the running man "knocking empty shells out of his pistol" and reloading it in a one-hand operation, "rolling them (the bullets) with his hand—with his thumb." Guinyard saw this from a half-block away (7H397). Guinyard is in contradiction of the other witnesses on the route the man took and on the closest he ever was to this man, his estimate of ten feet having been



measured at 55 feet (7H398). Guinyard also testified that after a short interval during which Ted Callaway started in pursuit of the fleeing gunman, they went to the next street and about a hundred feet down it to the scene of the Tippit killing. He was there, Guinyard swore, when the truck driven by Domingo Benavides "came up." "He came from the east side—going west" (7H398). By the testimony of all other witnesses, including Benavides, Benavides had parked his truck across the street from the police car *prior* to the shooting.

Not only in listening to incredible witnesses and ignoring their implausible, inaccurate and frequently impossible testimony without anything that could be considered searching questions did the Commission display a remarkable attitude toward those from whom it gathered evidence. Bias was clear in the examination of the only person to come forward with an offer to help the Commission. The Commission did not want any help, as it made clear, and especially did it not want anything that might disturb the neat little package already prepared for it before it began its deliberations.

Mark Lane is a New York lawyer and former assemblyman (2H32-61; 5H546-61). Disturbed as were many lawyers at what was reported from Dallas beginning with the apprehension of Oswald, he conducted his own inquiry. He was retained by Mrs. Marguerite Oswald to look out for her dead son's interest. Soon he presented a brief on Oswald's behalf, challenging much of the police case. His request to be allowed to represent Oswald was rejected by the Commission, as described earlier.

The Commission was untroubled by this situation: The one lawyer who had interested himself in the dead Oswald and had been engaged by the mother to represent him was rejected by the Commission on the ground that the widow, Marina, not the mother, was Oswald's legal representative. The Commission was "cooperating" with her and had obtained big-name counsel. Then Marina, knowing of the rights of married people under the Fifth Amendment, waived or never exercised any rights and became the major witness against her husband.

Lane discomfited the Commission. He put into the record things the Commission had sought to, and continued to seek to, keep out. Among these were quotations from doctors at Parkland Hospital who initially tended the Presi-

dent's wounds, describing the anterior neck wound as one of entry. He also gave the names of some of the doctors who had so stated. The Commission was later to go into an elaborate ritual with some of these doctors, most especially with Doctor Malcolm Perry, in which the identification by the doctors of this wound as one of entry was avoided as carefully as possible. The circumlocutions were unbelievable (6H7-18; 3H366-90).

So Lane was unwelcome to begin with because the Commission wanted no information in contradiction to its story. He was additionally unwelcome because he trod on a sensitive toe. And he kept treading on that toe, pointing out that Mary Moorman still had the FBI receipt for her picture showing the front of the building, but the picture had been unused (2H44). On the finding of the rifle, he declared the affidavit was executed the day after the assassination and at that late time still identified the rifle as a 7.65 Mauser (2H46). The dealer who supplied the rifle to Oswald, according to Lane, was warned by the FBI to keep his mouth closed (2H49).

The really sensitive nerve was touched when Lane recounted his interview with Helen Markham, converted by the Commission, again without need, into the most important witness in the Tippit killing. Lane listed the contradictions between Mrs. Markham's testimony and what she had told him, of her distance from the scene of the Tippit murder, of her description of the killer, of her means of identifying Oswald in the lineup—by his clothing.

In his second appearance before the Commission on July 2, 1964, Lane and Rankin battled over the propriety of the questions. Lane accused the Commission's general counsel, without contradiction, of making demands that invaded the sanctity of the lawyer-client relationship. This had to do not with the contents of the tape recording of the Markham-Lane phone conversation but with the circumstances under which it was made. According to Lane, "The Supreme Court has been quite plain, I think, on the sanctity of working documents of attorneys. And I think, therefore, that the questions are no longer in a proper area" (5H547). With Rankin's persistence in asking questions about the recording but not its contents, Lane declared, "I decline to answer any questions, because the questions you are asking clearly are not for the purpose

for which this Commission has been established. And I tell you I am amazed, quite frankly, Mr. Rankin, that the kind of harassment which I have been subjected to since I became involved in this case continues here in this room—I am amazed by that” (5H550).

Lane also complained about treatment he had received from FBI agents.

When the questioning returned to the tape recording, Lane declared, “I would like to make this quite clear to you, Mr. Rankin. I am not going to discuss any working papers in my possession. These papers came into my possession as a result of an attorney-client relationship. The Supreme Court has written decisions regarding the sanctity of those documents. I think it is improper of you to ask questions which delve into relationships of that nature. And I think you know that the questions you are asking are quite improper” (5H551).

With the persistence of Rankin in pursuing the same questions, Lane demanded to know, “Am I a defendant before this Commission, or is the Commission trying to find out who assassinated the President?” The temperature raised again when, in response to further questioning, Lane challenged the Commission to take his and Mrs. Markham’s statements under oath and “submit my testimony and Mrs. Markham’s testimony to the U.S. Attorney’s office, and bring action against both of us for perjury . . . and we will see who is convicted” (5H551-2). When Congressman Ford asked if it was important that there was a difference between the Markham testimony and his, Lane replied in an attack on the lawyers appointed to represent Oswald, saying, “Of course, it is important. And if there was someone representing the interests of Oswald before this Commission, there could be cross-examination, you sitting as judges could then base your decision upon the cross-examination. But you have decided instead to sit as judges and jurors and defense attorneys and prosecuting attorneys, and you are faced with a dilemma. I cannot solve that dilemma for you” (5H552).

Rankin continued asking the same kind of questions and Lane accused him of asking questions “it would be improper and unethical for me” to answer, and “I am amazed that you would persist in asking questions which you know are improper and which would be unethical for me to answer” (5H552).

No member of the Commission or its legal staff disputed Lane's statement of the law or Supreme Court decisions on the lawyer-client relationship. On the question of the source of his information that Ruby, Tippit and Weissman had met at Ruby's nightclub, Lane said that in declining to give the Commission his informant's name there was "no legal justification." He was not questioned about his informant's reason, but he had publicly stated this person was afraid of reprisal. He told the Commission, ". . . matters which have been given to this Commission in utmost confidence have appeared in the daily newspapers, and one cannot feel with great security that giving information to this Commission, even at secret hearings, means that the information will not be broadcast, and this is the problem which confronts us at the present time" (5H554).

Further recriminations were exchanged:

"Mr. Rankin. Do you realize that the information you gave in closed session could have an unfavorable effect upon your country's interests in connection with this assassination and your failure to disclose the name of your informant would do further injury?

Mr. Lane. Mr. Rankin, I am astonished to hear that statement from you. There are 180 million Americans in this country. I am perhaps the only one who is a private citizen who has taken off the last six months to devote all of his efforts to securing whatever information can be found, and to making that known to this Commission, and publicly to the people of this country at great personal cost in terms of harassment that I have suffered, in terms of the terrible financial losses that I have suffered. And to sit here today, after 6 months of this work, which I have given all to this Commission, voluntarily, and again have come here again today voluntarily to give you this information, and to hear you say that I am not cooperating with the Commission, and I am going to do harm to the country by not making information available to you astonishes me. You have hundreds of agents of the FBI running all over the Dallas area—agents of the Secret Service, Dallas policemen. Are you telling me that in one trip to Dallas where I spent something like 2 days, I uncovered information which

the whole police force of this Nation has not yet in 6 months been able to secure? I cannot believe that is a valid assessment of this situation. I cannot, Mr. Rankin.

The Chairman. Mr. Lane, may I say to you that until you give us the corroboration that you say you have, namely, that someone told you that that was a fact, we have every reason to doubt the truthfulness of what you have heretofore told us. And your refusal to answer at this time lends further strength to that belief. If you can tell us, and if you will tell us, who gave you that information, so that we may test their veracity, then you have performed a service to this Commission. But until you do, you have done nothing but handicap us.

Mr. Lane. I have handicapped you by working for 6 months and making all of the information which I have had available to you? I understand very fully your position, Mr. Chief Justice" (5H553-4).

The Commission's attitude toward Helen Markham was entirely different. She appeared March 26 and July 23, 1964 (3H304-31; 7H499-506). In her first appearance she was confronted with apparent inconsistencies in her description of the Tippit killer, including a statement by FBI agent Odum, quoting her description of a "white male, about 18 years old, black hair, red complexion," etc. (3H319). This was not Oswald. Asked if she had ever described the killer as quoted by Lane, as "short, a little on the heavy side, and his hair was somewhat bushy," she retreated a little and said of the hair, "it wasn't so bushy" (3H317-8).

She was asked in a number of ways, "Do you know a man named Mark Lane?" and replied negatively to all. She had never spoken with him, a lawyer from New York, a lawyer investigating the case of Oswald, any man who said he was representing Oswald's mother, etc. She denied saying anything to Lane "or anyone else," but then admitted she had spoken to a French reporter and a LIFE reporter. She insisted, "I never talked to nobody," including "by telephone or any other means." This also included anonymous phone calls. Nor had she ever been asked the questions Lane said he had put to her. When statements

Lane represented she had made to him were read to her, she unequivocally denied making them, "Not to anybody." Especially was this true of Oswald's clothing in the lineup, which Lane had quoted her as using as a means by which she had identified Oswald and as the chapter on his legal rights shows, a subject about which Oswald had loudly complained to the police (3H317-8).

Even when cautioned to consider her answers carefully, Mrs. Markham maintained a consistent position. She had never spoken to Lane or anyone else by phone or any other means about the Tippit killing.

On July 23, 1964, Assistant Counsel Wesley J. Liebeler took a deposition under oath from Mrs. Markham in Dallas (7H499-506). He went over all her denials with her and she reiterated in every conceivable way that she had never spoken to Lane, including following her appearance before the Commission. Liebeler then informed her, "I'll tell you very frankly we have a tape recording of a conversation that purports to be a conversation between you and Mark Lane . . . and I have a transcript (20H571-99) . . . I ask you to read the transcript . . . Would you like to hear the tape so you can tell us whether or not that is your voice?"

"Yes; sure," Mrs. Markham replied. And then she began a chaotic, incoherent account of a telephone call from a man who represented himself as "Captain Fritz—over the telephone—." Patiently Liebeler went over it step by step. The transcript began with the long-distance operator, included the telephone number, clear identification of the calling party, purpose, etc., and it had been transcribed from the tape by the FBI. Mrs. Markham said she did not know the phone number—hers at work—and reiterated a different version of the caller identifying himself as from the Dallas police. Liebeler tried to cut off her insistent interruptions and babblings until after she could hear the tape and after some difficulty his effort to protect her from herself succeeded—for a short while.

With the beginning of the tape he asked her to "tell us whether or not this is an accurate reflection of a conversation that you had over the telephone some time ago," and he told the court reporter, "I don't want any of this on the record now. . . ." On her own, when Mrs. Markham started to react, the reporter resumed taking stenographic

notes. At that point the most fantastic testimony of all went on the record. Mrs. Markham began by stating, "I never talked to that man." About her own voice, "I can't tell about my voice . . ." Liebeler again asked if the transcript was accurate, and she again lapsed into a series of incomplete and unconnected thoughts, concluding with, "that's nothing like the telephone call I got—nothing." Gently, not reminding her of her repeated denials of any telephone calls, Liebeler quieted her and resumed playing the tape. Mrs. Markham again interrupted to repeat a still different version of her caller's connection with city hall and to reaffirm, "This man—I have never talked with." She finally admitted recalling the conversation but insisted it was with the police department. Actually, the conversation had begun with the most explicit possible identification of Lane, his purposes and his mission, and it had been a person-to-person call.

When Liebeler quoted the transcript to show such a misunderstanding just was not possible, she merely repeated her denials, "that man—I never talked to that man." When asked to explain her voice on the tape, she responded, "And I never heard that lady's voice before—this is the first time." But she did finally admit the voice was hers. With infinite patience, Liebeler painstakingly explained how the contents showed the opposite of Mrs. Markham's insistence that "he told me he was from the police department." Again Mrs. Markham insisted the lady's voice was not hers, and eliminated the telephone operator because her boss had answered the phone. Then a further switch in which she admitted the conversation but denied it was with Lane or that he had, as the transcript and tape both showed, identified himself. Then, all over again, Mrs. Markham denied giving the description on the tape and in the transcript.

In seeming hysteria, she then handed Liebeler two pieces of paper of which she said, "I didn't know what to do about it." These were a letter from a James Kerr, with return address, asking her to contact him about "a matter which I believe will be mutually profitable" and a telegram from the United States Information Agency, asking her to appear on a television program on which the President and members of the Commission were also going to appear. Secret Service Agent Howlett interrupted to say

Mrs. Markham had called him and he had explained the USIA program was a legitimate government function.

By this time, they had proceeded to only the sixth of the 29 pages of the tape transcript.

"Will I get in trouble over this?" Mrs. Markham asked.

"I don't think so, Mrs. Markham," Liebler replied. "I wouldn't worry about it. I don't think anybody is going to cause you any trouble over that." At this point the transcript, set off in brackets, reads "referring to the telegram." There is nothing to indicate, nor is there any reason to believe, that the conversation and Mrs. Markham's fears of getting into trouble were over a government request that she appear on television with the President of the United States. That other grounds for fear were appropriate would seem obvious.

Still refusing to concede it was Lane who phoned her, Mrs. Markham set the tone for the interrogation with next to her last comment, "That was dirty in that man doing that," to which Liebler responded, "Well, I would think that's right."

Mrs. Markham's final comment was, "Well, he's not no better than Oswald—that's right."

The reason the Commission did not accept Lane's challenge to charge him and Mrs. Markham with perjury and let the courts decide who was swearing falsely about material evidence is clear.

The Lane-Markham testimony was, in accordance with its consistent practice, filtered by the Commission to represent none of the foregoing. The Report reads,

"In evaluating Mrs. Markham's identification of Oswald, the Commission considered certain allegations that Mrs. Markham described the man who killed Patrolman Tippit as 'short, a little on the heavy side,' and having 'somewhat bushy' hair. The Commission reviewed the transcript of a phone conversation in which Mrs. Markham strongly reaffirmed her positive identification of Oswald and denied having described the killer as short, stocky and having bushy hair. She stated that the man weighed about 150 pounds. Although she used the words 'a little bit bushy' to describe the gunman's hair, the transcript establishes that she was referring to the uncombed state of his hair, a description fully sup-



ported by a photograph of Oswald taken at the time of his arrest. (See Pizzo Exhibit No. 453-C, p. 177) Although in the phone conversation she described the man as 'short,' on November 22, within minutes of the shooting and before the lineup, Mrs. Markham described the man to the police as 5'8" tall.

During her testimony Mrs. Markham initially denied that she ever had the above phone conversation. She has subsequently admitted the existence of the conversation and offered an explanation for her denial. Addressing itself solely to the probative value of Mrs. Markham's contemporaneous description of the gunman and her positive identification of Oswald at a police lineup, the Commission considers her testimony reliable. However, even in the absence of Mrs. Markham's testimony, there is ample evidence to identify Oswald as the killer of Tippit." (R167-8)

"Pizzo Exhibit C" as reproduced in the Report, less than two inches wide, or as reproduced in Volume 21, where it takes up most of a page, does not show Oswald's hair as either "uncombed" or "a little bit bushy." Throughout the 26 volumes are a number of photographs of Oswald being arrested, in the struggle that led to his arrest, and after the arrest. His hair remained remarkably neat.

Lawyers who presented such witnesses in a court of law would become a laughingstock. But these were the Commission's stars. Mrs. Markham was even asked by the government to appear on its international television program with the President of the United States and members of the Commission.

The Report was supposed to be based upon evidence. Evidence was gathered in the form of testimony from witnesses. Here we have samples of the kind of eyewitnesses the Commission heard and the kind of testimony they gave. Only the most careful examination of the testimony reveals what is carefully kept out of the Report, that some of the most important eyewitnesses simply could not be believed. The Report, however, depends upon their undependable testimony.

These lines from "All's Well That Ends Well," Act IV, are appropriate:

"'Tis not the many oaths that make the truth,  
But the plain single vow that is vow'd true."

## 10. THE OSWALDS' GOVERNMENT RELATIONS

When the six blind men of the fable felt the elephant, they described six different things. This is the approach of the Report. At one point it evaluates Oswald's relations with the government (Chapter 15), at another his possible participation in a possible conspiracy (Chapter 6), and at two points (Chapters 6 and 7), his "politics." In each case, the evaluation was *in vacuo*, isolated from everything else and considered as a separate and in itself distinct thing.

When Allen Dulles was director of the Central Intelligence Agency, his vast new office building outside Washington in Virginia was not full of spies. It was staffed largely with researchers and analysts. What is most lacking in this Report is analysis. The Commission gathered much information. But its meaning was not extracted. It is the function of analysis to put assembled information in a meaningful form. This entails the proper assembling of the facts. The tremendous effort that went into the collection of the information available to the Commission is wasted unless that information has meaning. A case in point is the ridiculous episode of the comparison of hairs from a blanket known to have been Oswald's property with hairs taken from Oswald after his arrest. Instead of being satisfied that Oswald's hairs would properly and predictably be on his blanket, the Report compares hairs from both sources. It did, of course, find Oswald's hairs on the blanket. And it also found hairs that definitely were not his. Knowing that his hairs were on his blanket as a matter of scientific fact added nothing of meaning to the Commission's store of knowledge. But learning of the presence of other hairs, unless they were to be—as they were not—traced to their source, was of no value and added only confusion. Unless the Commission was prepared to trace the unknown hairs to their ultimate source, what they learned would have been of interest only to Oswald's wife.

Such endeavors were pseudo-scientific. They were distractions and, except for adding unnecessary bulk to impress the uninformed or unselective, contributed nothing

to the Report. Had only Oswald's hairs been on Oswald's blanket, what value did this have?

This, unfortunately, is the manner and method of the drafters of the Report. It is typical of the processes by which their conclusions were reached. When combined with the selective reasoning of the blind men confronting the elephant, the yield was another mass of data that, whether or not accurate, could not possibly have meaning and significance imparted to it.

What Oswald's politics, if any, were, whether or not his relations with the government were normal, and whether he was an agent, cannot possibly be learned from isolated examination of each subject separately. Nor can any tenable conclusion be reached about his participation in or the existence of a conspiracy except by evaluation of all such information, studied not as a trunk, a tail, a leg or by the texture of the skin, but as an elephant—in its entirety. Even then, the exclusion of certain basic considerations, such as the possibility Oswald was an agent of not the CIA or FBI as such, but of their agents or of groups related to them, directly or indirectly, made impossible the precise answer to whether or not Oswald was any kind of an agent.

The denials of the CIA and the FBI that Oswald was their agent were as predictable as they were meaningless (R327). Equally unworthy of serious consideration is the Report's statement that the Commission had access to the "complete files." The Commission had access only to what the agencies wanted it to see. This may, in fact, have been complete files or complete files as they then existed or ever existed. The case of the denial of the Gary Powers U-2 flight over the Soviet Union is fresh in history. Even when the plane was in Russian hands, and even when the prestige and integrity of both the country and the President were at stake, worthless denials were made. What did the Commission expect, that any agency with which the presumed assassin of the President had been associated was going to rush forth and claim credit for him or his terrible crime?

Besides, the denials by the agency heads could have been quite truthful and still have been meaningless and worthless. Only formal employees are carried on payroll and expense accounts. The agents of agents, the informants and contacts,

are not payrolled. They cannot and should not be, for their security and that of the agency is too deeply involved and too important. Such people are remunerated from unvouchered funds of which there is no precise accounting. By their very nature they are not to be accounted for. If this were not an absolute necessity, there would be no justification for their existence in a democratic society. The people's money cannot be spent indiscriminately, except when absolutely essential, as in the case of intelligence.

If Lee Harvey Oswald had any non-payrolled relationship with the CIA, John McCone had no reason for knowing it. Nor could he with any certainty trace it down and learn it. The whole sad history of the Bay of Pigs and the partly revealed story of the American pilots who lost their lives in its prelude make clear the indirection with which the CIA works and has to work. The survivors of those pilots are not receiving and have not received compensation from the CIA. Their checks come from mysterious corporations. The mysterious boats and ships that are in and out of Florida and other ports on other than orthodox maritime business are not registered in the name of the CIA. They cannot and should not be. But no one doubts in whose interest they ply the Caribbean.

Having by its approach and method precluded any meaningful analysis of Oswald's politics, relationship with the government and his motives, if any, the Report then makes even more certain of the worthlessness of its conclusions by falling for the ploy of the police and engaging in semantics. It uses political words out of context and gives them a meaning diametrically opposed to reality. Throughout the Report are references to Oswald's "commitment to Communism." To most Americans this means the belief and philosophy of the American Communist Party and the Soviet Union. Above all, it connotes an attachment to the Soviet Union.

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

While seeking to mitigate this forthright misrepresentation with equally vague and undefined references to

"Marxism," which most Americans equate with Communism, the Report leaves itself with as much intellectual integrity as the boy with his fingers crossed behind his back denying he was in the cookie jar.

Almost from the moment of his arrest, the police knew all about Oswald's background, for the FBI's Oswald expert, James P. Hosty, Jr., participated in the first interrogation. Oswald discussed what he considered his politics without inhibition. Insofar as he or they understood what he was talking about, it is, to the degree they desired, reflected in the reports of the interrogators. Appendix XI consists exclusively of these reports (R598ff.).

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

If those among his acquaintances who told the Commission of Oswald's political beliefs, such as the Paines and George de Mohrenschildt, understood correctly, Oswald did not understand Marxism. Not a single witness or fact showed him either a Communist or pro-Communist. Every scrap of evidence from his boyhood on proved him consistently anti-Communist. Ruth Paine told FBI Agent Hosty, when he interviewed her in early November, that Oswald described himself as a Trotskyite and that she "found this and similar statements illogical and somewhat amusing" (R439). De Mohrenschildt, at the time of the assassination occupied with a business relationship with the Haitian government, was apparently the only member of the Fort Worth Russian-speaking community for whom Oswald had any respect (R282). De Mohrenschildt was described by the Commission and some of its informants as provocative, non-conformist, eccentric, and "of the belief that some form of undemocratic government might

be best for other peoples" (R283). He was an agent for French intelligence in the United States during World War II. The Commission's investigation "developed no sign of subversive or disloyal conduct" on the part of the De Mohrenschildts (R383).

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

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

Thereafter he wrote the Socialist Workers' Party, seeking literature, including the writings of Leon Trotsky. The Commission prints 14 pages of this correspondence (19H-567-80). Again, this is an anti-Communist party and Trotsky is perhaps the best known of the former Russian Communists who fought the Soviet regime. Some of Oswald's correspondence with this group and all of his correspondence with the Communist Party (20H257-75) and the Fair Play for Cuba Committee (20H511-33) make sense only when the possibility of Oswald's being somebody's agent is considered.

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

Referring to the Communist Party U.S.A. alone, the Report states, "in September 1963, Oswald inquired how he might contact the party when he relocated in the Baltimore-Washington area, as he said he planned to do in October, and Arnold Johnson suggested in a letter of September 19 that he 'get in touch with us here (New York) and we will find some way of getting in touch with you in that city (Baltimore)'" (R288).

The Report is correct but incomplete, for on the same date Oswald made the same request of the Socialist Workers' Party (19H577). The Report's authors con-

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

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

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

Toward the end of their stay in New Orleans, the Oswalds went to Battles Wharf, Alabama, to participate in a seminar. He unburdened himself of his anti-Soviet feelings. Marina got a thank-you note from Robert J. Fitzpatrick, of the Society of Jesus, in which she was asked to convey "thanks to your husband, too, for his good report to our seminar. Perhaps we do not agree with him regarding some of his conclusions but we all respect him for his idealism . . ." (16H243).

Oswald's hatred of the Communist Party and the Soviet

Union exude from 150 consecutive pages of his notes in the same volume, as well as from other exhibits (16H283-434). For example, in Exhibit 97 (pp. 422-3) he raged, "The Communist Party of the United States has betrayed itself! It has turned itself into the traditional lever of a foreign power to overthrow the government of the United States, not in the name of freedom or high ideals, but in servile conformity to the wishes of the Soviet Union . . . (the leaders) have shown themselves to be willing, gullible messengers of the Kremlin's Internationalist propaganda . . . The Soviets have committed crimes unsurpassed . . . imprisonment of their own peoples . . . mass extermination . . . individual suppression and regimentation . . . deportations . . . the murder of history, the prostitution of art and culture. The Communist movement in the U.S., personalized by the Communist Party, U.S.A., has turned itself into a 'valuable gold coin' of the Kremlin. It has failed to denounce any actions of the Soviet Government when similar actions of the U.S. Government bring pious protests." (Spelling improved.)

The Report quotes some of this as well as ". . . I hate the U.S.S.R. and Socialist system . . ." (R399).

He also described himself as one with "many personal reasons to know and therefore hate and mistrust Communism . . ." (16H442).

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

It is abundantly clear that the Report distorts and misrepresents the Commission's information on Oswald's politics. It both says and implies the opposite of the truth. It pretends a man whose hatred of the Soviet Union boiled in his guts was a protagonist of that political system and perpetuates a lie foisted off on an innocent public by the police. In such a Report, by such a Commission, dealing with such a tragedy, this is unpardonable. Can there be any reason for this except a desire to "fool the public?"



How many more people, here and abroad, were willing to accept what might have otherwise been unacceptable conclusions, how many were less critical than they might have been of the Commission, because of this pretense that Oswald had a "commitment to Communism," that he somehow was an agent of a hated political force? The Report concludes that he was serving no foreign government and that he was the agent of none (R21-2). But the Report repeats the false representation of Oswald's politics. The Commission instead should have inquired into *who* created and broadcast this deception and with what motives. As a result, the Commission's own motives are suspect.

### *Oswald's Marine Corps Service and First Passport*

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

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

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

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

a \$50.00 fine, reduction in rank to private, with the confinement at hard labor suspended for six months unless sooner vacated (19H663-4, 682-4, 692, 707-8, 747-52).

Of Oswald's personal activity in the Marines, the Report states: "He studied the Russian language, read a Russian-language newspaper and seemed interested in what was going on in the Soviet Union." In the unit with which he served upon his return from the Far East, Oswald was referred to as "comrade" and "Oswaldskovitch" (R388). But his clearance to handle classified information was not revoked. It was granted May 3, 1957, "after careful checks." Upon discharge he signed a form acknowledging he had been informed about penalties for revelation of classified information. This included awareness "that certain categories of Reserve and Retired personnel . . . can be recalled to duty . . . for trial by court-martial for unlawful disclosure of information . . ." (19H680). When Oswald defected and appeared in the U.S. Embassy in Moscow, he declared his intention to tell the Russians all he knew, and he knew about the radar installations in which he served and of codes (R262, 265, 393). The Report is barren on the subject, but there have been accounts published of the necessity for changing codes after his defection.

Yet on his return to the United States, Oswald was not kept under regular surveillance (R439), was not charged with breach of security, and was not even confronted with the fraudulent nature of his hardship discharge. Explanations of lack of proof might be offered, no matter how unacceptably, for the failure to charge him with breach of security. But the failure to keep him under surveillance or to do anything about his fraudulent discharge are not susceptible to such facile pleadings. And the Report is incomplete on even this unsatisfactory explanation. It reads, "No evidence has been found that they used him for any particular propaganda or other political or informational purposes" (R393). There is no reference here to military or security information.

The hardship discharge was to enable Oswald to care for his mother. He made not even a gesture in this direction and the Marine Corps would appear to have been aware that he had no such intention. The effective date of his discharge was September 11, 1959 (19H680; 22H79). On September 4, 1959, he applied for a passport from Santa Ana, California. It was issued September 10, 1959. Ac-

companying this application was a Marine Corps certification that had to be filed with the passport application and submission of which is noted on the application. "This is to certify," it read, "that PFC (E-2) Lee Harvey Oswald, 1653230, U. S. Marine Corps is scheduled to be released from Active Duty and transferred to the Marine Corps Reserve (Inactive) on 11 September 1959."

Under "Occupation" on the application, Oswald described himself as "shipping export agent." The places he intended visiting included Cuba and Russia. During a proposed length of stay of only four months, he said he was going to be a student at "the College of A. Schweitzer" in Switzerland and the University of Turku, in Finland. He had all of his transportation arrangements made and specified in the application that he would leave New Orleans by Grace Line ship September 21, 1959 (22H77-9).

The Marine Corps certification of Oswald's imminent discharge that accompanied his passport application at the very time it was processing a hardship discharge was not lost in the mass of the Commission's documentation. Nor is it suppressed in the Report. Instead, the Report ignores both this and the fraudulent nature of the discharge in the text and, in a 13-line section of Appendix XV in which the nature of the discharge is not referred to, notes that a statement that "he was about to be discharged" accompanied the passport application (R746). Why did not the Marine Corps revoke Oswald's security clearance; why did it keep him in a classified job and cooperate in getting him a passport while it was discharging him so he could support his mother?

This is the background of Oswald's now famous trip to the Soviet Union, where he arrived in mid-October 1959.

### *Renunciation of Citizenship*

On Saturday afternoon, October 31, Oswald appeared at the U. S. Embassy in Moscow, laid his passport on the receptionist's desk and delivered a note to Consul Richard E. Snyder requesting revocation of his United States Citizenship. "I have entered the Soviet Union for the express purpose of applying for citizenship in the Soviet Union," it said. "My request for citizenship is now pending before the Supreme Soviet . . . I affirm that my allegiance

is to the Union of Soviet Socialist Republics" (R747).

Snyder quite properly delayed the execution of the prescribed form under a subterfuge. He immediately cabled the State Department which immediately informed both the CIA and the FBI (R748). A week later the Embassy received another letter from Oswald. He protested the Embassy's failure to permit him to renounce his U.S. citizenship and reiterated his hope for Soviet citizenship (R749). But at the same time, Oswald was careful to receive no messenger or messages from the Embassy and an American newspaperwoman, Priscilla Johnson, thought he "may have purposely not carried through his original intention. . . ." Until February 13, 1961, the Embassy heard nothing from Oswald (R750). About January 4, 1960, he left for Minsk.

Meanwhile, the Marine Corps initiated a change in his honorable discharge, not because of the fraud by which he obtained it, but for his subsequent action in defecting, a matter totally unrelated to his service. Under date of January 30, 1962, Oswald wrote the man he thought was Secretary of the Navy, John Connally. This letter appears in facsimile in a number of places in the appended volumes (19H248, 281, 713). It is printed in full in the Appendix in the section on his life in the Soviet Union (R710). In the text, the sentence in this letter in which Oswald asserted he would "employ all means" to right this wrong alone is quoted to indicate Oswald had "a general hostility against the government and its representatives" (R387-8).

The sentence from which this was excerpted and the sentence preceding it read, with the spelling corrected, "I have and always had the full sanction of the U. S. Embassy, Moscow, USSR, and hence the U.S. government. Inasmuch as I am returning to the U. S. A. in this year with the aid of the U. S. Embassy, bringing with me my family (since I married in the USSR), I shall employ every means," etc. The remainder of the paragraph reads, "The U. S. government has no charges or complaints against me. I ask you to look into this case and take the necessary steps to repair the damage done to me and my family. For information I would direct you to consult the American Embassy, Chikovski St., 19/21, Moscow, USSR."

Oswald sometimes expressed himself in awkward or exaggerated ways, and this might have been such a case. But it certainly was not going to help his appeal to mis-

represent his relationship with other parts of the government. The Report disregards this paragraph in considering whether Oswald was an agent. It does infer that speculation that he was an agent was attributable to his mother, who first expressed this belief to the State Department in January 1961 (R326, 660). Publication of this letter soon after the assassination and the obvious lack of FBI mistrust, in themselves, were more than enough to suggest Oswald was an agent. Immediately after publication of the Report, J. Edgar Hoover publicly affirmed that the FBI had no reason to mistrust Oswald and interpreted what the FBI had received from the State Department as "a clean bill of health."

Oswald's representation to Connally that the government was helping him was not an exaggeration. The government broke its back if not the laws, and if it did not break the laws, it certainly twisted them. Even the gremlins in the State Department in Washington were working for him. Under 1960 procedures, a "refusal sheet" was made up on Oswald on March 25. On the basis of this sheet, which indicated he might have been "naturalized in the Soviet Union or otherwise . . . expatriated himself," a "lookout card" should have been executed by the Passport Office. On finding the lookout card, the Passport Office would be in a position to "take appropriate action, including the possible refusal of a passport. . . ." A card was made up, in case Oswald "applied for documentation . . . outside the Soviet Union." But the State Department notified the Commission on May 18, 1964, that it found no "other indication or evidence that a lookout card was ever prepared, modified or removed" (R750-1).

The Report's effort to gloss this over reads, "Had a lookout card been prepared on the ground of possible expatriation, it would have been removed and destroyed after the decision was made in 1961 that Oswald had not expatriated himself and thus prior to the time he applied for a second passport in June 1963" (R751). The Commission's language is as tricky as the State Department's. There is no doubt a lookout card should have been executed. There now is no evidence that it was or was not, according to the Report. An "operations memorandum" included the following language: "An appropriate notice has been placed in the lookout card section. . . ." There is no reason to presume such a card, the regular order of

business, was not executed and filed. There is likewise logical reason to *not* presume many interests might have been served by the subsequent disappearance of this card.

In any event, the Commission's obvious effort to protect and justify the State Department is beside the point for another reason: It is based on the assumption that the only reason for executing a lookout card or similar device was "the ground of possible expatriation." The history of the State Department with respect to passports for a wide variety of nonconformists and political deviates is spread wide upon the public record and in many courts, including the Supreme Court, which ordered changes in passport regulations and practices to eliminate State Department abuses. One such decision was handed down during the Commission's deliberations. The great number of such lawsuits is abundant evidence against the position of the Report. The practice of the State Department has been consistent. Whether or not Oswald expatriated himself, in the absence of very compelling reasons, what he declared to the Moscow Embassy was enough to put and keep him on every list and card file in every State Department office. If he was not there, the reason was not the bungling of a bureaucracy. Also, as many people can testify, the State Department has found it possible to delay indefinitely the granting of passports to such people. Oswald got his second passport overnight.

But instead of considering the strong suggestion that this was an evidence that Oswald was of unnatural interest to the government, the Report set for itself the task of justifying and explaining away this and subsequent similar indications by the State Department. The Report also conveniently overlooks the State Department's attitude toward Oswald reflected in the passport it issued to him on his departure from the Soviet Union. That passport was good only for his "direct return to the United States" (R753, 758).

Oswald initiated this move in an undated letter from Minsk received at the Embassy February 13, 1961. It was a negotiating letter in which he expressed a desire to return to the United States "if we could come to some agreement concerning the dropping of any legal proceedings against me" (R752). This letter referred to one Oswald said he wrote in December 1960, of which the Report says "there is no indication he had written to the Embassy

previously." In substantiation, it cites his diary as referring to the February letter as "his 'first request' concerning his return to the United States." If Oswald did write the Embassy in December 1960, need that letter have been only about his return (R752)?

The Embassy's reply of February 28 told him to come to Moscow and he demurred, asking that everything be done by correspondence. Meanwhile, it asked the State Department whether Oswald would be subject to prosecution and if so should he be informed. It also suggested that mailing Oswald his 1959 passport might facilitate his exit. In reply to Oswald's March 20 letter, the Embassy again told him he would have to come to Moscow. The Department instructed the Embassy first to make a thorough investigation to be certain Oswald had not renounced his American citizenship and to give him his passport only after arrangements had been made for his departure from the Soviet Union and then only "for direct return to the United States" (R753).

Oswald's reply of May 16, 1961, was postmarked in Moscow, not Minsk, and demanded full guarantees he would not be prosecuted "under any circumstances." He reported his marriage to a Russian woman and reiterated his reluctance to go to Moscow, although, without comment in the Report, his letter was postmarked in that city. And under date of July 11, the Department told the Embassy Oswald's "precise status is a matter which will be left to the Embassy's discretion in the event an emergency situation should arise." The Department also said "The Embassy's careful attention to the involved case of Mr. Oswald is appreciated" (R754).

But on Saturday, July 8, 1961, Oswald appeared at the Embassy and had an interview with Snyder. The nature of this interview is hardly indicated, other than Snyder's belief Oswald had learned his lesson the hard way. Much more must have happened, especially by way of guarantees to Oswald, for he phoned his wife immediately and told her to come to Moscow. On Snyder's instructions, he returned to the Embassy two days later. Oswald also described his situation as that of a stateless person, as his Russian internal passport classified him. He signed a passport renewal application form, executed by Embassy employees on the typewriter (18H144ff.). Oswald signed and Snyder at two points signed and certificated it. His existing passport was

stamped, on instructions from Washington, "This passport is valid only for direct travel to the United States" and returned to him (R757).

Printed at the bottom of this renewal application were listed acts that could preclude issuance of the renewal. These included naturalization or a declaration of allegiance to a foreign state and service in the armed forces of or employment by a foreign state. The printed form provided the words "have" and "have not," the inapplicable words to be stricken out. As precisely as possible, the words "have not" were typed over. The form then read that Oswald had committed one or more of these acts. The Report says of this, ". . . apparently admitting that he had committed one or more of the acts which would at least raise a question as to whether he had expatriated himself. Snyder was not able to remember with certainty to which of the acts listed on the statement Oswald's mark was intended to refer, but believed it may have been to 'swearing allegiance to a foreign state'" (R755).

Whenever possible, the Report infers inefficiency of the federal bureaucracy. Perhaps a little of the infection has spread to the authors of the Report, for it was the Embassy's and not Oswald's mark. This form was typed by the Embassy and Snyder supervised and certificated the whole operation. But the Report, which cannot so state, tries to infer this was a typographical error (R756). This could not possibly have been the case, for the same clause of the renewal application instructs the applicant to execute a "supplementary statement under oath" in explanation to be "attached and made a part hereof." And Oswald did in his own handwriting execute the four-page questionnaire before Snyder, whose name is affixed, together with the stamp of the consulate (18H146-9).

In this statement Oswald was allowed to swear that his visit to the Embassy in October 1959 in which he had handed a written statement of the renunciation of his United States citizenship to Snyder personally was for "notification of future residence in the USSR." He was permitted to evade the intent of the question about whether he was considered a national of the USSR, which officially considered him without citizenship, by saying this document said "my nationality is American." And in answer to the question whether he, among other things, had "employment under the government of a



foreign state," he was permitted to say he did not regard his employment in Russia as the kind meant in the questionnaire. During all of his life in Russia, he had been a Russian government employee, and the Commission made quite a point of the added cash he had received, allegedly from the Russian Red Cross. He was permitted not to answer all the other questions about this employment.

Of all of this the Report grudgingly concedes, "In any event, Oswald filled out the supplementary questionnaire which was required to be completed if the applicant admitted he had performed one or more of the possibly expatriating acts . . . under oath." Then the Report resurrects its familiar government employee whipping boy, saying, "The Passport Office employee who processed the Oswald case in Washington testified that she routinely regarded the questionnaire, rather than the application itself as the controlling document for expatriation purposes, so she probably paid no attention to the strikeout." Snyder is also quoted as describing this matter as routine. Apparently there have been hordes of American defectors to Russia not reported in the press (R756).

The following day Oswald brought Marina to the Embassy "to complete the papers necessary to obtain permission for his wife to enter the United States." On August 18, 1961, "Based upon Snyder's recommendation and the *information in its files*, the Passport Office" decided Oswald had not expatriated himself (R757). (One can only wonder what kind of information it had in its files.) It authorized renewal of Oswald's passport effective September 10, 1961, but only "for direct return to the United States."

On October 12, 1961, the Embassy informed the Department of four letters from Oswald reporting difficulty in obtaining Soviet exit visas and personal harassment in Minsk. Further correspondence followed in which Oswald expressed his "impatience in receiving American approval for Marina's entry into the United States, and his efforts to obtain a repatriation loan." There is considerable streamlining at this point, for the Report merely says that "the passport problem was finally concluded on May 24, 1962 . . . A week later he used it to return to the United States" (R758). In concluding the law was observed in Oswald's return to the United States, the Report does admit that he applied for Soviet citizenship but did not receive it (R759).

But Oswald would not and did not leave until he could bring his wife with him. That required both an exit visa from the Soviet Government and a non-quota immigrant visa from the United States. At her July 11, 1961, interview, Marina falsely "denied she was or ever had been a member" of any Communist organization. She admitted before the Commission that she had been a member of Komsomol, the Communist youth group, until expelled following her decision to go to the United States (R761).

The big problem was the U. S. Visa. The Report explains it this way:

"Marina Oswald's ability to obtain a nonquota immigrant visa depended on the favorable resolution of 3 questions. First, it had to be determined that she was the wife of an American citizen, which depended on whether her husband had expatriated himself. Second, it was necessary to determine that she was not and had not been affiliated with a Communist organization on other than an involuntary basis. Third, it had to be determined that she was not likely to become a public charge after she was admitted to the United States. Section 243(g) of the Immigration and Neutrality Act presented a fourth issue. This section of the act prohibits the issuance of immigrant visas by American Consuls stationed in countries which have refused to accept or have unduly delayed accepting the return of persons sought to be deported from the United States. The Soviet Union had been designated as such a country in 1953. However, the sanctions of section 243(g) are often waived; and even if they were not waived in Marina's case, she could obtain her visa at an American Embassy in some other country on her way from the Soviet Union to the United States, if she were otherwise entitled to the visa" (R761).

The Embassy on August 28, 1961, recommended "a favorable advisory opinion and approval of . . . (Marina's) petition together with a waiver of the sanctions. . . ." And, when the Oswalds were unable to supply proof Marina would not become a public charge, the "Embassy decided to accept Oswald's own affidavit to support his wife as sufficient assurance that she would not become a public

charge" (R761-2). The machinery to get approval for Marina's entry into the United States was set in motion when the visa office asked the Dallas office of the Immigration and Naturalization Service to act on her immigrant visa. But the Immigration and Naturalization Service, while finding no evidence Oswald had ever been connected with Communist or subversive groups, decided against waiving the sanctions because, while it may, "in an individual meritorious case . . . filed by a reputable relative where no substantial security information is developed" it was "of the opinion that both these restrictions are present in this case." The District Director affirmed this decision of the Dallas office on January 30, 1962. In saying sanctions should not be waived, he expressed disbelief of Oswald's repentant statements in the light of his original declarations when he entered the Soviet Union (R761-3).

Meanwhile, the State Department "had previously indicated its impatience" at the time taken. The Visa Office had phoned the Immigration and Naturalization Service, saying that, in the opinion of the political desk, "We're better off with subject in U.S. than in Russia." Nonetheless, the Service would not waive the sanction but recommended against denying the petition. Everybody, including Oswald, was informed. This meant that Marina could come in, but not directly from Russia. The day after Oswald got the news, the Moscow Embassy sought and got approval of the Brussels Embassy for the issuance of a visa to Marina. Her entire file was even sent to Brussels. She was to get the visa within two or three days of her arrival (R764).

This plan was "rendered unnecessary" by the yielding of the Immigration and Naturalization Service to pressure from the State Department. But the Immigration Service refused to reverse itself until it got a high-level letter. They were keeping their skirts clean. On March 27, 1961, such a letter was written by "an acting administrator in the Department of State." Not until May 9, 1962, did the Immigration Service act. Even then, it put on the record that it had reversed itself "in view of the strong representations." But the State Department "had informally learned on May 8" of this letter and "quickly telegraphed the Moscow Embassy," in the language of the Report (R766). The Oswalds were on their way.

The Report is troubled by this history and attempts to justify it. First, it addresses itself to the assurance that

Marina would not become a public charge and the decision to accept Oswald's affidavit. Ignoring the sad and contrary history of other defectors, it held that Oswald was healthy, a veteran, with 2½ years of experience in a factory, hence, would have no trouble supporting his wife (R766).

Marina's Communist membership was less logically but just as easily swept away. The Report admits the law prevented admission of anyone who "is or was a member of, (or) affiliated with, a Communist organization" unless the alien established "to the satisfaction of the consular officer when applying for a visa" that such membership was "involuntary," or necessary to life, or the alien was under 16 years of age. Membership in her union would not have disqualified Marina. But how about her false statement about her Communist membership? With perhaps more candor than intended, the Report holds "If this fact had been known to the State Department, Marina Oswald would not necessarily have been denied a visa. . . ." But, the Report concedes, "had her membership in the Komsomol become known to the Department after her denial of such membership, it is possible she would have been excluded from the United States on the ground of wilfully misrepresenting a material fact." And at that point the Report goes off on a tangent of what judicial decisions hold to be a material fact (R767).

The Report does not state that Marina was eligible to enter the United States. The law is clear that she was not. Her false statement made it possible. Without it she could not have met the requirements of the law. With the efforts it made on behalf of her husband, it can not be concluded that the State Department might not have evolved some mechanism. But the law is clear; she was not eligible for entry into the United States.

Even the waiver of sanctions troubles the Report, but only for a little more than a page. It admits that this provision of the law had been invoked against Soviet nationals beginning ten years earlier. The waiver provision is not in the law, but the Department of Justice had held the Attorney General has such powers. These may be used "if no substantial derogatory security information is developed . . ." in a "meritorious case . . . filed by a reputable relative." To comply with this Marina would have had to have been held a "meritorious case" and her

husband "reputable" by the Department of Justice and the State Department. The out found by the authors of the Report is simple: "Regulations did not require automatic denial of the waiver . . ." (R768-9).

Even the loan made to Oswald for repatriation required special interpretations and new dictionaries. Three provisions of State Department regulations were quoted as prerequisites: "a. Who are in complete and unquestioned possession of their citizenship rights; b. Who are entitled to receive United States passports; c. Whose loyalty to the United States Government is beyond question, or to whom the provisions of Section 423:1-2(b) apply" (R771).

The Report holds "Oswald undoubtedly satisfied the requirements of paragraphs (a) and (b)," although one might believe otherwise, especially because the passport granted was good only for "direct return to the United States." But it concedes "there is serious question" about (c). It found the loan was made under another provision allowing for "a compelling reason," especially when there is danger to the "prestige" of the United States (R772).

Still another lookout card should have been prepared for Oswald, under State Department procedures, for in every case this is required until complete repayment of the loan. Again, the lookout card was never prepared. The Report's authors were so satisfied with their explanation of the first failure to file a lookout card on Oswald they use it again: A simple, bureaucratic error.

"In any event," the Report concludes this section, "Oswald's loan was repaid in full on January 29, 1963, five months prior to his application for a new passport" (R772-3).

### *The Second, "Overnight" Passport*

On June 24, 1963, Oswald applied for a passport at New Orleans in which he specified he intended visiting, among other countries, the Soviet Union. This passport was granted the next day, "routinely," because "there was no lookout card." The Commission accepted the State Department's additional explanation that, at the time this passport was issued, "there was no information in its passport or security files which would have permitted it to deny a passport to Oswald." First, it is necessary to ask how an investigation could possibly accept the evasion involved in

the use of the word "deny." Whether or not the State Department could legally deny passports, it has a long history of denying them illegally, including cases under judicial consideration at the time of the Commission's deliberations. The courts have held against the State Department consistently. Also, the State Department has found frequent occasions to merely delay, sometimes indefinitely, responding to passport applications. Here the Report was looking only for easy outs and its authors showed a lamentable willingness to accept any excuse (R775).

Even in so doing, the Report quotes authorization to withhold passports from people the Secretary of State believes might do just exactly those things for which the Department so exerted itself to bring Oswald and his family to the United States. The language is broad and includes any act that might be "prejudicial to the orderly conduct of foreign relations" or "otherwise be prejudicial to the interests of the United States." The Department had earlier decided to withhold passports from "persons whose conduct abroad has been such as to bring discredit upon the United States. . . ." Even the Report (R775-6) acknowledges these were the reasons for bringing Oswald home.

Despite the unquestioned history of Oswald's career abroad, the Report "concludes that the Department was justified in granting a passport to Oswald on June 25, 1963" (R777). It did not find it necessary to comment on the additional reason it cited for executing a lookout card, Oswald's record in Russia (R775). And nowhere does it raise the question of Oswald's ability to pay his way home which would have seemed a likely consideration of concern to the Department. At the time the passport was granted, Oswald could not have paid his way abroad or back with his own money.

The Report implies the Department's ability to deny Oswald a permit was limited by law, ignoring the ease with which it could have followed its practice of merely delaying the passport. Passport Application Form 7-64, DSP-11, in use in 1965, under section G, employs almost identical language as the 1959 form previously quoted (18H144), with the changes strengthening the strictures.

And how about that "routinely" issued 24-hour passport? The teletyped list of 25 applicants from the New Orleans office (18H324) sent toward the end of the day with all sorts of abbreviations typed, written and stamped on it,

according to the Report, bore no identification of the office of origin. Another bureaucratic error? This is "routinely" added in Washington! The symbol is not "N.O." but "NO." The pencil used is red. And the designation is not placed at the top with all the others, in the margin or on the bottom. It is placed any place. And in this case it just happened to be "beside Oswald's name" (R774). Oswald's name was the twentieth in a list of 25. It just also happens that his is the only name with a checkmark after it except for what appears to be two cases of minor children. By another strange coincidence, his is the only name which has an unintelligible curlicue in front of it. Neither the checkmark nor the curlicue is mentioned in the Report. All of this is routine and normal, the Report declares, including the overnight service.

But in questioning Orest Pena, in whose bar in New Orleans the real or false Oswald had gotten spectacularly ill, the Commission had established that a) Pena had applied for a passport the same day as Oswald; b) had not gotten his in 24 hours (11H360). Pena's name is not even on the list with Oswald's. Yet Pena had previously and without trouble or difficulty traveled abroad, never needing loans to get back. He had also rendered valuable service to the FBI in reporting on the activities of pro-Castro Cubans who patronized his bar. The Report finds it expedient to ignore the Pena case in its effort to prove that it was normal and routine for Oswald to have received any passport with his history, and then to have received it within 24 hours.

Without doubt, it was to the interest of the United States government to get Oswald back to the United States as soon as possible. Whether this need satisfactorily explains the relations between Oswald and the State Department is another question. Whether it explains the lack of prosecution is a question the Report does not even address, although it mentions the bargain against prosecution upon which Oswald insisted and the concern of the consul whether such prosecution would follow Oswald's repatriation. The apparent fraud by which Oswald got his Marine Corps discharge and the participation of the Marine Corps in getting his passport are likewise not a subject to which the Report addresses itself, although it and the Commission find space and time for the widest conceivable assortment of trivia. It is a fact that Oswald was not even

threatened with prosecution. There is no evidence that the Marine Corps ever questioned him about his threatened disclosure of classified national defense data.

The Report addresses the numerous aspects of Oswald's relations with the government piecemeal, as the blind men addressed the elephant. Does the Report reach more valid conclusions?

### *Marina*

Marina's relations with the government are nowhere mentioned in the Report except in relation to her entrance into the United States. The Report could ill afford to, for she was indispensable to the Commission. Almost anything the Commission wanted she testified to, and where it suited the purposes of the Report, such as in the preposterous story of the Walker shooting, the Report bases unquestioning conclusions exclusively upon her word. It quotes her false statements as the truth, as with Oswald's breakfasts, saying she said he never ate breakfast (R330). But she painted a picture of a considerate husband who never troubled his wife to make his breakfast and always made his own (18H596).

That Marina was less than completely truthful was a problem to which the Commission had to address itself, but its approach was different, for it does not in the Report indicate in any way that Marina could be other than the heart and soul of probity. But she had made statements not in conformity with the Commission's belief, especially after first placed in protective custody. Confronted with her statement that she had never seen Oswald clean the rifle, she testified, "Yes, I said I had never seen it before. But I think you understand. I want to help you, and that is why there is no reason for concealing anything. *I will not be charged with anything.*" Actually, she may have been referring to the rifle and not alone its cleaning. At this point one of the interpreters declared, "She says she was not sworn in before. But now, inasmuch as she is sworn in, she is going to tell the truth" (1H14).

Marina, by her own description, is a liar. This is consistent with her earlier record of lying to get into the United States. When it suited her purposes to lie, she did so. Can such a person be considered a dependable witness in such a proceeding?



What was her interest, when she appeared before the Commission and while in protective custody? She was in the country illegally by virtue of her false statement about Communist membership. She was eligible for deportation on both counts, to a country where she had no reason to believe she would be welcome and to a life she had wanted to leave. The Report avoids any consideration of Marina's plight, yet it is basic in evaluating her independence and credibility as a witness.

Marina just disappeared from view on Saturday, November 23, 1963. When her husband tried to reach her, he learned merely that she was no longer at the Paines'. The Report fails to detail what happened to her, or even to indicate that anything did happen to her. There is merely a hint in the report of Secret Service Inspector Kelley in the Appendix (R631-2):

"Thereafter, I was called by SAIC Bouck who advised me that the President and the Attorney General were concerned about the safety of this family and instructed that all precautions should be taken to insure that no harm befell them. SAIC Bouck was advised that the family was presently under our protection; we would continue providing protection until further notice.

Later that same day, I was contacted by SA Robertson of the FBI who asked whether we had someone with the family. He was assured that we had. He requested to be advised where the family had been taken. Since their ultimate destination was unknown to me at the time, I assured him that when I learned of their whereabouts I would relay it to him. He said that they received instructions from the Attorney General and President Johnson that precaution should be taken to insure the family safety.

At 11 p.m., Sunday, November 24th, I was advised of the location of the family and immediately notified Robertson and inquired whether they now wished to take over their protection. He said no they had no such instructions, they merely wished to be assured that someone was looking out for their safety. I assured them that adequate protection was being provided and that they were available for interviews by the FBI. He stated that they did not wish to inter-

view the family at this time; that they merely wanted to make sure they were in safe hands."

She had had two visits from the FBI in early November. She understood the magnitude of the crimes with which her husband had been charged, and she could not help realizing she was all alone with no means of support in a strange country where her name and that of her country of origin were hated. And she had two infants to support, besides herself. She had little choice.

Kelley indicated a willingness of the Secret Service to turn their charges over to the FBI. And following Oswald's murder, Peter N. Geilich, administrative assistant at Parkland Hospital, reported hearing the Secret Service announce ". . . they were leaving the case and that the Dallas police would take over the protection of Oswald's family," only to hear them change their minds (21H188). For a long period of time, she was in protective custody and she correctly understood her situation. She referred to it, in quotation marks, as "guarding" (18H541) and "protecting" (18H547). In one of the two different translations of a letter she wrote the Dallas Civil Liberties Union in December she said, in the State Department's translation, "I have no complaint about the Secret Service personnel who are 'protecting' me . . . I am completely free to go where I want and see whom I want . . . I just don't want to see anybody. . . ." This was especially true of the one woman who might have been thought her friend, her benefactress, Ruth Paine (18H547). According to the testimony of the chairman of the Dallas Civil Liberties Union, Gregory Lee Olds, it took "a certain amount of negotiating with the Secret Service and the FBI" before he could even write Marina (7H325).

Marina wrote a lengthy narrative at the beginning of her period of protective custody (18H548). It is at variance with statements she subsequently made under oath to the Commission. The later version was more in keeping with the Commission's desires. On a number of important things, such as her relations with her husband and especially the last night, and on their plans, this version is entirely unlike the accounts so widely broadcast. Marina concluded it by expressing a different opinion of the FBI agents (18H642):

"I am a little offended at the FBI agents who have been tormenting me every day with their trivial questionings, some of which have nothing to do with Lee's case; for example, what sort of furniture we had in Russia, how many people lived in our house and their ages, not to mention questions about my friends and relatives. I think that they should not count on my practically becoming their agent if I desire to stay and live in the United States . . ."

It is interesting that even after a period of protective custody, despite the lurid language subsequently attributed to her, she referred to "Lee's case," not to his crimes; that she felt an effort was being made to make some kind of agent of her, which is not inconsistent with her husband's face-to-face accusations to the FBI Agent Hosty when Oswald was being interrogated; and that she might not desire to remain in the United States. But soon the dollars started pouring in and she was a wealthy young girl, even by American standards. This should have made making up her mind much easier.

Once she made up her mind, she found she was almost a social lioness, invited out and sought after. She found Americans a warm people who held no malice against her and made her as much at home and welcome as possible.

But as a witness she was in exactly the position visualized by framers of the passport regulations, under undeniable pressure. And the nature of her testimony bears eloquent witness to the consequences.

At the conclusion of the hearing of February 6, 1964, Marina's then attorney, John M. Thorne, said: ". . . she has been, as you know, under protective custody of the Secret Service from shortly after the assassination. She has been most grateful for this protection . . . I haven't had personally enough time to think this thing out for myself. I don't know. It is her request, however, that, at this point she feels the protection is no longer necessary . . . and if the Commission would give this matter consideration—we don't know whom to go to. I haven't thought about it. I don't know who has suggested the Secret Service continue protecting her. . . ." There was no direct answer about who had the Secret Service protecting Marina, or against whom, but in response the Chief Justice said, ". . . she may feel from this moment on that she is under

no protection except what she might ask for. . . .” Thorne then indicated, discreetly, that Marina might want “protection” from her mother-in-law, Marguerite Oswald (1H-125-6).

Thus, from the time of the assassination until after the first sequence of her appearances before the Commission, she was constantly in the hands of the government.

Whether she can be considered an impartial witness, under neither pressure nor compulsion of any kind, can best be judged from her own words:

“Mr. Rankin. After the assassination, did the police and FBI and the Secret Service ask you many questions?”

Mrs. Oswald. In the police station there was a routine regular questioning, as always happens. And then after I was with the agents of the Secret Service and the FBI, they asked me many questions, of course—many questions. Sometimes the FBI agents asked me questions which had no bearing or relationship, and *if I didn't want to answer they told me that if I wanted to live in this country, I would have to help in this matter, even though they were often irrelevant. That is the FBI.*

Mr. Rankin. Do you know who said that to you?

Mrs. Oswald. Mr. Heitman and Bogoslav, who was an interpreter for the FBI.

Mr. Rankin. You understand that you do not have to tell this Commission in order to stay in this country, don't you, now?

Mrs. Oswald. Yes.

Mr. Rankin. You are not under any compulsion to tell the Commission here in order to be able to stay in the country.

Mrs. Oswald. I understand that.

Mr. Rankin. And you have come here because you want to tell us what you could about this matter, is that right?

Mrs. Oswald. This is my voluntary wish, and no one forced me to do this.

Mr. Rankin. Did these various people from the police and the Secret Service and the FBI treat you courteously when they asked you about the matters

that they did, concerning the assassination and things leading up to it?

Mrs. Oswald. I have a very good opinion about the Secret Service, and the people in the police department treat me very well. But the FBI agents were somehow polite and gruff. Some times they would mask a gruff question in a polite form.

Mr. Rankin. Did you see anyone from the Immigration Service during this period of time?

Mrs. Oswald. Yes.

Mr. Rankin. Do you know what that was?

Mrs. Oswald. I don't remember the name. I think he is the chairman of that office. At least he was a representative of that office.

Mr. Rankin. By 'that office' you mean the one at Dallas?

Mrs. Oswald. *I was told that he had especially come from New York, it seems to me.*

Mr. Rankin. What did he say to you?

Mrs. Oswald. That if I was not guilty of anything, if I had not committed any crime against this Government, then I had every right to live in this country. This was a type of introduction before the questioning by the FBI. *He even said that it would be better for me if I were to help them.*

Mr. Rankin. Did he explain to you what he meant by being better for you?

Mrs. Oswald. In the sense that I would have more rights in this country. I understood it that way.

Mr. Rankin. Did you understand that you were being threatened with deportation if you didn't answer these questions?

Mrs. Oswald. No, I did not understand it that way. You see, it was presented in such a delicate form, but *there was a clear implication that it would be better if I were to help.*

Mr. Rankin. Did you—

Mrs. Oswald. This was only felt. It wasn't said in actual words.

Mr. Rankin. Did you feel that it was a threat?

Mrs. Oswald. This was not quite a threat—it was not a threat. But it was their great desire that I be in contact, in touch with the FBI. I sensed that.

Mr. Rankin. But you did not consider it to be a threat to you?

Mrs. Oswald. No.

Mr. Rankin. Did anyone indicate that it would affect your ability to work in this country if you cooperated?

Mrs. Oswald. Excuse me. No.

Mr. Rankin. Is there anything else about your treatment by law enforcement officials during this period that you would like to tell the Commission about?

Mrs. Oswald. I think that the FBI agents knew that I was afraid that after everything that had happened I could not remain to live in this country, and they somewhat exploited that for their own purpose, in a very polite form, so that you could not say anything after that. They cannot be accused of anything. They approached it in a very clever, contrived way.”  
(1H79-80)

The foregoing is not the reflection of the relations between both Oswalds, and the United States Government seen in the Report. Most of what has been quoted from the Report is not from its text, which contains the Commission's findings, but from the Appendix. While this is not an exhaustive analysis of the Oswalds' government relations, it is sufficient to show that the Report does not by any means indicate the highly unusual character of this relationship. The dead Oswald could not set the record straight.

Marina became the Commission's star witness. The quoted sections of her testimony, not in any way reflected in the Report, are abundant evidence of her situation, once she decided she wanted to remain in the United States.

The possibility of Lee Harvey Oswald's having had indirect relations with the United States Government remains to be explored. The following chapter may indicate whether the presumed assassin was connected with groups that, in turn, may have been tied to government agencies. It shows that the Commission had reason to explore this field but did not.

## 11. THE FALSE OSWALD

If any of the many police agencies that investigated the assassination ever considered the possibility that anyone besides Oswald was or even might have been involved at any time subsequent to his arrest, I have found no indication of it. For a brief earlier period, the police logs (meaning *all three versions* of the same logs, all of which are different, Exhibits 705, Sawyer Exhibits A and B, and Exhibit 1974), describe the location and description of suspects and the arrest of at least one, in the building across from the Depository.

There is no explanation of all of this police activity. Nor do any of the police appear to have been questioned about it. It is totally ignored in the Report. Once Oswald was in jail, nobody was interested in any other prospects.

While not forgivable on the part of the police, it can be understood in terms of their desire to protect themselves and their reputations, and their anxiety to present the best possible face to a stunned world by prompt capture of the culprit—any culprit.

Weak as these are, no such excuses can be made for the Commission which was charged with the responsibility of learning and reporting all. This was explicit in its creation and certainly everyone expected no less of it. Yet the Commission also wanted no other suspects. With Oswald dead and safely buried (and the seal of certainty stamped in the appended volumes with photographic proof), the Report considered no others. The dead Oswald left very few friends. He had no real intimates. He had no political connections of any kind.

In what is by far its lengthiest chapter (VI—Investigation of Possible Conspiracy, pp. 243-374), the Report also considers no possible conspiracies except some in which Oswald might have been involved. That section devoted to Jack Ruby details his activities for the three days prior to his murder of Oswald, then in police custody, reports on his "Background and Associations," and concludes "Ruby and Oswald Were Not Acquainted" in a subsection bearing that title.

Even those unspeakable persons of the extreme "radical

right," clearly described by the Commission as the cannibals of that part of the political spectrum, escape separate attention in this chapter, despite the oft-quoted words of the Chairman-Chief Justice at the time of the assassination, attributing it in general terms to "hate." There is no reference to these political jackals in the table of contents, and what little mention is made of them is hidden with a total absence of logic in a completely unrelated sub-section entitled Oswald's "Political Activities Upon Return to the United States" (R293-9). He had no known connections with these people.

Yet the Report devotes 131 pages to the "Investigation of Possible Conspiracy" involving Oswald. (By comparison, the chapter on "The Assassination" covers but 31 pages, less than a fourth the space.) The half-page conclusion establishes that in its deliberations the Commission considered no conspiracy not involving Oswald and, in fact, "there is no credible evidence that Lee Harvey Oswald was part of a conspiracy to assassinate President Kennedy" (R374).

*On both counts the Report is wrong. First, it had more than evidence of a conspiracy: It had irrefutable proof. Second, the Commission had highly credible evidence that Lee Harvey Oswald was, in fact, part of this conspiracy. Any appraisal of the Report as it relates to Oswald inevitably leads to the conclusion he could not have done what he was charged with. Despite its contrary statements, the Commission's own proof of this is completely unsailable and is repetitious. But there remains the possibility that Oswald was involved in the crimes. Whether innocently or otherwise will ultimately be decided by others. My evaluation, limited entirely to what I have found buried in the hearings and suppressed in the Report, is that he was the "pigeon." My only doubt is whether, at least to begin with, he knew.*

Conspiracy is defined as a combination of persons for evil or unlawful ends. At least two are required to constitute a conspiracy.

At least two were involved in the assassination. Probably there were more.

We have already seen that the Commission proved Oswald could not have done what it charged him with doing. Whether or not knowingly, Oswald was connected with the assassination. For instance, the alleged assassination weapon was tied to him through purchase, if not pos-



session. There is other compelling evidence of a conspiracy. Even if he had been an active participant, Oswald could not have been the lone assassin.

Hence, regardless of the Commission's conclusions or its reasons for reaching these conclusions in defiance of its own conclusive evidence, the certainty of the existence of a conspiracy should be borne in mind in consideration of the Commission's denial thereof. That chapter is an elaborate diversion made credible to the casual reader by the impressively detailed documentation. Only a few of the items considered were worthy of serious attention and, unfortunately, these received little.

Despite this, the chapter reveals the nature of the real conspiracy that did exist, names names, identifies forces. It reveals the single aspect of the Commission's inquiry that was not concluded at the time of the printing of the Report. At that point the Report and the Commission abandon their hot lead.

There is no way of knowing what developed in the belated investigation the FBI was directed to make. But it is known that the Commission put its files in storage in the National Archives where they are inaccessible for the next 75 years. Parenthetically, the reason for this time specification given by the press, whether or not under the inspiration of the Commission, is one of the most shameful aspects of this whole business. That reason was supposedly for the good of Lee Harvey Oswald's daughters, to protect them from the consequences of the alleged crimes of their father. Certainly nothing can be said that could further besmirch his name. It has been so deeply engraved in the annals of infamy that anything said of him could only improve the memory the world will have of him.

Buried in the subsection innocuously entitled, "Investigation of Other Activities" and unreflected in the table of contents, the headings, subheadings, or the index of the Report, is hard and unrefuted proof that a group of men were deliberately fashioning a "False Oswald." The Report and the Commission first tried to destroy the validity of this information and, failing in that, switched to a childish but successful pretense that this mysterious person could not have been Oswald. Indeed, he not only could not have been, but he was not, and the Commission knew this and it knew his name!

Before getting to this, the Report devotes a number of

pages to other aspects of its inquiry into Oswald's activities. If I seem to be avoiding the word "investigation," it is not accidental. What the Commission did cannot in any sense be called an investigation. They held hearings, they took testimony, they accepted exhibits by the thousands, and they did a number of other things, including composing the Report. But they never had their own investigators to go out into the field and they evolved few theories of their own. The Commission sought only to validate the FBI report. I am aware of only one major change it made in that document's conclusions. It was dependent upon others for its investigative function, chiefly the FBI and Secret Service.

First of these other activities considered (R312) is entitled, "Oswald's Use of Post Office Boxes and False Names." The Report says, "Since either practice is susceptible of use for clandestine purposes, the Commission has directed attention to both." The Report then traces the history of Oswald's box rentals beginning with October 9, 1962, when he rented box 2915 in Dallas. It makes no effort to correlate Oswald's use of post office boxes with the conditions of his life, especially his employment and the interest the FBI had in him. Marina, for one, gave the Commission this information (1H20), saying that about August 1962 Oswald was interviewed by the FBI out of her presence, that the interview disturbed Oswald who told her little about it, and thereafter he lost his job.

The Report then says, ". . . Oswald is known to have received the assassination rifle under the name of A. Hidell and his Smith & Wesson revolver under the name of A. J. Hidell . . ." at Dallas Box 2915.

In tracing the other boxes the Report accurately describes Oswald's closing out of his New Orleans box and the filing of a change-of-address card immediately prior to his trip to Mexico in late September 1963. What the Report ignores is the intriguing revelation by Postal Inspector Harry D. Holmes (7H289-308; 525-30) that still another change-of-address card not written by Oswald was sent to the New Orleans office. It was postmarked in New Orleans October 11, and in Dallas October 16. Assistant Counsel Wesley J. Liebeler frankly admitted the problem this presented the Commission, stating, "Let me come bluntly to the point. My problem is this: Oswald wasn't in New Orleans October 11. He was in Dallas" (7H529).

Inspector Holmes could only conjecture that some unknown person had telephoned the change of address to the New Orleans post office (and even to its correct branch). The Report, in ignoring this, ignored obvious conspiratorial connotations. The Commission's attitude is reflected with unfortunate clarity by the disposition Liebler made of his unwanted evidence, "Well, in any event, we will add this to the pile" (7H530).

In admitting Oswald had use for post office boxes because of his frequent changes of address and receipt of "Communist" literature (actually, more anti-Communist than Communist, and this is referred to merely as "other"), the Report quotes Inspector Holmes. Holmes reported these as explanations provided by Oswald during his interrogations by the police, at some of which Holmes was present and participated. The footnoting at this point illustrates even the editorial devices the Report employs to divert readers from information over which the Commission was not too happy. This footnote directs attention to 30 pages in the Appendix in which Oswald's frequent movings are listed, and to "Holmes, DE 4."

Only those thoroughly familiar with the Report and the subsequent 26 volumes could get any use out of this footnote. There is a "Holmes Exhibit 4" in Volume 20. But as of twelve months after the assassination, only 700 sets of these volumes in all had been sold by the sole publisher, the Government Printing Office. And why refer only to such a scarce volume when the same exhibit appears in the Report, already in the hands of the reader? The Commission's staff was composed of men of indubitable ability and high intelligence. Hence, incompetence could not explain such awkwardness.

Reference to other contents of the Holmes report may indicate the reason. The police story, confirmed by the Report, is that there was neither a recording nor a stenographic record of the Oswald interrogations. The Report goes further and says, inaccurately, that Homicide Captain Will Fritz kept *no* notes. The following statement by Oswald, revealed in Holmes's memorandum, is interesting, whether or not it bears on a conspiracy: "You took notes, just read them for yourself, if you want to refresh your memory" (R636).

Further commenting on Oswald and his post office boxes, the Report finds it significant that Oswald was not

secretive about them. In each case he gave a proper home address, and he furnished the box number to people who had a perfect right to it, such as his brother, employer, the Texas and Louisiana Unemployment Commissions, and others. Hence, the Report attaches no conspiratorial significance to his use of these boxes. But it ignores the lack of secrecy or any disguise involved in ordering the weapons in a name other than his own when they were delivered to a post office box rented in his own name.

Oswald's use of aliases was "well established," according to the Report (R313). The fact is the Report here refers to no one who ever knew him by another name, although he was listed as "O. H. Lee" at his Beckley Street roominghouse. In order to establish this, the Commission caused an extensive search to be made, including even banking circles. If this search in banks revealed anything about Oswald, the Report is silent on the subject, a strange silence for a Report that alleges Oswald had about \$1,500.00 in cash at the time of his discharge from the Marine Corps but does not prove it.

Discussing Oswald's finances, so essential to his ability to travel and live as the Commission said he did with "no evidence" of "outside assistance" (R256), the Report bases this most elemental and vital conclusion entirely upon "proof" from a non-witness and an unknowing one. It quotes what Oswald is alleged to have told Correspondent Aline Mosby, who was never heard from in any of the forms in which the Commission heard "witnesses"—not even an unsworn, *ex parte* statement. And without even quoting her directly, the Commission on this basis alone says, "he had saved \$1,500 out of his Marine Corps salary to finance his defection."

Without wasting a single word, the Report immediately employs a transparent diversion to distract the reader from the flimsiness of its "fact," declaring that "the news story . . . unaccountably listed the sum of \$1,600 instead of \$1,500." Still another diversion follows, again with nothing intervening: "After this article had appeared, Marguerite Oswald also related the \$1,600 figure to an FBI agent." Here a footnote directs the reader to Exhibit 2767 (26H154) and Mrs. Oswald's testimony on 1H203, where something quite to the contrary appears.

Oddly enough, Exhibit 2767 is but a single page of a longer document. It is numbered "6." Thus, there is no

way of knowing what intelligence is contained in the missing five or more pages of this exhibit. However, there is in the single indistinctly reproduced page no indication of the source of Mrs. Oswald's alleged "information."

Her referred-to testimony is more dramatic and less equivocal. It was negative. In responding to the leading question of Counsel Rankin, "He had quite a little money saved, didn't he, from the Marines?," a statement that cannot be dignified with the designation of "evidence," the mother began to answer and then begged for a brief recess. "I will have to break if you don't," she pleaded.

Ten minutes later, upon resumption of the interrogation, before Rankin could repeat his question, she answered it:

"Mrs. Oswald. Mr. Rankin, you mentioned about the \$1,600. Now I don't know if you know for a fact that Lee had \$1,600. It was publicized in the paper that he had \$1,600 . . .

Mr. Rankin. Did he tell you anything about that at the time?

Mrs. Oswald. No, sir, he gave me \$100 . . ."

And within a few weeks, as she pointed out despite Rankin's effort to make the interval seem longer ("that is quite a while later"), her son asked her for financial help. Persisting over Rankin's interruptions, she repeated, "I don't know if it took \$1,600."

While seeing fit to pretend it had evidence it did not, in fact, have, the Report simultaneously ignored solid evidence it *did* have. This it neither quotes nor refers to. It is Exhibit 1150 (22H180-4). This is an FBI document headed, cryptically, merely "(3) Funds." But the table of contents describes it as FBI reports dated December 11-13, 1963, concerning investigation of Lee Harvey Oswald's funds in Ft. Worth and Dallas, Tex." In its eleven pages, the FBI reports the knowledge it gleaned from 29 officials of various banks and other sources. These add up to a total of \$422.20-\$203.00 from a single savings account opened while Oswald was a Marine and his "total separation pay" of \$219.20!

Now there is another of the strange lapses in the Report, lapses which occur only when the Commission is embarrassed. On November 1, 1963, Oswald rented box

No. 6225 in Dallas. "Listed as also being entitled to receive mail at this box" were the Fair Play for Cuba Committee and the American Civil Liberties Union (R312). The Commission knew Oswald did not represent the Fair Play for Cuba Committee. In New Orleans, for a brief period to which we shall soon return, Oswald was a one man fake "Fair Play for Cuba Committee." The Report leaves no doubt of the singular and unofficial nature of Oswald's pretense. At no time in Dallas did he even pretend such a connection or representation. More, he had not even a pretended connection with the American Civil Liberties Union, a long established organization. He had merely made a contribution to it. At some point, the Report should have examined the reason or reasons for Oswald's attempt at involving this group with himself. The ACLU had a well known and functioning chapter in Dallas. But on this the Report gives us nothing but silence.

The false credentials the Report seeks to discard by simply stating that Oswald had "expensive photographic equipment available to him from October 1962 through early April 1963 at Jaggars-Chiles-Stovall, a commercial advertising photography firm in Dallas by which he was employed." In the same sense, it would be true that Oswald also had available the company's stationery and funds. Placing him where such equipment is kept, and even saying, as the Report does, that "Oswald is known to have become familiar with the mechanics of photographic enlargement, contraction and image distortion" (R313), is far from enough. It does not establish that Oswald, even if he had the skill, did have unrestricted use of this equipment. The best that can be said for this language in the Report is that it suggests a presumption that might be fairly made under some circumstances. If the Commission, as part of its research on the possibilities of conspiracy, ever considered whether these false documents had been made for Oswald by others, an obvious suspicion, the Report bears no reflection of it. The Commission, again, just did not believe he had help. But it does admit his photographic incompetence was given as a reason for his dismissal (R314).

If the famous yet still mysterious photographs of Oswald holding a rifle while wearing a pistol are any sample of Oswald's photographic competence, then this language is mere overwriting. But on the side of the Report, at least

by strong inference, is Oswald himself, who was quoted as having told the police one of these photographs was a forgery and claiming that he had enough experience to so prove at the right time, which he had every reason to expect would come (R608-9).

The Report then evolves a new type of evidence which we might call evidence by semantics. It is in the conclusion of this subsection. "Oswald's repeated use of false names is probably not to be disassociated from his anti-social and criminal inclinations" (R315).

We have seen the Report mentions but a single person to whom Oswald might have given a name other than his own, and not a single person to whom he ever showed his fake credentials. So evidence that shows at most a single use of a false name thus becomes proof of their "repeated use." And what criminal record or inclinations did Oswald have? Absolutely none, and at no point does the Report show any. The Commission, which had experts on everything else, was its own psychiatrist. All it had on the record was two things. Oswald, as a boy, was a truant. The psychiatrist who then examined him and subsequently appeared before the Commission thereafter declared publicly that Oswald, if he was the assassin, did not behave like one. At the time of the assassination, Oswald's employer had nothing but praise for him, describing him as a thoroughly desirable employee who learned his job rapidly and did it well (3H214, 216). Of the many co-workers who testified, none had a single criticism of Oswald. All thought him quiet and reserved.

His "criminal record" is a subject the Report should have exhausted, even from the biased approach taken by the Commission in its hearings. What does it show? Oswald was innocent when arrested in New Orleans while distributing his own, fake "Fair Play for Cuba Committee" handbills. He pleaded guilty and was fined \$10.00. Those who created the disturbance pleaded not guilty and the charges against them were dismissed. In the context of substantial testimony the Commission received in spite of itself, as will soon be clear, this arrest record should have received careful thought.

In any event, this is hardly a serious record, and it certainly is not evidence of "criminal inclinations."

But when the Report gets to "Ownership of a Second Rifle," a subsection so inconspicuous it is not reflected in

the table of contents, the Commission, in spite of its best efforts to avoid so doing, gets into substantial indications of the shape and form of the conspiracy and its ramifications (R315). While the Report's purpose is to destroy any belief in a conspiracy—and in this without doubt it succeeded to at least a major degree—enough could not be avoided for total suppression.

The Commission looked into "a report that, during the first 2 weeks of November 1963, Oswald had a telescopic sight mounted and sighted on a rifle at a sporting goods store in Irving, Tex. The main evidence that Oswald had such work performed for him is an undated repair tag bearing the name 'Oswald' from the Irving Sports Shop in Irving, Tex.," whose employee, Dial D. Ryder, "presented this tag to agents of the FBI" on November 25, claiming he had filled in the tag. It indicated three holes had been drilled in a rifle and a telescopic sight mounted and bore-sighted. Both Ryder and his employer, Charles W. Greener, believe they never worked on the rifle found in the Depository.

The Report declares, "If the repair tag actually represented a transaction involving Lee Harvey Oswald, therefore, it would mean that Oswald owned another rifle. Although this would not alter the evidence which establishes Oswald's ownership of the rifle used to assassinate President Kennedy, the possession of a second rifle warranted investigation because it would indicate that a possibly important part of Oswald's life had not been uncovered" (R315).

Taking this big bite of non sequiturs one by one, the name "Oswald" on that tag did not mean only that Lee Harvey Oswald owned another rifle. A more likely meaning the Commission had reason to suspect was that someone not Lee Harvey Oswald said he was. The Commission knew there was such a person in Dallas at that approximate time.

There is not and never was any proof that Oswald "owned" the assassination rifle or possessed it after its delivery or at the time of the assassination. Without questioning the handwriting experts who tie Oswald to the order for the rifle, and assuming he and no one else got possession at the post office, all the Commission and the Report show is that at that time this rifle was in Oswald's possession. From the time of acceptance at the post office,



there is not the slightest proof that Oswald possessed that rifle. Marina said she saw him with a weapon as late as August 1963. But she could not tell a rifle from a shotgun (1H13) and Chairman Warren sympathized with her, saying his wife could not, either. Marina's last definite testimony about Oswald with any weapon relates to nocturnal "practice" with an unidentified weapon on their back porch in New Orleans. The Report draws upon a carefully selected part of this testimony, omitting the nocturnal part, to suggest Oswald had kept his nonexistent skill as a marksman in this manner. Imagine "practicing" using a rifle and a telescopic sight in darkness (1H21)! Even then, Marina said, "I don't know what he did with it (the rifle)." This may sound like hairsplitting, but this is a Report on the assassination of a President by a Commission whose membership and staff consisted of some of the country's outstanding lawyers, including the Chief Justice and a former Solicitor General of the United States. And the fact is, this quotation from the Report is not accurate.

The Commission and its Report ignore another part of Marina's testimony. She was not a credible witness, as already shown, but the Commission believed her. If they cared to examine evidence of Oswald's ownership of a second rifle, she gave it to them February 3, 1964, in their very first session, immediately after the hearing resumed following the lunch recess (1H13).

Marina has described their Neely Street residence and a little private room of her husband's. She said she had seen a package on the shelf in a closet, about February 1963. ". . . it was out in the open . . . I think that was the rifle. But I didn't know. And apparently he later assembled it and had it in the room." When General Counsel Lee Rankin asked, "When you saw the rifle assembled in the room, did it have the scope on it?" Marina told him, "No, it did not have a scope on it."

With its unflinching faith in and, in fact, dependence upon Marina, the Commission here had several important pieces of information. The record shows the Mannlicher-Carcano rifle found in the Book Depository was shipped complete, with the sight mounted. Here we have an un-assembled rifle, and without a scope.

Instead, the Report attacks Ryder, saying he "testified that he found the repair tag while cleaning his work bench

November 23, 1963." Ryder spoke to his employer prior to November 25. With specific recollection of the date, he discussed the possibility that Oswald had been in the shop. The Report, without regard for the kind of person Ryder may have been or of his temperament, "found it significant that Ryder never called the repair tag to his employer's attention "(R315-6).

The Report invokes no such standards with those many witnesses in the same category whose testimony it wants to credit. To cite but three, two of whom were trained policemen and on a much more significant point, Sergeant Patrick Dean, on March 24, 1964 (12H433), admitted delay in reporting to his superiors his conversation with Jack Ruby in which he said Ruby detailed his manner of entry to kill Oswald. And former policeman N. J. Daniels, who was standing at the point guarded by Officer R. E. Vaughn, the very place Ruby allegedly entered the basement, when asked by Vaughn if he recalled seeing anyone walk past that point, delayed answering from November 24, the time of the inquiry, "until November 29, (when he) came forward with the statement that he had seen a man enter," in the Report's word (R221). It is, perhaps, worth noting that in his own testimony Vaughn gave this version (12H369): Daniels not only did not say he had seen anyone enter, but "he said he definitely did not see anybody go through." The Report also did not ask why it was Vaughn, not a superior, who questioned Daniels. Yet this is the basis of the Report's finding that Ruby did not kill Oswald as a consequence of a conspiracy.

There is also the case of Ruth Paine, another witness necessary to the Commission. She had been interviewed by the FBI about Oswald on November 1 and 5. She did not volunteer Oswald's phone number, which she knew. "On November 10, Ruth Paine *discovered* a draft of Oswald's letter written the day before to the Soviet Embassy in Washington . . ." referring to his Mexican trip. ". . . the letter gave Mrs. Paine considerable misgivings" and she made a copy of the letter for the FBI. "On November 19, Mrs. Paine learned that Oswald was living in his Dallas roominghouse under an assumed name. She did not report this to the FBI because, as she testified, she 'had no occasion to see them, and . . . did not think it important enough to call them after that until the 23d of November.'" "

Mrs. Paine had strong enough misgivings to make a copy of her "guest's" letter. She knew but did not give the FBI his telephone number. She learned something else she had not known, that he had been to Mexico and was in touch with the Soviet Embassy, and she found out that Oswald seemed to be using an assumed name. She knew of the FBI's unusual interest in Oswald, as reflected by two visits in a five-day period. How does the Report regard this? It excuses Mrs. Paine, praises her for her cooperation, and asserts, ". . . her failure to come forward with this information must be viewed within the context of the information available to her at that time" (R285-6).

"The peculiarity of Ryder's silence," the Report continues (R316), blandly ignoring the fact that Ryder was not "silent," "is compounded by the fact that, when speaking to the FBI on November 25, Ryder fixed the period during which the tag had been issued as November 1-14, 1963, yet, from his later testimony, it appears he did so on the basis that it must have occurred when Greener was on vacation since Greener did not remember the transaction."

If there is anything peculiar about this, relating to an occasion Ryder had at the time no need to recall, it is not obvious.

"Moreover," the Report continues, "the FBI had been directed to the Irving Sports Shop by anonymous telephone calls received by its Dallas office and by a local television station."

Then comes a diversion typical of the method of this Report. Instead of considering the obvious possibility that the anonymous phone calls were intended to direct attention to a previously prepared plant, the Report continues, "The anonymous male who telephoned the Bureau attributed his information to an unidentified sack boy at a specified supermarket in Irving, but investigation has failed to verify this source."

The Report was interested in destroying Ryder's credibility, and there may, in fact, be reason for doubting him; but not by the standards applied to those witnesses the Commission depends upon, whose credibility is incomparably less.

With a straight face, the Report wraps up the incident of the second rifle in these words, "No other person by

the name of Oswald in the Dallas-Fort Worth Area has been found who had a rifle repaired at the Irving Sports Shop" (R316).

Nonetheless, the Report admits "Possible corroboration for Ryder's story is provided by two women, Mrs. Edith Whitworth, who operates (a used furniture store) about one and a half blocks from the Irving Sports Shop," and her friend, Mrs. Gertude Hunter. "They testified that in early November of 1963, a man who they later came to believe was Oswald drove up . . . 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 the building advertising a gunsmith shop that had formerly occupied part of the premises."

This man, upon learning of his error, went to the car and returned with a woman the women thought was Marina. They remained for 30 to 40 minutes (R316).

Of course, this could not have been the Oswalds from what is known, for Oswald had neither a car nor a driver's license. The Report then "evaluates" (read "denigrates") this testimony. One of the means employed is to draw inferences from a statement made at the time that the man was looking for a "plunger," which the Report identifies as a "colloquial term used to describe a firing pin," but "at the time of the depositions, neither woman was able to recall the type of work which the man wanted done." The Report does not indicate how much time elapsed. It was, however, eight months to the day after the assassination, July 22, 1964, that the Commission questioned them. When Marina did not know a rifle from a shotgun, the Chairman said his wife did not, either. Yet a different "evaluation" is applied to women the Commission wants not to believe (R317).

Perhaps more significant in this context is the charge by Joachim Joesten, known to the Commission and ignored in its Appendix on "Speculations and Rumors," that the Oswald pistol would not fire because just this part was defective.

When it gets into another subsection also not reflected in the table of contents, "Rifle Practice" (R318-30), the Report again avoids facing the probability of a "False Oswald." The subsection deals with the public target shooting by a man resembling Oswald, in a manner guaranteed to call attention to himself.

“Several witnesses believed that in the weeks preceding the assassination, they observed a man resembling Oswald practicing with a rifle in the fields and wooded areas surrounding Dallas, and at rifle ranges in that area,” the Report states. “In most instances, investigation has disclosed that there is no substantial basis for believing that the person reported by the various witnesses was Oswald.”

“One group of witnesses, however, believed they observed Lee Harvey Oswald at the Sports Drome Rifle Range in Dallas at various times from September through November of 1963. In light of the number of witnesses, the similarity of the descriptions of the man they saw, the type of weapon they thought the individual was shooting, there is reason to believe that these witnesses did see the same person at the firing range, although the testimony of none of these witnesses is fully consistent with the reported observations of the other witnesses.”

Would it not be proper grounds for suspicion if all the witnesses agreed on all details of incidents they had no way of knowing would subsequently become significant?

The Report then names these witnesses and shows their connections with the “False Oswald”: One adjusted his sights; another had an argument; and still another discussed the man’s rifle with both the man and the witness’s father. Interestingly, the Report manages to avoid identification of this strange man’s rifle.

There are four witnesses in substantial agreement and confident “that the man they saw was Oswald.” Two others “believed they saw a person resembling Oswald firing a similar rifle at another range near Irving two days before the assassination.” Still others “at the same range remembered the same individual but, though noting a similarity to Oswald, did not believe that the man was Oswald. . . .” Three of the witnesses believed “the man whom they saw was firing a rifle perhaps identical to Oswald’s Mannlicher-Carcano . . . The witnesses agreed the man had accurate aim.”

In then seeking to prove what was undoubtedly true, that this rifle was different from the assassination weapon, the Report forgets itself and says, “. . . the gun did not have a sling but the assassination weapon did have one.” It sometimes did and it sometimes did not, and in its discussion of Exhibits 133-A and 133-B, photographs showing Oswald with his rifle, the Report goes into detail on this

point. In any event, the Report's devotion to this detail is frivolous, for slings may be attached and removed at will.

This "False Oswald" seems to have retained all his empty casings, "presumably for reuse," in the words of the Report. Another likely and avoided possibility is to prevent tracing.

Once again, the Report concludes this person could not have been Oswald. And that is exactly the point the Report avoids. Was this a "False Oswald"?

Still another follows (R320-1), in the subsection titled "Automobile demonstration." Several witnesses testified that a man who gave his name as Oswald on November 9, 1963, sought and got a demonstration ride from a Lincoln-Mercury firm in Dallas. The "False Oswald" drove the car at 60 to 70 miles an hour. The salesman, Albert Bogard, wrote the name given by the prospect, "Lee Oswald," on a business card. On hearing of the assassination, Bogard "threw the card in a trash can, making the comment to coemployees that he supposed Oswald would no longer wish to buy a car." This is corroborated by the assistant sales manager and a second salesman who recall the customer described by Bogard. Another salesman recalls Bogard asked him to assist the customer should he return in Bogard's absence. This salesman and his wife both recall his having also written the name "Oswald" on a card.

The Report found "doubts exist about the accuracy of Bogard's testimony" and that he and other witnesses differed in details the Report evaluated as "important." One of these witnesses quoted the customer as saying, "Maybe I'm going to have to go back to Russia to buy a car." If this remark was, in fact, made, it surely would have remained in the salesman's mind and was intended to.

In addition to doubts about this testimony, the Report quotes Marina and Ruth Paine to prove Oswald could not have been at that salesroom on that day, and thus dismisses the testimony, once again entirely missing its significance. This significance is precisely that it could not have been the real Lee Harvey Oswald.

But the story of the "False Oswald" is not yet completely unfolded. In the last subsection, entitled "Alleged Association with various Mexican or Cuban individuals," the Report again misses or pretends to miss the point (R321-5). In the very first sentence the Report acknowl-

edges the bias and inaccuracy of the use of the word "alleged" in referring to Oswald's "known" contacts with such groups. Hence, the Commission is not only biased, but it acknowledges that, in fact, Oswald did have such contacts.

In my opinion, here is the lead that may yet unravel the fabric woven before 12:30 p.m. Dallas time, November 22, 1963.

The Report here deals with three separate but clearly related contacts Oswald had with Cuban refugee groups. While some of the dramatis personae may have been Mexican or Mexican-American, the groups involved were of Cuban refugees. In order to put this important matter in perspective, it is necessary to understand that despite the Report's frequent and consistent references to Oswald's alleged "dedication to Communism," his politics and beliefs were strongly anti-Communist. He referred to himself as a Marxist and those of relative political maturity who knew him said he did not know what he was talking about.

From boyhood on, with a record in the Commission's possession going back to when he was but sixteen, Oswald was anti-Communist. When he left Russia, as even Marina makes clear, he was anti-Soviet.

Did he pretend pro-Castro sympathies? Why was he equipped with phony credentials in a name suggestive of Castro's, for the Commission indicates "Hidell" was in effect a pun of "Fidel?" Why did he never use this name in person? What purpose did or could this elaborate masquerade serve? Was it the idle game of a boy? Or was it something more serious, something even with international implications and related to United States foreign policy?

Parenthetically, there is—and was—a real "Hidell," although the reader of the Report is denied the knowledge, apparently to make possible the poetic fiction that the alias attributed to Oswald derived from his admiration of Castro and that it rhymed with "Fidel"—obvious nonsense for there is no evidence that Oswald was ever so addressed or known.

Buried in an appended volume (8H318) is the ignored affidavit of John Rene Heindel, sworn to in New Orleans on May 19, 1964. Heindel is a former Marine who was stationed in Atsugi, Japan, with Oswald.

While in the Marine Corps, the real Hidell deposes,

“I was often referred to as “Hidell”—pronounced so as to rhyme with “Rydell” rather than “Fidel.” This was a nickname and not merely an inadvertent mispronunciation . . .”

Nothing in Heindel's affidavit suited the Commission, which perhaps explains why he was not called as a witness. The Report also pretends Oswald rarely used liquor. Heindel stated, “While in Japan, Oswald drank a good deal, at times becoming intoxicated. . . .” Hardly the picture of the abstemious and parsimonious central character of the Report, who squeezed every penny to accumulate \$1,500.00.

Carlos Bringuier distinguished himself from other Cubans in his testimony (10H32-51) by saying he was an immigrant rather than a refugee. He is a Havana-trained lawyer, a member of the Cuban bar and a former official of the Castro government until he defected in May 1960, a fact disguised to the degree possible in his appearance. He gave his testimony on either April 7 or 8, the record, wrongly, saying both. The transcript makes clear his testimony was uninterrupted and was completed at one sitting. Bringuier identified himself as “a salesman and manager” of a store called “Casa Boca,” 107 Decatur Street, New Orleans (10H33). He was, in fact, an owner, in partnership with his brother-in-law, Rolando Pelaez (10H36).

His testimony is a mixture of speculation, gossip, rumor, conjecture, fantastic theories and political propaganda, combined with the revelation, perhaps sometimes inadvertently and in passion, of solid fact. Coming from a lawyer and unrestrained in any manner by the Commission's Assistant Counsel Wesley J. Liebeler, the uninhibited and un-legal character of the appearance is, in itself, a surprise. Bringuier, in effect, conducted his own hearing, as Liebeler acknowledged at the end in saying “You have done most of the testifying without my help and you have done very well” (10H50).

Bringuier represents himself as having excellent contacts with the FBI and other police agencies, including, at least by inference, the Secret Service.

On arrival in New Orleans February 18, 1961, he was the “delegate” of the “Cuban Revolutionary Council.” In June



1962 he was "designated New Orleans delegate of the Cuban Student Directorate and I am in that position from that time to now." That "group" was like Oswald's "Fair Play for Cuba Committee." Each was a one-man outfit.

Bringuier said that on August 24 his organization carried "on a shelling of Havana." Two days later he was interviewed by FBI Agent Warren C. DeBrueys who, according to Bringuier, declared the FBI was going to infiltrate Bringuier's one-man organization. This, Bringuier asserts, is why he was suspicious when a year later Lee Harvey Oswald approached him with an offer of help.

DeBrueys seems to have been an FBI Cuban expert. It is interesting to note that he moved to Dallas after Oswald did. His presence in Dallas was revealed by accident in testimony before the Commission on March 3, 1964 (3H414).

One of Bringuier's undiplomatic revelations is that the "Christian Democratic Movement" had conducted a military training camp near New Orleans that was infiltrated and exposed August 2, 1963, three days before Oswald's visit. Although suspicious of Oswald for this additional reason, in his account, when Oswald asked for literature after representing himself as anti-Communist and anti-Castro, he got it. Despite his alleged suspicions, he spoke to Oswald, by his own estimate, about an hour and, upon leaving, allowed Oswald to remain behind for an additional conference with his brother-in-law (10H36). Pelaez considered Oswald "really a smart person and really interested in the fight against Communism. . . ." Oswald's offer included help in military training and the following day he delivered his Marine handbook. "Even more," as Bringuier told his story, "he told me that he was willing to go himself to fight Castro" (10H36).

After this introduction to the anti-Castro Cubans, what did Oswald then do? Three days later he distributed his own pretended pro-Castro handbills in the most conspicuous places in New Orleans until he was set upon by whom of all the anti-Castro Cubans who resided there? Bringuier!

In the ensuing incident, Bringuier's associates destroyed Oswald's handbills and Oswald himself remained with crossed arms, motionless, saying, "O.K., Carlos, if you want to hit me, hit me." It is difficult to imagine behavior more out of keeping with Oswald's character as delineated in the various Commission volumes, including the Report.

They were all arrested, fingerprinted, and, according to Marina, Oswald did not come home that night. According to Bringuier, he and his colleagues each had to post \$25.00 bond but not Oswald. “. . . Somebody went to the First District” and made an affidavit for him. The Commission had no interest in this “somebody” and no questions were asked about him. In court, Bringuier, the aggressor, pleaded not guilty and was, with his colleagues, released. Oswald, who by any version had done nothing except restrain himself, pleaded guilty and was fined \$10.00 (10H37-9). Bringuier put an other than official interpretation on the interview Oswald demanded with the FBI. The FBI report is to the effect that there was no point in Oswald’s request. Bringuier said that he personally told the two FBI agents “three or four times . . . that Oswald was the one that was . . . in favor of Castro” (10H50). Of the agents he said, “They were talking to him in front of me, but when they were ready to interview Oswald, they moved to another place to interview him.”

Oswald, already concerned, according to his wife, about the previous interest the FBI had in him, presumably as a former defector to Russia, in New Orleans demands the FBI catch him redhanded in pro-Castro activity. It just does not make sense, except in terms of what is known in the intelligence trade as “establishment of a cover.”

After this incident Oswald remained in New Orleans long enough to have himself well photographed, interviewed on television, publicly engaged in debates in which he posed as pro-Castro, and shortly thereafter left for Mexico, where he unsuccessfully sought a Cuban visa. Before his departure, according to Marina, he also projected the hijacking of an airplane going in the opposite direction to get to Cuba (1H22-3)

Bringuier also managed to reveal unpunished interception of United States mails by Cuban refugee groups other than his (10H44).

His efforts to insinuate that Oswald’s public activities in New Orleans were calculated to gain him entrance into the anti-Castro group were so transparent that Liebler finally was compelled to say, “Now it doesn’t seem likely, does it, that Oswald would go around handing out literature in the streets like he did if he was actually attempting to infiltrate the anti-Castro movement?” (10H45).

Oswald’s associations with the mysterious Mexicans or

Latin-Americans is also touched upon by Bringuier who insisted the Secret Service had shown him photographs in an effort to identify them. The same or similar mysterious figures come up in the testimony of four others, three Cubans and a New Orleans lawyer.

The three Cubans, Orest Pena, owner of the "Habana Bar and Lounge," 117 Decatur Street, New Orleans, his brother, Ruperto, and his bartender, Evaristo Rodriguez, tell the same story as they were involved in it. Their testimony about Oswald or "Oswald" and his mysterious friends hinges around an unforgettable incident in which Oswald was the first man ever to order a lemonade in Pena's establishment, and Rodriguez did not know what it was. Pena told the bartender how to concoct a synthetic one. The affair ended, after earlier arguments about Pena's prices, with the non-drinking "Oswald" getting sick all over the place in a spectacular manner none had forgotten. Orest, however, had additional things to say, about the FBI and Bringuier especially.

Orest had been a member of the Cuban Revolutionary Council of sufficient prominence to have his picture on the front page of the New Orleans papers (11H367-8). FBI Agent DeBrueys, he said, was "sticking with the organization very, very close" (11H361). Orest passionately denounced his former friend Bringuier as an enemy of the United States, who "hates the United States more than he does Russia" (11H353). Quoting Spanish obscenities he says Bringuier addressed to the United States, Pena challenged Liebler, if he did not believe him, "let him (Bringuier) and me take a lie detector test and see who is right on it." Orest declared he had never done anything against the interest of the United States and was told by Liebler, "I have no reason whatsoever not to believe you." Pena attributes Bringuier's hatred of the United States to its Cuban policy.

Pena's disputes with the FBI had two unrelated causes. First, he had been reporting the pro-Castro Cubans who patronized him to the FBI and the FBI was staying so close to him it hurt his business (11H361). Also, he had been questioned by them so many times in connection with the Oswald case, he was so annoyed he got a lawyer (11H-350).

Oswald's identity was unknown to him and Rodriguez until following the assassination, when they saw Oswald

on television. At that time Rodriguez "run from his house to my house to tell me about it" (11H356).

Ruperto Pena had little to add (11H364-7). He described himself, through interpreter FBI Agent Richard E. Logan, as "more or less pro-Batista." He was not in the bar at the time of Oswald's visit, but he did discuss it later with Rodriguez (11H339-46), upon whom the first mention he had ever heard of lemonade made a lasting impression.

Speaking through the same interpreter, the night bartender, Rodriguez, recalled the patronage of "These two men (who came into the bar). One of them spoke Spanish (and) ordered the tequila . . . Then the man I later learned was Oswald ordered a lemonade. Now, I don't know what to give him because we don't have lemonades in the bar. So I asked Orest Pena how to fix a lemonade. Orest told me to take a little of his lemon flavoring, squirt in some water, and charge him 25 cents for the lemonade. and that's the incident surrounding this situation" (11H342).

It was really only the beginning. There was an exchange of unpleasantries about the prices, and Oswald apparently found one of the Rodriguez lemonades enough. He switched and got drunk, with such a monumental illness that Rodriguez described it thus: "He got sick on the table and on the floor" and into the street where "he continued to be sick." Oswald's companion "could have been a Mexican," but Rodriguez said "at this point I don't recall." He was positive that the man was hairy, a description subsequently used by Mrs. Sylvia Odio in detailing the appearance of the two men who accompanied the man introduced to her as Oswald. In other respects their descriptions also agree. This man was about 5'8" and rather stocky. They, as did other witnesses, clearly recalled this man's "receding hairline."

Unable to recall the exact date, Rodriguez related it to what was then undoubtedly a big thing in the Cuban colony, the Bringuier demolition of the Oswald handbill distribution. Rodriguez said Oswald's only recorded pub-crawling was a few days either side of the incident. His recollection of the lemonade incident was so clear he even described the part of the bar in which the pair was seated (11H343).

Rodriguez made positive identification of Oswald from pictures (11H345). His opinion of the faithfulness with which the three different pictures represent Oswald coin-

cides with that of Mrs. Odio (11H383). They were shown Bringuier Exhibit No. 1 (19H173), Garner Exhibit No. 1 (20H4), and Pizzo Exhibit 453-C (21H140). Each made immediate identification from the Bringuier exhibit. Rodriguez said of the Garner photograph that the Bringuier one seemed a better representation (11H345-6). Mrs. Odio said of the Garner picture that, while she could identify "Oswald," he did not look quite the same (11H385). Shown the Pizzo picture, Rodriguez (11H346) and Mrs. Odio (11H385) each indicate a difference in appearance.

FBI Agent Logan summarized Rodriguez's picture testimony, saying, "In his mind 'Bringuier Exhibit No. 1,' which has the man with the 'X' on him is the man who was in the bar and who he later learned was Oswald. This picture stands out in his mind the best, reminds him of the man best; this one (Pizzo) appears to him to be Oswald, but he still says the other photograph is the one he can best identify . . ." (11H346).

Closely paralleling the testimony of the Cubans was that of Attorney Dean Adams Andrews, Jr. (11H325-39), who flavored his remarks with a pungency of speech and picturesqueness of phrasing that lent an unseemly lightness to the seriousness of the occasion. He also volunteered expert data on firearms and other unsolicited information.

In the summer of 1963 "Oswald came into the office accompanied by some gay kids. They were Mexicanos. He wanted to find out what could be done in connection with a discharge, a yellow discharge . . . when he brought the money I would do the work, and we saw him three or four times subsequent to that, not in the company of the gay kids. He had this Mexicano with him. . . ." Later Andrews saw some of these "gay kids" professionally after a police "scoop" that resulted in the arrest of about 50 "for wearing clothes of the opposite sex." Andrews apparently has more than a fair share of this kind of clientele from the Latin population. Asked to estimate the volume, he said, "Last week there were six of them . . . Depends on how bad the police are rousting them. They shoo them in. My best customers are the police . . . God bless the police" (11H-336).

Andrews' link with this element was a semi-mysterious Clay Bertrand, whom he described as "a lawyer without a briefcase" (11H337). Bertrand frequently phoned him on behalf of the homosexual clients "either to obtain bond or

parole for them. I would assume he was the one that originally sent Oswald and the gay kids . . . because I had never seen those people before at all" (11H331).

He is looking for Bertrand and the Mexican but indicated the latter was no longer in New Orleans because "he just couldn't have disappeared because the Mexican community here is pretty small. You can squeeze it pretty good . . . He is not known around here . . . Not too many places they can go without being noticed." His search was subsequent to the assassination (11H331). Bertrand owes him money, and Andrews connects both with the assassination. Six weeks prior to his July 21, 1964, appearance, he saw Bertrand in a bar and he "spooked" through another entrance when Andrews sought a phone to alert the FBI. Andrews berated himself for not following his instinct, saying, "What I wanted to do and should have done is crack him on the head with a bottle . . . I probably will never find him again . . . he could be running because they have been squeezing the quarter pretty good looking for him . . . somebody might have passed the word he was hot and I was looking for him . . ." (11H334, 337). Andrews indicated the FBI is also looking for at least the Mexican, and said, the FBI needs "Latin stools for that boy."

Andrews also saw Oswald distributing his literature outside his office and said there were "a lot of guys . . . that will tear your head off if they see you" with pro-Castro literature (11H329).

Shown the Bringuier photograph, he identified Oswald and also said, "a client of mine is over here on the right-hand side . . . And that dress belongs to a girl friend" (11H329). In this sequence, Andrews also describes the Mexican as "stocky, well built," which is in conformity with the other descriptions. Further testifying about the Mexican, Andrews injected a detective-story note, saying, "There's three people I'm going to find: One of them is the real guy that killed the President; the Mexican; and Clay Bertrand."

During Andrews' testimony there were other clear and important leads the Commission did not follow, or, if it did follow them, failed to mention in the Report. As it customarily did with witnesses whose testimony was unwanted, the Report dismisses Andrews in a paragraph (R325) which concludes, "Andrews was able to locate no records of any of Oswald's alleged visits, and investiga-

tion has failed to locate the person who supposedly called Andrews on November 23, at a time when Andrews was under heavy sedation. While one of Andrews' employees felt that Oswald might have been at his office, his secretary has no recollection of Oswald being there."

Andrews' testimony on his lack of records, and the Report fails to contradict him, was clear and gave no basis for the Report's innuendo. He declared, "My office was rifled shortly after I got out of the hospital." He was hospitalized at the time of the assassination (11H331). This burglarization of Andrews' files, undisputed by the Report, should have been of keen interest to the Commission.

Andrews' "employee" is his private investigator, Preston Davis, whom Andrews quoted as recalling Oswald's visit (11H335-6). The secretary is Eva Springer who, Andrews said, did not recall Oswald's visit. Neither was called by the Commission. Both, however, were interviewed by the FBI (26H356-7). There are no statements or affidavits from either. In the absence of testimony, these would be best evidence, for even if impartial, the FBI's reports are still secondhand. Nonetheless, both corroborate Andrews.

In the language of the FBI report, "Davis advised that he can not positively state that Lee Harvey Oswald was ever in Andrews' office, but after viewing numerous photographs of Oswald on various TV programs, can state that he is vaguely familiar and may have visited Andrews' office. In addition, he can recall Andrews' mentioning to him on various occasions that an individual named Oswald had been to Andrews' office." Davis also told the FBI he recalled that in June 1963 Andrews "discussed with him the procedure to amend or correct an undesirable discharge from the Marine Corps."

Miss Springer did not recall Oswald but "she recalls Andrews' speaking to her briefly about someone being interested in changing a discharge from the Marine Corps . . ."

Both of these statements are dated December 6, 1963.

It was, in fact, through Andrews that the FBI visited his employee for, although ill, in the hospital, and under heavy sedation, Andrews on November 25, 1963, phoned the Secret Service New Orleans office and gave them the following information about Oswald: That on three occasions, in June-July 1963, Oswald had seen him relative

to his undesirable Marine discharge and his own and his wife's citizenship status; that on November 23, Clay Bertrand had asked him about defending Oswald; and that Oswald's discharge was interfering with his employment possibilities. Andrews also told the Secret Service essentially the same thing as he subsequently testified to, about Oswald's Latin associates (26H732-3).

Is it not asking too much to believe that a man hospitalized and under sedation could have invented a story with such remarkable accuracy so soon?

At the time Clay Bertrand phoned to ask him to represent Oswald, by Andrews' own account he was "squirrely" and is unclear whether this call was on the 23rd or 24th (he told the Secret Service the 23rd). Unable to go himself, ". . . I called Monk Zelden . . . and asked Monk if he would go over . . . I thought I called Monk once. Monk says we talked twice" (11H337). No lawyer—no one named Zelden appeared before the Commission.

These clear evidences of a "False Oswald," the connections of the real or false one with Cuban refugee groups and the attempted establishment of a "cover" in New Orleans are totally ignored by the Commission in its exhaustive inquiry into Oswald's trip to Mexico City, from September 26 until October 3, 1963 (R299-311, 658-9, 730-6).

But it is in this context only that his trip makes sense or has reason. Except for the collateral benefits of being able to quiet rumors and speculations about his possible connections with foreign governments, this tremendous effort in which presumably the FBI and CIA collaborated, possibly with some help from the State Department and in which the Mexican Government assisted, was wasted. There are few things Oswald said or did during the trip that remain unknown. Passengers who shared the buses were tracked down all over the world and interviewed. They recalled his conversation (pro-Castro, and he hoped to get to Cuba), what he ate, where he ate it, where he slept, who he saw where—all are completely and uselessly recorded. Even details of his conferences with the officials of the Cuban and Russian consular staffs are recorded. These included a fight he had with Cuban Consul Eusibio Azque, a long-time career civil servant.

Upon being told by Señora Silvia Tirado de Duran, a Mexican national employed by the Cuban consulate, that



there would be a four-month delay in consideration of his visa application, Oswald blew his stack. All those press notices, all the trouble he had gone to, all his phoney "Fair Play for Cuba" activity which he showed Señora Duran, were wasted. When Oswald became "very excited," Azque came out of his office "and began a heated discussion with Oswald that concluded by Azque telling him that a person of his type was harming the Cuban Revolution rather than helping it."

None of the rest of Oswald's Mexican trip had any bearing on what led to the assassination. It is a truly impressive investigation, a credit to the competence of the investigative agencies, but immaterial because it is out of context.

Oswald "blew his cover," in the terminology of the intelligence trade. And he returned to Dallas.

It was later revealed that he had been kept under surveillance (Newsweek, 12/9/63). This is clear from the knowledge the FBI had of him, disclosed in the very first interrogation November 22, 1963.

Whatever value Oswald might have had to his Cuban associates, he had none when he left Mexico City. He was, to them, the most expendable of men.

Meanwhile, back in Dallas, the "False Oswald" and his companions were busy. Within a day or two of Oswald's departure from New Orleans, they knocked on the door of the modest apartment of Mrs. Sylvia Odio, the United States-educated daughter of a once prominent Cuban couple, then imprisoned on the Isle of Pines (R321-4; 11H367-89).

Representing themselves as friends of her father and as coming from the Cuban anti-Castro group known as JURE, led by Manolo Ray, they quickly overcame her initial uneasiness. Ray, she said, "is a very close friend of my father and mother. He hid in my house several times in Cuba" (11H369). The presumed purpose of their visit was to enlist her assistance in JURE activities. To a degree, she assented.

The detailed information these men had about her family convinced her, ". . . details about where they saw my father and what activities he was in. I mean, they gave me almost incredible details about things that somebody who knows him really would or that somebody informed well knows. And after a little while, after they mentioned my

father, they started talking about the American" (11H370). "The American" was introduced as "Leon Oswald," a former Marine. The other two used aliases she described as "war" names, a device to hide identities from the Castro government. One she recalled was "Leopoldo." Of the other she is uncertain, but believes he called himself "Angelo."

Representing themselves as having just left New Orleans (as the real Oswald had), they said "they were leaving for a trip (on which the real Oswald had started) and they would like very much to see me on their return to Dallas . . ." (11H372-3).

Mrs. Odio's sister was in her apartment at the time of the visit. They both immediately "recognized" Oswald at the time of the assassination. Mrs. Odio's shock was spectacular. She immediately connected these men with the assassination and fainted before the suspected assassin's name was broadcast. She was taken to the hospital by ambulance from her place of work, where she lost consciousness at about 1:50, almost to the second the time the real Oswald was being arrested at the Texas Theatre. She said she thought "the three men . . . had something to do with the assassination" (11H383).

There was, indeed, reason for Mrs. Odio to have made this association. "You know," Leopoldo had said of the "False Oswald," "our idea is to introduce him to the underground in Cuba, because he is great, he is kind of nuts . . . He told us we don't have any guts, you Cubans, because President Kennedy should have been assassinated after the Bay of Pigs, and some Cubans should have done that, because he was the one that was holding the freedom of Cuba actually . . . And he said, 'It is so easy to do it.' He has told us . . ." (11H372-3).

The next day "Leopoldo" again spoke of the "False Oswald," saying he "would be the kind of man that could do anything like getting underground in Cuba, like killing Castro. He repeated several times that he was an expert shotman . . ." (11H377).

Mrs. Odio was not called until quite late in the hearings, July 22, 1964, eight months after the assassination and when most of the trail was harder to follow. She had, however, made her story known earlier to the authorities and had been interviewed by the FBI December 18, 1963. At 6:30 p.m. the night of her testimony, she was in the office

of the Secret Service where she was shown "some movie films of some street scenes in the city of New Orleans, and also a television appearance that Lee Harvey Oswald made over station WDSU in August of 1963." Some of the people seemed familiar, and she pointed out certain identifications she had made previously in her testimony, such as an unshaved appearance around the mouth, suggesting a mustache on Oswald. But she could not identify his voice. When asked if looking at the pictures had made her more or less convinced or if she had the same feeling about the identity of Oswald, she said, ". . . I have the same feeling that it was . . . I have a feeling there are certain pictures that do not resemble him. It was not the Oswald that was standing in front of my door," and she pointed out some other slight differences.

The film was rerun a number of times. She was also shown the still pictures and made identification from and comments about them. Of the "False Oswald's" companions, she also pointed out distinguishing characteristics paralleling those made by the New Orleans witnesses, including the opinion they "looked like Mexicans. They did not look like Cubans."

Even when the Commission could not shake or even belittle the testimony of Mrs. Odio, corroborated as it was by her sister and the identification both made of Oswald, it still looked into this further only "in view of the possibility it raised that Oswald may have had companions on his trip to Mexico," and to be certain of its reconstruction of Oswald's schedule on his trip. At no point does the Commission concede the possibility of a "False Oswald."

Most of the section devoted in the Report to the unshakable Sylvia Odio is, in fact, devoted to the recitation of evidence proving that Lee Harvey Oswald could not have been at her apartment September 27 or 28, 1963, the entire point the Report avoids.

The most astounding statement of fact in the entire Report is quietly buried in the last paragraph of the pages quoting and commenting upon Mrs. Odio:

"On September 16, 1964, the FBI located Loran Eugene Hall in Johnsandale, Calif. Hall has been identified as a participant in numerous anti-Castro activities. He told the FBI that in September of 1963 he was in Dallas, soliciting aid in connection with

anti-Castro activities. He said he had visited Mrs. Odio. He was accompanied by Lawrence Howard, a Mexican-American from East Los Angeles and one William Seymour from Arizona. He stated that Seymour is similar in appearance to Lee Harvey Oswald; he speaks only a few words of Spanish, as Mrs. Odio had testified one of the men who visited her did. While the FBI had not yet completed its investigation into this matter at the time the report went to press, the Commission has concluded that Lee Harvey Oswald was not at Mrs. Odio's apartment in September of 1963." (R324)

Of course it was not Oswald!

Once the FBI got working, they moved fast. Commission General Counsel J. Lee Rankin did not request the investigation until August 28, 1964. The FBI replied by letter September 21—three days before the Commission delivered its printed Report to the President! But why did not the FBI suspect a "False Oswald" to begin with? And why did the Commission wait until *nine months* after the assassination, until its work was done, to look into it?

Above all, how could it ignore the existence of a "False Oswald" until the bitter end? How could it close up shop, with its files interred for 75 years, knowing a "False Oswald" existed?

## 12. THE NUMBER OF SHOTS

"Soon after the three empty cartridges were found, officials at the scene decided that three shots were fired," the Report says (R111). "Because that conclusion was widely circulated by the press," which could have learned only from the police, "the eyewitness testimony" may have been "subconsciously colored."

A less polite version was sworn to by Mrs. Jean Lollis Hill on March 24, 1964 (6H205-23). Her friend and companion, Mary Moorman, had taken a Polaroid picture of some commercial value and the pair had been rushed to the sheriff's office where they were, according to her story, kept under involuntary restraint for several hours. During this time the picture and the women were forcibly separated

and, because of its value, they were additionally concerned. Mrs. Hill insisted to a Secret Service man that she had heard from four to six shots. She quoted him as replying, “. . . we have three wounds, and we have three bullets, three shots in all that we are willing to say right now” (6H221).

By intention or not, this is the formula every agency has considered to the exclusion of all others from the moment Oswald was apprehended. Leaked versions of the FBI report (see Appendix) also quoted it as saying that but three shots were fired. The Commission is no exception.

It just is not possible that as unpracticed a man as Oswald, who was a poor shot as a Marine, could have fired three such fast and accurate shots, but at least there was a chance to make it seem possible he had. With any more than three shots, it clearly could not have been Oswald alone, if at all. Hence, the compulsion to reconstruct a crime in which no more than three shots were fired. With only three shots, the pretense of no conspiracy might be preserved, the crime was “solved,” and everybody was off the hook. With another shot, there could be no pretense of a lone Oswald and there was an unsolved crime and a conspiracy.

The Commission also decided upon three shots, and if it had not, it, too, would have had to be searching for the other rifleman or—men and unraveling a conspiracy. Ignoring the necessity that any consideration of more than three shots necessitated at least considering another criminal, the Report on a number of occasions indicated uncertainty about the number of shots but never seriously, however. In at least two unguarded moments, it made unequivocal statements that there *were* three shots. In context, when the Report says “most probably” or used other such phrases, it is merely being evasive, a well fixed habit.

If the Report could not conclude with finality that there had been only three shots, it could likewise not have concluded that the assassin was Oswald alone. With less than three shots, all the shooting could not be accounted for. Whether the Report proves without any possible doubt that there could have been no more than three shots, therefore, becomes one of the most basic of all the many questions about it. If there were more than three shots, the entire Report is demolished. It now rests on the im-

possible assumption that such a poor marksman as Oswald could have fired three accurate shots in less than five seconds. In itself, this is an inadmissible basis for acceptance of the Report, but it has been almost universally accepted. We have already seen that the outstanding rifle experts could not duplicate this remarkable skill in shooting, even under more favorable circumstances, including a still rather than a moving target. If, however, there is any reasonable ground for believing more than three shots were fired, then the entire Report is invalid.

In diverse ways and with varying degrees of seriousness, this topic is mentioned throughout the Report. The major discussion of the subject, however, is limited to a mere 31 lines of type (R110). It is entitled "Number of Shots" and is one of the nine major sections of the third chapter, entitled "The Shots From the Texas School Book Depository." It consumes about one percent of the space in this chapter, hardly the attention its importance warrants.

In its conclusion about "The Shot That Missed," the Report drops any pretense about other possibilities and specifically refers to the "third shot," admitting it does not know which one missed. At the same time, it abandoned the possibility that "The Missed Shot" could have been a fragment of one of the other shots which it accounts for and states "three shots were fired" (R111). Answering the "speculation and rumor" that "four or five bullets have been found," the Report declares, "The Commission believes that three shots were fired" (R641).

Where it is less positive, the Report uses these words, "The weight of the evidence indicates that there were three shots fired" (R19, 640), or "The consensus among the witnesses at the scene was that three shots were fired" (R110, 117, 641). Having thus introduced what might be described as the "voting witnesses" evaluation of evidence, the Report shifts to "at least two shots" and concedes the possibility the whole bullet from the hospital (the Commission's "found" bullet) and the two fragments in the Presidential car could, in themselves, account for three bullets. In a single paragraph, the Report sums up in almost the same words it had attributed to "officials at the scene":

"The most convincing evidence relating to the number of shots was provided by the presence on the sixth floor of three spent cartridges which were demonstrated to have

been fired by the same rifle that fired the bullets which caused the wounds." It is possible to footnote this quotation—it is on page 110—but it is not possible to footnote the proof of it, for this proof does not exist. The Report in the next sentence admits, "it is possible the assassin carried an empty shell in the rifle and fired only two shots," but nowhere in its reconstruction does the Commission allow for the possibility that all the empty casings were distributed by hand, whether or not live bullets were fired from that window and their shells removed. Nor is there any advantage shown of having an empty shell in the weapon. It is not as immediately obvious as the disadvantages. What was the killer to do in self-defense? He had, according to the Report, a maximum of four bullets. He therefore had but one for his own protection if he began with *no* empties. It is preposterous enough to believe anyone would have undertaken such a venture with less than the seven bullets that the rifle would hold.

Discussing "The Shot That Missed" (R111), the Report allocates them this way: "One shot passed through the President's neck and then *most probably* passed through the Governor's body, a subsequent shot penetrated the President's head, no other shot struck any part of the automobile, and three shots were fired, it follows that one shot *probably* missed the car and its occupants."

If the third bullet, which the Report elsewhere freely admits did not strike the car or its occupants, did not miss the car and its occupants, it certainly is not accounted for. If the Commission is certain of a third shot, is there any necessity for the perpetual qualification, "probably?" There is proof that at least one other projectile at that time struck outside the car. The only question, which cannot be asked seriously, is whether it was a fragment. Emphasis was added to the reservation "*most probably*" for a similar reason. With one bullet missing the car and its occupants entirely and one bullet penetrating the President's head, exploding and disintegrating, how can the President's remaining wounds and the Governor's three wounds be accounted for unless the Commission declares without qualification that the only remaining one of its three bullets inflicted all of them?

The Report goes even further than saying "most probably." The third conclusion of Chapter I, "Summary and Conclusions," begins: "Although it is not essential to any

findings of the Commission to determine just which shot hit Governor Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds" (R19). The Report then grudgingly concedes that, "However, Governor Connally's testimony and certain other factors have given rise to some differences of opinion as to this probability, but there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth-floor window of the Texas School Book Depository."

Having said these two things, that it makes no difference whether or not the bullet hit the President and did all the damage to the Governor and that there are "certain other factors" that have caused "differences of opinion," the Report never again considers these problems. The implication is that the difference in opinions was among the members of the Commission, but this is nowhere stated. "With the statement that there was nothing essential in its hypothesis that one bullet caused the non-fatal wound to the President and all the wounds to the Governor, the Report leaves the Commission in the impossible position of having either the President or the Governor injured by a non-existent bullet or bullets, the other two having been already accounted for, or having to account for an additional bullet, which it does not and cannot do without admitting the entire Report is false.

Terminology also gave trouble to the Report's drafters. The President's non-fatal wound is referred to most often as a "neck" wound, but also as a "back" wound (R115), and it cannot be both. The trouble came not from lack of knowledge of the exact location of this wound, but from the major differences in the trajectories of bullets hitting in the back and the neck. Likewise with the "hospital" bullet, which the Report, without consultation with the dictionary, refers to as "found" (R79, 95, 557, 583-5, 641), with only three variations: Once it is described as "from the stretcher," once as "discovered" (R79), and twice, while still called "found," is described as "believed to have been the bullet which caused his (Governor Connally's) chest wound" *only* (R583).

This reconstruction leaves the Governor's wrist and thigh wounds to be accounted for by still another bullet.



Aside from the count of bullets, expert testimony from medical and other authoritative witnesses labeled that impossible, with the kind of bullet allegedly used.

The room for maneuvering was further limited by the testimony of FBI expert Frazier, thus represented in the Report, "The bullet that hit President Kennedy in the back and exited through his throat most likely could not have missed both the automobile and its occupants" and it did not hit the auto (R105).

All of this, however, is based upon pure speculation, that all the bullets were: a) full-jacketed military, and b) originated only from the sixth-floor window. Neither speculation is proved or even seriously discussed; it was easier and safer to assume them. And had the Commission applied its new concept in evidence, voting witnesses, it could not have avoided concluding that at least one shot came from the area to the west of the Depository, for most people immediately ran to that area. This included virtually all of the many sheriff's deputies not on special duty who were observing the motorcade from near the corner of Elm and Houston Streets. Several witnesses saw a "puff of smoke" in that direction coinciding with a shot (19H480, 485).

Tantalizing mysteries have been woven around all the shots by the Report. The "missed" bullet, which both it and the Commission avoided as much as possible—and, according to the leaked versions of the FBI initial report, that agency tried to avoid entirely (see Appendix)—struck the ground at a point almost immediately known to the police.

Minutes after the assassination, Patrolman L. L. Hill radioed, "I have one guy that was possibly hit by a ricochet from the bullet off the concrete" (R116). James T. Tague had left his car at the end of Dealey Plaza opposite the Depository. He was slightly injured on the cheek and immediately reported this to Deputy Sheriff Eddy R. Walters (7H547, 553), who was already examining the area to see if any bullets had hit the turf. Patrolman J. W. Foster, on the Triple Underpass, had seen a bullet hit the turf near a manhole cover. Other witnesses in the same location made and reported similar observations. Walters found a place on the curb near where Tague had stood "where it appeared a bullet had hit the cement," in the words of the Report. According to Tague, "There

was a mark. Quite obviously, it was a bullet, and it was very fresh" (R116).

Photographs of this spot were taken by two professional photographers who were subsequently witnesses in another connection. Tom Dillard had photographed the south face of the Book Depository Building. James R. Underwood, a television news director, had made motion pictures of the same area and had been in the motorcade.

From its own records, the Commission did not look into this until July 7, 1964, when it asked the FBI to make an investigation, which produced nothing. I discovered this entirely by accident, for there is no logical means by which to learn of it. What follows is a credit to neither the FBI nor the Commission:

Not until September 1, with its work almost done, did the Commission call back Lyndal Shaneyfelt, the FBI *photographic*, not ballistics, expert. Assistant Counsel Norman Redlich took a deposition from him beginning at 10:45 a.m. at the Commission's offices (15H686-702).

The previous investigation was reported in an unsigned memorandum of July 17, 1964, from the Dallas field office (21H472ff.). In it, the author politely called to the Commission's attention that the photographs in question "had been forwarded to the President's Commission by Martha Joe Stroud, Assistant United States Attorney, Dallas, Texas."

In other words, if the FBI was going to be subject to criticism for not finding what the Commission wanted, the FBI was going to have it on record that there was no need for the Commission to have delayed seeking further information.

This FBI report quoted Dillard as locating the point at which he took the picture. It was, he said, "on the south side of Main Street about twenty feet east of the triple underpass." The FBI Dallas office said, "The area of the curb from this point for a distance of ten feet in either direction was carefully checked and it was ascertained that there was no nick in the curb in the checked area, nor was any mark observed." In the concluding paragraph, repeating the above information almost word for word, the Dallas Field Office concluded, "It should be noted that, since this mark was observed on November 23, 1963, there have been numerous rains, which could have possibly washed away such a mark and also that the area

is cleaned by a street cleaning machine about once a week, which would also wash away any such mark."

Bear this in mind in considering what Shaneyfelt reported. Under date of August 12, 1964, by courier service, J. Edgar Hoover presented the fruit of Shaneyfelt's investigation to Commission Counsel Rankin (21H475-7). Shaneyfelt had no trouble locating the spot. He used exactly the same raw materials the Dallas Field Office had used—the two photographs.

What followed was all conjecture, and the most basic conjecture, supported by no evidence, was that all the shots came from the sixth-floor window. Thus, the FBI concluded that the shot would "correspond to Frame 410 in the Zapruder film . . ." and that it "went directly over the President's head" (15H699). This was long after the President received the fatal wound that was the last shot, according to the most credible witnesses.

Before supervising the removal of the curb and its transportation to the FBI in Washington on August 5, 1964, Shaneyfelt took a number of photographs, none of them with the possibility in mind that the shot could have emanated from any other source.

Perhaps the rains were light during those 10 months or the street-cleaning machines inefficient, for there remained traces of the bullet. Spectrographic examination showed the metal smears on the curb were "essentially lead with a trace of antimony." This could have come from a mutilated bullet of the type presumed to have been used in the rifle. It could have come from a bullet of another type. Or it could have come from other sources. By "mutilated" bullet is meant one that deformed after first hitting another object. In his letter, Hoover precluded a bullet such as "from Governor Connally's stretcher" (he could not bring himself to say it was "found" there) or the "bullet or bullets" represented by the jacket fragments . . . found in the Presidential limousine." He said, "It was also determined from a microscopic study that the lead object that struck the curbing causing the mark was moving in a *general direction* away from the Texas School Book Depository Building." Hoover did not so state, but the bullet was also "moving in a general direction away" from several other buildings, places and areas, such as the area where the puff of smoke was seen, or the building next to the Depository. If it were a fragment, he said, they did not know enough to determine

“whether it was caused by a fragment of a bullet striking the occupants of the Presidential limousine, such as the bullet that struck the President’s head, or whether it is a fragment of a shot that may have missed the Presidential limousine.”

Politely, Hoover was saying that there could not have been a fragment from any other bullet that hit an occupant of the Presidential car (21H475-7).

Even to entertain the thought that a fragment of the bullet that struck the President in the head could have gone this distance in this direction and left any kind of mark on the curb is to do violence to Euclid, whom the Commission has already left unchaste. The most cursory examination of the medical testimony and the charts drawn by the Bethesda Naval Hospital, makes it clear that a fragment could not possibly have gone in that direction without exiting the left side of the President’s head. According to the Report, it had no wound there. Had it been a ricochet, there was nothing but air to deflect it. The President’s injury was entirely on the right side of his head. The point of impact of this “missed” bullet was well to the left and in front of the President. The President also was not turned in such fashion as to make this possible, and the experts said that the only known fragmented bullet found, had it caused the President’s head injury, dissipated its energy in the explosion. The fragments did not have enough energy left even to carry them out of the car.

But let us suppose that the Commission might subsequently want to believe that this was a fragment from the bullet that hit the President’s head. The limitation of three bullets already presupposes that the fragments found in the Presidential car are from that bullet, and the Commission admits the fragments may represent more than one bullet. Even ignoring the possibility that the car fragments represent more than one bullet, the FBI spectrographic analysis (15H476) “precludes the possibility” the curb marking was made by “the bullet or bullets represented by the jacket fragments . . . found in the Presidential limousine.” So, if this mark was made by a fragment, a fragment of what bullet? Not one from the car, for the Commission has allowed a maximum of two there, and the other one, according to the Report, was “found.” Besides, Hoover had already eliminated that one, even if in some

mysterious way it had hit the curb without deformation and been planted at the hospital.

If the superb marksman presumed to have been in that sixth-floor window of the Texas School Book Depository fired this shot, he missed by the considerable distance represented by 87 additional frames of the Zapruder film *plus* 260 feet.

The spectrographic analysis of the curbstone reflects the mark of one of the other types of bullets the Commission declined to consider, even though it knew—but did not report—they were readily available in Dallas. But spectrographic analysis was only one of the problems the Report had with its evidence, especially the scientific evidence.

Five fragments were recovered from the Presidential car. The first were not located until late at night November 22, 1963, strange under the circumstances, especially because this car was under constant control of one of the government's investigative agencies. Some of the evidence was laundered and dry-cleaned. Some was wiped away. Some was ignored. All this evidence was in the hands of representatives of the government. The most important witness was called but incompletely questioned.

Incomprehensibly, Governor Connally's clothing was cleaned at an unidentified time and by an unidentified person or persons. At Parkland Hospital, Nurse Ruth J. Standridge (6H118) testified she handed the Governor's clothing to Cliff Carter, whom she identified as an assistant to the Governor. The list of witnesses in the Report identifies Carter as an assistant to President Johnson. He never appeared before the Commission. There is a two-page affidavit from him (7H474-5) executed six months after the assassination. In it, Carter makes no mention of this clothing.

Nor is there any reason to suppose the Commission wanted him to, for in foregoing the opportunity to question him, to learn whether he had been responsible for what amounts to a destruction of evidence, or whether he had delivered the clothing to another person, who could then have been questioned, the Commission had, as unobtrusively as possible, closed the door on an essential angle of the investigation. In fact, only a telephone call to Carter was required to learn what happened to the clothing.

Of this—which was not the only destruction or alteration of evidence—the Report has nothing to say. Instead, it suc-

ceeds in conveying exactly the opposite of the truth by the skillful use of well selected words, "Additional information regarding the source and nature of the injuries was obtained by expert examination of the clothes worn by the two men, particularly those worn by President Kennedy . . ." (R85). There are thousands of footnotes in the Report, but on this sentence or on the entire paragraph of which it is part, not a single footnote.

Frazier testified at length and with the care that is appropriate for an FBI expert (5H59ff.). He identified the point in the President's clothing represented by the President's "neck" wound at  $5\frac{3}{8}$  inches below the top of the collar of the jacket (5H59) and at  $5\frac{3}{4}$  inches below the top of the collar on the shirt (5H60). Spectrographic analysis of the margins of these holes showed "traces of copper," proved to be foreign to the cloth. This is at least strongly indicative, if not positive proof, that the bullet making this hole was copper-jacketed, and this, in turn, is indicative of the type of the bullet. But about the Governor's clothing, Frazier testified to its cleansing. For this reason, he could not identify the holes even as bullet holes, could not testify to the course of the bullet or anything about it "because of the cleaning and pressing." Frazier indicated that with the Governor's clothing, because of the large size of the holes, he might have been able to indicate whether the holes were caused by mutilated bullets (5H63-6).

With regard to all the clothing, Frazier was painstaking in his testimony. In identifying the damages to the back of the President's clothing, he went out of his way to specify, "Assuming that when I first examined . . . it was in the same condition as it was at the time the hole was made . . ." (5H60). His testimony about entry wounds was predicated upon the direction in which the fibres around the edges of the hole were bent. The indication is that the reversal of this direction was possible, such as by pushing them in the opposite direction, thereby making the conclusion the opposite of the real situation. And of the President's shirt Frazier made the same qualification, "again assuming that when I first examined the shirt it was—it had not been altered from the condition it was in at the time the hole was made . . ." (5H61). Even more strange is the lack of testimony on this point, or of even the assurance of the Commission's counsel that the Presi-

dent's clothing had been under constant and careful security to preclude such tampering.

This is hardly the kind of "information" indicated in the quotation from page 85 of the Report.

Frazier's expert opinion on the damage to the sleeve of Governor Connally's coat is at least suggestive of conflict with the testimony laboriously cajoled from the Dallas doctors. The elongation of this damage, he declared, could have been caused by "a mutilated bullet having struck the garment or it could have been caused by a fold in the garment at the time the object or bullet struck" (5H64). He was not asked to speculate, as the doctors had been, that the bullet first began to tumble end over end and then, exactly as the Commission's speculation demanded, to have inexplicably stopped tumbling on exiting his wrist and to have gone only wrong-end forward in making the thigh wound.

This tampering with evidence had, above all others, one major effect upon the reconstruction of the crime, especially about the number of bullets. Once the Governor's clothes were cleaned and pressed, there was no longer the possibility of spectrographically identifying the bullets or types of bullets that caused the injuries to the President and the Governor. There was also no opportunity of spectrographically comparing the damages to the Governor's clothing to determine whether he had been struck with one or more bullets. His suit alone had four such damages.

Spectrographic analysis of the whole bullet could reveal a world of information, including not only the identity of the manufacturer, but even the batch from which it came. However, the source of the bullet had to be known. The Commission decided this with its new dimension in evidence evaluation, the "eenie-meenie-minie-moe" method. It is this bullet the Report almost invariably refers to as "found on Governor Connally's stretcher." Admitting "Tomlinson was not certain whether the bullet came from the Connally stretcher or the adjacent one," the Report just assumes it came from the Governor's and wants its assumption accepted as fact (R81). There is no evidence from which stretcher it came. Nor is there any evidence on how it got there. There is evidence that, on several occasions and for some time, this stretcher was unattended and accessible to anyone wandering through the hospital.

Darrell C. Tomlinson was senior engineer at Parkland

Hospital. He was one of the early witnesses, testifying March 20, 1964 (6H128ff.). He had been sent to convert the operating-room elevator from automatic to manual control and to operate it. He found an unidentified stretcher on this elevator. This was a hospital, not an emergency or ambulance type stretcher. It was high and had wheels. The practice of the operating room was to push the stretchers into an elevator going down to the emergency room level where someone on that floor would remove them.

Tomlinson did not know where this stretcher came from (6H134). It is inferred that this was the Connally stretcher from the testimony of an orderly, R. J. Jimison (6H125-8), who helped transfer the Governor to an operating table and then put that stretcher on the elevator. To Jimison there was nothing unusual about this stretcher, and in particular he did not notice a bullet on it. When Tomlinson got on this elevator, at a time he cannot say, but some time after the arrival of the motorcade, he pushed a stretcher off the elevator, into the hall, and attended to a number of other duties involving trips with the elevator, at least one involving a time lag while waiting for a technician to get blood.

When pressed in an unsuccessful effort to get him to identify one particular stretcher—not as the Governor's, but as the one he removed from the elevator—Tomlinson went out of his way to make clear his belief that anything could have happened to that stretcher. "I don't know how many people went through . . . I don't know anything about what could have happened to them between the time I was gone, and I made several trips before I discovered the bullet . . ." (6H132-3). The strongest commitment Tomlinson made was that the bullet *could* have come from the stretcher he found in the elevator. Tomlinson even insisted he did not have personal knowledge of where the elevator stretcher came from (6H134).

When an intern or doctor went to the men's room, he pushed a stretcher blocking the door out of his way. On leaving the men's room, he left the stretcher where it then was. When Tomlinson pushed this stretcher against the wall, "I bumped the wall, and a spent cartridge or bullet rolled out that had apparently been lodged under the edge of the mat" (6H130). There is no question asked about the unusual location of the bullet, under the mattress. Instead, Tomlinson was pushed and wheedled with the sole



purpose of getting him to make a positive identification of the stretcher. Tomlinson insisted he was not going to say anything that was not truthful, that being questioned by various agents as he had been and giving sworn, recorded testimony were unusual to him, and "I am going to tell you all I can, and I'm not going to tell you something I can't lay down and sleep at night with either."

This bullet, taken from the floor after having been jarred out presumably from underneath a mattress or an unidentified stretcher, is the one the Report describes as "found on Governor Connally's stretcher." The testimony makes clear it is only a presumption that either of those stretchers was the one on which the Governor had been. Both could have been in no way related to the assassination. The Commission did establish that neither had held the President.

Without regard to where in the hospital any stretchers might have been prior to the arrival of the motorcade or to what uses they had been put, there was so much confusion that the President and the Governor were entered upon the records incorrectly. These records show eight admissions during that short interval (6H150; 21H156).

It is the Commission's belief that this bullet fell out of Governor Connally's body through his trousers, which had only the one hole, the point of entry of the thigh wound; was completely undetected in the emergency room during examination, unnoticed during transportation to the operating room, undetected when the Governor was lifted off the stretcher, after he was lifted off the stretcher, and as the stretcher was rolled out of the operating room and while it was on the elevator; unnoticed after it was in the hall for some time, including by a doctor who moved it, and at some point in some mysterious way it got underneath the mattress. Also, the Report asks belief that the bullet, in making its own way out of the Governor's thigh, was able to fall uphill.

If that is not enough, this reconstruction deals with a bullet that made a single hole, a small one at the point of entrance. It penetrated about three inches into the Governor's thigh and deposited in the thighbone or femur a fragment that to this day remains there. This bullet, a little over an inch long, then wormed its way back to the hole it had made in entering and emerged far enough so that, under the right circumstances, it would be in a position

to fall uphill. The exact distance of this buried fragment from the point of entry is neither stated nor approximated in the Report. It was neither asked nor volunteered in the extensive and repetitious examination of all the doctors directly and indirectly involved.

However, the Secret Service, according to Dr. Tom Shires, the orthopedic surgeon who tended this wound, prepared medical charts the doctors subsequently examined and approved after making changes where necessary (17H336). One of these charts shows the two points separated by about three inches, a distance approximately equal to the width of the ankle viewed from directly in front.

What happened to this bullet between the time it was discovered and the time it got to the FBI laboratory for analysis? It was cleaned. Not completely, not chemically cleaned; just wiped clean. By the time the Commission's photograph, Exhibit 399, was taken (17H49), the job appears to have been thoroughly performed. There seems to be no visible trace of any extraneous matter in the grooves cut into the bullet by the rifling in the barrel or in the coarse knurling at the base of the bullet, resembling cogs in a wheel. This photograph substantiates the Report 100 percent in its description of this bullet as "unmutilated." If there is the slightest mutilation by slivering or fragmentation, it is not visible, even with a magnifying glass. As reproduced, this bullet is enlarged many times, for the length in the picture is almost three times the actual length of the bullet.

The wiping of the evidence from the bullet was not complete by the time it got to the FBI's expert, Frazier, and there was still a residue that could have been subjected to analysis. This intelligence was not the product of diligent digging by the Commission. It was revealed accidentally in the course of a routine answer about what was done to prepare the bullet for spectrographic analysis. ". . . it wasn't necessary," Frazier said. "The bullet was clean." Even when counsel asked, "There was no blood or similar material on the bullet when you received it?" Frazier responded, "Not that would interfere with the examination, no, sir" (3H428-9).

In saying there was not enough blood or tissue remaining to interfere with spectrographic analysis. Frazier was admitting that enough of this foreign matter did remain for

its own such analysis. Only minuscule quantities are required. The tiny amount scraped from the nose of the bullet is not visible in the picture. Enough was secured from around the edges of the tiny hole not all the way through the windshield of the Presidential car for spectrographic study. So, apparently, no one ever tested the bullet to see whether in fact it had ever been through human tissue or bone. Asked later about his reference to "blood or some other substance on the bullet . . . Is this an off-hand determination or was there a test to determine what the substance was?" Frazier replied, "No, there was no test made of the materials" (3H437). And someone went to the trouble of seeking to make this analysis impossible. None of this is in the Report. No one raised the obvious question, either.

When asked to explain some very fine lines visible on the bullet, Frazier explained that if they did not come from inside the barrel of the rifle, they could have been made by "even a piece of coarse cloth, leather . . . (which leave) . . . infinitesimal scratches which, when enlarged sufficiently, actually look like marks on the bullet."

*This* bullet, according to the Commission's theory, shattered the Governor's fifth rib and his wrist, and probably in the chest and certainly in the wrist, was tumbling. There were no questions to elicit information about bone markings, and no such intelligence was volunteered (3H431). The same was true of the fragments—encrustation but no examination (3H437).

Questioning about the spectrographic analysis was characterized by an equal zeal in avoiding the fundamentally important questions. Early in the morning the day after the assassination, three small fragments were recovered from the floor of the rear portion of the Presidential car, under the jump seat. Before midnight the day of the assassination, two large fragments were recovered from the front section, one from the seat and the other from the floor, and delivered to the FBI. Comparison of the whole bullet, the front-seat fragment and the rear-floor fragments revealed only that "the lead fragments were similar." The rear and front fragments could not be identified as from the same bullet. The scrapings from the windshield were "similar in composition" to the hospital bullet; hence, to the others, although this was the only comparison asked. And when fragments from the

President's head and the Governor's wrist were compared, Frazier gave the same response, only that these were similar lead. The Commission makes no effort to trace the fragment from the Governor's wrist to the hospital. It is satisfied to stop with the police, although with the fragments found at the White House, every step was meticulously detailed. Frazier would say of the wrist fragment only that it was lead. "It lacks any physical characteristics which would permit stating whether or not it actually originated from a bullet" (5H67-74).

It would thus seem that all Frazier was saying is that he could testify only that the samples he examined were lead. He was not asked whether there had been a comparison between the fragment from the Governor's wrist and the entire bullet. This would seem to have been one of the Commission's prime interests, were it to conclude that the one bullet inflicted all the injuries except the President's head wound. Frazier's wrap-up, when again asked if he could tie the fragments together, was that he could say "Only that they are similar lead composition." With "similar lead composition" already having been defined so broadly that one of the samples could not be identified as coming even from any bullet, these comparisons seem meaningless.

But Frazier had kept himself and the FBI in the clear, except for the matter of not examining the encrustations. He made clear that his function was physical examination, although in a couple of instances he drew upon the spectrographic examination, which was secondhand to him (5H68). It had been made by another FBI expert, John F. Gallagher.

Spectrographer Gallagher was finally called as a witness by the Commission in one of its last, if not in fact the very last, hearings. He appeared September 15, 1964, and his testimony is the final one in the last printed volume (15H746-52). He was asked about his spectrographic examination of the Oswald paraffin test, which the Commission did not think had any value.

*But he was not asked about his spectrographic examination of the bullet or any of the fragments!*

The inference is only too obvious.

Another serious question remains about the FBI spectrographic report and Frazier's "formal" report. These are "a part of the permanent record of the FBI," but not

in the Commission's record (5H69), which includes a truly amazing collection of hairs, cheesecake pictures of Ruby's strippers and other trivia probably unequalled in the history of official government publications. The Commission thus is in the position of having not questioned the spectrographer, "best evidence," about his own scientific study, but instead asked another witness who had not made the study; of avoiding the proper questioning of the spectrographer; and of suppressing his study—keeping it out of its record.

These, then, are the shots the Commission had accounted for:

One bullet, possibly of a different type than the Commission assumes all to have been, that missed;

Fragments which cannot be identified as coming from a single bullet and may, in fact, have come from different bullets (and this ignores the small fragments from the back seat and the Governor's wrist that are proved to be part of another). These are presumed to be from one bullet and from that bullet which exploded in the President's head and inflicted the fatal injury;

One more bullet which, the Commission to the contrary notwithstanding, had to have caused all the non-fatal wounds, both to the President and the Governor, else, as is clear, still another bullet would have had to be involved. This is the bullet the Commission presumes was recovered at the hospital, the bullet about which nothing is known and in the handling of which the vital evidence was destroyed, ignored or not asked for. Of this bullet the Report says, "there is very persuasive evidence from the experts to indicate" that it caused the non-fatal injuries. Precise language would have reversed some of the words, making the selection more accurate in saying the "experts" were "very persuaded," as the examinations of the doctors shows. Of this bullet the Report says, "all the evidence indicates" it caused Connally's wounds. Further, the Report quotes two Edgewood Arsenal experts (R584) as believing that, "based on the medical evidence," this one bullet did all these things.

The Commission spent hour after hour trying to establish just this, leading the doctors through speculations based upon hypotheses without end. And it is the Commission's position that, in fact, the bullet did all those things and then was recovered in the hospital. Otherwise, is there

**not a fourth bullet and does not the whole construction collapse?**

**The Commission did, in fact, get the most authoritative and definitive testimony possible on just this point. It came from the top pathologists of the Army and Navy, doctors who, among other credentials, were also experts in forensic medicine. They were Commander James J. Humes and his assistant, Commander J. Thornton Boswell, of the National Naval Medical Center, and Lieutenant-Colonel Pierre J. Finck, of the Army Medical Center. These men performed the autopsy (2H347-84).**

**With the bullet in question in his hands (2H375-6) and following examination of the medical records and his own autopsy, Humes pointed out the damage done, the fragments left behind, and offered his opinion that the reconstruction was impossible. The words he used were "most unlikely," "do not understand how it could have left fragments in either of these locations." When asked if this bullet "could have been the one to lodge in Governor Connally's thigh?" he declared, "I think that extremely unlikely . . . I can't conceive of where they (fragments) came from this missile." And he had it in his hands—not a picture, the real thing.**

**Boswell and Finck were present and heard Humes testify. Both confirmed this testimony. When Finck was asked if he would like to "add to" or "modify" Humes's testimony about this bullet and the impossibility of its having done what the Commission attributed to it "in any way," Finck answered, "No," to both questions (2H381).**

**The Commission's own top medical and pathological experts, their only experts in forensic medicine, said the bullet from the hospital could not have done what it had to do to eliminate at least a fourth bullet.**

**The evasions, contradictions, indirections, avoidances, and all the other difficulties with which the Commission has surrounded this most crucial of all its reconstructions; the questionable hypotheses given the doctors on which to base their opinions (which amounted to speculation) of the cause of the wounds—these and other factors make digging out what really happened unnecessarily difficult and raise the question, "Were all these things accidental?" Whether or not they were—and there is more than here indicated—the Commission's own best experts prove it wrong in con-**

cluding there were only **three** bullets fired.

Other questions remain. There is the type of bullets, including their exact chemical composition. Another intriguing item is the dent on the inside trim of the windshield of the Presidential car (16H945). Two men each are quoted as having been first to discover it: Frazier (5H70), who is put in this position by the Commission and may not actually have so claimed; and Secret Service Agent Kellerman (2H84-5), who said that five days or more following the assassination, just as the glass of the windshield was about to be removed from the frame, he examined the car. He said, "I believe I am the first to notice this. . . ." Then there is the nature of this damage, which looks as though it were made by something coming from below, not from the direction of the inside of the car.

But the biggest question remaining is the one the Commission created for itself in deciding there were three shots and then attempting to make its evidence fit this theory, instead of getting the most solid evidence it could and building theories on that basis. This was not possible unless the Commission was willing to face the probability that one man alone could not and did not commit the crime.

Based exclusively upon what the Commission has revealed of what it permitted itself to learn about the number of shots, it is not possible to assume, as the Commission did as the foundation rock of its Report, that only three bullets were fired. Unless it is *not* possible that no more than three shots were fired, it is not possible to conclude that one man alone—Lee Harvey Oswald or any other—assassinated President Kennedy.

The Report begins by presuming its way down to three bullets, for as the FBI told it, the fragments in the car, even ignoring the smaller ones, could not be established as from a single bullet. On this basis alone, there is serious question about the accuracy of the Report's conclusion, for those two larger fragments could have been from two different bullets, making on that basis alone four bullets.

Add to this the incredible accounting of the history and damages caused by the misnamed "found" bullet, destroyed by the Commission's best experts, its only experts in forensic medicine, and it is not possible for reasonable people to conclude a maximum of three bullets were fired.

Now add to this the suppression by the Report of the FBI evidence and the testimony of the pathology and forensic medical experts. . . .

### 13. THE DOCTORS AND THE AUTOPSY

As the devil can quote the Scriptures, so one can quote the medical evidence to almost any end.

“Front entrance” was the dirtiest word in the Commission’s medical lexicon. Front entrance describing a wound eliminated Oswald and definitely established conspiracy. Either of these eventualities would destroy the preconception of the Commission and ruin the Report which has, as its most basic conclusion, that Lee Harvey Oswald alone was the assassin. Had the President received a wound from the front after passing the window in which the Commission said Oswald was perched in a sniper’s nest, then, obviously, Oswald could not have been alone.

The immediate reaction of the spectators and the sheriff’s deputies, in the favorite phrase of the Report when it wants to state as fact something it cannot prove, was “consistent with” a shot from the front. The crowd ran to the area to the west of the building. The chief of police, in his first order, directed an investigation of this same area. Several witnesses already quoted saw puffs of smoke coinciding with the sound of a shot. Even the Zapruder movies show the President looking toward that area. This was clearly evident in the frames immediately before Zapruder’s film got fuzzy, just before the Presidential car passed from his view behind the road sign.

To the initial reaction of the spectators at the scene was added the opinions of the doctors at Parkland Hospital. They considered the anterior neck wound one of entrance. Experienced nurses held the same opinion. Gunshot wounds seem to be quite common in Dallas, and these medical people had more than the average experience in tending gunshot victims.

Skillful newsmen from all over the country and the world were in Dallas, and they had the story of a lifetime. They knew how to follow it and did, milking every detail from the unwary doctors, who had never had to cope with such a situation. At least one doctor left town in



an unsuccessful effort to evade the press. Initially, however, because the doctors believed the anterior neck wound had come from the front, they said so without reluctance. They were, of course, widely quoted and thoroughly recorded. The working press included large delegations of well equipped representatives of radio and television. The reporters knew their business, and they got the information they wanted.

For the doctors involved, it seems a safe assumption that the unhappiest days of their lives only began with their valiant but fruitless efforts to save the President. They tried, desperately, even though the testimony reveals not a single one who declared he ever thought there was a chance. That Governor Connally is alive today is a tribute to medical science. He had a total of three wounds, one of which went through his chest, another through his wrist. The doctors performed nobly as doctors. They deserved better than the hornet's nest they found themselves in when the government decided the anterior neck wound could not be one of entrance.

Perhaps this wound was not one of entrance. Perhaps the doctors were wrong because, as some of them and the Commission suggested, with the death of the President, they had no occasion to look further than the front of his neck and the top of his head.

Had there been an autopsy in Texas, as Texas law apparently demands, there might have been no questions. The Report makes no conclusions about the abuse of the Texas authorities who immediately protested the plan to remove the President's body. A number of witnesses expressed a sensitive and proper regard for the feelings of Mrs. Kennedy. But this, in the well used phrase, is a government of law, not of men. The law applies equally to the least and the mightiest. Or at least it is supposed to and should.

Quoting the testimony and citing the actions of those who forcibly removed the President's body would serve only to embarrass public servants whose dedication is above question and whose intentions should not be reproached. The record is clear. The removal was accomplished. The autopsy was conducted, beginning about 8 o'clock that night, at the National Naval Medical Center in Bethesda, Maryland, just across the geographic borders of Washington. The top pathological experts of the Army and Navy

Medical Centers conducted it. They were also accredited experts in forensic medicine. Their scientific standing is quite high. They appeared before the Commission and explained their findings.

If anyone thought of making a gesture toward Texas by inviting a Texas official to observe or participate, the Report does not record it. It would have been at least a token of respect for the rights and laws of the state. But it is doubtful if the results would have differed. That autopsy will be analyzed in this chapter in a manner it has thus far publicly escaped.

As soon as the nightmare of the emergency had passed in Parkland Hospital, Charles Jack Price, the administrator, instructed all those who had in any way participated in the treatments to prepare statements of what they had seen and done. Appendix IX (R516-37) includes eight statements by doctors relating to efforts on behalf of the President, three on the Governor and one on Oswald.

There are, as might be expected, contradictions and conflicts in these statements as they relate to the non-medical aspects, such as time. The same conflicts exist, for example, in the reports of the Secret Service about the same quite important question. The medical and protective personnel each made reports placing the time of the President's arrival at the hospital at both 12:38 p.m. and four or five minutes later. Because of the high speed at which the motorcade proceeded to the Hospital, the later time might be construed as evidence it had left the assassination scene later. In turn, this would have meant the assassination occurred later, and Oswald would have left the Depository before the assassination. The earlier time appears accurate and without indication of guile, even though the very first document in this Appendix, a statement by Dr. Kemp Clark, in its very first sentence, declares, "The President arrived in the Emergency Room at exactly 12:43 p.m. . . ." (R516).

The Commission attracted suspicion to itself with this first document because of the strange manner in which it was reproduced. In the facsimile, the first page appears to have had about half cut off. As it appears, it was addressed to no one and was signed by no one. The third page bears the typed number "2" at the top. The first page and the second and third pages appear to have been typed on different machines.

Dr. Charles J. Carrico, the first physician to see the President, identified the anterior neck wound as a "small penetrating wound," or one of entrance (R519). This wound was soon enlarged in the performance of a tracheotomy, one of the procedures employed in the effort to save the President. Carrico's report was dated 4:30 p.m. November 22, 1963.

Cause of death was from the massive head injury. One different explanation was given by Dr. Robert N. McClelland (R526-7), whose report, dated 15 minutes later than Carrico's, declared "cause of death was due to massive head and brain injury from a gunshot wound of the left temple." It is perhaps significant that, in his subsequent appearance before the Commission, Doctor McClelland was not asked to retract this conclusion, and he reaffirmed his statement (6H30ff.).

One by one the doctors were called before the Commission's staff and subjected to great persuasion in an effort to get them either to retract their initial medical opinion that the anterior neck wound was one of entrance, to say that they never thought it was a wound of entrance, or to say it could have been either an entrance or an exit wound. One of the devices used by the Commission's questioners was to state a hypothetical question based in part, or seemingly based in part, on the unpublished autopsy report. With this hypothesis, the doctors were in a position to make the kind of response the Commission so desperately wanted. In formulating this question, however, the interrogators may have taken advantage of the doctors. One of the assumptions the doctors were asked to make had to do with the type of bullet, which was but a presumption. Another was that the projectile was of "high velocity." None of the doctors qualified himself as a ballistics expert, and some were careful to point out that they were not. The testimony of the FBI firearms expert Robert A. Frazier, previously quoted, was that the presumed bullet was not a high velocity bullet.

Special pressure was applied to Dr. Malcolm Perry. It was undignified and abusive. Putting him in the middle of nonsense about the unavailability of tape recordings of his interviews, promising to send him copies of his statements and getting him to promise he would reply in a letter, not under oath, was neither fair nor responsible. None

of this or any of the related proceedings is reflected in the Report.

When the runaround began to annoy even members of the Commission, Congressman Ford had asked if all the news media had not made tape recordings of their interviews with the doctors, as, of course, radio and television had. In a largely incoherent manner, Doctor Perry replied, "This was one of the things I was mad about, Mr. Ford. . . . I know there were recordings made, but who made them I don't know" (3H375). Later the subject was resumed with as much avoidance of the available clippings from the papers. The reason given for the unavailability of the tapes is that in four months, by the time of the doctor's appearance, the media had not catalogued them. However, Doctor Perry was not shown the newspaper accounts, either.

The delicacy of this question is illustrated by the circumspection with which it was handled. Dulles suggested to the lawyers, "if you feel it is feasible, you send to the doctor the accounts of his press conference or conferences," and to the doctor, "if you are willing, sir, you could send us a letter . . . pointing out where you are inaccurately quoted . . . Is that feasible?"

Here we have a picture of vigorous pursuit of fact, Commission-style. At issue were two important things: Whether the wound was one of entrance, which would destroy the Commission's entire case, and the honesty of its more important witnesses. The passengers on the bus with Oswald on his Mexican trip were searched out all over the world. Oswald's pubic hairs were even subjected to scientific analysis. But the Commission, which already had at least a considerable if not a complete file of clippings, and had not been able to get the tape recordings, asked if as a voluntary matter the doctor would "send us a letter"—not even under oath—commenting on the media account of this, one of the most important questions before the Commission.

Specter offered a further explanation, saying, ". . . we have been trying diligently to get the tape records of the television interviews, and we were unsuccessful. I discussed this with Dr. Perry in Dallas last Wednesday, and he expressed an interest in seeing them, and I told him we would make them available to him prior to his appearance, before deposition or before the Commission, except our

efforts at CBS, and NBC, ABC and everywhere including New York, Dallas and other cities were to no avail. . . . The problem is they have not yet catalogued all the footage which they have, and I have been advised by the Secret Service, by Agent John Howlett, that they have an excess of 200 hours of transcripts among all the events and they just have not catalogued them and could not make them available."

These will be catalogued "and the Secret Service is trying to expedite the news media to give us those, and it was our thought as to the film clips, which would be the most direct or the recordings which would be the most direct, to make comparisons between the reports in the news media and what Dr. Perry said at that time, and the facts which we have from the doctors through our depositions and transcript today" (3H377ff.).

It never happened. Whether or not the only too abundant quotations showing the doctors called the anterior neck wound one of entrance were ever collected and sent to Doctor Perry, and if they were, what or if he replied, is not in the Report. Yet this was a most fundamental conflict about the most fundamental question before the Commission. If the wound had been one of entrance, then it could not have come from a bullet fired from the sixth-floor window.

There is nothing in which this Commission could have had any proper interest that any responsible people in the country would have denied. Had they, and the Report indicates not a single instance in which this happened, the Commission had the power of subpoena, meaning the power to compel attendance and the production of evidence. It could also have initiated punishment against offenders.

As the record of Doctor Perry's appearance before the Commission stands, the media agencies failed to make available to the Commission the tapes of their interviews with him. This is a serious reflection on the cooperativeness, therefore, the patriotism and public spirit, of radio and television networks and stations. Unless this is true, such a record should not stand in history. Independent information is not available. However, the failure of the radio and television people to supply what the Commission's agents said they would just is not believable.

Most of the doctors and nurses, some of whom did not retreat from their initial medical opinions, were not called

before the Commission itself. When Governor and Mrs. Connally appeared, they were accompanied by two of the doctors who operated on him. Conspicuously absent was Dr. George T. Shires. It was he who was responsible for the governor during his period of post-operative recovery and treatment. Possibly excerpts from his deposition will indicate a reason for this strange omission.

Doctor Shires' testimony was taken March 23, 1964. It appears in Volume 6, pages 104-13.

He attended Governor Connally "for the first several days . . . approximately every 2 to 4 hours for an hour or so each visit and many times for 6 and 8 hours at a stretch." As to whether or not Connally really recalls what happened, he "definitely remembers turning after hearing the first shot, before he was struck with a bullet." Asked if the effects of the Governor's wounds would have affected his memory "as to what happened before the wound?" his response was unequivocal: "No . . . I think his memory for events up until the time he recalls falling over in the car is probably accurate." Asked if the Governor could have been struck by two bullets, he twice said, "I'm sure it's possible."

Could the President's non-fatal and all the Governor's injuries have been caused by a single bullet? He does not think so, but "I assume that it would be possible." In this context, he reiterated his belief in the Governor's account of being hit by the second bullet.

He even said it was possible for what the Commission described as a "high velocity" bullet to have hit the Governor's thigh without first hitting something else, as long as it was on a tangent—and he is the one who took care of the thigh wound.

He was not, however, asked the distance between the point of entrance of the thigh wound and the point at which the fragment lodged and is still embedded in the Governor's thigh bone. On this important evidence, the Report is still silent and empty. The staff did not seem anxious for the Commission to have its members hear this testimony and another brief excerpt that will be quoted below.

Doctors Charles F. Gregory and Robert Roeder Shaw were present with the Connallys and testified. This testimony was taken on Tuesday, April 21, 1963, and appears in Volume 4, pages 101 through 149.

Testimony is not completely voluntary. Witnesses may respond to questions but are not allowed to narrate what they believe or want to say. In this case, the doctors were responding to questions from the Commission. The Commission formulated the questions as it saw fit, asking only those it wanted asked. It sought to build its prosecution-like case. Not asked were the questions in which it had no interest. The questioning of these doctors was a magnificent performance, a work of interrogating art. Hypothetical questions were mixed in with specific inquiries. On casual reading, this made the answers to the hypothetical questions seem as though they were specific answers to questions relating to what happened. The Report, in fact, misconstrues or perverts some of the answers to achieve this end, as will be seen.

Furthermore, there were several other assumptions presented to the doctors and Commission members as facts. Whether or not they were facts, they were not proved to be. The bullet discussed is described as a full-jacketed or military bullet with a muzzle velocity of 2,000 feet per second. As earlier chapters have shown, nobody knows what type of bullet hit the Governor. It was presumed on the basis of the so-called "found" bullet about which no one really knows anything. It could, for example, have been planted in the hospital. No effort was made to detect bone, blood or tissue residues on it. An effort was made to clean it before any analysis was made.

Contrary to the already quoted testimony of Tomlinson, who discovered this bullet, during the testimony of Doctor Shaw, Assistant Counsel Specter said, ". . . for the record, that in the depositions which have been taken in Parkland Hospital, that we have ascertained, and those depositions are part of the overall records, that is the bullet which came from the stretcher of Governor Connally" (4H112).

The muzzle velocity is also presumed; it is that of a bullet of the "found" type. And the given velocity, according to the Commission's own expert, the FBI Agent Frazier, is not "high" velocity. These are some of the facts basic to an understanding of the medical and autopsy testimony and the meetings that may and may not be fairly and accurately drawn from it.

"The Governor's Wounds" are analyzed as the Commission wants them analyzed to justify the conclusions the Commission reached (R92-6). Although they try to cover

themselves with cleverly evasive language, it is the Commission's belief that one bullet caused all the injuries except the fatal one in the President's head. In the pages that follow, excerpts from this section will be compared with the appropriate testimony. The reader will then be able to decide for himself whether the conclusions of the Report are consistent with the evidence.

On the angle of the Governor's chest wounds: ". . . the Commission watched Dr. Shaw measure with a caliper an angle of declination of 25 degrees from the point of entry on the back to the point of exit on the Governor's chest" (R93).

The angle as measured on the Governor does not necessarily have meaning. For it to represent the angle of the shot and indicate the possibility of the bullet inflicting further injury, the relationship of his chest to the rest of his body is critical. Doctor Gregory testified the angle could be very simply altered by the motion of a few degrees (6H102).

An angle of 45 degrees was postulated by the Commission itself (4H127). However, the Commission's own belief that one bullet caused all non-fatal injuries cannot support a 45-degree angle of declination. The autopsy report (R538-46), where the exact angle of the path of the bullet through the President's body could have been measured, fails to mention it (R541-2, 543). The angle of the shot is given at 20 degrees or a little more by the FBI (106f.).

"The bullet which caused the Governor's thigh injury *and then fell out of the wound* had a 'very low velocity' . . ." (R95).

". . . indicated a tangential wound or the penetration of a larger missile entering at low velocity and *stopping after entering the skin*. X-ray examination disclosed a tiny metallic fragment imbedded in the Governor's *leg* . . . the wound was not caused by the small fragment but resulted from the *impact* of a larger missile" (R93).

This bullet did not "stop after entering the skin." The fragment was not only in the leg; it was and still is "imbedded in the body of the femur," the bone (R535). The wound was not caused by the impact, which suggests mere contact. It was caused by a bullet going about three inches



inside the leg. The Report is careful not to indicate this distance.

The hospital report on treatment of Governor Connally's thigh injury (R535), listing three doctors as assistants to Doctor Shires alone, reads, "Following this the missile wound was excised and the bullet tract was explored. The missile wound was seen to course through the subcutaneous fat and into the vastus medialis. The necrotic fat and muscle were debrided down to the region of the femur. . . ."

"All the evidence indicated that the bullet *found on the Governor's stretcher* could have caused all his wounds" (R95). "Found on the Governor's stretcher," as we have seen, is not consistent with the testimony of the man who discovered it.

"Ballistic *experiments* and medical *findings established* that the missile which passed through the Governor's wrist and penetrated his thigh had first traversed his chest" (R94).

Translated into simpler and more direct language, the Report here is stating a number of things. One is that by firing bullets of the presumed character into mockups involving dead animals in experiments, the Commission obtained proof of what did happen to the Governor. Indications, perhaps, but these experiments could have "established" nothing but possibility. There are no "findings" in the medical reports other than the nature of the injuries.

"In their testimony, the *three* doctors who attended the Governor at Parkland Hospital expressed independently their opinion that a *single* bullet *had* passed through his chest; tumbled through his wrist and with very little exit velocity, leaving small metallic fragments from the *rear* portion of the bullet; punctured his left thigh after the bullet had virtually lost all of its velocity; and had fallen out of the thigh wound" (R95).

Before the testimony is quoted, it should be pointed out that either more or less than three doctors "tended" the Governor at the hospital. After the surgery, Doctor Shires attended him. During the operations, there were a number of other doctors assisting. Doctor Shires alone had three assistants.

The Report refers to no fragments elsewhere. Doctor Shires says there is still one in the chest.

Replacing "had" with "could have" would be closer to the speculations elicited from the doctors.

Although the Report is, as usual, careful to be evasive about identifying this bullet, the reference to fragments from the rear portion limits this to the specific so-called "found" bullet, Exhibit 399. This is the bullet the Report describes as "unmutilated"; therefore, any fragments had to come only from the trailing surface, otherwise, the bullet would have shown mutilation.

Doctor Gregory was careful in this exchange to specify he was addressing himself to Specter's hypothesis:

"Mr. Specter. . . . If that missile were a 6.5 millimeter bullet that fired from a weapon having a muzzle velocity of approximately 2,000 feet per second and at approximately 160 to 250 feet, if you assumed a trajectory with an angle of decline approximately 45 degrees?

Dr. Gregory. I believe that the three wounds *could* have occurred from a single missile *under those specifications*.

Mr. Specter. Assume, if you will, another set of hypothetical circumstances; that the 6.5 millimeter bullet traveled at the same muzzle velocity, to wit, 2,000 feet per second, at approximately 165 feet between the weapon and the victim, struck the President in the back of the neck passing through the large strap muscles, going through a fascia channel, missing the pleural cavity, striking no bones and emerging from the lower anterior third of the neck, after striking the trachea. Could such a projectile have then passed into the Governor's back and inflicted all three or all of the wounds which have been described here today?

Dr. Gregory. I believe one would have to concede the possibility, but I believe firmly that the probability is much diminished.

Mr. Specter. Why do you say that, sir?

Dr. Gregory. I think that to pass through the soft tissues of the President would certainly have decelerated the missile to some extent. Having then struck the Governor and shattered a rib, it is further decelerated, yet it has presumably retained sufficient energy to smash a radius (wrist). Moreover, it

escaped the forearm to penetrate at least the skin and fascia of the thigh, and *I am not persuaded that this is very probable. I would have to yield to possibility.* I am sure that those who deal with ballistics can do better for you than I can in this regard.

Mr. Specter. What would your assessment of the likelihood be for a bullet under those hypothetical circumstances to have passed through the neck of the President and to have passed through only the chest of the Governor without having gone through either the wrist or into the thigh?

Dr. Gregory. I think that is a much more plausible possibility or probability." (4H127)

Indicating what happened to part of the Governor's chest, Doctor Gregory said, the "fifth rib was literally shattered by the missile (6H101), . . . Also, the rib had because of being broken and losing some of its substance, has taken a rather inward position in relation to the fourth and the sixth ribs on either side" (4H106). They also subsequently learned the rib had been fractured "due to the rib being struck and bent." (4H106)

When asked to speculate on whether the weight of the fragments made the single bullet theory possible, Doctor Gregory replied, ". . . as far as I could tell, . . . it could be virtually intact, insofar as mass is concerned, but probably distorted" (6H99).

On the same theorizing, Doctor Gregory said of the wrist wound if caused by that bullet, "The only way this missile could have produced this wound in my view, was to have entered the wrist backwards" (4H121).

When shown the "found" bullet and asked if it could have inflicted all the Governor's wounds if it had not first hit the President, Doctor Shaw declared, "As far as the wounds of the chest are concerned, I feel that the bullet could have inflicted those wounds. But the examination of the wrist both by X-ray and at the time of surgery showed some fragments that make it difficult to believe that the same missile could have caused those two wounds. There seem to be more than three grains of metal missing as far as—I mean in the wrist" (4H113).

There were other fragments, unmentioned in the Report (R93). The following exchange occurred in a deposition-taking, not before the Commission members:

"Mr. Specter. Do you have any knowledge as to what fragments there were in the chest, bullet fragments, if any?"

Dr. Shires. No, again except from postoperative X-rays, there is a small fragment remaining, but the initial fragments I think Dr. Shaw saw before I arrived." (6H111)

Doctor Gregory said, ". . . but these are some of the reasons why I would believe that the missile in the Governor behaved as though it had never struck anything but him" (6H103).

The testimony of autopsy surgeon Humes was much stronger. He found it "most unlikely" that the "found" bullet could have caused Governor Connally's wounds (2H374). It was "extremely unlikely" that it *could* have been the bullet "to lodge in the Governor's thigh," in the unproven language of the question (2H376). "I cannot conceive" of the fragment coming from that bullet.

Asked, "Do you have any opinion as to what, in fact, did happen?" Doctor Shaw replied, "Yes, from the pictures, from conversation with the Governor and Mrs. Connally, it seems that the first bullet hit the President in the *shoulder* and perforated the neck, but this was not the bullet that Governor Connally feels hit him; and in the sequence of films I think it is hard to say that the first bullet hit both of these men almost simultaneously." He was "influenced a great deal by what Governor Connally *knew* about his movements in the car at this particular time" (4H114). The doctor's belief was that this part of the Zapruder film was frame 236, "give or take one or two frames" (4H115).

Still not saying only a single bullet was involved, Doctor Gregory gave a similar opinion of the location in the Zapruder film the Governor could have been hit: ". . . It seems to me in frames marked 234, 235, and 236, Governor Connally was in a position such that a single missile entered his back, could have passed through his chest, through his right forearm, and struck his thigh. That is a *possibility*" (4H128).

This is consistent with the testimony of the Connallys and FBI photographic expert Shaneyfelt, previously quoted. It is not consistent with the conclusion of the Commission, which was anxious not to have to account for an ad-

ditional bullet. Of course, the Commission was not consistent with itself, for it declined to apply to President Kennedy's reaction or lack of reaction the reasoning it employed in refusing to believe that Governor Connally insisted did happen. It said of the Governor, "There was, conceivably, a delayed reaction between the time the bullet struck him and the time he realized that he was hit, despite the fact that the bullet struck a glancing blow to a rib and penetrated his wrist bone" (R112).

The Report reaches this conclusion in contradiction of its experts.

Doctor Shaw informed the Commission that "in the case of a wound which strikes a bony substance such as a rib, usually the reaction is quite prompt" (4H116). After he gave this opinion, Mr. McCloy asked him if perhaps "the actual bullet could not have hit the rib at all but it might have been the expanding flesh that would cause the wound or the proper contusion, I guess you would call it on the rib itself?" Doctor Shaw's polite reply was, "I think we would have to postulate that the bullet hit the rib itself . . ." (4H116).

This rib had been, by the various medical descriptions, shattered, splintered, pushed out of place, and fractured. By flesh? Perhaps McCloy was expressing the desperation of the Commission for any solution requiring no more than three bullets. On the other hand, the President's first injury, according to the Commission, struck no bone. The President had reacted, visibly.

Doctor Shaw was not alone, however. Doctor Humes was asked, "Could that missile have traversed Governor Connally's chest without having him know it immediately and instantaneously?" He replied, ". . . I am sure he would be aware something happened to him . . ." (2H376). This was on March 16, 1964, one of the Commission's earliest hearings. Their knowledge on this came early. Humes's testimony was endorsed by the two other autopsy surgeons who were present.

Commissioner McCloy's desperation was quite reasonable. Whether or not President Kennedy could have had or did have a delayed reaction, he had reacted strongly before frame 225 of the Zapruder film. Governor Connally, when he was not obscured from the camera by the large road sign, could not have been hit until *after* the President had reacted to his first injury. Prior to the point

in the film where his body was in a position for one bullet to have inflicted all of the Governor's wounds, about frame 235, the Governor showed no reaction. At this point in the films, he *did* react visibly. It was his consistent belief, supported as already indicated, that it was at *this* point that he had, in fact, been injured—subsequent to the President's injury, as his highly credible, expressive testimony showed.

When the Commission found its theory, that the Governor was not conscious and therefore could not have known what was happening, destroyed by the doctors, it had a choice between a "delayed reaction" theory and another bullet. The Governor could not have been hit at about frame 235 by a bullet that had hit the President before frame 225, for there is more than a half-second of time separating these frames. The Commission said the bullet traveled at a speed of 2,000 feet per second, and there was only about four feet between the two men.

Even worse, from the Commission's point of view, with the Governor hit at frame 235, the President had to have been struck *before* frame 210. The Governor could not have been in a position, as Frazier's testimony proved, to have allowed a single bullet to cause all his injuries. The absolute minimum of time between shots, if they all came from the same Mannlicher-Carcano rifle, was 2.3 seconds. With Zapruder's camera running at a speed of 18.3 frames per second, the President, therefore, would have been first injured at a point earlier than represented by frame 197. This is exactly what Zapruder's film and testimony showed, as detailed previously in the analysis of his film. Had the President not been struck before the sign hid him from Zapruder's camera, Zapruder could not have seen him injured in the manner he had so graphically described.

But until frame 210, the President could not have been hit from that alleged sixth-floor sniper's nest, according to the FBI's expert testimony. Therefore, the Commission had these alternatives: *a*) The Governor was hit by more than one bullet and did not know when he was first hit; if so, who fired this bullet? *b*) The Governor was hit by the same bullet that first struck the President during the interval the car was obscured behind the sign and had a "delayed reaction." *c*) There was more than one assassin.

The first and third alternatives demolish the Report. The Commission cannot prove that only three bullets were fired by its own reconstruction, even with the President and

the Governor both hit by one of these three bullets. If it acknowledged there was more than one assassin, it acknowledged the entire Report is a fake.

When confronted with the statement by the experts that Governor Connally would *not* have had a delayed reaction to a bullet that hit his rib, McCloy saw the entire house of cards of one assassin, no conspiracy, about to be blown down.

The doctors were more than accommodating to the Commission. But asking them to say for the record that "expanding flesh" could have "shattered," "cracked" and "splintered" a rib and moved it out of place, leaving a fragment of the bullet in the chest, was asking too much.

It was, however, a measure of the Commission's early desperation.

During further theorizing, when asked if *a* bullet, not the "found" one, could have inflicted all the Governor's wounds, Doctor Shaw said it could have. Asked if *a* bullet, not the "found" one, could have inflicted the President's non-fatal injuries and all of the Governor's, Doctor Shaw again agreed.

"Mr. Specter. When you started to comment about it not being possible, was that in reference to the existing mass and shape of the bullet 399?"

Dr. Shaw. I thought you were referring directly to the bullet shown as Exhibit 399.

Mr. Specter. What is your opinion as to whether bullet 399 could have inflicted all of the wounds on the Governor, then, without respect at this point to the wound of the President's neck?

Dr. Shaw. I feel that there would be some difficulty in explaining all of the wounds as being inflicted by bullet 399 without causing more in the way of loss of substance to the bullet or deformation of the bullet." (4H114)

Earlier, after seeing the "found" bullet, Doctor Shaw was questioned by Allen Dulles:

"Dr. Shaw. . . . and we still do not know which bullet actually inflicted the wound on Governor Connally.

Mr. Dulles. Or whether it was one or two wounds?"

Dr. Shaw. Yes.

Mr. Dulles. Or two bullets?

Dr. Shaw. Yes; or three.

. . .

Mr. McCloy. You have no firm opinion that all these three wounds were caused by one bullet?

Dr. Shaw. I have no firm opinion." (4H109)

These quotations from the doctors do not say what the Commission said in the language quoted from the Report. The doctors went further; with circumspection and exquisite politeness, they left a record for history on the conduct of federal agents. In discussing the puzzle faced by Governor Connally's doctors, Doctor Gregory told the Commission, "Here was our patient with three discernible wounds, and no missile within him of sufficient magnitude to account for them, and we suggested that someone ought to search his belongings and other areas where he had been to see if it could be identified or found, rather" (4H125).

If this, the most obvious step, was ever taken by any federal agents, there is no reference to it in the Report. Nor is there any reflection of any effort by the Commission to find out why. Instead, the Governor's clothing was laundered and dry-cleaned, destroying any evidence it may have disclosed; again, without a question or an answer in the Report.

During their appearance with the Connallys, the doctors were shown several charts, the antecedents of which the Commission managed to avoid giving. These are Exhibits 679, 680 and 689. They do not appear in the Report but are in Volume 17, which almost no one has seen, on pages 336, 337 and 346. The charts are described as "body diagrams." They purport to show the locations of the Governor's injuries and the points of entry and exit. With the lack of clarity, if not absolute confusion, existing in the Report about the Governor's wounds, illumination by charts of this sort would seem a desirable addition.

Both doctors "corrected" these charts before the Commission. The front chest wound was placed too low and the back chest wound was placed too high. The points of entry and exist on the forearm had been reversed (4H100, 105, 112, 126). These "errors" represented a much steeper angle of declination than the Governor's chest wounds



showed. On Exhibits 679 and 680, they came closer to the 45-degree angle the Commission postulated in the testimony quoted above. On Exhibit 689 the angle depicted measures 45 degrees. On this chart, the effect is to mislocate the Governor's thigh wound by about a third of his entire thigh, placing it much too close to his torso.

This chart represents a sitting man with his body turned somewhat to the right and his arm to his chest. His forearm is at about right angles to his body, with the palm of his hand at about the midline. The palm is turned toward the chest.

A reading of the testimony of these doctors before the Commission leaves the impression that these are hospital charts. Exhibits 679 and 680 probably are printed or mimeographed hospital chart forms. The implication is that these filled-in charts are the hospital's representation of the location of the Governor's wounds.

Now at no time did any question exist about the exact points on the Governor's body where he had injuries. Had such doubts existed, the Governor was always available and his scars are clearly visible. They are as large as two inches in diameter. Nor was there ever any doubt of which were the wounds of entrance and exit. They are explicitly set forth in the hospital records on this surgery (R531-5). With the wrist wound, Doctor Gregory even described the material of which the Governor's suit was made from fibres deposited in the wound of entry by the missile (R533).

Tactfully, Doctors Gregory and Shaw placed no blame for the gross errors in these exhibits, errors that can hardly be regarded as inadvertent. The doctors seemed willing to allow the blame to fall on their shoulders, for these were the surgeons who operated on the chest and wrist and would have been expected to have done the diagramming.

Perhaps Doctor Shires, who devoted a large part of his time to the Governor's post-operative care and who tended the thigh wound during the emergency, would have been unwilling to assume responsibility even by implication for such a flagrant misrepresentation of fact. In any event, he did not appear before the Commission with the Connallys, a conspicuous omission, for he was the doctor in charge of the case.

A brief deposition had been taken from him in Dallas. At that time, not as a necessary part of his response to a

question asking which federal agents had previously interviewed him, he solved the riddle of the phony charts.

“It was two individuals from the Secret Service . . . They were given copies of our operative reports, statements . . . and subsequently one of these same two men from Secret Service returned and charted the entrance and exit wounds . . .” (6H112).

These artistic misrepresentations about the most material kind of evidence were not by the doctors. They were, in fact, in spite of the doctors. The doctors could and should have prepared the charts. There is only one reasonable explanation for this inexcusable deception. It was part of the government's effort *not* to reconstruct and solve the crime, *not* to develop evidence that would fit the crime, *but to make the crime fit the “evidence.”*

The full measure of the extremes to which the “artist” went can be appreciated by the reader if he tries to duplicate the representation of Exhibit 689. In order to make it seem possible that one bullet could have caused all the Governor's wounds, this exhibit brazenly misrepresents both the position of the Governor's arm and the point at which the projectile entered the wrist. The entry was on the top of the wrist. For the arm to have been in the diagrammed position, with the wound of entry in the upper part of the wrist, the Governor would have had to distort himself into an impossible position. Try it. With your forearm approximately parallel with the ground, try and put the back of your hand flat against the lower part of your chest, with the back of your hand at about the mid-line of your ribs. This is the position in which the Secret Service chart says the Governor was sitting, the position in which the happy politician was facing his constituents.

Unfortunately, these are not the only artistic misrepresentations of the wounds inflicted by the assassination. They exist in the autopsy.

### The Autopsy

For reasons never explained, if the question was ever asked, the autopsy report was not released by the government until it appeared in the Report. This was more than ten months after the assassination. At that time it was

smothered, as was almost everybody and everything, in the tremendous mass of the Report. The autopsy is not mentioned in the first chapter, entitled "Summary and Conclusions," which also served as a press release. It is barely mentioned in the chapter on the assassination, the shortest chapter, and is itself one of the shortest chapter sections in the entire Report. About a page is devoted to it (R59-60), including information not related to the autopsy itself. Not included, however, are the identifications and eminent qualifications of the autopsy surgeons.

Commander Humes was Director of Laboratories at the Naval Medical Center, Bethesda, Maryland, where the autopsy was performed. In addition to "responsibility of the overall . . . laboratory operations," he had two other broad areas of responsibility, anatomic and clinical pathology. He was trained by the armed forces in forensic pathology. Commander J. Thornton Boswell was his assistant at the autopsy and at the Medical Center, where he is also Chief of Pathology of the Naval Medical School. The third expert, Lieutenant-Colonel Pierre A. Finck, for the preceding three years had been Chief of the Wounds Ballistics Branch of the Armed Forces Institute of Pathology. He also had been certified by the American Board of Pathology in both pathology anatomy and forensic pathology.

All were widely and finely trained, both here and abroad. Their scientific credentials were the best. It is surprising that the Report did not see fit to note early the high caliber of the experts who performed the disagreeable function only if it is surprising that their work had been withheld from the public for ten months. Their testimony appears in Volume 2, pages 348-84.

When the President's body reached Bethesda at 7:35 p.m. the night of the assassination, all was in readiness. X-rays and photographs were taken immediately. Pathological examination was begun at about 8 p.m. It was concluded about 11 p.m. The autopsy disclosed two wounds in the President's head. One, presumed of entrance, was one-fourth by five-eighths of an inch in size. According to the Report, it was about an inch to the right and slightly above the bony protrusion at the center of the lower part of the back of the skull. The other, presumed of exit, was about five inches in diameter. It was difficult to measure accurately because of the multiple crisscross fractures radiating

from it. Some of the missing pieces of the skull were returned from Dallas during the autopsy. They accounted for about three-quarters of the missing skull. Thirty to 40 "dust-like fragments of metal" were revealed by the X-rays of the head, "with a sizeable metal fragment lying just above the right eye." The FBI was given "two small, irregularly shaped fragments" that were recovered.

The section of the Report on "The Autopsy" fails to locate this, the fatal wound, with precision. It is described in the printed version of the autopsy in the Appendix (R538-46) in highly technical language. Colonel Finck prepared a chart illustrating it, part of Exhibit 397 (17H64), which also does not appear in the Report. The closest thing to a location (R86) is in a quotation from Commander Humes in the discussion of "The President's Head Wounds" (R86). The words there used are "a large defect in the upper right side of the skull" (R86). This section is described in "The Autopsy" as the place where the wounds are discussed fully. They are not.

There are photographs of Exhibits 385 and 386 in the Appendix of this book. Both are "artist's conceptions" prepared at the Naval Medical Center. Exhibit 385 is a view of the right side of the President's head. It shows no head wound; Exhibit 386, which portrays the President as hairless, is a rear view and represents only that portion of this fatal injury. These two exhibits (16H977) are also excluded from the Report, as is Exhibit 388 (16H984), another "artist's conception," which does show the right side of the President's head. Unlike Exhibits 385 and 386, which depict the head erect, this one portrays it bent forward, almost on the chest. It shows a hairline and the wound the Report says was of entrance. This wound is several inches above the hairline. Secret Service Agent Kellerman, present at the autopsy, located this wound as "in the hairline" (2H81).

Throughout the Report are references to the President's "neck" wound, also in rare unguarded moments referred to as a "back" wound. In this section the Report employs language more representative of the artist's conception, a wound "near the base of the back of President Kennedy's neck, slightly to the right of his spine." At the referred-to "full discussion" (R87-92), the same language is used, with the addition of technical language, "approximately

5½ inches (14 centimeters) from the tip of the right shoulder joint and approximately the same distance below the tip of the right mastoid process. . . ." This would not exactly locate the bullet hole unless all the President's dimensions, especially the length of his neck, were known.

"The doctors traced the course of the bullet through the body and, as information was received from Parkland Hospital, concluded that the bullet had emerged from the front portion of the President's neck that had been cut away by the tracheotomy at Parkland."

This language is worthy of comment because it is typical of the skill with words utilized throughout the Report to give an impression of things the Commission cannot state as fact. The path of this bullet was not followed; it was projected. Humes testified, "Attempts to probe in the vicinity of this wound were unsuccessful without fear of making a false passage" (2H361). According to Secret Service Agent Kellerman, Finck did the probing (2H93) ". . . from the hole that was in his shoulder, and with a probe, and we were standing right along side of him, he is probing inside the shoulder with his instrument and I said, 'Colonel, where did it go?' He said 'There are no lanes for an outlet of the entry in this man's shoulder.'" "Tracing," therefore, would hardly seem the most appropriate word. It was "concluded" that the bullet exited from the front of the neck. It was neither traced there nor proved.

Information was not received from Parkland Hospital, in the sense implied here, of the voluntary passage of information from Dallas. It was sought, and not until the next day, after the examination was completed.

The "portion of the President's neck that had been cut away by the tracheotomy at Parkland" is described in the autopsy report as a "tracheotomy incision" (R541).

It is unfortunate that, in a Report on such a major event in United States history, language has to be used to distort and misrepresent and even to state untruths. A number of instances have been cited. It is no more justifiable than the willingness of the Commission to accept incontrovertibly false sworn statements or its capacity to avoid asking the right questions.

A possibly major conflict in testimony about the most material kind of fact relates to the autopsy itself. Doctor

Humes testified (2H361-2) that he "had the impression" when he saw the anterior neck wound that a tracheotomy had been performed.

"To ascertain that point, I called on the telephone Dr. Malcolm Perry and discussed with him the situation of the President's neck when he first examined the President and asked him had he in fact done a tracheotomy which was somewhat redundant because I was somewhat certain he had." Perry confirmed that he had made the incision at the point of the wound. When asked by Assistant Counsel Specter when the conversation occurred, Humes replied, "I had that conversation Saturday morning, sir," the day after the assassination and the autopsy. Although Specter knew of two phone calls to Perry from Humes, later in the hearing he asked, "And at the time of your conversation with Dr. Perry did you tell Dr. Perry anything about your observations or conclusions?" Humes's reply was, "No, sir; I did not." The next words in the transcript are, "(a short recess was taken)" (2H371).

"That conversation," according to Doctor Perry, was two conversations, with Humes initiating both. His account of the first conversation is substantially in accord with Humes's. Of the second he said, "He subsequently called back—at that time he told me, of course, that he could not talk to me about any of it and asked that I keep it in confidence, which I did . . ." (6H16). By the time Doctor Perry got before a second Commission hearing, in Washington, he said he could not remember the times of the conversations but gave the same account of them. His words in describing Humes's caution on this occasion were, "He advised me that he could not discuss with me the findings of necropsy," or autopsy, post-mortem examination (3H380).

Contradictory testimony, also under oath, was given by Doctor Kemp Clark, who reported a request from Doctor Perry following the phone conversations with Bethesda.

"Dr. Perry stated that he had talked to the Bethesda Naval Hospital on two occasions that morning and that he knew what the autopsy findings had shown and that he did not wish to be questioned by the press, as he had been asked by Bethesda to confine his remarks to what he knew from having examined the President, and suggested that the major part of this press conference be conducted by me." Doctor Clark thought two others, whom he named,

were witnesses to this conversation (6H23).

Both the questioning and the answering during Doctor Perry's appearance in Washington were characterized by an indirection and evasiveness that was not short of professional. Exactly what he told the news media, a major part of the testimony, was never made clear. The circumlocutions were elaborate. He spoke of news stories the contents of which were never revealed. He was not confronted with this conflict on such a vital aspect of the autopsy, and the subject of his testimony. This raises not only the question of false swearing; it might even suggest Perry had received what amounted to orders from Washington. None of the others were asked about this conflict. The record should not be allowed to remain beclouded. If any punishable offense was committed by anybody, it should not be allowed to go unpunished.

There is no reference to the existence of this contradiction in the Report.

Of no interest to the authors of the Report or to the questioners is what must be regarded as a strange event in the course of this autopsy. The surgeons could not probe the so-called posterior neck wound. Humes had no doubt that the anterior incision was from a tracheotomy. With no missile, from the very beginning of the autopsy the experts were baffled. Yet at no time during the examination of no less a person than the President of the United States was the telephone call made. It was not made at the comparatively early hour of 11 p.m. when the post-mortem study had been completed. It was not made until the next day, and then it was repeated.

In the phone conversation, Humes learned that before the tracheotomy the wound was about a fifth of an inch in diameter. His note (17H29) reads, "size, 3-5 mm." His autopsy report gives the dimensions of the "exit" wound as "a 7x4 millimeter oval wound . . . 14 cm. (or 5½ inches) from the tip of the right acromion process and 14 cm. below the tip of the right mastoid process" (R540). The entrance wound, then, was larger than the exit wound in a gunshot injury in which no bones were struck. All the testimony indicates this would be quite an abnormal reversal of the usual relationship. After this bullet exited the front of the President's neck, it made a much larger hole in the Governor's back if, as the Report wants believed, it did strike the Governor. Connally's entrance wound

was more than twice the diameter of the presumed exit wound. The President was only about four feet behind the Governor.

There are too many questions about the autopsy, the autopsy report and the manner in which both were handled by the Commission and in the Report itself. None should exist. This was not a Bowery bum; this was the President of the United States. Similarly, the Report should not be vague on the precise location of the President's wounds, especially with what it almost always termed his "neck" wound, but sometimes referred to as a back wound or one near the base of the back of the neck. The latter description is accurate, but without meaning. Was it above or below the base of the neck? The difference is vital in the Commission's reconstruction of the crime. The unvarying evasiveness is in itself highly suspicious.

The President's entire body was X-rayed and a number of photographs were taken before the examination began. During the examination, additional X-rays and photographs were made (2H349). All were given immediately to the Secret Service. The pictures were not available for use during the examination. Neither the pictures nor the X-rays were available for subsequent use in the preparation of the artist's representations.

*With this elaborate photographic record, why should there ever have been any question about the exact location of each wound?* These pictures were not offered for the Commission's record. Why? When the entire "solution" of the crime hinged upon reconstructions in which the number of shots and the location of wounds were vital and the angle of declination was important, why should testimony have depended upon recollections and second-hand sketches based on recollections? Even the autopsy surgeons testified without benefit of any of this unquestionable data. For unexplained reasons, they even anticipated this!

"When appraised of the necessity for our appearance before this Commission, we did not know whether or not the photographs which we had made would be available to the Commission. So to assist in making our testimony more understandable to the Commission members, we decided to have made drawings, schematic drawings, of the situation as we saw it, as we recorded it and as we recall it. These drawings were made under my supervision and that of Dr. Boswell by Mr. (H. A.) Rydberg . . . a medical



illustrator in our command at Naval Medical School" (2H349-50).

Why should Humes have believed the pictures would *not* be available to the Commission? Was this Commission not to have access to everything? It could have, for it had the power of subpoena to overcome recalcitrance. He was, for some reason, so certain the Naval Medical authorities went to some trouble to prepare these mock-ups.

Throughout his testimony, Humes repeatedly referred to the greater desirability of the pictures. For example, ". . . the photographs would be more accurate as to the precise location . . ." (2H369); ". . . photographs are far superior to my humble verbal description . . ." (2H371); "the pictures would show more accurately and in more detail the character of the wounds as depicted particularly in 385 and 386 and in 388-A. . . ." The Chairman asked him, ". . . if we had the pictures here . . . would it cause you to change any of the testimony you have given?" (2H372). What was Humes to say except that his testimony was correct? That is what he did, but he qualified it, saying, "To the best of my recollection, Mr. Chief Justice, it would not."

Commission Member McCloy wanted to know if any pictures of the President had been taken in Dallas. None were. Congressman Ford wanted to know what kind of pictures. Humes told him both black and white and color, never examined by personnel at Bethesda. Specter affirmed the undeveloped negatives had been given to the Secret Service. Humes stated "the photographs were taken for the record and for other purposes." And at that point discussion of the pictures ended. If they were taken "for the record and for other purposes," these hearings certainly met both descriptions. At no point is there any indication why they were not used. The absence of the best available evidence was regarded by the Commission as a perfectly natural thing (2H372). How good Humes's "best" recollection may have been will soon be apparent.

In describing the manner in which the illustrator worked (he told the illustrator "to a certain extent from memory and to a certain extent from the written record" (2H370), Humes expressed satisfaction with their accuracy. Asked, "And proportion?" he replied:

"Commander Humes. I must state these drawings

are in part schematic. The artist had but a brief period of some 2 days to prepare these. He had no photographs from which to work, and had to work under our description, verbal description, of what we had observed.

Mr. Specter. Would it be helpful to the artist, in redefining the drawings if that should become necessary, to have available to him the photographs or X-rays of the President?

Commander Humes. If it were necessary to have them absolutely true to scale. I think it would be virtually impossible to for him to do this without the photographs.

Mr. Specter. And what is the reason for the necessity for having the photographs?

Commander Humes. I think that it would be most difficult to transmit into physical measurements the—by word the—exact situation as it was seen to the naked eye. The photographs were—there is no problem of scale there because the wounds, if they are changed in size or changed in size and proportion to the structures of the body and so forth, when we attempt to give a description of these findings, it is the bony prominences, I cannot, which we used as points of references, I cannot transmit completely to the illustrator where they were situated.

Mr. Specter. Is the taking of photographs and X-rays routine or is this something out of the ordinary?

Commander Humes. No, sir; this is quite routine in cases of this sort of violent death in our training. In the field of forensic pathology we have found that the photographs and X-rays are of most value, the X-rays particularly in finding missiles which have a way of going in different directions sometimes, and particularly as documentary evidence these are considered invaluable in the field of forensic pathology.”  
(2H350)

Is it conceivable that what is routine in the field of forensic pathology was too good for the President of the United States or for the Commission that was to have and give the final word on his assassination?

After Humes divested himself of this burden, the Commission turned to the autopsy report. Humes said it “was

prepared by myself, Dr. Boswell, and Dr. Finck, and completed within approximately 48 hours after the assassination . . ." (2H350).

It was not. It was prepared by Humes and then shown to the others. He did at least part of it at home, revised it, burned an earlier draft, and presumably had classified papers in his home while he was working on it (2H371).

He was shown Exhibit 397 and asked to identify it. "These are various notes in long-hand, or copies, rather, of various notes in long-hand made by myself, in part, during the performance of the examination of the late President, and in part after the examination when I was preparing to have a typewritten report made." (2H372) This was not the case, and Humes finally conceded it. There was but a single page containing 25 words of notes of his conversation with Dr. Perry, 15 pages of a rough draft of the autopsy report, two charts not in Hume's handwriting, and two certifications (17H29-48). Both certifications are dated November 24, 1963.

The first certification is by Humes and countersigned by the Commanding Officer of the Naval Medical School. It states that "all working papers associated with" the autopsy "have remained in my personal custody at all times" and were turned over to his superior with the handwritten draft. The second certified that he had "burned certain preliminary draft notes" relating to the autopsy.

If the Commission had any questions about the burning of any kind of historic papers, especially undescribed "preliminary draft notes," the transcript does not reveal it (2H373).

The two charts Humes described as "notes actually made in the room in which the examination was taking place. I notice now that the handwriting in some instances is not my own, and it is either that of Commander Boswell or Colonel Finck." He was asked if he reviewed "all the markings on those papers and (noted) them to be present when you completed the autopsy report?" He replied, "yes, sir," adding that all the papers had at all times been "in my personal custody."

Specter asked Humes about a change on page 14 of the handwritten draft and he explained it as intended for clarification. There were no further questions about these changes (2H373). There certainly should have been.

One change Humes did not see fit to make was the part

of his autopsy report on the President of the United States based upon a Washington Post newspaper story of November 23, 1963. It said, "Three shots were heard" and quoted a Dallas photographer as having seen "a rifle barrel disappearing into a window on an *upper floor*" of the Depository.

Compared with this report about the rifle in the "upper floor" and the "three shots," the clarification becomes interesting. The rough draft stated the projectiles were fired from "a point behind and somewhat (illegible word) above a horizontal line to the vertical junction of the body at the moment of impact." As altered, the last part reads, "a point behind and somewhat above the level of the deceased." The final version, clearly, allowed placing the source of the shots at a more "upper floor" than the original.

There is considerable percentage of information about which the autopsy surgeons could have had no personal knowledge. The speed of the car was changed from "approximately 20 miles an hour" to "a slow rate of speed." The incorrect statement that the President "fell face downward to the floor of the vehicle" was replaced by the word "forward."

Doctor Perry's description of the anterior neck wound, that very critical question of exit or entrance, was described as a "puncture wound" in the handwritten draft. The final copy reads "much smaller wound." This is a change of fact and is not subject to the hocus-pocus about the news media not providing their tapes. It is the bugaboo the Commission avoided so obviously in the Perry interrogation. It is what Humes said Perry told him over the phone.

The posterior wound, which the Commission said was of entrance, was described on page 4 with the word "puncture," meaning the same thing, in the handwritten draft, from which the word "puncture" was then stricken. Is it possible the autopsy surgeons had doubts? But on page 2, where Doctor Humes did no editing, the information Doctor Perry conveyed to him is "Dr. Perry noted the massive wound of the head and a second, *puncture wound*, of the low anterior neck in approximately the midline. . . ."

On the seventh handwritten page, the last 10 lines contain six changes in the description of the head wound. These include the alteration of the President's lower or "entrance" wound as described from "puncture" in the

draft to "lacerated" in the final copy. In the description of its location, the words "tangential to the scalp" were deleted. "In the underlying bone is a corresponding puncture wound . . ." is in the original, but the word "puncture" was deleted in the final copy. On the eighth handwritten page, the word "puncture" relating to this same head wound was again deleted. This is what the Report describes as the entrance wound of the fatal bullet. Humes eliminated these descriptions of the wound as of that character in the final version.

Of the massive wound the Commission said was of exit, Humes did also in the draft in referring to one of the pieces of retrieved skull. But in the final copy he made it read "presumably" a "wound of exit." On the ninth handwritten page, he again altered the description of the smaller headwound by deleting the word "puncture." Here he also weakened his description of the President's rear "neck" wound, adding "presumably" before "of entry." The anterior neck wound which he had described as "of exit" got the same addition, "presumably," in front of it.

Such major substantive changes between the second draft and the final form of the autopsy cannot be regarded as editing. They changed the content. What might there not have been in the version Humes burned? There remains the question that was of no interest to the Commission: Why? Could the first draft not have been turned over with the "notes?" *Should* they not have been? Had Humes authority or right to destroy *any* records of any kind?

The two charts appended to the draft of the autopsy report and authenticated as "notes made in the room where the examination was taking place" were not included in the autopsy report printed in the Report. The first of these contains form drawings similar to those made up by the Secret Service on Governor Connally's wounds. It also shows other points of orientation, such as both the top and the bottom of the collar. This chart appears in the Appendix to this book.

The "artist's conception," prepared partly by Humes's representation of his recollection to an artist and without benefit of pictures places the President's rear non-fatal wound in the curve of the neck as it tapers into the shoulder, in a vertical line with the straight right edge of the neck as it is viewed from the rear.

The original autopsy, notes this chart, locates it in the back. Not just barely in the back, touching the neck, but well down into the back. It is in the same vertical line as the artist's conception. With no scale, it is not possible to say how far down in the back. Measuring the distance from the top of the collar, it is about three times as far down from the collar as the collar itself measures from top to bottom.

Unless the Commission is prepared to prove that this original working paper of the autopsy is wrong—not just a little wrong but grossly and inexcusably wrong—wrong in a manner that can never be expected from such eminent experts in both pathology and forensic medicine, its entire Report is a monstrous fake! The location of this wound is so completely at variance with any of the vague contradictory descriptions used in the Report that it raises the most serious questions of the highest possible importance. They demand an answer, and they must be answered honestly and without evasion or propaganda.

This is not just a haphazard sketch. The dimensions are indicated in millimeters. It was prepared by one of three of the most outstanding experts the government could provide for what was undoubtedly the most important autopsy in the history of the country. The other two experts were in constant consultation and participation. Humes had it constantly in his possession and study for 48 hours as he worked out the final statement of the autopsy, which all went over before it was typed. He described it as "the actual notes made in the room in which the examination was taking place."

It cannot be brushed off, as so many of the few criticisms of the Report have been.

Nor is it without substantiation, good, solid substantiation.

Kellerman, the Secret Service agent in charge, was with the President's body, except for a few brief instances, from the Dallas hospital until it left the Bethesda Naval Hospital. In his testimony, not quoted in the Report, he repeatedly described this as a "shoulder" wound, just below the "large muscle between the shoulder and the neck." In questioning him, Specter did not refer to this as a "neck" wound but as a "shoulder" wound (2H81).

Kellerman called Secret Service Agent Clint Hill into the autopsy room to make formal observation of the Presi-

dent's wounds. This also is not quoted in the Report, but in his statement (18H740-5) Hill declared, "I observed a wound about six inches down from the neckline on the back just to the right of the spinal column," precisely what the suppressed autopsy note shows.

Secret Service Agent Glen A. Bennett was looking at the President when the bullet "hit the President about four inches down from the right shoulder" (R111).

In questioning Humes (2H371), Specter referred to "the wound in the President's back," in a context that imparts a different significance to the questions asked of all the Parkland medical people, had they raised or turned the President over.

Humes was given the President's coat and shirt to examine (2H365). He saw the bullet holes and located them "approximately 6 inches below the top of the collar, and 2 inches to the right of the middle seam . . ." A number of others gave approximately this representation of the location of the bullet holes in the President's garments. The location of this bullet hole, according to Humes, "corresponds essentially with the point of entrance" of that missile. Six inches down from the collar. Not in the neck.

What can now be said of all the painful and expensive reconstructions, made without reference to the existence of real evidence that rendered them unnecessary and destroyed their validity? Reconstructions built upon a police base known to be false. Reconstructions in which the Secret Service made its own medical evidence, also and very obviously false. Reconstructions in which the tricky and critical angles of the shots were wrong—far wrong. Reconstructions in which the best ballistics evidence of the FBI was both ignored and suppressed. Medical reconstructions made in defiance of the best and most competent scientific testimony, from the forensic medical experts, all of whom swore that the "found" bullet, misrepresented to begin with, could not have inflicted all the non-fatal injuries and remained unmutated. Medical reconstructions in which the best possible evidence of the President's wounds—the photographs and X-rays—was suppressed, replaced by artist's conceptions!

The autopsy chart *suppressed* from the Report—no other word will do, for *it is in the record, is authenticated in the testimony, and is neither disproved nor even questioned in the Report which fails totally even to indicate its*

*existence*—provides beyond question that all the speculations retailed as fact, all the tedious pretenses about the misrepresented “neck” wound, are false. It was a *back* wound! If of entrance, the bullet that made it could not possibly have deflected itself *upward*—remember, it hit no bone—and exited the President’s anterior neck. Nor could it have then, magically, deflected itself again, this time *downward*—there was nothing but air for it to strike between the two bodies—and inflicted all the wounds on Governor Connally. And all this also without being in any way deformed! *Whether or not it entered from the back, that bullet could not possibly have come from the sixth-floor window.*

This authenticated chart that is ignored in the Commission’s deliberations and conclusions and suppressed from its Report *had to be ignored and suppressed*. It and the ample supporting evidence utterly and completely destroy the preconception with which the Commission began, as well as its massive but futile effort to sustain that preconception. It invalidates the Report. Totally. There is no question.

More, it lays the most serious questions at the door of the Commission itself.

The Report also failed to include the Oswald autopsy charts. It *dared* not print them! Had it, the comparison between the Oswald autopsy and that of the President would, in itself, have been a major scandal. The Oswald autopsy was *within an hour of his death*. It was ordered by Justice of the Peace Pierce McBride, “requested by” the police, “promised” by Doctor Tom Shires. Copies were *in advance* ordered delivered to the Justice of the Peace, the county health officer, District Attorney Wade, Sheriff Decker and Captain Fritz. The President’s autopsy, *released ten months later*, was buried—smothered in the 900-page mass and sensation of the Report, in the Appendix of which it appears.

The Oswald charts are clear, unequivocal and numerous. They contain *precise* measurements, oriented to obvious and unmistakable points of his anatomy. One, labeled “Gunshot Wound Chart,” calls for the exact location, orientation, size and direction of the wound and contains appropriate boxes for the data. All are property filled in. Measurements are *exact to within a sixteenth of an inch*.



The "Body Diagram" of the head shows and exactly describes and locates the injuries Oswald sustained at the hands of the police. These ranged in size from the lip abrasion,  $\frac{1}{16}$  of an inch, to the "black eye,"  $1\frac{1}{4}$  by  $1\frac{3}{4}$  inches.

"Surgical Wounds" are handled with equal care and are isolated on a separate chart, labeled "Surgical wounds only."

The bullet wound is precisely located:  $3\frac{3}{8}$  inches to the left of the midline of the front of the body and exactly 23 inches from the top of the head, with a "contusion ring" having a diameter of  $\frac{3}{8}$  inch. There is a blank body chart of the back showing there was no bullet wound there. And there are separate side-view body diagrams, adding further exactness.

There is even a chart of "Cross Section Through Upper Abdomen," with "path of bullet" drawn in. This shows the kidneys, vertebrae, spleen, liver and aorta and the path taken by Ruby's bullet through them as it tore away Oswald's vital organs and caused his irreversibly certain death, forever silencing him.

There are no questions with the Oswald autopsy, no mystery about the location, nature, size, direction or anything else. The hocus-pocus was reserved for the President of the United States! Is it not shameful that the accused assassin, killed in history's most public murder, is accorded the autopsy the President should have had but did not, while the President is treated with less care than the accused assassin should have received?

What an epitaph for the fallen President!

Of course, it is not surprising the Report has no autopsy or autopsy charts for Officer Tippit. Again, *the Commission did not dare*. The Report lacks even the official certification that Tippit died!

This, then, is the untold story of the autopsy. These are some of the things the Commission saw fit to suppress from its Report in which it failed even to locate precisely the fatal wound. There are many other questions about it, about the suppression of the evidence, especially the pictures and this chart prepared on the autopsy bench and authenticated by the experts and observers. There is, for example, the avoided left temple entrance of the fatal head wound as described in Doctor McClelland's original hand-

written report at the time of the assassination, reaffirmed by him in his appearance before the Commission and about which the Commission avoided asking him any questions whatsoever.

No questions should ever have existed.

They must all be answered—those about the autopsy and all the others.




U. S. NAVAL MEDICAL SCHOOL  
NATIONAL NAVAL MEDICAL CENTER  
BETHESDA, MARYLAND 20814

(In reply refer to

24 November 1963

C-O-N-F-I-D-E-N-T-I-A-L

I, James J. Humes, certify that I have destroyed by burning certain preliminary draft notes relating to Naval Medical School Autopsy Report A63-272 and have officially transmitted all other papers related to this report to higher authority.

  
J. J. HUMES  
CDR, MC, USN

COMMISSION EXHIBIT 387—Continued

## CONCLUSION

Proving Oswald innocent of the charges against him was not the author's intention. However, the Report leaves analysts only one alternative—to approve it, which no honest analyst could do.

It is not the author who showed Oswald could not have committed these crimes; it is the Commission, for there is nothing in this book not from its record. Hard as it tried to avoid anything tending to show Oswald could not have committed the crime, the Commission could not keep from its record substantial evidence that he did not. How it could accept without question or comment so much nonsense, fantasy, and outright perjury is beyond comprehension. Perhaps the answer is that these were honest men neither intellectually nor emotionally equal to the task set for them.

There is a lemming-like quality to the performance of the Commission. It is almost as though they sought the destruction of their Report. Throughout its record are dozens of places where they almost asked for this. The author believes members of the Commission have substantial doubts. He believes, for example, that the Senators who questioned Marina Oswald at that mysterious Sunday night hearing in September 1964, when the Report had, for the most part, certainly been drafted, have serious doubts that were confirmed by her performance.

In its approach, operations and Report, the Commission considered one possibility alone—that Lee Harvey Oswald, without assistance, assassinated the President and killed Officer Tippit. Never has such a tremendous array of power been turned against a single man, and he was dead. Yet even without opposition the Commission failed. Not only did it fail to prove its case "beyond a reasonable doubt," the American concept, it created new doubts where none had existed.

Oswald's guilt or innocence is important in three areas: To solve, if it can now be solved, "the crime of the century"; to his survivors; and to the rights and honor of all Americans.

A crime such as the assassination of the President of the United States cannot be left as the Report of the President's Commission has left it, without even the probability of a solution, with assassins and murderers free, and free to repeat their crimes and enjoy what benefits they may have expected to derive therefrom. No President is ever safe if Presidential assassins are exculpated. Yet that is what this Commission has done. In finding Oswald "guilty," it has found those who assassinated him "innocent." If the President is not safe, then neither is the country.

To anyone with any experience in investigation or analysis, the most incredible part of the Commission's inquiry is its complete lack of question or criticism of the police. This Commission was satisfied with faulty and fallacious memory on an unimaginable scale; with the most amateurish pretense of an investigation; with "blunders" so consistent they may not have been accidental; and with a frameup so thinly covered it was naked. It just is not possible that the police are as incompetent as this record shows. The best and the kindest thing that can be said for them is that they created the most monumental botch in police annals. They did not solve the crimes, nor did they attempt to. They had one objective, to take the heat off themselves. With the wholehearted help of the Report, they succeeded. But they left an unsolved crime, the most important murder that can be committed in this country. If this crime can now be solved, it will be no credit to the police for what they have thus far done.

Above all, the Report leaves in jeopardy the rights of all Americans and the honor of the nation. When what happened to Oswald once he was in the hands of public authority can occur in this country with neither reprimand nor question, no one is safe. When the Federal government put its stamp of approval on such unabashed and open denial of the most basic legal rights of any American, no matter how insignificant he may be, then no American can depend on having these rights, no matter what his power or connections. The rights of all Americans, as the Commission's chairman said when wearing his Chief Jus-

tice's hat, depend upon each American's enjoyment of these same rights.

In writing this book, the author has had but one purpose. That was to show that the job assigned to and expected of the President's Commission on the Assassination of John F. Kennedy has not been done.

What now, then? One thing only—to do that job, do it well and completely, most of all honestly, regardless of the consequences. If foreign policy is involved, so be it. This crime *must* be solved. It certainly was not solved by accusing a convenient nobody in Dallas of it and then allowing him to be killed while in police custody.

Who *can* solve this crime? Not the courts, for there is no question that can be taken to court. Not the Commission, for it has already both failed and closed up, its work unfinished.

Only Congress remains. A Congressional investigation was one of the immediate considerations once Oswald was murdered. Perhaps wisely in an election year, the President decided on a Commission which, at least in theory, was removed from politics. Congress then agreed. This, however, is not an election year. Even if it were, is there any place else to turn? Can we allow the crime to go unsolved, and accompanied by such a miscarriage of justice?

There are today more unanswered questions about the assassination of President John Fitzgerald Kennedy than there were on February 3, 1964, when the Commission opened its hearings. In addition to those inherent in this book, here are some of the many questions which demand answering:

What was the reason for trying to bury the ghost so deeply? Restriction of access to the Commission's files for 75 years cannot be explained in terms of the interests of Oswald's daughters. Nothing that can now be said of their father can hurt them. Further revelations could only benefit them.

The whole story of the autopsy and the autopsy report—the suppressed pictures of the wounds, the “editing” of the autopsy, the autopsy records in contradiction of the artist's representation of the wounds, the Commission's reference to a “neck” wound when it was not in the neck.

Why did the Report suppress the testimony of the pathologists and experts in forensic medicine that the so-called

**“found” bullet could not have done what the Report attributed to it? How could it reach conclusions opposed to this expert testimony and not refer to this testimony?**

**Why did the staff misrepresent the tracing of this “found” bullet, alleging it had been proved to have come from Governor Connally’s stretcher when this was not the case? And why was there no real effort to see how the bullet got under the mattress, a fact suppressed in the Report?**

**Why did the Report suppress the fact that the “found” bullet had been cleaned before receipt in the FBI laboratories? Why did the FBI not analyze the organic traces left on the bullet? Why did the Commission not find out who first cleaned the bullet and why the FBI did not analyze the traces still remaining? Why, in fact, did the Commission remain mute on receiving this testimony?**

**Why did the Commission not trace and report on the laundering of Governor Connally’s clothes, which destroyed evidence about his wounds?**

**Why did the Report suppress the Secret Service misrepresentation of Governor Connally’s wounds, which had the effect of tailoring the evidence to suit the Commission’s theory of the crime?**

**Why was the spectrographic evidence in effect suppressed? Why was the spectrographer, when called as a witness, never asked to testify about his spectrographic analysis of the presumed assassination bullets? Why is all of this not in the Report? With respect to the Tippit bullets, why was not similar analysis also made and reported?**

**Why did the Report suppress proof that the empty rifle shells found on the sixth floor of the Depository Building had markings that could not have come from the C-2766 rifle?**

**How could the Report declare that this rifle, to the exclusion of all others, was in Oswald’s possession at the time of the assassination, and that it was in his possession, to the exclusion of anyone else, when it cited no proof of any of these allegations?**

**Why did the Report avoid any reference to whether access to the Paine garage was available to others than Oswald?**

**Why did both the police and the FBI suspend their efforts to trace the sources of the ammunition allegedly fired in the rifle? Did it have anything to do with the discovery**

of large quantities of similar cartridges loaded with bullets other than the ones the Commission presumed were used?

Why did the Report ignore both the availability of other bullets and the aborted tracing of the ammunition? Why has the Report no information on any effort to trace the ammunition used in the Tippit killing to its source? Why does the Report contain no reference to the purchase of any ammunition of any kind by Oswald?

Why has the Report no copy of the medical or autopsy records on the murder of Officer Tippit, especially when the Commission had contradictory information about the number of shots and the number of wounds?

Why did the Report remain silent on the known destruction, mutilation, and manipulation of evidence?

When using so many different versions of the famous Altgens photograph as exhibits, why did the Report consistently suppress the right-hand side and its important contents?

Why did the Commission not question the various doctors about the material conflict in their testimony of the contents of the telephone calls to Parkland Hospital from the Naval Medical Center? Was there anything improper in these calls? Did the federal doctor tell the Dallas doctor the contents of the autopsy report, although denying he did? Why was this suppressed in the Report?

Was perjury committed by important witnesses? If it was, why has the Commission done nothing about it?

Why did the competent staff of the Commission give such a puerile performance, avoiding the clearly pertinent and obvious questions? Why did they seek only to establish a prosecution-type case?

Why is the quality of the photographic reproductions in the Report consistently so poor? Why were important photographs reproduced so small their contents are masked when blank space was available for the same photographs to have been reproduced in larger size?

Why, of the many clear photographs of the assassination area that are available, did the Report use one of such poor quality it had to be touched up and still remained unclear? Why did the Report cover twice as much area as was necessary with this photograph, thus effectively reducing its legibility still further, and why did it print it in such a small space, leaving the rest of the page blank?

Why is there no photograph of the street level of the front of the building for the period immediately following the assassination? Why did the Report do nothing with the large amount of motion pictures showing this which were available to the Commission, especially when the photographer reported these pictures showed men going in and out of the building?

What happened to the Moorman picture?

Why are the important charts and maps on such a small scale they cannot be read, or without scales being indicated when measurement is important to an understanding of the contents?

Why is there no representation in the Report of the positions of the cars in the motorcade at the moment of the shooting?

Why did both the Commission and the FBI ignore the obvious existence of a "False Oswald?" What purpose or purposes could this man have had? Why is the fantastic story buried in the Report and treated out of context?

Why was the Commission so tolerant of the police and the incredible "mistakes" they made, their faulty memories, their botched investigation and their treatment of Oswald? Why, in fact, did the Commission not make a thorough investigation of the police?

How could the Commission and the Report ignore the manner in which Dallas public authority effectively denied Oswald his right to counsel of his own choice? Why did not the Commission examine these activities of the police and decide whether they could have had the purpose of preventing the impaneling of a jury or the introduction into evidence of Oswald's possessions?

Why did the Commission ignore the clear implications of Secret Service Inspector Kelley's report, that Oswald was being denied counsel to keep him from talking? Why was the Commission careful to avoid this when Kelley testified? Why did the Report not discuss this?

Why did the Report not address itself to the unreasonableness of an assassin in the sixth-floor window waiting for a very difficult shot at the President without need when he had such an excellent target and for a longer time as the motorcade approached the building?

If Oswald had been the assassin, why should he have gone into the cul-de-sac of the lunchroom on the second



floor when the same door put him in a hall that led to the front entrance?

Why did the Report not consider Oswald was a possible "fall guy?" Why did the Commission make no serious inquiry along this line?

Why has the Report no forthright statement on Marina Oswald's status in the United States? Is she eligible for deportation? Have not others who similarly misinformed the government to enter the United States been deported?

Why is there no forthright statement in the Report of the nature and length of Marina Oswald's period of "protective custody?" Why does it not refer to the hints made to her by both the FBI and the Immigration and Naturalization Service that if she wanted to remain in the United States she would do well to "cooperate?" Was she not subject to pressure, and does not this affect her credibility?

Why did the Report suppress Marina Oswald's admitted lying? Why did it suppress her contradictory statements, using only what suited its purposes? Why did it suppress her admitted attempt at suicide?

Why did the Report avoid mentioning her considerable financial gain as a consequence of the assassination? Is she not a wealthy young woman today, and does this not affect her credibility?

Until these and all other questions, stated or implied throughout this book, are clearly, unequivocally and finally answered, the assassinations of President John F. Kennedy and Officer J. D. Tippit are far from having been honestly investigated or truly reported, despite the creation of the President's Commission and the publication of its widely heralded Report.



## POSTSCRIPT

And so the dearly beloved President, foully assassinated and interred with the silent homage of the multitudes of the great and the humble of the world, has bestowed upon him the official epitaph of this dubious inquest. For the Report of the President's Commission was no Marc Antony's oration. No passionate throng was aroused to wreak vengeance on his assassins. Indeed, they run free, sheltered by the magic cloak of the Report and its untenable conclusions.

In the perceptive phrase of Stephen Barber, Washington correspondent of the *London Sunday Telegraph*, John Fitzgerald Kennedy was not only a President of the United States of America; he was a President for the world. Yet in the entire world, as in the United States, there was none among the exalted and few indeed among the lowly who cried "Shame!" at this dubious epitaph with which this great man, loved beyond measure by millions, was consigned to history.

Perhaps, now, this wrong will be righted. This is the author's hope and intent, for he is unwilling to believe—and will not—that a democratic society will perpetuate such a miscarriage of justice and even further delay retribution.

Perhaps, also, there may remain in the minds of some a question of the intent of those who fashioned their "facts" from the cobwebs of obfuscations and from falsities. As we have already seen, the staff of the Commission did not shun lying to the Commission itself, and neither was deterred by perjury or its subornation. Is it possible they did not know what they were doing?

And what of the FBI, that almost hallowed institution whose director appears to be the only indispensable man in the United States Government; whose infallibility and incorruptibility is accepted by most as an article of faith,

sustained as it is and has been by "statistics" about its convictions and other performances? The FBI performed most of the investigations and technical services for the Commission and rendered its own report to the Commission some time following the assassination. Could the almost sacred FBI have so grievously erred?

The author saw the once-secret FBI report on March 30, 1966, long after this book was written. It permits no doubt about the answer to this and other questions.

The FBI report, in fact, is a tissue so thin and a polemic so undisguised that it would demean the labors of a hick police force investigating the purloining of a desiccated flounder. It is a neat, clean, colorful and optically attractive rendition of such tenuous content that a self-respecting undergraduate lawyer would hesitate to take it to an uncorrupted court. It is further a hardly disguised political effort whose main thrust is that Oswald the Marxist was the agent of a Communist conspiracy to do away with the President, a police-created fiction long since evaporated by both fact and reason.

Appended to this inconsiderable report are three volumes of exhibits carefully culled from the vast collection than already made. These seek to credit incredible conclusions and to authenticate the nonsense of the FBI's concept of the political considerations it infers were involved.

There are three parts to this FBI report. The first deals with and is entitled "*THE ASSASSINATION.*" *Double-spaced and with generous margins, it consumes but three and a half pages!* Shocking as it is this scant regard for such a shattering and traumatic event to which the most publicized police agency in the world devoted its not inconsiderable skills, talents and manpower, even more stunning is what it manages to both state and avoid stating in the mere 500 words of which it considers the assassinations of an American President worthy.

The first two sentences of the second paragraph read:

"As the motorcade was travelling through downtown Dallas on Elm Street about fifty yards west of the intersection with Houston Street (Exhibit 1), three shot rangs out. Two bullets struck President Kennedy, and one wounded Governor Connally."

There were but three shorts fired, the FBI reports. Two of

these struck the President and one, the Governor. It does not say that, of the three shots, one that struck the President also struck the governor, nor does it intend to. As we shall see, the FBI *knew this was impossible*. What, then, of the "missed" shot, already painstaking traced in the chapter, "The Number of Shots?" How could the FBI *dare* say there were but three shots, two of which struck the President and one the governor, thus accounting for all three, when it knew, in the words of its Director, that the "missed" shot could not be associated with any that hit the Presidential car or its occupants? It is only too obvious that there is here no acknowledgment of the missed shot, which means a minimum of a fourth and the total elimination of Oswald as a lone and unassisted assassin. The language is not subject to semantic evasion. There were only "three shots." Of these, "two bullets struck President Kennedy, and one wounded Governor Connally." And there is not even a mention of the wound in the *front* of the President's neck!

If any but the obvious explanation of these words and their scandalous meaning can be made, let the FBI now make it.

Any other explanation is severely inhibited—if not, in fact, totally eliminated—by the FBI's account of the President's non-fatal injury, which appears in the second part of its report, on page 18. Here, with equal and equally inexplicable brevity, the FBI demolishes its own report and that of the Commission which followed it:

"Immediately after President Kennedy and Governor Connally were admitted to Parkland Memorial Hospital, a bullet was found on *one of the stretchers*. Medical examination of the President's body revealed that one of the bullets had *entered just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit, and that the bullet was not in the body.*"

What oddly imprecise language for an agency with the reputation of the FBI, yet how clear and unmistakable the meaning, no matter how carefully phrased.

A bullet was found on *one* of the stretchers. The FBI will not say as the Commission did—*falsely*—that it was proved to have come from the governor's stretcher.

One of the two bullets the FBI says hit the President only “entered” his body. And not in his neck, as the Commission, despite its own indestructible evidence, had alleged, but *below the shoulder* and to the right of his spine, as we have already established *must* have been the case.

There was “no point of exit” and “the bullet was not in the body.”

And only a single bullet was found.

There is but a single possible meaning: This bullet hit the President and penetrated his body so slightly that it fell out and was found at the hospital. Is there any other way in which it neither went through his body nor remained in it? And is there any other explanation of the inability of the autopsy surgeons to probe this wound? How *could* they explore a passage that did not exist?

And how could they *not* have known what the FBI reports when they could—and did—cut the President’s body as their task required?

This behavior of this particular bullet is consistent with the behavior of a spent bullet, one that has lost its energy in distance or age. The Western ammunition was ancient. It was of World War II manufacture. But the short distance from that sixth-floor window to the President was hardly enough to exhaust the “high velocity” projectile so misleadingly emphasized in the Report and by the Commission’s staff in its questioning of witnesses.

Important as this evidence is, it is of minor significance compared to what it does to the Report and to the Commission’s staff and their entire effort to reconstruct the tragic events in a way more compatible with their desires, their attempt to rewrite history for their own purposes which they alone must now explain.

What happens now to the flat angle alleged to have been the path of the non-fatal bullet which, according to the Report, entered the back of the President’s neck and exited in the front, near the Adam’s apple? The FBI says the angle was not less than 45 degrees and could have been as steep as 60 degrees. Which, if either, tells the truth?

The ballistics of the Report are revolutionary, to employ a generous designation, as it describes the unprecedented and impossible path of this single, unmutated bullet through both the President’s and the governor’s bodies and the governor’s shattered wrist and thigh, with all the changes of angle and direction. The Report creates a bullet

like no other in the world, a missile that could at will go forward or backward, up or down, and did so in defiance of the immutable laws of nature and all that was known and misrepresented, as we have already seen. But if all the truly magical powers the Report attributes to this marvelous if ancient and undependable bullet were capacities it really possessed, the Report does not claim for it the power either to fly in circles around the President's body or to tracelessly and bloodlessly gash his skin and rend his flesh.

Clearly, the non-fatal bullet of the FBI report that did not go through the President's body and did not remain in it is not the bullet that inflicted Governor Connally's injuries. Nor can it possibly be the bullet that wounded the President at the thorax, in the front of his neck. What bullets, then, wounded the governor and the President in the front of the neck? Not the "missed" shot, not the exploded fatal bullet, and certainly not this one that did not go anywhere but back out the way it came.

And how could the President have been wounded in the front by a shot fired from behind and above him? Unless this FBI report is totally wrong, the President was shot from both front and back. Nothing else makes sense. Nothing else is possible.

God alone knows how many shots were fired by how many people from how many weapons and from how many directions. But one thing is now beyond question: There was not a single assassin, Oswald or any other. Thus there was at least one conspiracy—to kill the President.

Was there a further conspiracy?

What must now be asked and thought of the investigations and reports?

Do we now know all the reasons for all those strange doings, especially about the autopsy, why it was two days and so many revisions in the drafting?

Why there was so much editing and of a factual rather than an editorial nature?

Why these most historic and classified papers were removed from the Naval Hospital?

Why some were irretrievably destroyed by fire and their unprecedented destruction so carefully certified?

Why there were the telephone calls from the Naval Hospital to Dallas?

And, above all, why the photographs and X-rays and the spectrographic analysis are not only not in the twenty-six

volumes appended to the Report, but *are not even exhibits in the Commission's record?*

Are these really questions?

Is there, in fact, now any basic question other than who the assassins are?

And have we anything less than the most odious event in our national history?

#### EXCERPTS FROM THE FBI REPORT

##### L THE ASSASSINATION

President John Fitzgerald Kennedy was assassinated in Dallas, Texas, at approximately 12:29 p. m. (CST) on November 22, 1963. At the time, the President was en route from Love Field to the Trade Mart in Dallas to address a luncheon sponsored by several civic groups. Among those in the motorcade with the President were

Street (Exhibit 1), three shots rang out. Two bullets struck President Kennedy, and one wounded Governor Connally. The President, who slumped forward in the car, was rushed to Parkland

Immediately after President Kennedy and Governor Connally were admitted to Parkland Memorial Hospital, a bullet was found on one of the stretchers. Medical examination of the President's body revealed that one of the bullets had entered just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit, and that the bullet was not in the body. An examination of this bullet by the FBI Laboratory determined that it had been fired from the rifle owned by Oswald. (Exhibit 23)



## INDEX

- ABC *see* American Broadcasting Co.
- "Abortive transfer," Oswald's, 38, 147, 150, 165, 171-9  
plans for, 172-8
- Abt, John, 137-40, 155
- Adamcik, J. P., 159-60
- Affidavits, 114, 123, 155-6, 175, 195, 198-201, 212
- Alexander, William F. (Bill), 156
- Altgens, James W., 97, 102, 105-7  
photograph by, 105-8, 193, 337
- American Bar Association, 155, 157, 185  
*see also* Dallas Bar Association
- American Broadcasting Co. 303
- American Civil Liberties Union, Dallas, 137-41, 163, 244, 256  
efforts to contact Marina Oswald, 244  
Oswald's legal rights, inquiry of police re, 140
- American Civil Liberties Union, national, 163
- American Society of Newspaper Editors, 167
- Ammunition, 67-8, 71-6, 77-8, 83-5, 126-9, 190, 337, 344-5
- Andrews, Dean Adams, 66-7, 271-4  
rifling of files, 273
- Archer, Don Ray, 181
- Army Medical Center, 296, 299
- Arrest of Oswald, 134-7, 140, 158
- Artist's representations of President Kennedy's wounds, 149, 314-9, 322-4, 327-8, 335
- Assassin, 13, 17, 37, 39-45, 87-8, 92, 110-3, 119, 130, 166, 221, 279-81, 298, 312-3, 331, 338-46  
description of, 78, 81, 90-1, 97, 118-20, 122-5, 188, 198-9
- Assassination, 13, 17, 23, 30-6, 37, 45, 76, 88-9, 91-4, 97, 101-4, 108-11, 119, 129-30, 142-7, 150, 153, 159, 162, 166-70, 179-80, 183, 186-91, 193, 198-200, 207-8, 223, 231, 246-7, 250-1, 257-9, 263, 269-78, 283, 287, 291, 293, 297, 300, 316, 320, 324, 332, 335-43, 346

- as Communist plot, 222
- investigation of, 23, 39, 77, 112, 187, 192
- pending legislation, 191
- scene, 300
- search of area, 84-5, 96, 190, 198-9, 208, 283-5, 298
- set-up for, 45-65
- time of, 346
- weapon, 252, 258, 263
- Associated Press, 168, 191
- see also* Altgens, James W.
- Attorney General, 238, 243
- Automatic pistol, shell, 122
- Autopsy, Oswald's, 330-1
- Autopsy, President Kennedy's, 296, 299, 316-32, 335, 345
- charts, photographs, X-rays, 317-8, 322-3, 327-32, 346
- given to Secret Service, 323
- doctors, 311, 317-27, 344
- observers, 318, 328-9, 331
- report, 301-2, 306-8, 317-21, 322, 324-9, 331-2, 335-7; alterations in, 325-7, 335, 345; burning of first draft, 327, 345
- Autopsy, Tippit's, 337
- Azque, Eusibio, 274
- 102, 208, 210
- Ball, Joseph A., 53-9, 115, 126, 154, 200-7
- Ballistics experiments, 307
- Ballistics expert, 99, 301
- Barber, Stephen, 341
- Basement, police station, search of, 177
- Bay of Pigs, 222, 276
- Belli, Melvin, 178
- Belin, David W., 61, 85, 87, 93-5, 118, 153-7, 208
- Benavides, Domingo, 28, 120-2, 129, 153, 211
- Bennett, Glen A., 329
- Berger, Andrew A., 148
- Bertrand, Clay, 272-3
- Bethesda Naval Hospital, *see* National Naval Medical Center
- Black, Hugo, 24
- Blanket, Oswald's, 52, 60, 74
- hairs on, 220-1
- Bledsoe, Mary, 113, 204-8
- testimony, 204-8
- Bogard, Albert, 264
- Boggs, Hale, 191
- Bogoslav, Anton, 246
- Bookhout, James W., 139, 142-6, 151, 173
- Boone, Eugene, 78, 84-5, 172
- Booth, John Wilkes, 15
- Boswell, J. Thornton, 296, 317, 322, 325
- Bouck, Robert Inman, 243
- Boxes, the, 79-85, 99, 109, 190
- Boyd, E. L., 127, 159
- Brennan, Howard, Leslie, 66, 81, 90-5, 188, 198
- identification of Oswald, 93-4, 151

- testimony, 93-5
- Brewer, Johnny Calvin, 124
- Brinegar, John H., 73
- Bringuier, Carlos, 266-70  
testimony, 266-8
- Building, across from  
TSBD, 189, 249
- Building, next to TSBD, 285
- Bullets, revolver, 120, 126-9, 210  
casing, discarded, 121-2, 128, 152, 210  
recovered from Tippit's body, 128  
Remington-Peters, 128  
Winchester Western, 128
- Bullets, rifle, 70-3, 75-6, 280-3  
curbstone, 283-7  
examination of, 291-4, 345  
fragments, 280-1, 286, 293-7, 303, 307-10, 318  
comparisons of, with whole, 294  
found at White House garage, 294  
"found," 280-1, 286-93, 297, 306-10, 313, 329, 336, 343-5  
identification of, 289  
number of, 289, 342-3  
"unmutilated," 344  
spectrographic analysis, 287, 289, 292-5  
turf, near manhole cover, struck by, 283  
types, 289, 301, 305-6
- Burroughs, Warren E., 125
- casting System
- Cadigan, James C., 59
- Callaway, Ted, 210
- Campbell, O. V., 208
- Carr, Waggoner, 88, 179
- Carrico, Charles J., 301
- Carroll, Bob K., 126-8
- Carter, Clifton C. (Cliff), 287
- Cartridges,  
revolver, 127  
rifle, 70-6, 78, 83-7, 128-9, 172, 190, 195, 281, 336-7  
markings on, 72
- "Casa Boca," 266
- Caster, Warren, 147
- Castro, Fidel, 265-8
- Castro government, 276
- Central Intelligence Agency, 18, 65, 221-2, 230, 274  
agent, 148-50
- Chaney, James A., 89
- Charts and maps, 314-8, 322, 325-31, 338
- Chief of Police, Dallas, *see* Curry, Jesse E.
- Christian Democratic Movement, 267
- Clardy, Bernard, 181
- Clark, Kemp, 300, 320  
testimony, 320
- Clements, Manning C., 144-6  
testimony, 146
- Clothing descriptions, *see* Oswald clothing
- Columbia Broadcasting System, 303
- Commission of Inquiry, *see* Commission, President's
- Commission, the President's, on the Assassination  
of President John F. Ken-

CBS, *see* Columbia Broad-

- neddy, 16, 24, 26-7, 28, 39-40, 46-7, 249-50, 284, 333-5, 336-7, 338-42
  - files, stored, 251, 335
  - hearings, 17-20, 21
    - availability of, 168-9
    - conduct of, 194-9, 211-9, 301-7, 345
    - secrecy, 133, 197, 213-4
  - hypotheses, 289, 296, 309-10, 313-4
  - investigations by, 251-2
  - members, 16, 26, 28, 33, 132, 259, 333
    - attendance, 26
    - public statements, 19, 191, 217
  - powers of, 20, 303, 323
  - staff, 17, 27, 28, 31, 40, 108, 132, 155, 253, 259, 300, 334-5, 341, 344
  - responsibilities of, 20
  - solution of crimes, 36, 46-7, 112, 195-7, 249-50, 279, 305, 311-2, 334
- Communist Party, 222-6
  - Oswald's attitude toward, 43, 144, 222, 226, 265, 267-8
- Congress, 16
- Congressional investigations, 24-7, 133
- Connally, Governor John B., 31-7, 65, 106-10, 130, 281, 285, 288-91, 295-6, 299, 304-16, 321-2, 342-3
  - testimony, 34-6, 110
  - bullet fragments in, 292, 306, 309-10
  - clothing, 287-9, 314-5, 336
  - doctors, 109, 292, 303-16, 331
  - shooting of, 31-6
    - reaction to shooting, 310-4
  - stretcher, 289-90, 305-7, 336, 343
  - wounds, 36, 76, 281-2, 291, 296, 299, 303-16, 321-2, 327, 330, 336, 345
- Connally, Mrs. John B. (Nellie), 31-6, 109, 304, 310, 314-5
  - testimony, 31-4
- Conspiracy, 16, 17, 23, 39, 133, 166, 169, 179, 188, 223, 249-51, 253, 254-60, 279, 298, 342, 345
- Cooper, Senator John Sherman, 33, 126
- Courts martial, of Oswald, 227
- Couch, Malcolm, 96
- Craig, Walter, 155-7
- Crescent Firearms Co., 73
- Cuba, consular staff, Mexico City, 274
- Cuban refugee groups, 66, 225, 268, 274
- Cuban Revolutionary Council, 266, 269
- Cuban Student Directorate, 267
- Cubans, anti-Castro, 267, 275
  - pro-Castro, 269
- Curbstone, struck by bullet, 283, 286-7
- Curry, Jesse E., 30, 36, 78, 120, 135, 136, 140, 147, 166-7, 170-6, 183-5, 190
  - press conferences, 184
- Curtain rods, 54, 62

- Dallas Bar Association,**  
134-5, 137-40  
*see also* American Bar Association
- Dallas Civil Liberties Union,**  
*see* American Civil Liberties Union, Dallas
- Dallas County Health Officer,** 330
- Dallas County Sheriff's Office,** 31, 38, 91, 97, 171-6, 198, 278, 330
- Decker, J. E. (Bill),** 30, 36, 159, 171-5, 330
- deputies,** 31, 77-8, 84, 97, 159, 160, 172-4, 283, 298
- Dallas District Attorney,**  
*see also*, Wade, Henry
- Dallas District Attorney,**  
140, 154, 164, 179, 184-5, 330
- "Dallas Justice,"** 178
- Dallas newspapers,** 48-9
- Dallas Police and Courts Building,** 134, 141, 166, 169-70
- Dallas Police Department,**  
18-23, 30, 36-8, 45-7, 55, 62, 65, 73-89, 94-102, 110-31, 134-63, 165-204, 207-19, 222-3, 226, 244-6, 253-7, 260, 278, 283, 294, 298, 329, 334, 336-42
- broadcasts, radio,** 36, 91, 97, 119-23, 171, 188, 283
- dispatchers, radio,** 116-9, 121, 188-9
- escort in motorcade,** 30
- homicide office,** 134, 141, 143, 149, 159, 163, 175, 190
- in the basement, Oswald's transfer,** 260
- lineups,** 90-1, 94, 113-4, 123, 129, 134, 136, 150-7, 199-201, 203-4, 212, 216, 219
- performance of,** 184-92, 334-6, 338
- personnel,** 20, 30, 36-40, 47, 57, 65, 73, 78-89, 95-7, 102, 109-10, 117-20, 123-30, 134-45, 148-52, 154, 158-62, 170-92, 198, 208-10, 214, 216-9, 253, 260, 283, 298, 330, 334, 338
- press and the,** 183-6
- public relations,** 46, 78, 165-7, 176-7, 182-6, 191, 249
- radio logs,** 91, 112, 115-7, 121, 187-9, 249
- report on Tippit killing,** 120-1
- suspects,** 46, 90-1, 249  
*see also* Adamcik, J. P.; Baker, Marrion L.; Boyd, E. L.; Carroll, Bob K.; Chaney, James A.; Clardy, Bernard; Curry, Jesse E.; Day, J. C.; Dean, Patrick T.; Dhority, C. N.; Dougherty, George; Fisher, N. T.; Foster, J. W.; Frazier, W. B.; Fritz, J. Will; Harkness, D. V.; Hill, Gerald L.; Hill, L. L.; Henslee, Gerald Dalton; Johnston, David L.; Jones, O. A.; King, Glen; Leavelle, J. R.; Lunday, R. H.; McDonald, M. N.; McMillon, Thomas Donald; Moore, Henry M.; Pierce, Rio S.; Poe, J. M.; Rose, G. F.; Saw-

- yer, J. Herbert; Sims, Richard; Stovall, Richard; Stringer, H. H.; Studebaker, Robert Lee; Talbert, Cecil E.; Tippit, J. D.; Vaughn, Roy E.; Westbrook, W. R.
- Daniels, N. J., 180, 260
- Davis, Barbara Jeannette, 120-3, 152
- Davis, "Charlie" Virginia, 120-3, 152
- Davis, Preston, 273
- Day, J. C., 73, 79-84
- Dealey Plaza, 30, 99-100
- Dean, Patrick T., 177-81, 260
- DeBrueys, Warren C., 267, 269
- Decker, J. E., *see under* Dallas County Sheriff's Office
- De Mohrenschildt, George, 74, 223
- Dhority, C. N., 73, 123
- Dillard, Tom, 81-2, 96, 284  
 photographs by, 99
- District Attorney, *see under* Dallas District Attorney
- Doctors, 36-7, 212, 289-92, 295-6, 298-321, 324-32, 337  
 statements by, 300, 304, 314-6
- Dougherty, Jack, 57-8, 89
- Doughty, George, 83
- Douthitt, Melody Jane, 204-5
- Drain, Vincent E., 73, 148
- Dulles, Allen W., 18, 32, 65, 70, 87, 220, 302, 313-4
- Duran, Señora Silvia Tirado de, 274
- Edgewood Arsenal, 69  
 experts, 295
- Einstein, Albert, 99
- Euins, Amos, 97, 198
- Evidence, 46, 78-85, 89, 110, 111, 130, 157, 160-1, 180, 183-5, 190, 199-201, 206, 219, 224, 225, 250, 256-7, 277, 280-2, 287-8, 395-7, 314-6, 324, 329, 331, 334, 344  
 destruction, alteration, 78-84, 100-1, 104-5, 109-11, 287-8, 292, 295-6, 305-6, 314, 325-6, 331, 335-7  
 photographic, 78-84, 96-110, 219, 323-4
- Executive Order 11130, 16
- Exhibit No. 97, 226; No. 133-A, 263; No. 133-B, 161, 263; No. 142, 53; No. 150, 202, 206; No. 156, 202, 207; No. 157, 202, 207; No. 162, 203; No. 163, 203; No. 203, 106; No. 354, 106; No. 364, 53; No. 383, 201-2; No. 383-A, 201; No. 385, 318, 323; No. 386, 149, 318, 323; No. 388, 318; No. 388-A, 323, No. 397, 318, 325, 332; No. 399, 292, 308, 313; No. 447, 57; No. 477, 92; No. 482, 81; No. 497, 87; No. 514, 84; No. 542, 70; No. 679, 315; No. 680, 315; No. 689, 315-6; No. 705, 116, 158, 189, 249; No. 716, 82; No. 718, 84; No. 722, 82; No. 724,

- 82; No. 729, 79; No. 751, 160; No. 875, 100; No. 882, 107; No. 883, 107; No. 885, 100; No. 887, 94; No. 900, 193; No. 994, 51; No. 1119-A, 117; No. 1150, 255; No. 1301, 80, 81; No. 1304, 53; No. 1308, 81; No. 1311, 92; No. 1312, 81, 92; No. 1974, 116, 158, 188, 249; No. 2003; 120; No. 2011, 161; No. 2175, 141; No. 2640, 62; No. 2694, 72; No. 2767, 254; No. 5063, 181; Bringuier No. 1, 271-2; Dillard C, 80-1; Garner No. 1, 271; Holmes DE 4, 253; Holmes 4, 253; Pizzo No. 453-C, 219, 271; Sawyer A and B, 188-9, 249; Shaneyfelt 25, 102; Stovall A-1, 160; Stovall A-2, 160; Stovall B, 161; Stovall D, 161; Studebaker A, 79; Studebaker B, 79; Studebaker D, 80; Studebaker J, 80
- Experts, ballistics, 67-70, 283, 288, 292-7, 301, 305, 312**
- forensic medicine, 296-7, 300, 317, 324, 328, 331, 335
- photographic, 99-102, 105-9, 283-6, 310
- questioned documents, 59
- spectrographic, 294
- Eyewitnesses, assassination, 66, 77, 89-98, 103, 188, 198-9, 208, 278**
- Tippit killing, 119-20, 152, 218-9**
- "Fair Play for Cuba Committee," 224, 256**
- FBI, see Federal Bureau of Investigation**
- Federal agents, 314**
- Federal investigations, 186**
- Federal Bureau of Investigation, 17-8, 27, 39-40, 54, 59-63, 67-74, 80, 98-102, 105-9, 137, 139-50, 160, 168, 171-5, 181-4, 188-91, 196, 202-4, 212, 215-9, 221-3, 230-1, 241, 243-8, 251-8, 260-1, 266-79, 283-9, 292-5, 297, 305-9, 310-2, 318, 329, 336-46**
- agents, 54, 63, 73, 106, 139-49, 151, 160, 171-4, 213, 215, 221-3, 245-7, 258, 266-72**
- analysis, ballistics, see Frazier, Robert A.**
- analyses, spectrographic, 287-9, 293**
- assassination, report on, 17, 40, 80, 168, 252, 279, 284, 342-6**
- clothing, President's, examination of, 287-8**
- Dallas Field Office, 62, 143, 148, 171, 261, 284**
- experts, 60, 67-71, 99-102, 105-9, 283-9, 292-5, 296, 298, 301, 310**
- investigations by, 39-40,**

- 251-2, 260-1, 273, 277,  
284-5, 342
- Laboratory, 60, 190, 292,  
336, 346  
reports, 184, 294-5
- Oswald, interrogations of,  
reports on, 139, 143-7,  
151  
interviews with, 252  
surveillance of, 228,  
267-8
- Oswald's attitude toward,  
144  
finances, report on,  
139, 144
- surveillance, investigation  
of Oswald, 18, 252,  
260, 268, 274-5
- transcription of tape re-  
cording, 216-9  
Lane-Markham con-  
versation, 180
- witnesses, reports on  
questioning of, *see*  
*also* Bogoslav, An-  
ton; Bookhout, James  
W.; Cadigan, James  
C.; Clements, Man-  
ning C.; de Brueys,  
Warren C.; Drain, Vin-  
cent E.; Frazier, Rob-  
ert A.; Gallagher, John  
F.; Heitman, Wallace  
R.; Hoover, J. Edgar;  
Hosty, James P., Jr.;  
Latona, Sebastian F.;  
Lish, Robert C.; Lo-  
gan, Richard E.; Nee-  
ley, A. D.; Newsome,  
Melton L.; Odum,  
Bardwell D.; Robert-  
son, Leo; Shaneyfelt,  
Lyndal L.; Shanklin, J.  
Gordon; Stombaugh,  
Paul M.; Switzer
- Finck, Pierre J., 296, 317-9,  
325
- Fingerprints, 62, 73, 79-85,  
190
- Fisher, N. T., 170, 175
- Fitzpatrick, Robert J., 225
- Folsom, A. G., Jr., 68, 76
- Ford, Congressman Gerald  
R., 90, 191, 213, 302,  
323  
article in LIFE Maga-  
zine, 90
- Foster, J. W., 283
- Frazier, Buell Wesley, 51-7,  
59, 62
- Frazier, Robert A., 67-71,  
283, 288, 292-5, 297,  
301, 305, 312
- Frazier, W. B., 173-4
- Fritz, John Will, 73, 78,  
84, 135-46, 147-51,  
158-9, 170, 173-5,  
183-5, 190, 216, 253,  
330
- Gallagher, John F., 294
- Geilich, Peter N., 244
- Government agents, 113
- Government Printing Office,  
169, 253
- Governor, the, *see* Con-  
nally, Governor John  
B.
- Greener, Charles W., 258-  
61
- Greer, William H., 31
- Gregory, Charles F., 304-  
10, 314-5
- Griffin, Burt W., 178
- Guinyard, Sam, 210-1



- Habana Bar and Lounge,  
New Orleans, 269, 271
- Hall, Loran Eugene, 277
- Handwriting experts, 258
- Harkness, D. V., 96, 199
- Hartogs, Renuat, 42
- Heindel, John Rene, 265-6
- Heitman, Wallace R., 246
- Henslee, Gerald Dalton, 188
- Hidell, A. J., 36, 74, 127,  
252, 265
- Hill, Clinton, 34, 328
- Hill, Gerald L., 123, 127-8,  
159, 189
- Hill, Jean Lollis, 96, 278
- Hill, L. L., 283
- Hine, Geneva, 210
- Holmes, Harry D., 138,  
142-4, 147, 253
- Hoover, J. Edgar, 71-2, 110,  
147-8, 182-4, 231,  
285-6
- Hosty, James P., Jr., 143-7,  
223, 245
- Housekeeper, *see* Roberts,  
Earlene
- Howard, Lawrence, 278
- Howlett, John Joe, 86, 217,  
303
- Hubert, Leon D., Jr., 176
- Hudson, Emmett J., 100
- Humes, James J., 296, 310-  
1, 317-28  
testimony, 321-5
- Hunter, Gertrude, 262
- Immigration and Naturali-  
zation Service, 247  
Dallas office, 237  
State Department pres-  
sure on, 237
- Intelligence operations, con-  
fidential nature of,  
220-1
- Interrogation of Oswald,  
134-50, 162-3, 165,  
170, 183, 223, 253
- Inventory of Oswald's prop-  
erty seized in searches,  
159-62
- Investigations, 24, 24-6, 75-  
7, 116-7, 191, 197,  
220, 252, 263, 275,  
298, 334, 338, 344-5
- Investigative agencies, 23-5,  
224, 279, 287  
powers of, 24-7  
selection and powers of  
staff, 25-8
- Irving, Texas, police, 158-  
60
- Irving Sports Shop, 162,  
258, 262
- Jacket, discarded, 38, 123
- Jaggars-Chiles-Stovall Co.,  
256
- Jarman, James, Jr., 48,  
143, 147
- Jenner, Albert E., Jr., 205
- Jimison, R. J., 290
- Joesten, Joachim, 63-4, 262
- John Birch Society, 20
- Johnsen, Richard, 148
- Johnson, Arnold, 224
- Johnson, President Lyndon  
B., 16, 101, 167, 218-9,  
243, 335  
as vice president, 30, 108,  
287
- Johnson, Mrs. Lyndon B.,  
169
- Johnson, Priscilla, 230
- Johnston, David L., 137-40,  
158
- Jones, O. A., 178
- JURE, 275

- Kellerman, Roy H., 31-5,  
148, 297, 319, 328
- Kelley, Thomas J., 139,  
144-50, 162, 179, 243-  
4, 338
- Kennedy, Mrs. John F.  
(Jacqueline), 31, 102,  
192, 299
- Kennedy, President John F.  
16, 18, 21, 23-37, 45,  
48, 65, 66, 89-91, 93,  
98, 101-5, 108-11, 115,  
119, 129, 135-7, 141,  
145, 149-50, 159-64,  
169, 191, 193, 199,  
207, 221-3, 250, 258-9,  
272, 286-8, 291, 295-  
300, 308-12, 317-26,  
329-33, 338-45  
advisors, 30  
car, 30-1, 89, 98, 106,  
281, 286-7, 293, 297,  
343  
hole in windshield, 293  
clothing, 288-9, 329  
escort, Secret Service, 89,  
108, 194  
Oswald's attitude toward,  
145  
party, official, 30  
reaction to shooting, 31-5,  
109, 311  
wounds, 37, 76, 84, 149,  
211-2, 281, 282, 285-6,  
294-5, 298-300, 312-3,  
317-9, 321-4, 326-30,  
335  
anterior neck, 31-2, 76,  
212, 282, 299-303,  
319-21, 326, 330, 343  
back, 318-9, 329-30,  
345  
skull, 76, 85  
*see also*, Autopsy, Doc-  
tors, Motorcade,  
Parkland Hospital
- Kerr, James, 116
- King, Glen, 120, 140
- Klein's Sporting Goods Co.,  
73
- Landlady, Oswald's, 145
- Lane, Mark, 96, 157, 196,  
211-8  
tape recording, of Helen  
Markham, 212-9  
testimony, 212-5
- Latona, Sebastian F., 61
- Laundry tag, 124
- Lawson, Winston G., 30, 34
- Leavelle, J. R., 120, 156,  
177
- Lee, O. H. (Oswald, Lee  
Harvey), 145, 254
- Legal rights, 131 ff.
- Liebeler, Wesley Jr., 66,  
100, 106-7, 216-8, 252,  
266-9
- LIFE Magazine, 99, 162  
article by Congressman  
Ford, 90  
reporter, 215
- Zapruder film, slides sup-  
plied to Commission,  
99
- Lincoln, President Abra-  
ham, assassination, 16
- Lincoln-Mercury firm, Dal-  
las, employees of, 264
- Lish, Robert C., 95
- Logan, Richard E., 270-1
- London Sunday Telegraph*,  
192
- Louisiana Unemployment  
Commission, 254
- Love Field, Dallas, Texas,  
29
- Lunday, R. H., 88

- Marine Corps, 43, 67-9, 76,  
 227-9, 230, 241-2,  
 254-5, 265, 276  
 assistance to Oswald in  
 obtaining passport,  
 229, 241  
 courts martial of Oswald,  
 227  
 discharge, Oswald's, 43,  
 227-30, 241, 255, 273-  
 4  
 Markham, Helen, 118-23,  
 152, 158, 212, 213-7  
 Markham-Lane, tape re-  
 cording, 212-9  
 Mason, John Thomas, 73  
 McBride, Pierce, 330  
 McCabe, John A., 161  
 McClelland, Robert N., 301,  
 331  
 McCloy, John J., 95, 311,  
 323  
 McCone, John A., 222  
 McCoy, C. C., 172-3  
 McDonald, M. N., 125-8  
 McMillon, Thomas Don-  
 ald, 181  
 McWatters, Cecil, 113, 199-  
 201, 204-6  
 affidavit, 200-1  
 testimony, 200  
 Medical findings and re-  
 ports, 306-14  
 testimony and charts,  
 286, 292, 296  
 Methodist Hospital, 120  
 Mexican Government, 274  
 Mexico, 43, 74, 145, 225,  
 252, 268, 275  
 Mooney, Luke, 78, 172  
 Moore, Henry M., 160  
 Moorman, Mary, 96, 212,  
 278, 338  
 Mosby, Aline, 254  
 Motorcade, Presidential, 30,  
 36, 48, 57, 76, 89, 92,  
 103-10, 193, 283, 290,  
 300, 338, 342  
 route, 49, 78  
 map of, 49, 65  
 Murder of Oswald, *see un-  
 der* Oswald, murder of  
 Murray, Charles, 157  
  
 NBC, *see* National Broad-  
 casting Co.  
 National Archives, 251  
 National Broadcasting  
 Company, 303  
 National Naval Medical  
 Center, 296, 299, 317-  
 20, 323, 328, 332, 337,  
 345  
 National Rifle Association,  
 69  
 Naval Medical School, 317,  
 323, 325, 332  
 Neeley, A. D., 173  
 Nelson, Doris M., 148  
 News Media, 30, 38, 45,  
 96-7, 124, 132, 134,  
 145, 148, 152, 157,  
 163, 164, 174, 176,  
 182-6, 196, 223, 284,  
 298-9, 301-3, 320,  
 326-7, 341  
 Newsome, Melton L., 172  
 Newsweek, 275  
 Nichols, H. Louis, 140  
 Nixon, Richard M., 24  
  
 Odio, Sylvia, 270-1, 275-7  
 Odum, Bardwell D., 215  
 Olds, Gregory Lee, 140, 244

- Oswald, Lee Harvey, 18, 19,  
 36-8, 40-9, 81, 110-1,  
 117-9, 123, 128-32,  
 138-9, 157, 159-60,  
 164-5, 168, 191-2,  
 196-7, 206-10, 218-9,  
 233-8, 240-1, 248,  
 269-71, 276-9, 297-  
 301, 330-1, 333-4,  
 336, 343, 345
- address, *see* Change of  
 address cards, resi-  
 dences
- agent, possibility of be-  
 ing, 18, 221-5, 231,  
 248, 264
- "aliases," 36, 145, 252-8,  
 261, 265-6
- American citizenship, *see*  
*under* renunciation of  
 American Civil Liberties  
 Union, 256
- arraignment, 135, 140,  
 158
- arrest, 38, 46, 125-6, 139-  
 40, 151, 158, 165, 173,  
 189, 212, 223, 277  
 family, access to, 135  
 telephone, access to,  
 135, 138
- assassination, charged  
 with, 135, 150
- attitudes toward: Com-  
 munist Party, 43, 144,  
 225, 265, 267, 272  
 FBI, 144, 245  
 Kennedy, President  
 John F., 145  
 Soviet Union, 43, 222-  
 6, 264
- autopsy charts, 331
- background, 223, 265
- bag, the, 51-65, 205  
*see also* separate listing
- biographical data, 41-5,  
 257
- bus ride, 199, 204
- cab ride, 203
- change-of-address card,  
 252
- charged with assassina-  
 tion, 135, 150
- citizenship, U. S., re-  
 nunciation of, 43, 229-  
 31, 233
- clothing, 57, 89, 113,  
 120, 124, 143, 152,  
 203-9, 216
- Commission, representa-  
 tion before, *see under*  
 representation before  
 Commission
- Communist Party, atti-  
 tude toward 43, 144,  
 225, 265, 267, 272
- Connally, Governor John  
 B.,  
 letter to, 230
- conspiracy, possibility of  
 involvement in, 220,  
 250
- correspondence, Connal-  
 ly, Governor John B.,  
 Marine Corps, re dis-  
 charge, 230  
 political groups, 224-5  
 re Marine Corps dis-  
 charge, 230  
 Soviet Embassy, 260  
 U. S. Embassy, Mos-  
 cow, 230
- credentials, false, 36,  
 256, 257, 264
- "criminal record," 257,  
 268
- Cuba, application for  
 visa, 268, 275
- Cubans, relations with,  
 66, 225, 265  
 anti-Castro (*see* chap-  
 ter, "The False Os-  
 wald," pp. 249-54),

- 267; pro-Castro, 274  
 Dallas, residence in, 252, 256, 275  
 defection to Soviet Union, 29, 223, 229  
 denial of rights, 137, 150, 155, 215  
 detention of, 135-6, 150, 159, 166, 182, 249, 338  
 diary, 233  
 employment, 29, 43, 252, 257,  
   in Soviet Union, 235  
 expatriation, 229-35  
 family, 197, 206, 210, 230, 233, 236, 238, 243, 251, 335  
   access to after arrest, 135  
   children, relationship with, 52, 57  
 mother, *see under* Oswald, Marguerite  
 "protective custody" of, 243  
 wife, relationship with, 44, 51, 144, 242  
   *see also under* Oswald, Marina  
 residences, 158-9  
 "Fair Play for Cuba Committee" (his own), 256, 267, 275  
   *see also* "The False Oswald"  
 False, The, *see separate* listing at end of "Oswald" entries  
 Federal Bureau of Investigation  
   attitude toward, 144, 245  
   interviews, 252  
   surveillance, 228  
 finances, 43, 47-8, 130, 139, 235, 239, 254  
 fingerprints and palm-prints, 61, 80-1, 134, 157, 190  
 "flight" from scene of assassination, alleged, bus, 199-207  
   cab, 199-202  
   *see also under* arrest  
 friends, 44, 74, 224, 249  
 government, U. S., relations with, 221-49  
   *see also* agent, possibility of being; Federal Bureau of Investigation; loan, repatriation; repatriation; return to U. S.  
 guilt, denial of, 111, 137, 145, 150  
 handwriting comparisons, 36  
 identification of, 94-5, 113-4, 118, 152-6, 199, 218-9, 272, 277  
   *see also* lineups  
 interrogations of, 135-9, 141-50, 162, 165, 170, 223, 245, 253, 274  
 investigations of, 41, 253-4, 260, 275  
 Kennedy, President John F., attitude toward, 145  
 Latin-American or Mexican companions, 265, 269-71  
 legal assistance, *see under* requests for legal assistance  
 lineups, police, 90, 113, 123, 135, 150-8, 201, 212, 216  
 loan, repatriation, 235, 239  
 map of Dallas, 183

- Marine Corps**  
 courts martial, 227  
 discharge, hardship, 43, 228  
 change of, 230, 271  
 record, 228-9  
 marksmanship, 67-8, 75  
 security clearance, 228  
 service, 68-9, 75, 229, 242, 255, 265-6, 279  
 marksmanship, 65-71, 75, 259, 279
- Mexican or Latin-American companions, 265, 269-71**
- Mexico, trip to, 43, 74, 145, 225, 252, 261, 268, 275, 302**
- motorcade route, alleged knowledge of, 47-50, 57**
- movements, reconstructed, following assassination, 37, 89, 113-4, 125, 198, 207-8, 276**
- murder of, 23, 38, 94, 124, 133-6, 150, 165, 169-78, 184, 191, 244, 249, 260, 330, 335**  
 autopsy charts, 330  
 transfer from police, 38, 150, 165, 171-8  
 plans for, 173-7  
*see also* Ruby, Jack
- New Orleans, activities in, arrest and interrogation, 268**  
 activities after arrest, 268, 275  
 handbill distribution, 267-72  
*see also* "The False Oswald;" Cuba; Cubans, relations with
- New Orleans, residence, 268-70**  
 package, *see under* bag  
 paraffin test, 134, 185, 294  
 passports, 228-9, 232, 235-6, 239, 240-2  
 first passport, application for, 228-9 renewal, 223  
 second passport, application for, 232, 239-41  
 photographic equipment, access to, 256  
 photographs, 71, 127, 145-6, 160-1, 196, 219, 256, 263, 272  
 political groups, correspondence with, 224-5  
 politics, 29, 43, 57, 144, 221-4, 226, 250, 265  
 "Marxist," 144, 223, 265, 342  
 post office boxes, 36, 74, 127  
 "Press conference," 135-8, 169-70, 253-6  
 property, 196, 220  
*see also* search of  
 protests of denial of rights, 136-7, 149-50, 154-6, 215-6  
 psychiatric examinations of, 42, 257  
 reconstructed movements, *see under* movements, reconstructed  
 renunciation of U. S. citizenship, 43, 229-30, 233  
 repatriation, 43, 230-1, 232-6, 241  
 loan, 235, 239  
 representation before Commission, 133, 155-9, 212-4  
 requests for legal assis-

- 153, 160, 170, 177,  
190, 193, 201, 212,  
219, 256, 263, 268,  
270-1, 277, 278, 284-6,  
292, 298, 303, 310,  
311, 317, 322-4, 329,  
335-8, 346
- Pierce, Rio S., 177, 180
- Pistol, 38, 122, 146, 160,  
196  
*see also* revolver
- Poe, J. M., 152
- Police, 17-24  
*see also* Dallas Police  
Department
- Police agencies, 130, 141,  
249, 266, 342
- Political charges, 20, 23
- Political crime, 16, 17, 342
- Politics, 23, 335
- Post office boxes, Oswald's,  
36, 74, 127
- Postal inspector, 138, 142,  
253  
*see also* Holmes, Harry  
D.
- Postal, Julia, 125
- Powell, Lewis F., 155, 158
- Powers, Gary, U-2 flight,  
18, 221
- Press, the, 17, 19, 46, 138,  
145, 147, 155, 164-70,  
172-6, 182, 196, 226,  
230, 251, 278, 298-9,  
320
- Price, Charles Jack, 300
- Public Law, 88, 202, 216
- "Puff of smoke," the, 283,  
298
- Radical right, 19, 23, 249-  
50
- Radio logs, Dallas police,  
158, 187-90
- Sheriff's, 187
- State police, 187
- Randle, Linnie Mae, 53, 57
- Rankin, J. Lee, 16, 63, 155,  
212-4, 246-8, 255, 259,  
278, 285
- Ray, Manolo, 275
- Reconstructions of assassi-  
nation, 37, 46, 51-2,  
79-89, 96-100, 106-11,  
117-8, 129-30, 149,  
198, 208, 277, 279-83,  
289-91, 296, 312, 322,  
329, 344
- Redlich, Norman, 101, 284
- Reid, Mrs. Robert A., 89,  
207-10
- Revolver, *see under* Os-  
wald's
- Revolver, Marrion L.  
Baker's, 210
- Rhyne, Charles, 157
- Rifle, the, Mannlicher-Car-  
cano C-2766, 36, 50-2,  
57-62, 65-76, 78, 83-6,  
92-9, 129, 142, 145-6,  
157-62, 172, 190, 196,  
212, 242, 252, 259,  
263, 280-1, 285, 312,  
326, 336
- capability of, 69, 75
- cartridge cases, 71-6, 78,  
83-5, 128, 172, 190,  
195, 278-81, 336
- markings on, 72
- finding of, 78, 83-5, 172
- identification as Mauser,  
190, 212
- repair tag, 258-62
- shots, 172
- telescopic sight, 67-70,  
93, 99, 162, 190, 196,  
258-9

- Oswald, Marguerite, 41-2,  
157, 211, 229, 246,  
254  
testimony, 255
- Oswald, Marina, 29, 43, 48-  
52, 59, 62, 67, 74, 127,  
135-6, 157, 160, 166,  
185, 206, 211, 236,  
242-8, 264-5, 268, 333
- credibility as witness,  
242-8, 259, 339
- eligibility for U. S. entry,  
236-8, 242  
U. S. immigration visa,  
236-7
- interrogations, Commis-  
sion, 245  
Federal Bureau of In-  
vestigation, 143-5,  
243-4, 339  
Federal Bureau of In-  
vestigation interviews  
with husband, 252  
Immigration and Nat-  
uralization Service,  
237, 339  
police, 243-4  
Secret Service, 243-4
- Komsomol membership,  
236, 238-9
- legal representation, 245
- narrative statement, 244-5
- pressure on, 243 ff.
- "protective custody," 48,  
243-6, 339
- relations with govern-  
ment, 243-8, 339
- relations with husband,  
244
- requirements for U. S.  
entry, 236
- rifle, statement on, 242,  
259, 262
- Soviet exit visa, 236-7
- testimony, 246-8, 259
- treatment before Com-  
mission, 74, 205-6,  
246-8
- Oswald, Rachel, 51
- Oswald, Robert, 135
- Paine garage, 52, 74, 145,  
159-61, 336  
residence, 52, 159-62
- Paine, Ruth (Mrs. Michael),  
43, 52, 59, 74, 135,  
159-60, 223, 243, 261,  
264
- Parkland Memorial Hospi-  
tal, 36-7, 76, 103,  
148-9, 171, 211, 287-  
91, 295, 298, 300,  
305-7, 315, 319, 328,  
337, 343, 345  
nurses, 36, 148-9, 287,  
298, 303  
reports on governor's  
wounds, 306-7, 314-5  
reports on President's  
wounds, 299, 331  
staff, 148-9, 211-2, 287-  
93, 300-15, 319-21,  
325-7, 330-1, 337
- Pearson, Drew, 169
- Pelaez, Rolando, 266-7
- Pena, Orest, 241, 269
- Pena, Ruperto, 269
- Perry, Malcolm, 212, 301-  
3, 320-1, 325-6, 337  
testimony, 321
- Photographers, 30, 36, 46,  
81-2, 96-107, 212, 284,  
311-2, 326, 338
- Photographic analysis,  
108-9
- Photographic equipment,  
30, 96-7, 101-3, 160
- Photographs, 36, 63, 79-85,  
92, 95-110, 127, 145,



- tance, 134-7, 138-41, 149-50, 170, 178-9
- residences,
  - Dallas, 252, 256, 275
  - room, 63, 112-8, 127, 143, 145, 159, 199, 208, 254
  - New Orleans, 268-70
  - Soviet Union, 43, 229-35
- return to U.S., 43, 230-1, 232-6, 241
  - government assistance in, 230-1
- revolver, 122, 126-9, 145, 210-1, 252, 262-3
  - cartridges, 127
- rifle, 256-62
  - ownership of, 185, 212, 258
  - possession, 74; practice, 263
  - purchase of, 36, 74, 250, 258
  - see also under* rifle, Mannlicher-Carcano
- rights, legal and civil, 130-64, 170, 178-9, 184-6, 334-5, 338
  - family, access to, 135
  - protests of denials of, 137, 150, 155, 215
  - telephone, access to, 135, 138
- room, 63, 112-8, 127, 143, 145, 159, 199, 208, 254
- safety, responsibility for, 171-3
- search of, 126, 134, 142
- search of property, 74, 159-62
  - see also* property
- search for, 190-1
- security of, following arrest, 141, 165, 171-84
- Soviet citizenship, application for, 43, 230, 235
- Soviet Embassy, Washington, letter to, 260
- Soviet Red Cross, aid from, 235
- Soviet Union, attitude toward, 43, 222-7, 265
  - defection to, 29, 223, 229-31, 254, 268
  - employment in, 235
  - notes on life, 43, 226
  - residence in, 43, 230-5
  - trip to, 229-33
- surveillance of, 228, 267
- telephone, access to after arrest, 135, 138
- threats against, 166, 172-5, 182, 190
- travel plans, 229
- U. S., return to, *see under* return to U. S.
- USSR, *see under* Soviet Union
- whereabouts at time of assassination, 48, 85, 142-3, 147, 207-10
- witnesses to movements, 113, 198-211
- Oswald, the False, 67, 241, 249, 257, 262-4, 270, 274, 278, 338
  - at shooting range, 263
  - automobile demonstration, 264
  - companions, 276
    - "Angelo," 276
    - "Leopoldo," 276
  - descriptions of, 270, 272
  - furniture store, 262
  - New Orleans, bar incident, 269, 270
  - "The Mexican," 270, 277
- Oswald, June, 43

- testing of, 69-70
- type, 36
- Rifles, other, 147, 189, 259, 261-3
- Rights, civil or legal, 77, 131-2, 334
- Roberts, Earlene, 115-8, 123, 127, 199
- Robertson, Leo, 243
- Rodriguez, Evaristo, 269-71
- Rose, G. F., 159-61
- Ruby, Jack, 38-9, 116-7, 170, 174, 178-81, 192, 214, 249, 260, 295, 331
  - biographical data, 192, 249
  - counsel, 192; entrance to police basement, 180;
  - interrogation of, 180-1; nightclub, 214;
  - polygraph tests, 192; reasons for killing Oswald, 192; sister, 192
- Rydberg, H. A., 322-3
- Ryder, Dial D., 258-62
  
- Sawyer, J. Herbert, 96, 187-8
- Scoggins, William, 123, 152-3
- Scott, Foresman & Co., 44
- Searches, 74, 76-90, 96, 127, 158-64, 190, 224, 254, 284
- Secret Service, 17-18, 27, 29-38, 66, 77, 84, 95-8, 108, 136, 139-50, 176-9, 191, 196, 205-7, 217, 243-6, 266, 268, 276, 292, 297, 303, 316, 322-3, 327-8, 336, 338
- agents, 29-36, 77, 84, 95-6, 108, 139-50, 176, 178, 181, 205-6, 214-7, 243-4, 297, 303, 328, 338
- Dallas, 29-30, 95, 176, 181, 205
- escort, President Kennedy's, 29, 193
- investigations by, 39, 252
- New Orleans, 273
- "protective custody" of Marina Oswald, 243-6
- reconstructions by, 100, 110
- reports by, 300
- responsibilities of, 17-8, 31, 150
- Vice Presidential escort, 108
- see also*, Kennedy, President John F., escort, Secret Service
- see also*, Bennett, Glen A.; Berger, Andrew E.; Bouck, Robert Inman; Greer, William H.; Hill, Clinton; Howlett, John Joe; Johnsen, Richard; Kellerman, Roy H.; Kelley, Thomas J.; Lawson, Winston G.; Sorrels, Forrest; Youngblood, Rufus
- Secretary of State, 240
- Security precautions, 19
  - at police headquarters, 170, 176, 182
  - Texas School Book De-

- pository Building, 77,  
96, 190
- Seymour, William, 278
- Shaneyfelt, Lyndal L., 98-  
102, 105-9, 284-5, 310
- Shanklin, J. Gordon, 143
- Shaw, Robert Roeder, 304-  
5, 309-15
- Shells, rifle, empty, 70-5, 77,  
82-3, 89, 278-81
- Sheriff's office, *see* Dallas  
County Sheriff's Office
- Shires, George T., 292,  
304-7, 310, 315, 330
- Shots, the assassination,  
31-6, 57, 65, 76-8, 84-  
91, 95-7, 104, 106-9,  
142, 149, 172, 278,  
304, 310-11, 338  
angles of, 304-7, 314-5,  
322, 329-30, 343-4  
missed, 280-5, 295, 343  
number of, 31-2, 84, 278-  
97, 303-4, 311-2, 316,  
321-2, 325, 343, 345  
source of, 84, 96, 190,  
198, 208, 282-3, 285,  
298  
sixth floor, TSBD, 36,  
47, 65, 77, 84, 89-90,  
96-9, 102-3, 109-10,  
172, 198, 280-1, 285,  
330  
time between, 35-6, 86
- Shots, at Tippit, 120, 122,  
128, 153
- Sims, Richard, 73, 83, 127,  
158
- Single-bullet theory, 89,  
280-1, 295, 304-14,  
316, 322, 329-30, 344
- Snyder, Richard E., 229-30,  
233-4
- Socialist Workers' Party,  
224-5
- Society of Jesus, 225
- Sorrels, Forrest V., 30,  
95-6, 176, 181, 205
- Soviet Union, 21, 42-3,  
221-4, 229-40  
consular staff, Mexico,  
274
- Embassy, Washington,  
D. C., 260
- Oswald's notes on, 43,  
226
- Oswald's attitude toward,  
43, 222-6, 265
- Specter, Arlen, 31-5, 302-  
10, 313, 320, 324-5,  
328  
"stretcher" bullet, 305-10,  
313  
*see also* single-bullet  
theory
- Spectrographic analyses,  
286, 288, 292-3, 336
- Sports Drome Rifle Range,  
263
- Springer, Eva, 273
- Standridge, Ruth J., 287
- Stanford, John W., Jr., 164
- State Department, 231-40,  
244, 274
- Passport Office, 231,  
235-9  
"lookout cards," 231,  
239-40  
regulations, 237-40  
pressure on Immigration  
and Naturalization  
Service, 237
- Stevenson, Adlai, 30
- Stewart, Potter, 164
- Stombaugh, Paul M., 60

- Stovall, Richard S., 57, 159-62
- Stretchers, at hospital, 285, 289-90, 307, 343
- Stringer, H. H., 124
- Stroud, Martha Joe, 284
- Studebaker, Robert Lee, 73, 79-83, 190
- Supreme Court, 24, 164, 212-3, 232
- Suspects, other, 23, 82, 108, 112, 119, 124-5, 130, 188, 249
- Switzer (sic-FBI agent), 106
- Tague, James T., 283
- Talbert, Cecil E., 174-6, 188
- Teague, Congressman Olin E., 149
- Telescopic sight, *see under* rifle
- Testimony, forms of, 27
- Texas School Book Depository, 29, 31, 36-7, 43, 50, 56, 60, 62, 65, 71, 77, 84, 88-90, 96, 99, 107, 109-12, 126, 142, 146-7, 157, 172, 185-90, 195, 198, 207, 249, 258-9, 280-7, 326, 336, 338
- employees, 47-8, 50, 53-4, 57-61, 89-93, 142-3, 146-7, 208-10, 257
- search of, 77, 96
- security of, 77, 79, 96
- Texas Theater, 38, 118, 121, 124-5, 151, 276
- Texas Unemployment Commission, 254
- Thorne, John M., 245
- Tippit, J. D., 19, 29, 37-41, 47, 65, 94, 111, 116-21, 128-9, 134, 145, 189, 192, 214, 219, 331, 333, 339
- autopsy, 337
- bullets fired at, 336
- recovered, 128
- number of shots fired at, 120, 190-1, 336
- murder of, 37-8, 94, 111-29, 152-3, 179, 199, 208-12, 215-9, 336
- Dallas police report on, 122
- killer of, 119-22
- actions of, 119-21, 210-1
- description of, 120, 123-4, 129, 152-3, 215-9
- Tippit family, 46
- Tomlinson, Darrel C., 289-91, 305
- Transfer, Oswald's abortive, 38, 147-50, 165, 169-78
- plans for, 173-4
- Triple Underpass, the, 30-1, 36, 49, 102-3, 149, 283
- Trotsky, Leon, writings of, 224
- Truly, Roy S., 43-4, 48, 62, 86-9, 147, 210
- Truman, President Harry S., 24
- Unanswered questions, 40, 62, 69, 72, 80-2, 89,

- 97-102, 107-10, 117,  
127-33, 138, 141, 149,  
155, 159-64, 169-71,  
188-92, 227-9, 232,  
241-2, 264, 273, 277-8,  
281, 314, 319-21, 327-  
8, 335-9, 343-6
- Underwood, James, 97, 284
- U. S. Cuban policy, 269
- U. S. Embassy, Bonn, 63
- U. S. Embassy, Brussels, 237
- U. S. Embassy, Moscow, 43,  
228-9
- USSR, *see* Soviet Union
- United States Information  
Agency, 217-8
- Vaughn, Roy E., 177-80,  
260
- Wade, Henry, 179, 183-5,  
330  
and press, 183-4
- Walker, Edwin A., 50, 67,  
242
- Walthers, Eddy R., 283
- Warren, Chairman Earl, 19,  
26, 55, 74, 77, 132,  
163, 215, 245-6, 250,  
259, 262, 323, 334-5
- Warren Commission, *see*  
President's Commission
- Washington *Evening Star*,  
19, 147
- Washington *Post*, 19, 164,  
191, 326
- Weissman, Bernard, 214
- Weitzman, Seymour, 78, 84-  
5, 172, 190
- West, Troy Eugene, 60-1
- Westbrook, W. R., 126, 189
- Western Cartridge Co., 65,  
70-3, 344
- Whaley, William Wayne,  
113-8, 153-6, 158, 200-  
6  
testimony, 113-4, 153-6,  
200-5
- Whitworth, Edith, 262
- Williams, Bonnie Ray, 90
- Willis, Phillip L., 97-101  
photographs by, 97-101
- Witnesses, 20, 26, 31-7, 41-  
4, 47-61, 66-74, 77-  
130, 172-82, 187-219,  
223-5, 241, 244, 252-  
62, 265-77, 278-329,  
343-4  
assassination, 31-6, 66,  
81, 88-97, 101-2, 105-  
7, 171-2, 193, 198,  
208, 278-80, 283-5  
autopsy, 295-6, 310-2,  
320-9  
Oswald's actions, 112-3,  
198-211  
Oswald's apprehension,  
126-7, 158  
Oswald's murder, 177-8  
Parkland Hospital, 148,  
244, 287-91, 300-9,  
315-6, 319  
problems with, 193-5,  
210-9  
purpose of, 193-5  
rights of, 25  
susceptibility to pressure,  
193-4, 217-8, 243-6,  
301-2  
testimony of, 31-6, 42-4,  
47-61, 66-71, 74, 77-  
129, 136-62, 173-81,

- 188-92, 196-219, 222-5, 230, 241, 243-4, 252-62, 266-77, 278-9, 283-97, 299-329, 343  
before Commission, 31-6, 44-5, 47-8, 52-8, 60-1, 66-71, 79-102, 105-10, 113-5, 118-27, 142-6, 149-56, 178-9, 196, 200-4, 207-16, 222, 282-3, 287-8, 292-7, 301, 305-6, 308-29, 343  
by affidavit, 62-3, 73, 190, 198-9, 215, 266, 287  
by deposition, 42, 51, 58-61, 66-9, 78-82, 84-5, 96, 100-7, 113-20, 124-8, 138-49, 151-5, 158-60, 173-82, 188-92, 198-9, 204-7, 210-11, 215-6, 223-5, 230-1, 240, 244, 252-62, 266-76, 278-9, 284-93, 300-7, 311, 315, 319  
Tippit killing, 37-8, 119-24, 129, 152-3, 210-1, 215-9, 289-90  
treatment of, 55-8, 73-4, 154-9, 196, 203-7, 210-9, 245-8, 254-5, 260-1, 290-1, 301-2, 305
- Young People's Socialist League, 224  
Youngblood, Rufus, 108
- Zahm, James A., 68  
Zapruder, Abraham, 36, 46, 97, 102-7, 312  
film, 36, 97-109, 285-7, 298, 310-2  
slides supplied Commission, 100  
testimony, 103-4  
Zelden, Monk, 274

Dr. Perry noted the massive wound of the head and a second, puncture wound, of the low anterior neck in approximately the midline. A tracheotomy was performed by extending the latter

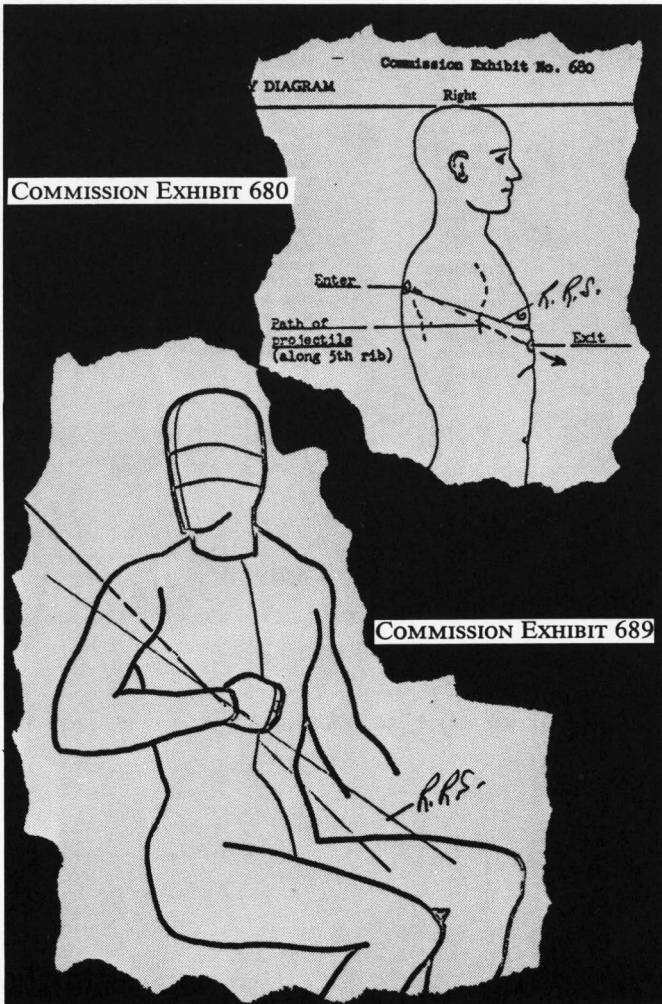
throat just above the upper border of the rescula there is a 7x4 mm or so ~~the~~ wound. This wound is measured

skull reveal multiple minute metallic fragments along a line corresponding with a line joining the above described <sup>midline</sup> ~~occipital~~ <sup>occipital</sup> puncture wound and the st. supra-orbital ridge. From the surface of the dimpled

of sub-cutaneous tissue and musculature. The inside path through the fascia and musculature cannot be easily probed. The wound of <sup>presumably</sup> ~~st~~ was that described by Dr. Malcolm Perry of Dallas in the low anterior cervical region. It was described by Dr. Perry as a "Perry

COMMISSION EXHIBIT 397

Editing of the President's "autopsy" (Exhibit 397) showing substantive changes and Doctor Humes' acknowledgment that Doctor Perry *did* report the front neck wound was one of entrance.



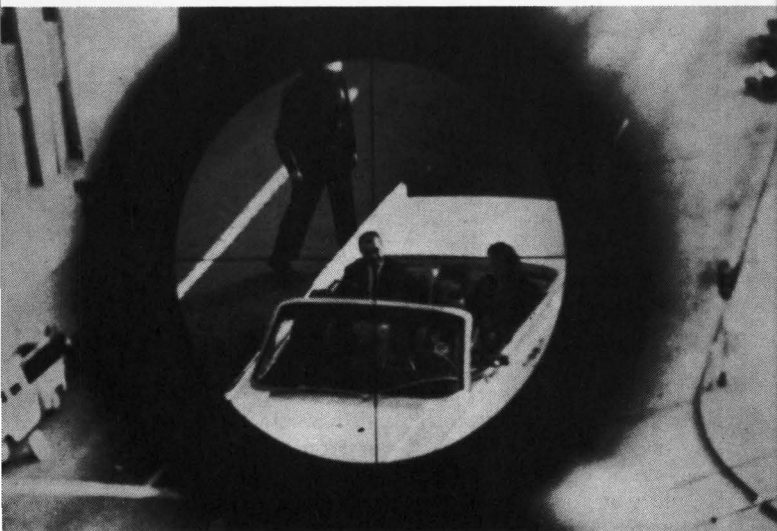
The Secret Service, not the doctors, made these "medical" charts which were wrong and corrected by the doctors during their testimony, not in the hospital. See page 314.



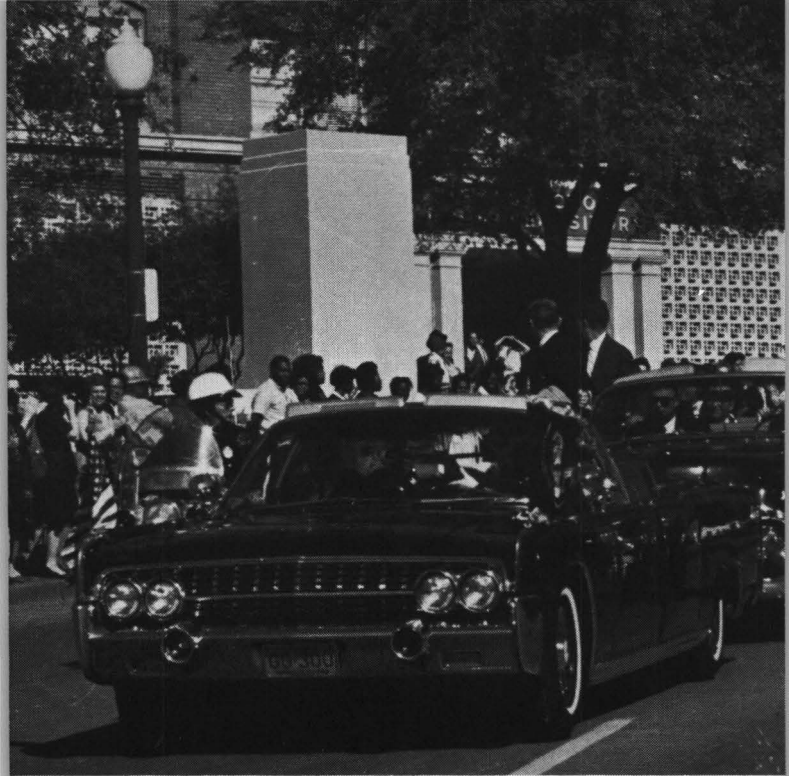


COMMISSION EXHIBIT 429

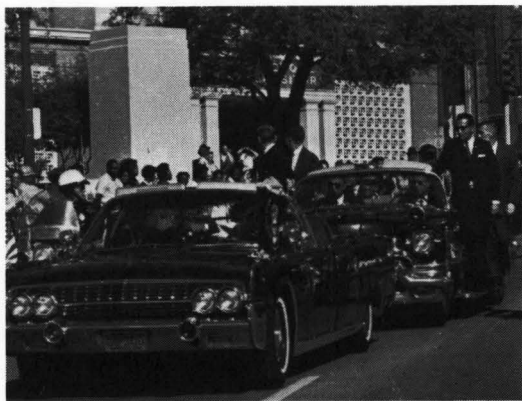
The Paine garage was a "monument to clutter." See page 52.

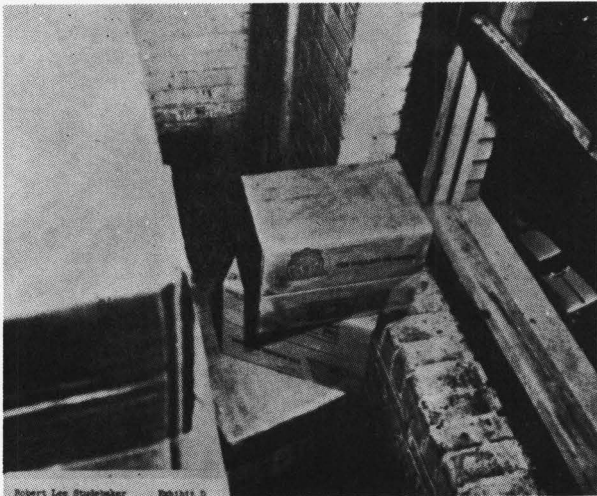


**View of oncoming motorcade from the sixth-floor window. These pictures, taken by the Secret Service (Exhibit 875) dispute J. Edgar Hoover's testimony about obstruction of the alleged assassin's view. See page 110.**



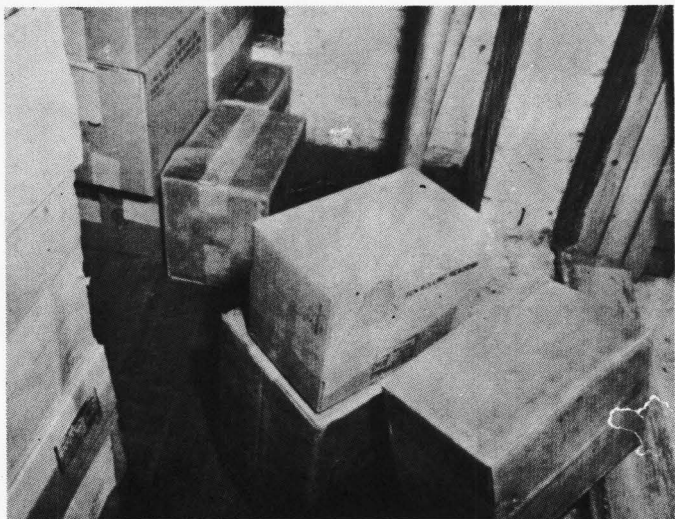
The famous Altgens picture used in the Report and as various exhibits. Above is a fuller version obtained from the Associated Press. The cropped version is from page 113 of the Report. Note how much the Commission cut out and the vital intelligence it contains. Discussion of these photographs begins on page 105.



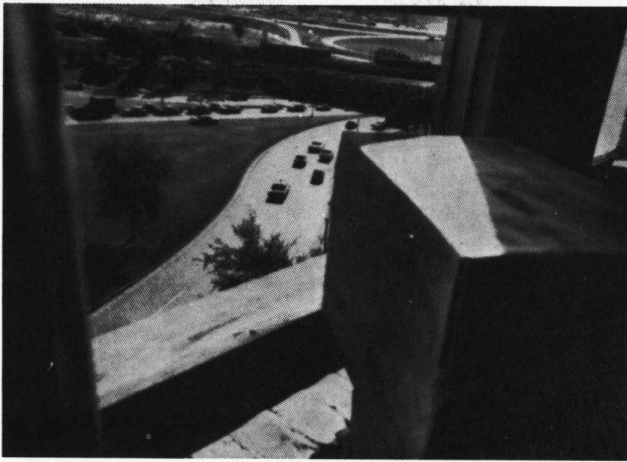


Robert Lee Studebaker Exhibit D

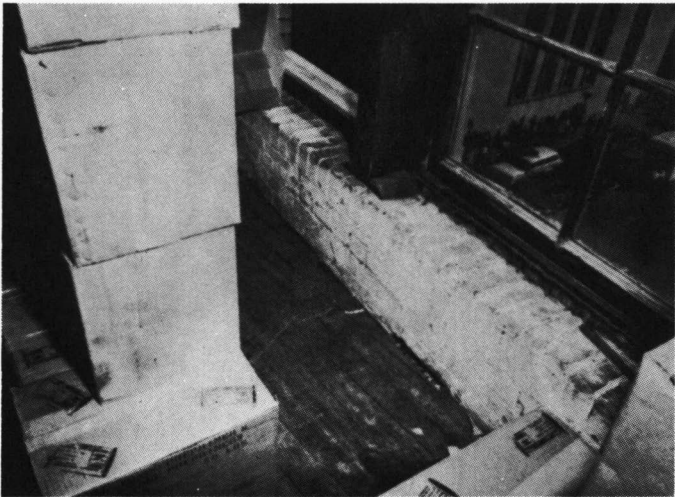
STUDEBAKER EXHIBIT D



COMMISSION EXHIBIT 733

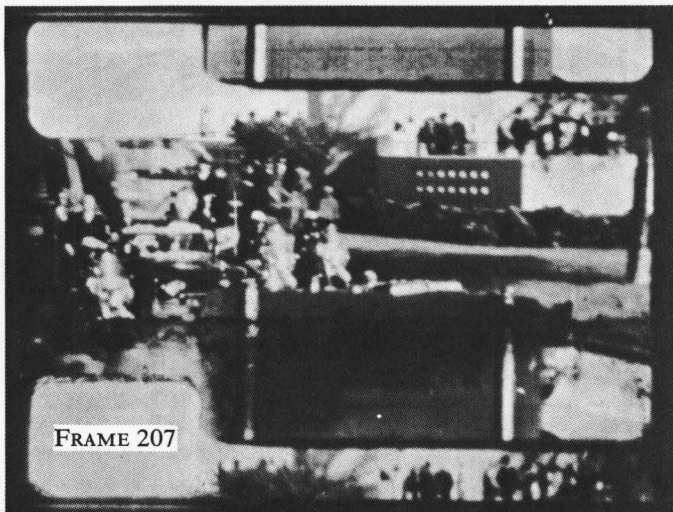


COMMISSION EXHIBIT 724

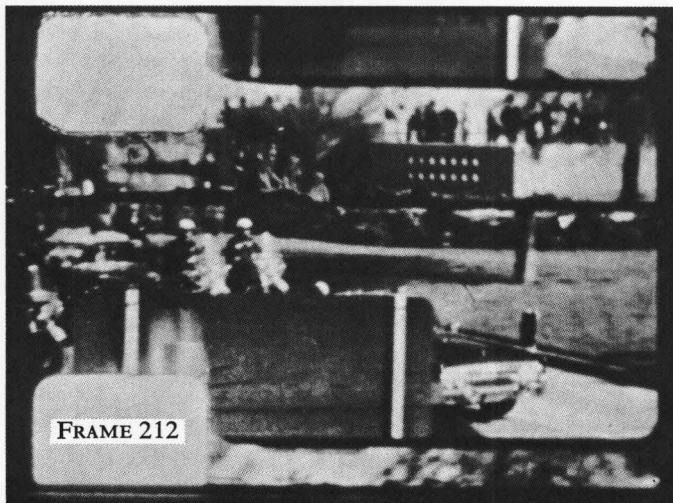


COMMISSION EXHIBIT 715

Exhibits 715, 724, 733 and Studebaker Exhibit D are four equally official yet contradictory versions of the stacked boxes allegedly used as a gun rest by the assassin and upon which the "reconstruction" was based. See Chapter 5.



ZAPRUDER FILM



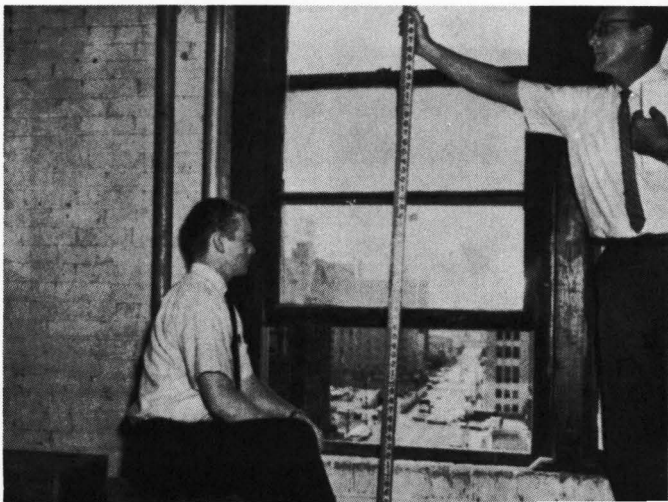
COMMISSION EXHIBIT 885

Page 19 of Volume 18, showing the omission of frames 208-211 and the mutilation of frame 212. See discussion on page 100.



The rifle, according to this Dallas Police Department photo, was not casually deposited by the fleeing assassin but was carefully placed *under* two touching boxes, behind the barricade of boxes. Discussion on pages 78 and 82-5.

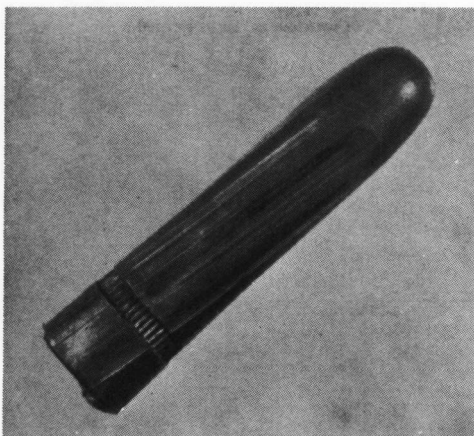
This is the window *standing* inside which the assassin fired through the open part of the window, according to "star" witness Brennan. See page 91.



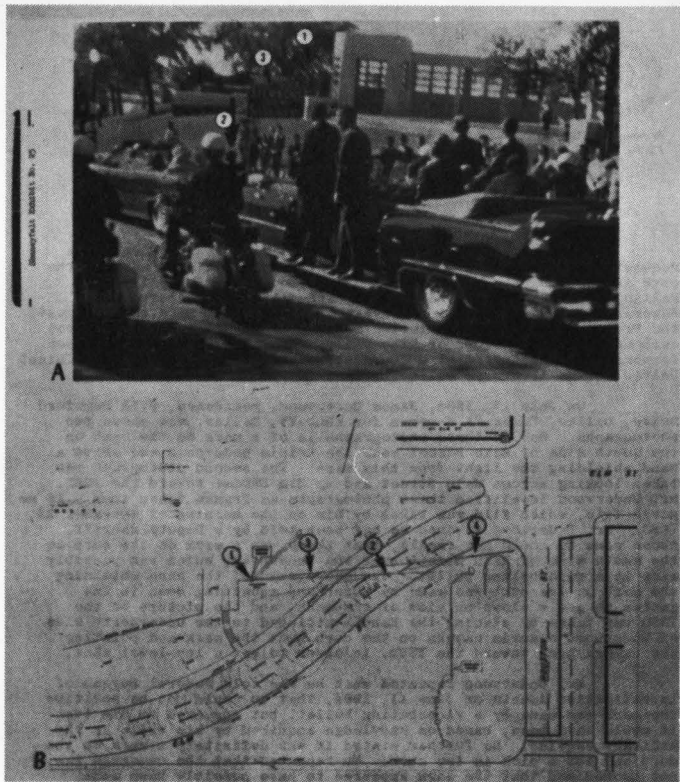




This is that "striped" shirt Whaley was talking about (see page 202).

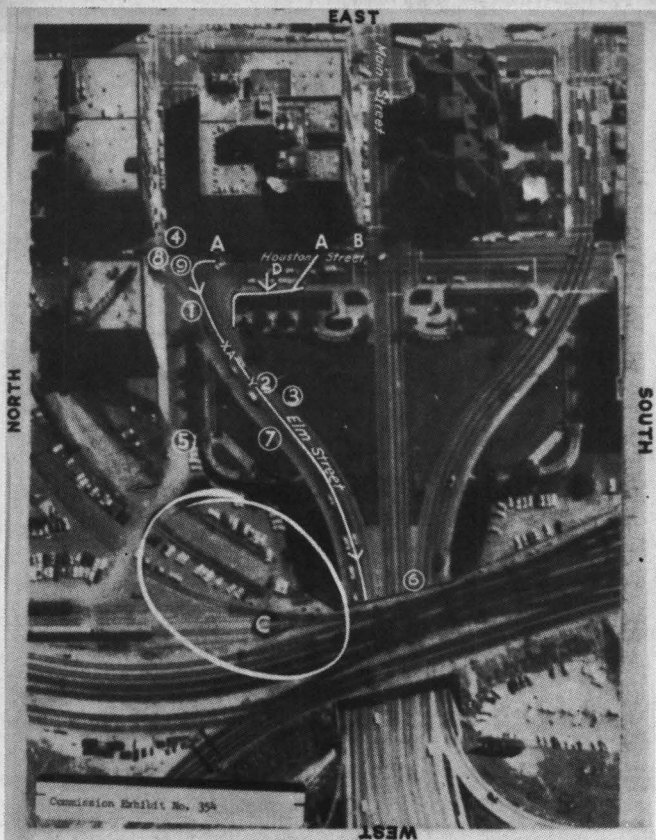


This is the bullet the Report says inflicted *all* the non-fatal injuries to both the Governor and the President. See page 295.



SHANEYFELT EXHIBIT No. 25

This is the basic chart of the assassination scene by the FBI. It is without scale, incomplete, probably inaccurate and cannot be read with a magnifying glass! The photograph at the top is Willis' fifth. The motorcade was going from right to left down this street. The black line at the top of the chart represents but part of the TSBD building.



COMMISSION EXHIBIT No. 354

This is the aerial view of the assassination scene the Commission says was marked by witnesses. Actually, an artist did it. By including more than the necessary area, clarity was further reduced. The "spot" in which a man was standing is twice the size of an auto. It is Exhibit 354 (16H949). Discussion on page 106.

## AUTOPSY

FMS # 98 27 DATE 4-22-44 P.M. STARTED \_\_\_\_\_ HR. COMPLETED \_\_\_\_\_

NAME: \_\_\_\_\_ RANK/RATE \_\_\_\_\_

DATE/HR. EXPIRED: \_\_\_\_\_ WARD \_\_\_\_\_ DIAGNOSIS \_\_\_\_\_

PHYSICAL DESCRIPTION: RACE: \_\_\_\_\_ Obtain following on babies only:

Height \_\_\_\_\_ in. Weight \_\_\_\_\_ lb. Hair \_\_\_\_\_ Color \_\_\_\_\_ Crown-rump \_\_\_\_\_ in.  
 Crown-head \_\_\_\_\_ in. Color eyes \_\_\_\_\_ Pupils \_\_\_\_\_ mm, L.S. \_\_\_\_\_ mm Circumferences:  
 Head \_\_\_\_\_ in. Chest \_\_\_\_\_ in. Abd. \_\_\_\_\_ in.

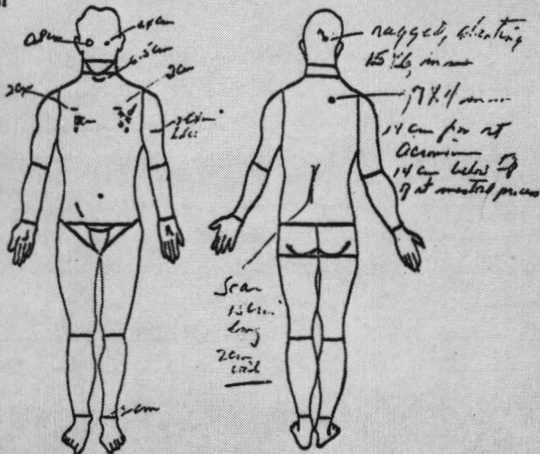
HEADHAIR: (Brown, unless otherwise specified)

LUNG, RT. 53330 KIDNEY, RT. 1375 ADRENALS, RT. \_\_\_\_\_LUNG, LT. 53290 KIDNEY, LT. 140 ADRENALS, LT. \_\_\_\_\_BRAIN \_\_\_\_\_ LIVER 150 PANCREAS \_\_\_\_\_SPLEEN 90 HEART 50 THYROID \_\_\_\_\_

TESTES \_\_\_\_\_ UTERUS \_\_\_\_\_ OVARY \_\_\_\_\_

HEART MEASUREMENTS: A 7.5 cm. P 9 cm. V 12 cm. R 10 cm.LVA 1.5 cm. RV 4 cm.

## NOTES:

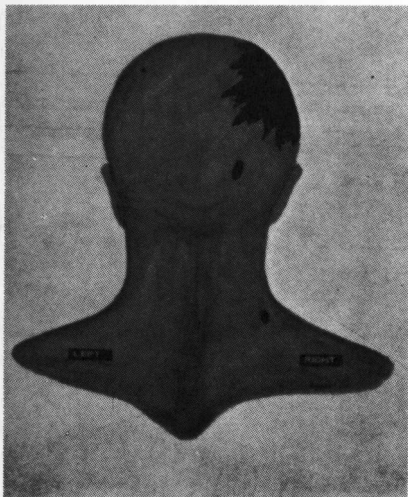


Pathologist \_\_\_\_\_



COMMISSION EXHIBIT 385

These are the artist's representation of the President's wounds. Compare them with the autopsy chart on the opposite page, which clearly shows that the rear wound was in the back, *not* the neck. The FBI report also locates this wound in the back (see page 346) and gives not this flat angle but one of 45 to 60 degrees.



COMMISSION EXHIBIT 386

OW 561--6-24-63 JTIME

DO 38  
OW 561 alloc  
nc

- 1 DENNIS JOEL BYRD APRIL 6, 1941
- 2 LAYNEICHA CHAPMAN NOVEMBER 22, 1921
- 3 HARJORIE PAULA VERGES JUNE 29, 1915
- 4 ANNE ROULEY FINSTAD SEPTEMBER 25, 1925
- 5 PAUL FRANKLIN FINSTAD JANUARY 16, 1925
- 6 ANNELESE MARIE FORD JANUARY 3, 1959
- 7 KEVIN ALAN RODIN CALVIN YVONNE DOREEN
- 7 EDWIN LAHAR FORREST APRIL 21, 1919
- 8 EVELYN LEVIN FORREST MARCH 2, 1918
- 9 HAZEL EDWARDS HAMPTON DECEMBER 22, 1898
- 10 JOHN WARD HAMPTON SEPTEMBER 11, 1891
- 11 DOROTHY MAY HARRISON NOVEMBER 2, 1925
- 12 MONARD MONROE HARRISON MAY 3, 1920
- 13 DONALD DA VAULT HOLT MARCH 5, 1932
- 14 SHERRI JAN JONES JUNE 9, 1946
- 15 HAN LOU MC CLURE NOVEMBER 15, 1919
- 16 TERRY ALLEN TIMOTHY FRANK
- 16 ANN JAMESON HILLER MARCH 21, 1923
- 17 CHARLES BROWN MORRISON AUGUST 25, 1890
- 17 HELEN MORIS
- 18 MAURICE GENE MORSHECK SEPTEMBER 12, 1923
- 19 ROBERT JOSEPH MULLROY FEBRUARY 1, 1863
- 20 LEE HARVEY OSWALD OCTOBER 12, 1939 ✓
- 21 DARDARA BELL PACKER NOVEMBER 2, 1928
- 22 CAROLYN SUE PLUNK APRIL 9, 1938
- 22 JANEY BEN
- 23 SUSAN ROBINSON NOVEMBER 22, 1947
- 24 KIRBY LEE ROY OCTOBER 16, 1915
- 25 IRIS PAINE WEDRE AUGUST 26, 1913

RECEIVED  
STATE  
OCT 13 4 19  
FEDERAL BUREAU OF INVESTIGATION  
NO

END

COMMISSION EXHIBIT 952

State Department teletype message relating to Oswald's second passport. See page 240.