

Chapter 7

The assassination

1 Introduction

Our interest in reviewing the information that is today available to us regarding the events of November 22, 1963, quite naturally focuses on the question as to whether President Kennedy was killed by a lone assassin or by a conspiracy. Other questions pale by comparison to this first and most important question. As we review the eyewitness testimony, we see that the conclusion is not difficult to reach -- that indeed, the President was shot both from the front and the rear. This conclusion can be reached by a consideration of several kinds of evidence:

- *where the eyewitnesses heard the shots coming from;*
- *eyewitness accounts of the spacing of the shots, which came too close together for the lone assassin hypothesis to be maintained;*
- *the total number of shots was too large for the lone assassin hypothesis to be maintained;*
- *the early shot hitting the President was not the same as the shot hitting Governor Connally, invalidating the lone assassin hypothesis.*

1 The route through Dallas

The final decision for the President's route in Dallas was determined by Secret Service agent Winston Lawson, on Thursday, November 14.¹ The WCR states that "Lawson was not specifically instructed [on Nov. 8] to select the parade route, but he understood that this was one of his functions. Even before the Trade Mart had been definitely selected, Lawson and Sorrels began to consider the best motorcade route from Love Field to the Trade Mart. On November 14, Lawson and Sorrels attended a meeting at Love Field and on their return to Dallas drove over the route which Sorrels believed best suited for the proposed motorcade."² The route was reviewed and approved by Chief of Police Jesse Curry, Asst. Chief Charles Batchelor, Deputy Chief Fisher, and others.³

The Warren Commission Report notes unambiguously that "advance publicity made it clear that the motorcade would leave Main Street and pass the intersection of Elm and Houston Streets as it proceeded to the Trade Mart by way of Stemmons Freeway."⁴ It is more specific, in fact, noting that on "November 19, the Times-Herald afternoon paper detailed the precise route: '...The

1 ¹Davis, *Mafia Kingfish* 171

2 ²Warren Commission Report p. 31.

3 ³Warren Commission Report, p. 32.

4 ⁴Warren Commission Report, p. 2

motorcade will ...pass through downtown on Harwood, and then west on Main, turning back to Elm at Houston and then out Stemmons Freeway to the Trade Mart."⁵

1 Preparations for security: the army, the secret service

According to Anthony Summers, military intelligence agents were present at the President's activities on November 22.

1 Before the assassination

1.1 Observations by the Grassy Knoll

In a report dated November 26 that was released under the Freedom of Information Act in 1978, a record is given of two Dallas police officers who were on a routine patrol of Dealey Plaza on the morning of the day of the assassination. They noticed several men taking aim at the Plaza from behind the wooden fence on what has come to be known as the grassy knoll. The officers said that they attempted to reach the men, but that the men quickly left in a nearby car before they could reach the fence.

1.1.1 Philip B. Hathaway and John Lawrence,

Hathaway, shortly before noon, saw "a man carrying a rifle in a gun case. He described the man as very tall, six-foot-five or more, weighing about 250 pounds and thick in the chest. The was in his early thirties with 'dirty blond hair worn in a crewcut' and was wearing a gray business suit. Hathaway said the case was made of leather and cloth and was not limp, but obviously contained a rifle...Lawrence also saw the big blond man."⁶

1.1.1 Julia Ann Mercer

"later told authorities that shortly before 11 A.M. the day of the assassination she was driving a rented white Valiant west on Elm Street just past the point where Kennedy was killed about two hours later. Just after passing through the Triple Underpass, she found her traffic land blocked by a green Ford pickup truck. While waiting for the truck to move, she saw a young man get out of the truck, walk to a long tool compartment along the side, and remove a long paper bag. She could see the outlines of a rifle in the bag. The man then walked up on the Grassy Knoll carrying the package and was lost to her sight. She described this man as in his late twenties or early thirties, wearing a gray jack, brown pants, a plaid shirt, and some sort of wool stocking cap with a tassel on it. Mercer said as she pulled alongside the truck, she locked eyes with the driver, whom she described as heavily built with a round face and light brown hair." She said that she identified the driver from a photo of Jack Ruby for the policy on Nov. 23.⁷

A slightly different version is given in Hurt (p. 114ff), based in part on his interview with her in 1983.

"A little before 11:00 A.M., on the day of the assassination, Miss Mercer, who was twenty-three years old, was driving west on Elm Street, just beyond the spot where the President would be killed in less than two hours. A few yards beyond the triple underpass, Miss Mercer brought her car to a stop. A green truck was blocking her lane, sitting partly on the curb. [fn 23]

5 ⁵Warren Commission Report p. 40

6 ⁶Crossfire, 17-18, citing XXIV 211, 214, 220.

7 ⁷Crossfire 18-19, citing XIX.483.

"As Miss Mercer waited -- perhaps as long as three minutes -- a young man got out of the passenger's side of the truck and went around to the rear. He opened the long tool compartment on the side of the truck. According to Miss Mercer, he removed a package that she believed was a rifle wrapped in paper. The young man walked up the embankment in the direction of the grassy knoll area with the package. That was the last time Miss Mercer saw him . [fn. 24]

"However, as she waited and then tried to move her car around the truck, Miss Mercer's eyes locked with those of the man behind the wheel. She was able to look at him clearly. He was heavily built with a round face. Miss Mercer edged her car by the truck and continued toward Fort Worth, where she was employed [25] (A Warren Commission document, disclosed later, showed that a police officer on the scene had observed apparently the same truck and believed it to be a legitimate breakdown. [26]).

"Miss Mercer said that she stopped to have breakfast at a Howard Johnson's restaurant on the toll road to Fort Worth. She often stopped there and was casually acquainted with the employees and regular customers, including policemen who regularly used the restaurant. When she entered the restaurant that day, she commented openly to several people that "the Secret Service is not very secret." She mentioned seeing the man with the rifle going up the embankment .[27]

"Soon after Miss Mercer left the restaurant, two police officers who had heard her comments pursued her car and pulled her over. They stated that it was necessary for them to take her back to Dallas. Once in the police car, Miss Mercer learned that the President had been shot at Dealey Plaza, the location where she had seen the man with the rifle. [28]

"Once back in Dallas, Miss Mercer was taken to the sheriff's office, where, for the next four or five hours, she was interrogated off and on by policemen and men in civilian clothes whom she believed to be federal investigators. She states that she was never shown a badge or any sort of identification by any of the men. She repeated her story many times before finally being driven home.. [29]

"At four o'clock the following morning, men came to her apartment and showed FBI identification. She accompanied them back to the sheriff's office, where they showed her a dozen or so photographs, asking her to pick out any she thought might be the men she saw Friday morning. She selected two pictures. Miss Mercer had no idea of the men's identities. [30]

"On Sunday morning, the day after Miss Mercer made the identification, she was watching the assassination coverage on television with friends and saw Ruby shoot Oswald. Instantly, she shouted that they were the two men she had seen on Friday and had identified for the FIB. Ruby, she said, was the driver and Oswald the man with the rifle. [31].

1.1.1 **Julius Hardie**

told "The Dallas Morning News years later that on the morning of November 22, he saw three men on top of the Triple Underpass carrying longarms, although he could not tell if they were rifles or shotguns. Hardie said he reported the incident to the FBI but no such report has been made public."⁸ Hurt: "As he drove along, Hardie saw three men on top of the triple underpass between 9:30 and 10:00 A.M. In a newspaper interview years later, Hardie stated that two of the men he saw were carrying long guns. Hardie could not be certain from his position whether they

8 ⁸*Crossfire* 19, giving no citation.

were rifles or shotguns. Hardie claimed he made a report to the FBI [35] No record of that report has surface."⁹

1.1 Jerry B. Belknap and the epileptic seizure

Fifteen minutes before the assassination, a man (later identified as Jerry B. Belknap¹⁰) had an epileptic seizure near the front door of the TSBD; police dispatched an ambulance for him immediately, and he was taken to Parkland Hospital, where he was found he was not being given any treatment (in the emergency of the assassination), and he left without registering.

Epstein notes, "Belknap explained to the FBI that he had had frequent fainting spells since suffering a serious head injury in an automobile accident in 1960, and that he had been receiving daily medication to prevent these spells."¹¹

1 The assassination: the major points

1.1 The President's car turned onto Elm

Just before the motorcade arrived, several men were seen behind the wall on the grassy knoll, according to William Altgens.¹²

1.1 Abraham Zapruder

Abraham Zapruder filmed the passage of the presidential motorcade as it passed through Elm Street from its turn at Houston through the moment it passed under the railroad tracks at the Triple Underpass. With a home movie camera snapping 18.3 frames per second, Zapruder shot what was to become one of the most famous and most important films in cinematic history. Each frame of the film has been studied closely by researchers, and labeled according to a notational scheme assigned by FBI Special Agent Shaneyfeld, marking frames as Z1, Z2, and so forth. 486 frames -- about 22 seconds -- occur in the assassination sequence, and thus Z1 through Z486 are, more or less, at our disposal. But it is the frames from approximately Z150 to Z350 which interest us, and of these, Z313 is the most famous and brutal -- the frame showing the split-second at which a bullet struck the president's head and caused a horrendous explosion of brain tissue. Unfortunately, there is a brief period -- very likely the period during which the president was shot first -- during which the president cannot be seen, a brief period of less than a second stretching from Z207 to Z223. By Z223, the President is unambiguously reacting to a hit, and his hands clearly appear to be reaching up to his throat.¹³

[The Warren Commission determined (though this conclusion has proven to be controversial) that the earliest frame from which the TSBD marksman could have found the President in his rifle's crosshairs and fired was frame Z210; an oak tree obscured

9 ⁹Hurt, p. 116, citing Dallas Morning News, August 27, 1978.

10 ¹⁰Posner, p. 232, citing CD 1245.

11 ¹¹Epstein, Chronicles, p. 218, citing FBI reprot, June 11, 1964, Commission Reprot 1245, and a letter from Bethell; see section in chapter on Garrison involving Epstein and Bethell.

12 ¹²In an interview with David Lifton, Nov. 1 1965, cited BE, p. 29.

13 ¹³See Evica (n.d.) Ch. 7, which has been especially helpful in the review given in this section.

the view of the motorcade on Elm available to a marksman at the top of the TSBD for all but an irrelevant 1/18 of a second at approximately Z-186. Between these two frames lies a space of 103 frames, or 5.6 seconds -- the length of time during which the entire sequence of firing took place, from the perspective of the Warren Commission.

Missing Frames; history of the film.]

The President's limousine had taken the sharp turn from Houston onto Elm, and was proceeding down Elm away from the Texas School Book Depository, at the moment that the first shot was fired. Even this elementary fact is worthy of consideration, for a lone marksman located in the Depository would have had a considerably better shot at a moving target coming directly toward him down Houston, a better opportunity for a shot than the one that was actually chosen. If the marksman shooting from the Depository, however, was part of a coordinated group of two or three marksmen aiming to fire on the President in a crossfire, then the otherwise odd hesitation on the part of the Book Depository marksman is fully explicable.

1.1 The first shot rang out

The single best study (in this case, a "micro-study," as the book's cover puts it) -- of the shots is given in Josiah Thompson's *Six Seconds in Dallas* (1967). The paragraphs that follow draw directly from Thompson's presentation and analysis.

Thompson presents 12 eyewitness accounts that fix the first shot in the z210-223 period, using Warren Commission documents supplemented with interviews that he conducted later with the witnesses. The 12 were (p. 32):

Gov. John Connally: We had--we had gone, I guess, 150 feet, maybe 200 feet, I don't recall how far it was, heading down to get on the freeway...when I heard what I thought was a shot. (4H132)

Roy Kellerman (SS agent): 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 the building, 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. 2H73.

Jerry Kivett: As the motorcade was approximately one third of the way to the underpass, traveling between 10 and 15 miles per hour, I heard a loud noise. 18H778. Kivett was three cars behind the President.

Lee Bowers. At the moment of the first shot, as close as my recollection serves, the car was out of sight behind this decorative masonry wall in the area. 6H228

Mrs. Billie Clay: Just a few second after the car in which President John F. Kennedy was riding passed the location where I was standing [by first sign], I heard a shot." 22 H 641

John Chism: And just as he got just about in front of me, he turned and waved at the crowd on this side of the street, the right side; at this point I heard what sounded like one shot. 19H471. [standing by westerly sign on Elm]

Jean Newman: The motorcade had just passed me when I heard something that I thought was a firecracker at first, and the President had just passed me, because after he had just passed there was a loud report, it just scared me.. 19H 489.

Karen Westbrook: The car he was in was almost directly in front of where I was standing when I heard the first explosion. 22 H 679.

Gloria Calvery: The car he was in was almost directly in front of where I was standing when I heard the first shot. 22 H 638 [check this: it sounds too much like Westbrook!]

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Joe Rich: We turned off Houston Street onto Elm Street and that was when I heard the first shot. 18 H 800

Mrs. Earle Cabell: We were making the turn...just on the turn, which put us at the top of the hill you see...I heard the shot, and without having to turn my head, I jerked my head up. 7 H 486.

Mayor Earle Cabell: We were just rounding the corner of Market and Elm, making the left turn, when the first shot rang out. 7 H 478.

To this we may add the testimony of *Linda Kay Willis* [cited by Weisberg, in *Case Open* -- check original].

In response to Liebler's asking her if she heard what she took to be shots, she *testified, under oath:* "Yes. I heard one. Then there was a little bit of time, and then there were two real fast bullets together. When the first one hit, well the President turned from waving to the people, and he grabbed his throat, and he kind of slumped forward, and then..." "...I couldn't tell where the second shot went." She said it was the second shot that missed, and she was looking and listening!...Where was she, Linda Kay, when she saw the impact on the President? "I was right in line with the sign (Stemmons Freeway) and the car and I wasn't very far away, but I couldn't tell where the shot came from."

[Digression on Posner:

Posner tries to make the case for an early first shot (which would serve then as his Tague-shot. He fails to deal with the mass of evidence that disconfirms his conjecture, cited above. As Harold Weisberg is at pains to show in *Case Open*, Posner's conjecture is not original with him; he has adopted it from a published article which he cites, an article by David Lui. This conjecture is that the young girl (One of the girls) stops running because she would have heard a sound from the School Book Depository -- but at an earlier time than there is any reason to think that a gunshot was heard.

Posner's source note 18 reads: "David Lui, 'the little Girl Must have Heard,' The Dallas Times Herald, June 3, 1979, H-3. ...who ever heard of David Lui?...Friends from New York to California sent me copies of that story from three other newspapers. It is not a Dallas Times Herald story. It was syndicated by the Los Angeles Times. ...When Lui wrote his story in 1979 he was attending Brown University, in Providence, Rhode Island. When he was fifteen years old and a student in Beverly Hills (California) High School, he undertook an extra credit project on the JFK assassination. He had a bootleg copy of the Zapruder film. None of them was very clear. ...Here is how he began his story: "I sat watching the silent Zapruder film for what must have been the 50th time that night. Suddenly, this time I saw something that startled me; a young girl running to keep pace with the presidential limousine stopped abruptly and turned toward the Texas School

Book Depository --too early in the film, and before any shots were supposed to have been fire."¹⁴

Indeed, the case of the girl who stopped running is highlighted in the report of the House Select Committee on Assassinations. (see discussion in HSCA vol. 8, p. 18)

Philip Willis "took a photograph of the presidential limousine at a time determined to be in the range Z205-Z225" [a famous photo from the left rear--JG]. Willis notes, "the shot caused me to squeeze the camera shutter, and I got a picture of the President as he was hit with the first shot."⁷ H 493

Also, "Officer B. J. Martin, riding the outboard cycle to the left rear of the presidential car, testified that he turned his head sharply to the right immediately following the first shot (6 H 291). At frame 230 he is still looking straight ahead. "(p. 45-5, Thompson)

Also, Emmett Hudson "was looking directly at President Kennedy and saw his head slump to one side simultaneously with the loud report made by the first shot." (*Archives*, CD 5, cited by Thompson, p. 36).

William Newman: "We were looking back up the street to see if the motorcade was coming and the first two shots were fired, and of course the first shot, boom, the President threw his arms up like that, spun around sort of...and then it look like he was looking in the crowd, you know, like he was looking for something, just kind of a wild expression." (Taped interview with Thompson, Nov. 20, 1966, in Thompson, p. 37)

1.1.1An alternative, early shot

A case has been made for an earlier first shot, however, based on two types of evidence: first, a suggestion that Kennedy's hands were already shifted to their grip in front of his throat by the time he disappeared from Zapruder's view in Z190, and second, the so-called "jiggle analysis," which notes a period of high Zapruder jiggle in Z190-Z200. Both of these suggest a first shot in the general area of Z188.

Raymond Marcus notes that the HSCA adopted three lines of reasoning for an early shot Z189: the sudden drop of Kennedy's hand to throat level at Z189-193, with the hand staying there until Z207; Jackie's turning toward her husband by Z202 (she testified that when she turned to him, his hands were at his throat); and the evident jiggle in the Z film after approximately Z190.¹⁵

1.1The second shot

The most striking element of evidence in support of the conclusion that Gov. Connally was not hit by the first shot that struck President Kennedy is a good print of Z230, for there we see Kennedy fully reacting to his first wound, while Governor Connally is looking fine, looking straight ahead and with his Stetson hat held firmly in his right hand.

As Thompson notes, if the bullet that caused Kennedy's back wound did not exit, then it could not have caused Gov. Connally's wounds. (60!)

14 ¹⁴Weisberg, *Case Open*, pp. 29-30

15 ¹⁵*The HSCA, The Zapruder Film, and the Single-Bullet Theory*, Raymond Marcus, 1992, self-published.

The bullet that entered Connally was moving in a downward direction at a slope of 27 degrees (4 H 138, cited in Thompson p. 74).

Josiah Thompson and Edward Kern interviewed Sam Holland on 30 November 1966, and present the following conversation:¹⁶

Thompson: I'd like to ask your opinion as to whether either...any of these bullets, any of these three or four shots missed, and if so, which one; and if not, well, which bullets hit whom?

Holland: The first hot, as I said, the first report that I heard, the President slumped over, similar to that, and his hands went up to his neck.

Thompson: So you correlate the President's movement with the first shot?

Holland: And the Governor turned this...to his right, similar to this; then he turned like that, and that's when the Governor was shot....And I made the statement immediately after the assassination to the Warren Commission that he did turn to his right and his left and he was shot and hit by the second bullet. He definitely was not hit by the first shot.

Thompson: So you believe the Governor was hit by the second shot?

Holland: I *know* the Governor was hit by the second shot.

Thompson: You saw the Governor hit by the second shot?

Holland: I'm positive of that.

Mrs. Connally testified to much the same thing:

I turned over my right shoulder and looked back and saw, and saw the President as he had both hands at his neck...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." 4H 147.

Governor Connally, in his WC testimony, said that he had turned to his right, to look back, and then was turning back around to the front, with the intention of turning all the way to his left, but that he was hit when he had come around front and had only just started to turn toward the left. "looking a little bit to the left of center, and then I felt like someone hit me in the back." (4 H 132f.)

In my judgment, it just couldn't conceivably have been the first one because I heard the sound of the shot. In the first place, I don't know anything about the velocity of this particular bullet, but any rifle has a velocity that exceeds the speed of sound, and when I heard the sound of that first shot, that bullet had already reached where I was, or it had reached that far, and after I heard that shot, I had the time to turn to my right, and start to turn to my left before I felt anything. It is not conceivable to me that I could have been hit

16 ¹⁶Six Seconds in Dallas, p. 60

by the first bullet, and then I felt the blow from something which was obviously a bullet, and I never heard the second shot, didn't hear it.¹⁷

Josiah Thompson writes,

Gov. Connally himself saw the film briefly...and concluded that he was hit in the interval 231-234...Two and one-half years later he was given an opportunity to study 4x5 inch transparencies made by Life from the original print....he decided that the bullet struck him in frame 234. Mrs. Connally also studied the film in Washington and...she thought her husband was hit in the interval 229-233. Connally's chest surgeon, Dr. Robert Shaw, picked the impact point as "236, give or take 1 or 2 frames" (4 H 114)...With the exception of Assistant Counsel Specter and the autopsy surgeons...no one known to me has seen the Zapruder film and placed the Governor's wounding prior to Z230.¹⁸

Thompson argues convincingly that this shot was registered at Z238 precisely, most convincingly on the basis of a graph, given on p. 75, showing the slope of Gov. Connally's shoulder. This material establishes that the sudden downward motion of Connally's shoulder (a result of the transfer of momentum, not of a psychological or neurological reaction) occurred at Z238, and not earlier.

Thompson also learned later on of Dr. Robert Shaw's reasons for not believing that Kennedy and Connally were shot with the same bullet -- Shaw being Connally's surgeon. Thompson spoke with Dr. Charles F. Gregory, a colleague of Shaw's.

At one point in our interview, Dr. Gregory indicated that both he and Dr. Shaw thought it highly unlikely that the President and the Governor had been hit by the same bullet. Their reasoning...concerned the character of the Governor's back wound. This was a small wound, 1.5 centimeters in its largest diameter, elliptical in shape, with rather clean-cut edges (4 H 104). What impressed both Drs. Gregory and Shaw was that no fibers from the Governor's clothes had been carried into this wound. Dr. Gregory contrasted it with the wound in the Governor's wrist, which contained a great number of wool suit threads. The absence of any cloth fibers in the back wound, together with its clean-cut edges, suggested to both physicians that it had been caused by a pristine bullet, one that had not already passed through a human body. Dr. Gregory went on to relate how he and Dr. Shaw were so impressed by the character of the back wound that both were convinced that the President and the Governor had been hit by different bullets.¹⁹

Connally also says (Thompson, p. 68; he says it to Specter)

Obviously, at least the major wound that I took in the shoulder through the chest couldn't have been anything but the second shot. Obviously, it could-

17 ¹⁷4 H 135f.

18 ¹⁸Six Seconds, p. 70.

19 ¹⁹Thompson, *Six Seconds in Dallas*, p. 77

n't have been the third, because when the third shot was fired I was in a reclining position, and heard it, saw it and the effects of it, rather I didn't see it, I saw the effects of it -- so it obviously could not have been the third, and couldn't have been the first, in my judgment (4 H 135-6).

Later, Connally says,

They talk about the "one bullet" or "two bullet theory". There is my absolute knowledge, and Nellie's too, that one bullet caused the President's first wound, and that an entirely separate shot struck me....It's a certainty. I'll never change my mind.²⁰

Nonetheless, the conclusion of the Warren Commission, and of Posner, was that Connally was mistaken. As Robert Sam Anson put it twenty years ago -- speaking only of the Warren Commission account, of course:

The only counterexplanation [to Connally's reports of his own experiences] is that Connally did not know what had hit him, and that he shows no reaction in the Zapruder film because he is unaware that his chest has been torn open, his lung collapsed, and his wrist smashed by a high-powered rifle bullet.

Ludicrous as it seems, this is precisely what the Warren Commission chose to believe. Connally, the report asserted, was conceivably suffering a "delayed reaction" to his wounds. John Connally, however, wouldn't believe it. Nor would his doctors. While delayed reactions to gunshot wounds are not unknown, Connally's wounds, they pointed out, were "extremely painful."²¹

1.1 The President's car slowed down till the fatal shot came

"When President Kennedy straightened back up in the car the bullet hit him in the head....And at that time the Presidential car slowed down. I heard somebody say, "Get going," or "get going" -- Officer Bobby Hargis.²²

1.1 The fatal head shot(s): c. Z313

1.1 The umbrella man and his partner.

Gordon Novel?

1 Witnesses to the shooting

1.1 Some proposed categorizations of the witnesses

The Warren Commission cites 178 witnesses of the assassination [source?]. Mark Lane, in *Rush to Judgment*, offers the names of 266 witnesses known to the Warren Commission. Lane calculates that exactly only 138 of the witnesses contacted in one fashion or another by the Warren Commission were asked their sense as to the origin of the shots; two said they heard no shots,

20 ²⁰Thompson, p. 69.

21 ²¹Anson, pp. 87f.

22 ²²WC VI 294.

and 46 could not place their origin. Of the remaining 90, 58 (or 64%) "said that the shots came from the direction of the grassy knoll".²³

By another accounting, of 178 witnesses, 21 believed that at least one shot came from the area of the grassy knoll, and as many as 61 more generally from the front of the motorcade; 49 from the Texas School Book Depository.²⁴ Of these 178, 132 indicated that they believed there to have been three shots.²⁵

In "The Case for Three Assassins," David Lifton and David Welsh propose a useful breakdown of the witnesses by their placement:

- *Witnesses on the triple underpass*
- *Grassy knoll*
- *Standing in Dealey Plaza*
- *In or near the TSBD*
- *Policemen of the Sheriff's Department*
- *Secret Service agents*
- *Dallas police officers*
- *Motorcade*
- *Others*

1.2 Was there an echo?

At one point, Wesley Liebeler asks James Tague, "There was in fact a considerable echo in that area?"

Tague replies, "There was no echo from where I stood. I was asked this question before, and there was no echo."²⁶

1.3 Witnesses on the triple overpass

13 railroad men on the triple overpass: 5 reportedly said the shots came from the knoll, and "six others said that when the shots were fired their attention was immediately attracted to the knoll."²⁷

Sam M. Holland: saw that "a puff of smoke came out about 6 or 8 feet above the ground right out from under those trees. And at just about this location from where I was standing you could see that puff of smoke."²⁸ "Sam Holland, railroad signal supervisor for the Union Ter-

23 ²³Lane, *Rush to Judgment*, p. 37.

24 ²⁴Summers p. 55; see his citations, esp HSCA report, 87, 90.

25 ²⁵Summers cites hscA 8:142.

26 ²⁶BE, p. 21, citing 7 WC D557

27 ²⁷Lane, *Rush to Judgment*, p. 39. He cites VI 223-231, 236-248; and XXII, 833-837. He also cites an interview that he conducted of Richard C. Dodd, March 24, 1966; of James L. Simmons, four days later; and he cites XXII 834, 836; XXIV 217; interview of Walter L. Winborn by Stewart Galanor, May 5, 1966.

28 ²⁸Cited in Lane, *Rush to Judgment*, p. 40.

minal, was standing on the triple overpass inspecting signals and switches when he stopped to watch the parade. In a sworn affidavit on November 22, he said, "...the President's car was...just about to the arcade [when] I heard what I thought for the moment was a fire-cracker...and I looked over toward the arcade and trees and saw a puff of smoke come from the trees...the puff of smoke I saw definitely came from behind the arcade and through the trees."²⁹

Lee Bowers, another railroad worker, was in a signal box which afforded him a direct view of the area to the rear of the picket fence. He saw there two men that he did not know, one middle-aged and fairly heavy-set, the other in his mid-twenties in either a plaid shirt or a plaid coat. He testified before the Warren Commission that at the moment of the shots, he saw a flash of light or something of that nature that caught his attention in that specific area.³⁰

Austin L. Miller reported smoke in an affidavit on Nov. 22.³¹

James L. Simmons, and

Richard C. Dodd both saw smoke "near the bushes and trees at the corner of the wooden fence."³²

Walter L. Winborn and

Thomas J. Murphy told a researcher (Stewart Galanor) that they had seen smoke in the trees on the knoll.³³

Clemon E. Johnson told the FBI that he had seen white smoke.³⁴

Frank Reilly ("It seemed to me like the shots come out of the trees..."(6 W 230, quoted in BE)

"Yet of the thirteen railroad employees on the overpass, only four were questioned by the Commission; the FBI questioned only nine, and those reports were rather sparse. Independent investigators such as Mark Lane, Barbara Bridges, and Stewart Galanor supplemented the record with

29 ²⁹Epstein, BE, p. 15, citintg 24 WC 212.

30 ³⁰Summers 61, citing vi.284, and an interview with Bowers conducted by Mark Lane, and also Lane, 23-24 (which book? *Rush to Judgment*?)

31 ³¹Lane, *Rush to Judgment*, p. 40. See XXIV 217.

32 ³²Lane, *Rush to Judgment*, 40, citing both WC testimony and interviews with the men.

33 ³³Lane, *Rush to Judgment*, 40.

34 ³⁴XX 836, cited in Lane, *Rush to Judgment*, p. 40.

their own interviews which produced additional information -- from witnesses Richard Dodd, Walter Winborn, James Simmons, and Thomas Murphy -- about the smoke on the knoll."³⁵

1.4 Grassy knoll

Mr. and Mrs. John Arthur Chism. The Chisms were standing underneath the Stemmons Freeway sign, facing the president; they looked *behind* them to see where the noise had come from..³⁶ "Mr. and Mrs. **John Arthur Chism** were two known witnesses among a cluster of about five persons standing beneath a "Stemmons Freeway" sign, their backs to the knoll...they both thought the shots came from behind them.³⁷ And ... as well.³⁸

Abraham Zapruder. Secret Service interview: "According to Mr. Zapruder, the position of the assassin was behind Mr. Zapruder."³⁹ *Abraham Zapruder* believed that one or more shot came from behind him.⁴⁰

Cheryl McKinnon. Henry Hurt reports (*Reasonable Doubt*, p. 111)

Cheryl McKinnon, a journalism student who was standing on the grassy knoll, recalls her shock as three shots rang out from behind her....she has written:" [We] turned in horror toward the back of the grassy knoll where it seemed the sounds had originated. Puffs of white smoke still hung in the air in small patches. But no one was visible." Hurt cites the San Diego Star News, Nov. 20 1983.

Mary Woodward Mary Woodward was in front of the wooden fence, and just to its left; she wrote in the *Dallas Morning News* that "suddenly there was a horrible ear-shattering noise coming from behind us and a little to the right."⁴¹ **Mary E. Woodward** was on the north side of Elm, near the Stemmons Freeway sign; she heard a "horrible-ear shattering noise" from behind her and to the right, and shots 2 and 3 close together.

Maggie Brown

William Newman, with his back to the grassy knoll, thought the shot had come from directly behind him; he and his wife Gayle fell down to the ground because they thought they were in

35 ³⁵Lifton, BE, p. 16.

36 ³⁶24 WC 204-5, cited in BE.

37 ³⁷Lipson, BE, p. 17, citing 24 WC 204-205.

38 ³⁸Summers 59, citing XXIV 204f.

39 ³⁹Lane, *Rush to Judgment*, p. 41, citing National Archives, Basic Source Materials in Possession of Commission; Commission No. 87, Folder No. 1, Secret Service Control. No. 66

40 ⁴⁰Summers 60, citing CD 87.15566, and hsca p. 89

41 ⁴¹Lane, *Rush to Judgment*, p. 41, citing Dallas Morning News, Nov. 23, 1963.

the line of fire.⁴² "It seemed we were in the direct path of fire....I thought the shot had come from the garden directly behind me, that was on an elevation from where I was...I do not recall looking toward the Texas School Book Depository. I looked back in the vicinity of the garden."⁴³ "In a television interview conducted by Dallas station WFAA within an hour of the shooting, Newman said: "...as the car got directly in front of us...a gunshot from apparently behind us hit the President in the side of the temple."⁴⁴

Emmett Hudson: Caretaker of Dealey Plaza. "I was ...on the front steps of the sloping area...the shots that I heard definitely came from behind and above me."⁴⁵

Gordon Arnold: interviewed in the 6 hour video. See also Summers, p. 58f. and Henry Hurt, p. 112f. See esp. Hurt.

Aurelio Lorenzo, and

Ann Donaldson.⁴⁶

Jean Newman stood halfway between the knoll and the TSBD, and she thought the shots came from her right, i.e., not from the TSBD.⁴⁷

1.5 Standing in Dealey Plaza: On Elm Street

Charles Brehm

"When the fatal shot struck, the limousine had just passed Charles Brehm, who was standing to the left, at curbside...Brehm told Mark Lane that he 'very definitely saw the effect' of the fatal shot: 'That which appeared to be a portion of the President's skull went flying slightly to the rear of the President's car and directly to its left. It did fly over toward the curb to the left and to the rear.'⁴⁸ He reported in a filmed interview that he believed that a portion of the President's head was blasted leftward and to the rear.⁴⁹

42 ⁴²Summers 56 citing XIX 490, xxii 842, xxiv 219

43 ⁴³24 WC 219, cited in Lipson, *Best Evidence*, p. 18.

44 ⁴⁴Lifton BE p. 43, citing *Rush to Judgment* documentary.

45 ⁴⁵24 WC 213, cited in Lipson BE p. 18.

46 ⁴⁶Summers, 59.

47 ⁴⁷Summers 60, citing XXIV 218

48 ⁴⁸Lifton, BE, 44, citing *Rush to Judgment*, 36.

49 ⁴⁹Lifton BE 17, citing *Dallas Times-Herald*, Nov 22 1963.

Jean Hill ("I frankly thought they were coming from the grassy knoll...I thought it was just people shooting from the grassy knoll.")⁵⁰ Hill told Jim Marrs,

I knew he'd never look our way because all the people were on the other side of the street, so I jumped out into the street and yelled, "Hey, Mr. President, look this way. We want to take your picture." As he began turning toward us, he was hit. Then a bullet hit his head and took the top off.. Mary [Moorman] fell to the ground and shouted, "Get down, they're shooting!" But being young and dumb, I kept standing for a minute trying to see where the shots came from. It was eerie. Everything seemed frozen. I saw a man fire from behind the wooden fence. I saw a puff of smoke and some sort of movement on the Grassy Knoll where he was.

Mary Moorman

Beverly Oliver

James Altgens: "There was flesh particles that flew out of the side of his head in my direction from where I was standing, so much so that it indicated to me that the shot came out of the left side of the head."⁵¹ This strongly suggests a shot came from the right front of the President.

1.6 In the motorcade

Bobby Hargis. Hargis was riding to the left and rear of the president. He was splattered with material from the body of the President, indicating a shot hit the President from the front right. He ran to the knoll immediately after the shooting.

Paul E. Landis, Secret Service agent on the right running board of the car behind Kennedy's, noted that "my reaction at this time was that the shot came from somewhere towards the front."⁵²

Agent **Forrest Sorrels**, traveling in the car ahead of the president, first said that the shots seemed to come from his right,⁵³ though changing his testimony later.

Agent **Paul Landis**, in the car behind the president, indicated that the shot that hit the president's head came from the front.⁵⁴

Agent **Kellerman** -- in the car, but not the driver -- believed that the final two shots came hard upon one another, like "a double bang".⁵⁵

50 ⁵⁰Summers 56, citing VI.206; XIX 479; XXIV 212; XXV 853ff, 875.

51 ⁵¹7:518. Cited in Aguilar; check that.

52 ⁵²Cited in Lane, *Rush to Judgment*, p. 42, citing XVIII 758f.

53 ⁵³summers 56 citing xxi.548, with Sorrels' later testimony at VII 347.

54 ⁵⁴summers 56, citing xviii 758.

Agent Lawson "heard a loud report to his rear. It sounded more like a bang instead of a crack and Lawson didn't think it was a rifle shot. His first impression was that it was a firecracker."⁵⁶

Agent Glen Bennett "thought the [first] sound was a firecracker."⁵⁷

Agent Clint Hill "also thought the initial sound was a firecracker".⁵⁸

Robert Jackson, a photographer for the Dallas Times Herald, riding in an open convertible in the motorcade, cited in Posner (245f). "I noticed two Negro men in a window straining to see directly above them, and my eyes followed right on up to the window above them and I saw the rifle...approximately half of the weapon...and just as I looked at it, it was drawn fairly slowly back into the building..."⁵⁹

Kenny O'Donnell. Tip O'Neill wrote the following, in his memoirs:⁶⁰

I was never one of those people who had doubts or suspicions about the Warren Commission's report on the president's death. But five years after Jack died, I was having dinner with Kenny O'Donnell and a few other people at Jimmy's Harborside Restaurant in Boston, and we got to talking about the assassination.

I was surprised to hear O'Donnell say that he was sure he had heard two shots that came from behind the fence.

"That's not what you told the Warren Commission," I said.

"You're right," he replied. "I told the FBI what I had heard, but they said it couldn't have happened that way and that I must have been imagining things. So I testified the way they wanted me to. I just didn't want to stir up any more pain and trouble for the family."

"I can't believe it," I said. "I wouldn't have done that in a million years. I would have told the truth."

"Tip, you have to understand. The family--everybody wanted this thing behind them."

1.7 Witnesses near the TSBD

Ochus V. Campbell (TSBD VP): "I heard shots being fired from a point which I thought was near the railroad tracks located over the viaduct on Elm Street."⁶¹ He "had no occasion to

55 ⁵⁵summers cites II 74, XVIII 724, II 61

56 ⁵⁶Marrs, 13-14.

57 ⁵⁷*Crossfire* p.14, citing XXIV.542.

58 ⁵⁸*Crossfire* 15, citing II.138-41

59 ⁵⁹Posner, 245f. citing II 159

60 ⁶⁰O'Neill, Man of the House, cited in Lane, Plausible Denial, p. 27f.

look back at the Texas School Book Depository Building as I thought the shots had come from the west."

Arnold Rowland and his wife (Houston, near Decker's office): Rowland had seen "two men, one with a rifle and a telescopic sight, on the sixth floor of the TSBD" in the far west window, and an "elderly Negro with thin hair wearing a plaid shirt" in the easternmost window." They believed that the shots came from the grassy knoll, however.⁶² See appendix to this chapter for lengthier discussion of the Rowlands' testimony, and how it has been treated in the literature, especially by Posner.

These men were also seen by **Carolyn Walter**,⁶³

While I waited, I glanced up at the Depository building. There were two men in the corner window on the fourth or fifth floor. One man was wearing a white shirt and had blond or light brown hair. This man had the window open. His hands were extended outside the window. He held a rifle with the barrel pointed downward. I thought he was some kind of guard. In the same window, right near him, was a man in a brown suit coat. ...In all, I heard four shots."

Richard Randolph Carr, "who was working on the seventh floor of the new Dallas Courthouse...also reported seeing a man wearing a brown coat. Carr said minutes before the motorcade arrived he saw a heavysset man wearing a hat, horn-rimmed glasses, and tan sportcoat standing in a sixth-floor window of the Depository. After the shooting, Carr saw the man walking on Commerce Street."⁶⁴ See below, for more on Carr.

Ruby Henderson (across from TSBD) saw two men in the TSBD on an upper floor. "She described the shorter of the men as having a dark complexion, possibly even a Negro, and wearing a white shirt. The shorter man was wearing a dark shirt."⁶⁵

Ronald B. Fischer and **Robert E. Edwards** (SW corner of Elm and Houston): "Less than ten minutes before the motorcade arrived, Edwards commented: 'Look at that guy there in the window.' Looking up, Fischer saw the head and shoulders of a man wearing a white T-shirt or possibly a light sportshirt." Fischer heard what he thought was a firecracker, and then shots that he believed were coming from west of the TSBD.⁶⁶

61 ⁶¹Lane, *Rush to Judgment*, citing XXII 638.

62 ⁶²*Crossfire*, 20, no citation.

63 ⁶³*Crossfire*, 20, citing Summers, p. 74 and *Dallas Morning News*, Nov. 28, 1978.

64 ⁶⁴*Crossfire*, 21, citing an interview of witness with Gary Shaw, April 1975, and also XIII. 8-9 of the HSCA; that may refer to Ruby Henderson, however; check on that.

65 ⁶⁵*Crossfire*, 21,

66 ⁶⁶*Crossfire*, 23. citing V. 195.

Hugh W. Betzner was near Houston and Elm: "I heard a loud noise. I thought this noise was either a firecracker or a car had backfired. I looked up and it seemed like there was another loud noise in a matter of a few seconds. I looked down the street and I could see the President's car and another one and they looked like the cars were stopped."⁶⁷

Virgie Rachley (later **Mrs. Donald Baker**), who worked at the TSBD, heard what she first thought was firecrackers, but then she saw something hit the pavement...It looked just like you could see the sparks from it."⁶⁸

Sandy Speaker (Millican's and Brennan's supervisor) was apparently coming from north of the TSBD; he said

I was less than a half-block away and heard the shots. I heard at least five shots and they came from different locations. I was a combat Marine with the First Marine Division in World War II, hand-to-hand combat, missions behind enemy lines, and I know what I am talking about. I've said for years there were more than three shots fired.⁶⁹

1.8 Policemen:

Harry Weatherford, Dallas deputy sheriff, thought the shots came from the railroad yards behind the knoll, and he ran in that direction after the shots.

J. L. Oxford, Dallas deputy sheriff, also said he ran toward the knoll after the shooting.

Deputy L.C. Smith said, "I was standing in front of the Sheriff's Office on Main Street and watched the President and his party drive by. Just a few seconds later, I heard the first shot which I thought was a backfire, then the second shot and third shot rang out. I knew that this was gun shots and everyone else did also I ran as fast as I could to Elm Street just west of Houston and I heard a woman unknown to me say the President was shot in the head and the shots came from the fence on the north side of Elm."⁷⁰

W.W. Magra, county bailiff (Main and Houston) "heard the first shot. I thought it was a backfire. People ran toward the knoll. Some said they saw smoke there. I thought at first the shot may have come from there."⁷¹

1.9 Other

Robert H. West (across Main from Magra) "heard one small report 'similar to a motorcycle backfire' then three like 'rifle fire.' He said the shots came from the 'northwest quadrant of Dealey Plaza."⁷²

67 ⁶⁷Crossfire 23f, citing WC XIX 467f.

68 ⁶⁸Crossfire, 27, citing VII 508f.

69 ⁶⁹Crossfire 29, interview with Marrs.

70 ⁷⁰Crossfire, 19, citing XIX.516.

71 ⁷¹Crossfire 19-20, no citation.

James Altgens, AP photographer. Altgens noticed that "just before the motorcade came by, a number of people suddenly appeared behind the wall on the knoll. He added that he thought it was an odd place to watch the parade from since the car would speed up right there as it entered the Stemmons Freeway."⁷³

A. J. Millican was halfway between Houston and the Triple Underpass; he reported,

Just after the President's car passed, I heard three shots from up toward Elm right by the Book Depository Building, and then immediately I heard two more shots come from the arcade between the Book Store and the Underpass, then three more shots came from the same direction only sounded further back. It sounded approximately like a .45 automatic, or a high-powered rifle.⁷⁴

James Altgen was certain that there were no further shots after the fatal head shot.⁷⁵

Steven F. Wilson, who had an office on the third floor of the TSBD, heard three shots, with more time between the second and third shots than between the first and second.⁷⁶

Others in the TSBD:

Elsie Dorman;

Dorothy Ann Garner,

Victoria Adams,

Sandra Styles.

Bonnie Ray Williams, who worked in the TSBD as well, testified about a "

first shot--there was two shots rather close together. The second and the third shot was closer together than the first shot...well, the first shot--I really did not pay any attention to it, because I did not know what was happening. The second shot, it sounded like it was right in the building...it even shook the building, the side we were on . Cement fell on my head...And we

72 ⁷²*Crossfire* 20, citing an interview with West.

73 ⁷³Lifton, BE, p. 29.

74 ⁷⁴*Crossfire* 28, citing XIX. 486.

75 ⁷⁵*Crossfire* 34, VII 517ff.

76 ⁷⁶*Crossfire* 44, citing XX.685

thought...we know the shots came practically over our head. But...we assumed maybe somebody was down there.⁷⁷

Charles Givens, who was a block away from the TSBD where he worked by the time of the shooting, noted that "by the time we got to the corner down there of Houston and Elm, everybody was running, going toward the underpass over there by the railroad tracks."⁷⁸

"Many of Oswald's fellow employees thought the shots came from the knoll. Billy Lovelady was standing in the doorway of the Texas School Book Depository, Steve Wilson was on the third floor, Victoria Adams and Mrs. Alvin Hobson were both on the fourth floor. None thought the shots came from the sixth-floor sniper's nest, and Lovelady and Adams specifically stated that they thought the shots had come from the direction of the grassy knoll. [in note:Lovelady said the sounds came from "right there around hat concrete little deal on that knoll..." He told the FBI: "I did not at any time believe the shots had come from the Texas School Book depository Building." [6 WC 338; 22 WC 662] Steve Wilson told the FBI: "The shots really did not sound like they came from above me." [22 WC 685] One floor up was Victoria Adams. The alleged assassin's window was two floors above her and to her left. Adams testified" "...it seemed as if it came from the right below, rather than from the left above." [6 WC 388] Mrs. Alvin Hopson told the FBI: "it did not sound to her like the sounds were coming from her building." She stated that she thought " they [firecrackers] had been set off on the street below." [24 WC 521]⁷⁹

Marrs notes that "[n]early everyone present recalled a pause of several seconds between the first burst of fire and the final two shots, these coming rapidly one after another."⁸⁰

Howard Brennan:

Amos Lee Euins:

Ed Hoffman

Ed Hoffman is a Deaf man who was twenty-seven years old at the time of the assassination.⁸¹ Off from work for the day because he was on his way to the dentist, he drove through Dealey

77 ⁷⁷Marrs 48f, citing III 175.

78 ⁷⁸WC VI 355.

79 ⁷⁹Lipson, BE, 17.

80 ⁸⁰*Crossfire* 15.

81 ⁸¹Quotation comes primarily from *JFK: Breaking the Silence*, by Bill Sloan, Taylor Publishing Co., Dallas TX, 1993, pp. 10-49. His observations to Sloan were voiced by an interpreter. I met with Mr. Hoffman in Dallas on Nov. 22, 1994, and signed with him directly, and he confirmed this account, showing me the precise spot behind the picket fence where he saw the two men.

Plaza before the president's motorcade had arrived, and then as he got onto the Stemmons Freeway, he pulled off onto the shoulder, parked his car, and walked back to stand on the bridge going over Elm, Main, and Commerce. From that position he had a clear view of the oncoming motorcade.

Behind the wooden fence on the grassy knoll, Hoffman saw two men. One was dressed in a business suit, with a tie and a narrow brimmed black hat, while the other was dressed in a railroad worker's attire, in striped overalls and a cap. When the motorcade arrived, the man in the suit took out a rifle and shot; Hoffman saw a "spark of light. I saw a puff of fluffy white smoke...An instant later, I saw the businessman turn back away from the fence, and as he turned around, I could clearly see the gun in his hand. I could see the brown stock as he held the gun out in front of him. Then, very quickly, he tossed the gun over to the train man and started running. He ran past the parked cars and kept on going, running north into the railroad yards...The train man was still standing there. I could see him very plainly I watched him take the gun apart. I don't know how he did it because I don't know anything about guns, but he dismantled it and put it inside the brown suitcase. then he started running, too. He ran off to the north, into the railroad yards. I managed to keep him in sight until he ran behind a train. He ran right around the caboose and disappeared, and after that I couldn't see him anymore."

Lee Bowers

Two men, one middle-aged and fairly heavysset, wearing white shirt and dark trousers
Other was mid-twenties in either a plaid shirt or plaid coat

Ed Hoffman

Two men, one dressed in a business suit, with a tie and a narrow brimmed black hat, the other was dressed in a railroad worker's attire, in striped overalls and a cap.
First man took out a rifle and shot; Hoffman saw white smoke; he turned back from the fence with the gun in hand, brown stock.
Then he tossed the gun to the other man and started to run
The other man took the gun apart, put it in a brown suitcase, and starts to run off to the north to the railroad tracks.

1 Where did the witnesses place Kennedy's wounds?

• *Abraham Zapruder*

"...He was hit right in the head--I saw it right around here, so it looked like it came from here and it could come from there." Liebler: "All right, as you stood here on the abutment and looked down into Elm Street, you saw the President hit on the right side of the head and you thought perhaps the shots had come from behind you?" Zapruder: "Well, yes."⁸²

• *Samuel A. Kinney*

"I saw one shot strike the president in the right side of the head."⁸³

82 ⁸²7: 572. Check that. Cited by Aguilar.

83 ⁸³CE 1024, 18:731. Check that. Cited by Aguilar.

- *Emory Roberts*

"I saw what appeared to be a small explosion on the right side of the President's head, saw blood, at which time the President fell further to his left."⁸⁴

- *Clint Hill*

"The right hear portion of his head was missing. It was lying in the rear seat of the car. His brain was exposed."⁸⁵

- *Marilyn Sitzman*

"The shot...hit him...above the ear and to the front." Thompson: "In other words, if one drew a line vertically upward from the top of the ear, it would be forward of that line." Sitzman: "Yes." Thompson: "It would then be back of the temple, but on 6the side of the head?" Sitzman: "Between the eye and the ear..."⁸⁶

- *Sam Holland*

...the whole right side of the President's head includng part of his face had been blown off. [Thompson, p. 105, cited by Aguilar; get the full citation.]

2 *Zapruder film*

2.1 *Jiggle analysis*

At the time of the HSCA analysis, an analysis that came to be known as "jiggle analysis" was performed on the Zapruder film. A careful study of the frames of the Zapruder film would allow of several measurements of the "jiggle" added to the film by the unintentional jerking motions superimposed by Abraham Zapruder as he reacted to the sound of the shots.

Three quantitative measures were considered in the HSCA report, presented by William Hartmann, a specialist in astronomical photography. The first measure was the simplest -- a measure of "smear", so to speak, within each frame; this was a measure of how long an image would be created by a single point of light on that frame. When a single point of light (in the real world) is represented in the frame by a single point of light, there is no smear, and by this first measure, the jiggle would be said to be zero. If Zapruder's hands moved the camera some slight amount during the time that the camera's shutter was open on any given frame, then there will be a measurable smear that will show up on the frame. We can then, as Dr. Hartmann did for the HSCA, produce a graph of the amount of smear on each frame; I will refer to this as the "smear measurement".

The second measure that was presented was related to the one that we have just described; this second measure was proposed some time earlier by Luis Alvarez, a world-renowned physicist who made a number of observations regarding the scientific analysis of the Kennedy assassination. Alvarez proposed that instead of considering the "smear measurement" directly, we would do better to consider the *differences* between the smear measurements of consecutive frames. A person who was panning the camera with the passage of the President's motorcade (as Zapruder was doing) would have some natural smear built right in to the image as a result of the panning.

84 ⁸⁴CE 1024, 18:734. Check that. Cited by Aguilar.

85 ⁸⁵2:141. Check that. Cited by Aguilar. See also 2:141.

86 ⁸⁶Thompson, p. 102. Check that. Cited by Aguilar.

By looking at the differences between smearing on consecutive frames, we level out that difference.

The third measure, used by Frank Scott for the HSCA, was to determine where the camera was pointing in each frame, and to compare these aiming-points of successive frames. A perfectly calm, tranquil, and jiggle-free panning of the camera would produce a film in which this third measure should show a smooth and more or less constant transition between adjacent frames of the film. The difference between the aiming-point of one frame and that of the next is a *vector* (that is, a line with a precise length and a precise direction); let us call it the *aim-change vector*. The measure of the jiggle is then the size of the difference between consecutive aim-change vectors. In the best of all worlds, these three measures would lead to similar conclusions.

Each of these measures can be graphed, and each give a number that can be assigned to each frame of the Zapruder film. The greater the number, the more jiggle we may say there is at that frame. Is there a connection between degree of jiggle and the occurrence of a bullet shot? Even before the Kennedy assassination, it had been determined that there was indeed such a connection, but things other than bullet shots, and things other than sounds, can cause jiggle; and, indeed, there is *some* jiggle at all points. Can we set some kind of a threshold for jiggle in such a way that we can say that if there is jiggle above that amount, it must be the result of a loud sound? No, we cannot. Can we go the other way, and say that if there were a shot at a given moment, then there would have to be jiggle of at least some quantifiable amount? No, we cannot. If either of these were the case, we could draw some very strong conclusions. But even without these principles, we can gain some information from the photo analysis, as Hartmann notes. While we do not antecedently know where most of the shots occur on the Zapruder film, of one we are certain, and that is the head shot of Z313. Not surprisingly, then, the largest measure of jiggle is that associated with the frames 313-319.⁸⁷ That result tells us nothing about the Kennedy shooting, but it gives us some initial confidence that the measures at hand will measure what we are interested in. The frame-internal with the second greatest degree of jiggle is the interval from Z190-200, leading to Hartmann's conclusion that a shot was fired at Z190. Hartmann observes that this proposition is supported by the statement by Philip Willis that his photograph of Kennedy's motorcade, taken at Z202, was snapped as a reaction to the sound of the gunfire (what Willis believed to be the first shot).

2.2 HSCA

HSCA report

shot number	1	2	3	4
Z number	161	191	298	313
seconds	0	1.66	7.49	8.31
hit		Magic bullet	miss	JFK head
source	TSBD	TSBD	grassy knoll	TSBD

1.1 Groden's variant of HSCA

but this wasn't Groden's view, who saw shot 3 as the Z313. Groden's view of these 4 of the six:

shot number	1	2	3	4	5	6
-------------	---	---	---	---	---	---

87 ⁸⁷HSCA vol. 2, p. 16.

Z number		176	206	313	328	
seconds						
hit				JFK		
source				Grassy knoll		

1.1 Josiah Thompson

Josiah Thompson: *Six Seconds in Dallas*, p. 137.

shot		1	2	3	4
Zapruder frame		210-224	234-238	312	313
seconds					
Hit		JFK's back	Connally	JFK head	JFK head
Source		From TSBD, 6th floor	East side of Dealey Plaza	TSBD, 6th floor	Stockade on GK
Declination angle in degrees		17-18.5	22-28	12	6.5
Angle from car's axis to firing point		163-167	190-250	174	50

1.1 Michael Kurtz

Kurtz's theory:

1st shot: between Z210 and Z224, from a "lower floor of the Texas School Book Depository Building" wounding JFK in the shoulder, with the bullet coming in at a slight angle, coming upwards.

2nd shot: Z236, hitting Connally in the back, with a downward angle of 25 degrees.

3rd shot: Z313 from behind the wooden fence on the Grassy Knoll.

4th shot: Z329, from the rear, causing the flap of scalp to come forward.⁸⁸

Michael Kurtz *Crime of the Century*

shot number		1	2	3	4
Z number		210-224	236	313	329
seconds					
hit		JFK shoulder	Connally	JFK head	JFK head
source		Low in TSBD	High in TSBD	Grassy knoll	Rear

1.1 Raymond Marcus

Marcus notes that there is a blur detected by Alvarez, by Harmann and by Scott in the period Z226-229 (See HSCA VI 26).

Raymond Marcus

⁸⁸Kurtz, *Crime of the Century*, xxvi-xxvii.

shot number	1	2	3	4
Z number	189	225	237-8	(313)
seconds				
hit	JFK throat	JFK back	Connally	(JFK head)
source				

Z-207	Z-210	Z-223	Z-313
car obscured by Stemmons sign	first moment of view to TSBD	Car re-emerges, JFK already hit	Final head shot of JFK

After the assassination, Abraham Zapruder's secretary called authorities, and his undeveloped film was given to them. By November 25, *Life* magazine had bought the film, and the saga of the film's history begins.

Life magazine was the central piece in the Luce publishing empire, and as we noted in Chapter 5, Henry Luce was heavily involved in right-wing politics. In 1963, *Life*'s publisher was C.D. Jackson.

In the special issue of *Life* that was published after the assassination,⁸⁹ there was a reversal of frames at the moment of the final killing shot that made it look like Kennedy's body was impelled forward -- the opposite of what actually happened.

Time-Life kept the film secreted in its vaults until the Garrison/Clay Shaw trial in New Orleans (see chapter 9). Garrison, the District Attorney, subpoenaed the film, and though the subpoena was fought all the way to the Supreme Court by publishing company, the Supreme Court ruled that they had to produce the film. At that point, bootleg copies began to circulate, based on the relatively poor copy that *Time-Life* provided to Garrison.

1 Synthesis: Many shots were there, and where did they come from?

1.1 How many shots hit Kennedy

1.2 How many shots hit Connally

1.3 Other bullets strike the ground

"Dallas policeman J. W. Foster, from his vantage point on the top of the Triple Underpass, saw a bullet strike the grass on the south side of Elm near a manhole cover. He reported this to a superior officer and was told to guard the area. Photographs taken that day show both Foster and Deputy Sheriff Walthers standing over the manhole cover.

"Newsmen and spectators were kept at a distance and told that evidence--a bullet --was embedded in the grass inches from the manhole cover. News cameraman Harry Cabluck photographed the scene and recalled seeing more than one gouge in the ground. He, too, was told that a bullet had

89 ⁸⁹*Life*, date.

struck there. However, Cabluck said he took the photographs hours after the assassination and never actually saw a slug.

"One photograph of the slug even appeared in the November 23, 1963, edition of the *Fort Worth Star-Telegram*, with the caption Assassin's Bullet:

One of the rifle bullets fired by the murderer of President Kennedy lies in the grass across Elm Street from the building in which the killer was hiding and from where he launched his assault.

"Inches from the bullet, which is circled in the newspaper photo, is the edge of the cement manhole.

"On November 24, the Dallas Times Herald reported: "Dallas Police Lt., J.C. Day of the crime lab estimated the distance from the sixth floor window the slayer used, to the spot where one of the bullets was recovered, at 100 yards."

"Richard wrote in the December 21, 1963, issue of *New Republic*:

On the day the President was shot I happened to learn of a possible fifth [bullet]. A group of police officers were examining the area at the side of the street where the President was hit, and a police inspector told me they had just found another bullet in the grass."⁹⁰

Marrs adds other testimony to the existence of this bullet, from Wayne and Edna Hartman, who told the FBI that the bullet marks "did not line up with the Texas School Book Depository but rather with the picket fence on the Grassy Knoll."⁹¹

But the bullet was taken away by an FBI agent, mention in Jesse Curry's book, and identified in the video that I have (get his name).

A propos: Posner reports that

After the assassination, two large bullet fragments were found on the front floorboard of the limousine, and a nearly intact bullet on the Parkland stretcher. Neutron-activation tests done on the whole bullet and the fragments show they represent only two bullets. No part of a third bullet was ever found.⁹²

Posner proposes that the damage to the chrome and the inside of the windshield were caused by "fragments that came from the President's head wound."⁹³

Of the bullet mentioned just above, taken away by FBI agent XX, Posner dismisses this report, saying "Walthers denied he ever found or saw any bullet fragment. What he did find was a small

90 ⁹⁰Marrs, *Crossfire*, p. 315. The descriptions from Cabluck come from interviews of Marrs with Cabluck in 1976 and 1986, and those from the Hartmanns from an interview in 1986.

91 ⁹¹Marrs, p. 315-316.

92 ⁹²Posner p. 323.

93 ⁹³Posner p. 323, note *** [sic].

bone fragment, part of the President's skull (Sheriff Jim Bowles, interviewed by author, March 1992, Gus Rose, interviewed by Earl Golz, undated)."⁹⁴

1.1

In his deposition, James Altgens, the AP photographer, testified to his perception of the timing of the shots. He said that his picture (Commission exhibit 203) was taken within a split second of the first shot, and that there were no shots following the head shot, which we may associate with Zapruder 313; the final shot, that is, hit the President.⁹⁵

1.1 The magic bullet theory: could Kennedy and Connally have been injured by the same bullet?

1.2 CE 399: the Pristine Bullet of Parkland Hospital

A bullet was found at Parkland Hospital in Dallas shortly after the assassination, on a stretcher that had lain next to the stretcher that had borne Governor Connally. An engineer at the hospital, Darrel Tomlinson, had moved a stretcher back towards the wall to make room for persons using the elevator, and a bullet had come out, apparently stuck under the mat. Tomlinson believed that the stretcher that the bullet fell from was not the one that he had brought off the elevator, though that was the one that had carried Governor Connally for a period, but he was not certain as to which stretcher it fell out of.

This bullet was turned over to the Secret Service, who in turned passed it to the FBI. The FBI's ballistics examiner, Robert A. Frazier, testified that it had no trace of blood or tissue on its surface, though we would expect to find such traces if the bullet had indeed passed through the two men, causing the damage to President Kennedy and Governor Connally as proposed in the Warren Commission account, to which we will return in the next chapter. The bullet itself was of full weight (158.6 grams, not significantly different from the average weight of a full bullet of its type). Some writers have noted that as much as 3 grains may be missing from the base, but Robert Frazier noted at the Garrison trial (see chapter 9) that he himself had removed some lead from that bullet for the purposes of his testing.

Vincent Guinn performed neutron activation analysis for the HSCA, comparing CE 399 (the magic bullet), the fragments removed from Connally's wrist (CE 842), fragments removed from Kennedy's brain (CE 843), and material found on the floor of the limousine (CE 567, CE 840).⁹⁶ He concluded that all the material came from exactly two bullets. Guinn suggested that the range of metallic composition found among Western Cartridge Col Mannlicher-Carcano bullets was great enough that the agreement found supported a strong conclusion that there were exactly two bullets, and not fragments from bullets made in a single batch.

It has also been suggested that at the autopsy, Dr. Humes found another bullet not noted in the report. In a memo dated 22 November 1963 from Francis X. O'Neill and James W. Sibert (both FBI agents) to Cap. J. H. Stover, Jr., Commanding officer at the Naval School in Bethesda, the agents "hereby acknowledge receipt of a missile [sic] removed by Commander James J. Humes,

94 ⁹⁴Posner 326.

95 ⁹⁵? WCD 515-522 (get volume number).

96 ⁹⁶Posner, p. 341, citing HSCA I 492, with the major conclusion on p. 504.

MC, USN on this date."⁹⁷ We will discuss this below in section xx of this chapter, in connection with a full bullet that was found by Admiral David Osbourne during the Bethesda autopsy, a bullet not accounted for in the official Warren Commission account.

1.1 Bullet with sabot

Marrs writes,

Dean Morgan of Lewisville (a suburb of Dallas) was told Texas researchers that in 1975 his father was working on air-conditioning equipment on the roof of the Dallas County Records Building located just catercorner from the Texas School Book Depository. The Records Building's west side faces onto Dealey Plaza and there is a waist-high parapet along the edge of its roof.

According to Morgan, his father discovered a 30.06-caliber shell casing lying under a lip of roofing tar at the base of the roof's parapet on the side facing Dealey Plaza while searching for water leaks.

The shell casing is dated 1953 and marks indicate it was manufactured at the Twin Cities Arsenal. One side has been pitted by exposure to the weather, indicating it lay on the roof for a long time. The casing, which remains in Morgan's possession, has an odd crimp around its neck.

Rifle experts have explained to Morgan that this is evidence that a sabot may have been used to fire ammunition from a 30.06 rifle. A sabot is a plastic sleeve that allows a larger-caliber weapon to fire a smaller-caliber slug. The results of using a lighter-weight slug include increased velocity producing more accuracy and greater striking power. And the smaller slug exhibits the ballistics of the weapon it was originally fired from, rather than, in this case, the 30.06, as the sabot engages the 30.06's rifling.⁹⁸

- *James Tague:*

long story, and don't forget his surprise at being told by Liebeler (?) that he, Tague, had recently been back to Dealey Plaza; and that his film was later stolen during a break-in at his house. See Hurt. See Weisberg 1994, *Case Open*, p. 155, for Shaneyfelt's original testimony. Weisberg says or implies that the lack of chipping at the point when Shaneyfelt tested the curb in May 1964 was due to some repairing that had been done in the meantime. He also indicates that the lab test performed on the removed chunk of curb (a test performed not by Shaneyfelt but by Agent Gallagher, who did not testify) showed that the smear of lead on the curb was aligned with a direction from the west, hence not from the School Book Depository, but from the Grassy Knoll.⁹⁹

97 Cited in Garrison, *On the Trail of the Assassins*, p. 244, citing a document made public under a FOIA request by Mark Lane.L

98 Marrs, *Crossfire*, 317, citing an interview with Morgan.

99 Weisberg *Case Open*, p. 156, citing Weisberg, *Post Mortem*, p. 458.

1.1 Fatal Head Shot: Was Kennedy hit twice in the head around Z313?

See Thompson, pp. 90ff for a quantitative analysis leading to an account with two shots, one at Z312 from the rear, and one from the front at Z313.

1.1 Were there hits after Z313?

1.1 What witnesses said about bunching of shots

1. See testimony by Cecil Ault, cited in Thompson, p. 76, at 24 H 534. "He noted that the first and second shots sounded to him to be close together and the third shot was spaced more after the second shot, the first two shots sounding close enough to be from an automatic rifle."

2. Sam M. Holland. See interview material in Thompson, pp. 83ff. "Holland had heard four shots, not three, and the third and fourth were fired so close together that they sounded almost like a double shot." The third shot was not as loud as the 1st, 2nd or 4th (p. 84). The 3rd and 4th were "pretty fast together. They weren't simultaneous, as we say. They were "boom-boom."...The fourth seemed to come from the north end of Houston Street. "The third and fourth bullets hit the President...the President fell over when the third and fourth shots were fired." They hit him in the head.

1.1 Summary and conclusions

1 Suspects observed at the scene: Braden/Brading; the three tramps

After the assassination:

1.1 "Jim Braden"/Eugene Hale Brading.

A man who identified himself as "Jim Braden" was arrested by the police in the Dal-Tex building immediately after the shooting. In 1970 [check that], Peter Noyes of KNXT uncovered the fact that "Braden" was a pseudonym used by Eugene Hale Brading, a man with longstanding mob ties and a long criminal record; he had spent time earlier in the year in New Orleans, using an office in the Pere Marquette Building, and he had stayed the night before at the Cabana, a hotel that Jack Ruby had visited the night before.¹⁰⁰ He was in Dallas on business concerning Lamar Hunt and oil.¹⁰¹

Connections to Morgan Brown, Cabana Motel, Ruby's visit there, Nov. 21.

Connection to Lawrence Meyers (friend of Ruby) and Edward Meyers. Lawrence Meyers also at the Caba Motel, Nov. 20-21 (with Jean West; see Garrison's book).

1.1 Jack Lawrence

Here is what Henry Hurt says, without identifying this man as Jack Lawrence:

100 ¹⁰⁰Davis, *Mafia Kingfish*, 190. Noyes published *Legacy of Doubt* in 1973.

101 ¹⁰¹Russell, 593.

"Another unheralded arrest in Dallas that afternoon was that of an ardent right-wing speaker who, according to some witnesses, had been seen in Jack Ruby's nightclubs. According to information pieced together by assassination researcher and author Bernard Fensterwald, Jr., this man arrived in Dallas in October and applied for a job at the Downtown Lincoln-Mercury dealership, which is only two blocks west of Dealey Plaza. He presented favorable references from a New Orleans automobile dealership--references that later proved to be fabrications. He was hired as a car salesman. [95: citing Fred J. Cook, *The Irregulars Take the Field*, *The Nation*, July 19, 1971, and interview with Fensterwald]

"The day before the assassination, the new salesman was given permission to borrow one of the company cars. He is supposed to have told his boss that he needed it because he had a "heavy date" that evening. The next morning, the individual failed to show up for work. His superiors became worried about the car he had borrowed.[96: *ibid* plus Shaw with Harris, *Cover-up*, p. 90]

"Thirty minutes after the assassination, only a couple of blocks away, the salesman appeared at the showroom. According to Gary Shaw's *Cover-up*, in an account Shaw says is based on Fensterwald's work, this is what happened next: "[He] came hurrying through the showroom with mud on his clothes, pale and sweating profusely; he ran to the restroom and threw up. He told co-workers that he had been ill that morning, tried to drive the car back to the dealership and finally parked it because traffic was so heavy. Two employees went to get the car...[and found it] parked...behind the wooden fence on the knoll, overlooking the assassination site." The young man had also been an expert marksman in the Air Force. [97:*ibid*]

"All of this caused great suspicion among the new salesman's associates. He was arrested but soon released. He left Dallas immediately. He was never questioned by the Warren Commission. [98:*ibid*]."

1.1 Three tramps

A number of people were arrested by the Dallas police immediately after the assassination, but the most celebrated of them has turned out to be three men who were rousted from a freight car on the railroad tracks overlooking Dealey Plaza. The three tramps -- as they have come to be called -- were paraded through the plaza, and a number of photographs of the men are at our disposal. No record of their arrests, however, remains among the police archives.

The case has been made that one of the men was Charles V. Harrelson, a Dallas man currently in prison in connection with the murder of Judge John Wood of San Antonio.¹⁰² When arrested, Harrelson held the business card of Russell Douglas Matthews, a man Harrelson later said he was close to.¹⁰³ Matthews had connections to Lewis McWillie, as well as to Trafficante, Hollis de Lois Green, Jettie Bass, Nick Cascio, and James Todd.

mcadamsj@vms.csd.mu.edu writes: >The following article appeared in the Sunday, February 9, 1992 edition >of the Houston Post (Houston, Texas). This story was sold to "A Current Affair" (broadcast 2/25). The LaFontaines are regular producers for that show as well as "Hard Copy". The story was turned down by 60 Minutes, among others.

102 ¹⁰²At the time of Harrelson's arrest, the business card of Russell D. Matthews was found on him; Matthews was a Dallas racketeer with close ties to Jack Ruby in the early 1960s [Mafia Kingfisher, 470].

103 ¹⁰³check that: Marrs, 335.

Chapter 7: November 22, 1963

> Lodged within the 18 legal-size standing file folders in the >city's archives are several photos of accused presidential killer Lee >Harvey Oswald and police arrest forms for three men who until now were >nameless and identified only as "bums" or "tramps" who were picked up >following the shooting of Kennedy and then-Texas Gov. John Connally. I'll have to find the exact number, but there were about a dozen "tramps" or "hoboes" picked up that day. At least two others were picked up in the RR yards following the assassination. Following the ACA broadcast, the New York Daily News reported on Gedney and Doyle. "they said they were at a mission the day of the assassination, 'had gotten some food and had gotten cleaned up and were wandering back toward the railroad yard' when they were arrested, said Oliver Revell, head of the Dallas FBI office." In the ACA report, Kay Lyon is quoted as a former neighbor of Doyle.

"Well, he told me he was in jail for two or three days, and during that time he had been fingerprinted and questioned. He showed me a photograph of him when he was arrested after they got off the train and you know he was not proud of it but he didn't mind showing it to anybody." Apparently, he did. The photo was not broadcast by ACA, and a follow-up investigation was unable to see it. Perhaps it no longer exists. Note his claim (albeit through hearsay) that he was fingerprinted. Doyle, himself, on the ACA broadcast:

"...We was booked and I went in front of the Judge and got six days for vagrancy and turned loose. That morning we went over to the railroad yards. We was going to Fort Worth and i seen a guy in the railroad...before we went to the railroad yards, sirens and everything was going on and all and we asked somebody what happened and they said the Presidents been shot. Then all at once someone said, 'Don't make a move.' We looked up the end we were siting in and the far end down the side be were surrounded by policemen with guns drawn and they said, 'Don't make a move.' Because the got us out of the boxcar and took us through the park...all the people was a hollering, was going on and the sirens were going and people were taking pictures of us and people were hollering, 'Are they the ones that done it?' ...they took us into the jail. They took us up and interrogated us. Kept us till they caught Oswald. He was right across the desk from us and the man that was with us said, 'You boys are sure lucky. You see the guy that killed the President in person.'" There is no record of Doyle being booked. The DPD says they just "threw him in the cooler" for a few days. Had he been booked, he would have been fingerprinted, as he claims he was.

Doyle claims that sirens were blaring *before* he entered the RR yard, which is consistent with the FBI statement cited above. Doyle claims he was in Oswald's proximity and actually saw him. While there is no way to refute that, it is inconsistent with the timing reported. He would have already been in custody at the Sherriff's department (county jail) where the "tramps" were taken following their arrest. They were transferred to the city facility in time for the arrest record to reflect the time of 4pm. Why on earth they would have been allowed into the proximity of LHO during that period is beyond me. Doyle says he went before a judge and was held for six days. He saw no judge, and was released in four. Doyle says he was taken from a boxcar; arresting officers Vaughn and Harkness say the "three tramps" they marched across Dealey were taken from a gondola car. Harkness is also on record as denying these three men were the ones he helped to arrest and march through Dealey because the three tramps he arrested were all released immediately. Doyle, upon being shown photos of the "three tramps", claims he was the forwardmost "tramp". Doyle was eight years younger than Gedney. While it is impossible to determine age from a photo, one should consider the age difference reflected by Doyle's statement as compared to what the photos show. If anything, the second tramp does not look eight years older than the first one. Finally, Doyle doesn't look anything like the first tramp shown. See for yourself.

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The archival files show records were indeed apparently kept on >the three. They list their names as Gus W. Abrams, 53, Harold Doyle, >32, and John Forrester Gedney, 38. Left empty on arrest forms, however, >are spaces for an arrest number, ID number and right thumbprint. > > The reports, filed by officer W. E. Chambers, are dated Nov. 22, >1963, at 4 p.m. They list charges against the three as vagrancy and >robbery. W.E. Chambers, following the ACA broadcast:

"You mean all that stuff on the news? They got that wrong. My name is on the document but it is wrong. I never questioned them. I might have seen them. I don't remember. I signed the reports but there was some mistake." Chambers has refused all comment since that interview. All three arrest records show that the men were released November 26 at 9:25am by DPD Officer Ernest Beck. Following the ACA broadcast Officer [retired] Beck stated that he cannot remember anything of this event. > "These men were taken off a train boxcar in the rail yards right >after President Kennedy as shot," Chambers writes on Abrams' arrest >description. Descriptions on the two other reports are similar. Yet the arrest records reflect the time of 4pm. And DPD Officer D.V. Harkness is on record as being part of the arrest team of the three tramps who were photographed going through Dealey Plaza, yet his first performed duty following the assassination was to help seal the TSBD.

I don't doubt that Doyle and his friends were arrested as indicated by the report. That is not the issue. The issue is whether Doyle is one of the infamous three tramps in the photo. The details cited above and the "official" records are, of course, not definitive, though they do indicate significant disparities between Doyle's story and what is known of the tramps. Also Doyle's memory is questionable. But we have photos. See for yourself. The information I have posted is from *Coup D'Etat In America*, Weberman & Canfield, republished 1992 by Quick Trading Company. It contains copies of the arrest reports, detailed photo analyses, and a current photo of Mr. Doyle. -- Mark Singer, on internet.
-- Mark Singer mss@netcom.com

1.1 Behind the Grassy Knoll

One witness, Jesse Price, from a building top, saw a man about twenty-five who was wearing a white dress shirt with Khaki-colored trousers run off towards the passenger cars on the railroad siding, and Price thought the man was carrying something.¹⁰⁴ Witness Jean Hill ran across Elm Street and up the embankment of the grassy knoll, and in the parking lot encountered a tall, slender man who produced Secret Service documentation; she lost track of a man who was still running away from that area. Likewise, a moment later, Patrolman Joe Smith went up to the parking lot behind the picket fence and found a man standing by a car who produced credentials showing he was from the Secret Service. Smith noticed that the man was wearing a sportclothes, and he had dirty hands. Later the Secret Service reported that there were no Secret Service agents in the area. (The reader will recall that Chauncy Holt has indicated that he supplied false documentation for men working in precisely this location, though not Secret Service documentation.)

Another Dallas officer, John Tilson, saw a man sliding down the west side of the embankment, a man who was in his late 30s, about 5' 9", stocky, 185-195 pounds, with dark hair and wearing

104 ¹⁰⁴Summers, 80, citing XIX 492, and an interview of Price by Mark Lane, March 27, 1966, and hscA xii 12.

dark clothes; the man threw something in the back of a black car he had parked, got in and drove off. Tilson attempted to follow, but lost the man after jotting down the license plate number. Officer Tilson reported the event and the license number, but no record of it has been found in the police records. He believed the man looked very much like Jack Ruby, who he knew, but he could not give a definitive identification.¹⁰⁵ (However, the car has not been identified on photos of the area at the moment of the assassination.)

1 The scene in the TSBD

Police Inspector Sawyer noted over the police radio (as he also testified from the log) "we have found empty rifle hulls on the fifth floor and from all indications the man had been there for some time."¹⁰⁶

Tom Alyea was a "WFAA-TV cameraman who entered the TSBD immediately after the assassination, before the DPD sealed off the building....When he had trouble filming the three shells on the sixth floor because of the boxes that surrounded them, Captain Will Fritz picked up the shells and held them in his hand so that they could be photographed, then threw them back down. This occurred before the crime-scene search unit had arrived. This means that, according to Alyea, the official photographs of the three shells do not show them as they were found, but as they were after Fritz tossed them down."¹⁰⁷

1.1 Running from the Texas School Book Depository

i. Deputy Sheriff Roger Craig, at around 12:40, saw a "white male running down the hill from the direction of the Texas School Book Depository Building and I saw what I think was a light-colored Rambler station wagon with luggage rack on top pull over to the curb and this subject who had come running down the hill get into this car. The man driving this station wagon was a dark-complected white male."¹⁰⁸

This was corroborated by Marvin C. Robinson, according to an FBI report cited in Hurt (p. 119). Hurt: "...just as Robinson crossed the Elm and Houston intersection, he saw a 'light-colored Nash station wagon' stop in front of the Book Depository. A white man walked down the grassy incline from the building, got into the Nash, and the car moved off in the direction of Oak Cliff...Robinson's account...was omitted from the twenty-six volumes of the Warren Commission exhibits. It finally was discovered years later in documents housed in the National Archives [59:Shaw with harris, Cover-up p. 14]

ii. "Richard Carr, a steelworker who saw a heavysset man on the sixth-floor of the Depository minutes before the shooting, saw two men run from either inside or from behind the Texas School Book Depository minutes after the assassination.

105 ¹⁰⁵ Summers, 82, citing an interview of Earl Golz of the *Dallas Morning News*, and an article in the *News*, 20 August 1978; also cited in Marrs, *Crossfire*, p. 325f.

106 ¹⁰⁶WC VI 322.

107 ¹⁰⁷Benson 1993, p. 12

108 ¹⁰⁸Marrs, 327. Also Hurt 120, citing 19 WCD 524; and 13 HSCA 17.

"He claimed the men got into a Nash Rambler station wagon facing north on the west side of Houston street by the east side of the Depository He said the wagon left in such a hurry one of its doors was still open. He last saw the staion wagon speeding north on Houston. " Carr had been on the seventh floor of the courthouse, which was under construction; when he got outside, he saw the man he had seen up on the sixth floor of the TSBD, walking eastward on Commerce Street, "in an extreme hurry and ...looking over his shoulder."¹⁰⁹

1 Oswald's behavior: at the scene, after the event

Before the assassination, Oswald was seen on the sixth floor by four workers before the assassi-
nation: Eddie Piper, Bill Shelley, Charles Givens, and Carolyn Arnold.

1. "Depository janitor Eddie Piper swore in an affidavit that he saw and spoke with Oswald on the first floor at noon."^{110,111}
2. "Bill Shelley was part of the floor-laying crew that left the sixth floor around 11:45. He testi-
fied unambiguously that after coming down for lunch he saw Oswald on the first floor near the
telephones."¹¹²

109 ¹⁰⁹Marrs, Crossfire, 318, citing, apparently, an interview by Shaw of Carr. Marrs also re-
lates a story that Carr tells about his treatment from the FBI:

The FBI came to my house--there were two of them--and they said they heard I witnessed the assassination and I said I did. They told me, "If you didn't see Lee Harvey Oswald up in the School Book Depository with a rifle, you didn't witness it." I said, "Well, the man I saw on television that they tell me is Lee Harvey Oswald was not in the window of the School Book Depository. That's not the man." And [one of the agents] said I better keep my mouth shut. He did not ask me what I saw, he told me what I saw."

"Not long after this encounter with the FBI, Carr's home was raided by more than a dozen Dallas policemen and detectives armed with a search warrant. Claiming they were looking for "stolen articles," they ransacked Carr's home while holding him and his wife at gundpoint. Carr and his wife were taken to jail but later released. The day after the police raid Carr received an anonyous phone call advising him to "get out of Texas."

Carr finally moved to Montana to avoid harassment, but there he found dynamite in his car on one occasion and was shot at on another.

After testifying in the New Orleans Clay Shaw trial, Car was attacked by two men in Atlanta. Although stabbed in the back and left arm, Carr managed to fatally shoot one of his assailants.

1 Marrs, p. 318.

2 ¹¹⁰Kurtz, p. 118; Roffman p. 180 cites 6 H 383, and 19 H 499.

3 ¹¹¹WCR NYTimes ed. 232.

4 ¹¹²Roffman, p. 178, citing 7 H 390.

3. Carolyn Arnold, a secretary at the TSBD, saw Oswald sitting in one of the booths in the second floor lunch room at 12:15 or slightly later.¹¹³ Posner remarks that Virgie Rachley and Betty Dragoo accompanied her to the second floor lunchroom, but they did not report seeing Oswald.¹¹⁴

4. In his final testimony to the Warren Commission representatives, Charles Givens said that he had gone downstairs for lunch from the sixth floor [fifth? check that], where he was involved in laying down some plywood flooring. He noticed he had left his cigarettes in his jacket pocket, so he went back upstairs in the elevator, and saw Oswald on the east side of the building, about midway between the north and the south walls.¹¹⁵ There were stacks of books that Givens and his coworkers had stacked on that eastern part of the floor, to enable them to work on the flooring on the western part of the floor, and Oswald was walking towards Givens (who was by the eastern [check that] elevator, at the northeast part of the floor), holding a clipboard in his hand. Or so goes this testimony. But as soon as we scratch at the surface, this testimony unravels. Consider the supporting testimony from Police Inspector J. Herbert Sawyer, who had apparently sent for Givens.

Sawyer says in his testimony to David Belin that at some point between 12:45 and 1:30, he (in his words) "put out another description on the colored boy that worked in that department."¹¹⁶

David Belin seemed surprised, and said, "What do you mean, 'the colored boy that worked in that department'?"

Sawyer answered, "He is one that had a previous record in the narcotics, and he was supposed to have been a witness to the man being on that floor. He was supposed to have been a witness to Oswald being there."

Belin: Would Charles Givens have been that boy?

Sawyer: Yes, I think that is the name, and I put out a description on him.

Belin: How do you know he was supposed to be a witness on that?

Sawyer: Somebody told me that. Somebody came to me with the information. And again, that particular party, whoever it was, I don't know. I remember that a deputy sheriff came up to me who had been over taking these affidavits, that I sent them over there, and he came over from the sheriff's office with a picture and a description of this colored boy and he said that he was supposed to have worked at the Texas Book Depository, and he was the one employee who was missing, or he was missing from the building.

5 ¹¹³Summers, 108. Posner, 227. Posner also notes that Arnold's account to Summers differs from the her publicly available account; Summers emphasizes that Arnold protested that the FBI had misquoted her. Posner says she signed her FBI report, however. Verification of the signature would be helpful in this case; at least one other witness, Julia Ann Mercer, has alleged that her signature was forged on the FBI statement. (see Garrison, *On the Trail*).

6 ¹¹⁴Posner 227, citing CE 1381, WC XXII 635 and 645.

7 ¹¹⁵WC VI 349-350.

8 ¹¹⁶WC VI 321.

He wasn't accounted for, and that he was suppose [sic] to have some information about the man that did the shooting.

Belin: When you say about the man who did the shooting, did you know at that time who did the shooting?

Sawyer: No.¹¹⁷

This is not a particularly clear statement--not at all clear. What we seem to be learning is that Sawyer (a) has put out a police description, looking for a black man, perhaps by name; (b) Sawyer has done this because someone -- he does not know who -- has told him that this black man can attest to the presence of a worker on the sixth (or fifth) floor at some time relevant to the assassination, and/or that this black man can help identify by name a TSBD employee who is now unaccounted for (though the obvious irony is that the black man is himself no longer present); (c) the two most salient characteristics of the missing witness in Sawyer's mind are that he is black, and that he has a narcotics violation police record; (d) someone was so well-organized that at this point they had a file photograph of this black employee. This last point is especially striking. Let us assume for the moment that Mr. Givens's role as a witness to Oswald's whereabouts was not organized ahead of time, so that we can consider the degree of organization that would be called upon. A police officer must have spoken to Givens, gotten the sense that he had some important information, then lost sight of him; remembering his name, the officer ran back to the sheriff's office to check out Givens's criminal record and obtain a photograph, then run back to the TSBD, and pass the information to Sawyers.

Nothing of the sort happened, though, it seems. Givens himself had left the TSBD sometime shortly after noon,¹¹⁸ and along with his friends James and Edward Shields, had watched the president's motorcade from the corner of Main and Record, about two blocks away. When he went back to the TSBD and tried to get his hat and coat, he was told that he could not go into the building. Officer Dawson saw him and asked him if his name was Givens; when Givens agreed that it was, Dawson told him that Givens would have to go downtown and make a statement. If we had only this to go on, we might find it simply odd, and if we were inclined to be suspicious, we might see Sawyer's account as hiding a witness whose testimony was manipulated with the threat of using a past narcotics conviction against the witness. But the following passage from an article by Jerry Policoff lends considerable support to these suspicions:

One of the important witnesses for the Warren Commission was Charles Givens, a porter employed at the Book Depository. In a deposition taken by Commission lawyer David W. Belin, Givens testified that he had left the 6th floor (where he'd worked) at about 11:30 a.m. on the morning of the assassination, but that he had forgotten his cigarettes, and when he returned to retrieve them at about noon he encountered Oswald lurking near the Southeast corner window--the alleged sniper's nest.

Writing in the August 13, 1971 *Texas Observer*, Sylvia Meagher cast great doubt upon the veracity of Givens and the methods of the Warren Commission. Her article, "The Curious Testimony of Mr. Givens," revealed that ma-

9 ¹¹⁷WC VI, 321-322.

10 ¹¹⁸WC VI 351

terial from the National Archives relating to Givens gave an entirely different account.

On the day of the assassination Givens told authorities that he had last seen Oswald at 11:50 a.m. reading a newspaper on the *first* floor of the Depository. Neither then nor in two subsequent affidavits sworn to prior to his Warren Commission testimony did he ever mention having returned to the 6th floor.

However, an F.B.I. agent's report noted a statement by Lt. Jack Reville of the Dallas Police that Givens had previously had difficulty with the Dallas Police and probably "would change his testimony for money." Moreover, David Belin, the lawyer who took Givens['] testimony, was aware of Givens' earlier statements, for he had noted them in a memo six weeks *before* Givens testified. In that same memo he noted that three other Depository employees, like Givens, had also reported seeing Oswald on the *first* floor.¹¹⁹

In Givens' original interview with the FBI, Special Agents Griffen and Odum say that On November 22, 1963, GIVENS worked on the sixth floor of the building until about 11:30 A.M. when he used the elevator to travel to the first floor where he used the restroom at about 11:35 A.M. or 11:40 A.M. GIVENS then walked around on the first floor until 12 o'clock noon, at which time he walked onto the sidewalk and stood for several minutes, then walked to the Classified Parking Lot at Elm and Records Street. GIVENS then walked to Main Street to watch the parade and after the President and the group had passed, he walked back to the parking lot, at which time he heard several shots fired from the direction of the building at which he is employed. He attempted to return to work but was told that he had been released for the balance of the day.

GIVENS advised that a white male, known as LEE, was employed in the same building and worked as a wrapper or order filler. ...on November 22, 1963, GIVENS recalls observing LEE working on the fifth floor during the morning filling orders. LEE was standing by the elevator in the building at 11:30 A.M. when GIVENS went to the first floor. When he started down in the elevator, LEE yelled at him to close the gates on the elevator so that he (LEE) could have the elevator returned to the sixth floor.¹²⁰

11 ¹¹⁹"How all the news about political assassinations in the United States has not been fit to print in The New York Times," Jerry Polikoff, in *The Realist*, October 1972, Number 94.

12

13 ¹²⁰Roffman, p. 274-5.

Some, like Posner, propose that Oswald took this opportunity to assemble a rifle and to set boxes up to form the "sniper's lair" found on the sixth floor by the window. Assembling the rifle requires a screwdriver, though none was found; in a pinch, a dime would serve to do it, though it took an FBI agent six minutes to assemble the rifle with a dime.¹²¹

Oswald himself placed himself in the first floor lunchroom just before the assassination (where he said that "Junior" Jarman, one of his coworkers, had also been; he had gone up to the second story to buy a Coke at the moment of the assassination.¹²²

Posner notes workers who assert that they did not see Oswald in either the first or the second floor lunchrooms:

Junior Jarman, with whom Oswald claimed to have had lunch, denied even seeing him during his lunch break. Troy West was inside the first-floor domino room eating lunch from 12:00 to nearly 12:30 and did not see Oswald during that half hour. Danny Arce, Jack Dougherty, and Charles Givens also ate in the first-floor room up to 12:15 and said there was no sign of him.¹²³

[(1) Junior Jarman;¹²⁴ (2) Troy West was in the first floor domino room from 12:00 to nearly 12:30, and did not see Oswald.¹²⁵ Posner suggests that three other workers were there until 12:15, and did not see Oswald (Danny Arce, Jack Dougherty, Charles Givens).¹²⁶]

Posner's account is misleading. (1) *Jarman's* own account of his movements are that he was eating his sandwich in one hand, with his pop bottle in the other, walking around the first floor, trying to finish up as quickly as possible ("I was trying to get through so I could get out on the street"); the sense that we get from listening to his description is that he was not located specifically in the first floor lunchroom, the domino room.¹²⁷ (2) *Troy West* (3) *Danny Arce* (4) *Jack Dougherty* (5) *Charles Givens* was simply outside the TSBD by very soon after 12 noon, as noted above.

Doubt is cast on Oswald's presence on the sixth floor during the period from 12:00 to 12:30 by the testimony of Bonnie Ray Williams, who was eating his lunch up on the sixth floor, expecting his coworkers to come join him. When they didn't, around 12:20, he threw down what remained of his lunch and left the floor, at "approximately 12:20".¹²⁸ This bit of testimony is obviously of

14 ¹²¹Posner, 226, citing II 252.

15 ¹²²IV 224, cited in Posner.

16 ¹²³Posner 227.

17 ¹²⁴Posner cites III, 201

18 ¹²⁵Posner 227, citing IV 361f.

19 ¹²⁶Posner 227, citing Vi 352; VI 365; VI 378.

20 ¹²⁷WC III 198ff.

21 ¹²⁸Marrs 47, citing WC III.175

great importance, and Posner believes it more credible that Williams left the sixth floor by 12:05; Posner reports that on Nov. 23, that was the time that he had given the FBI. There appears to this writer to be no principled basis for choosing one extreme or other for the time at which Mr. Williams left the sixth floor.

Oswald was positively identified by a police officer, Marrion Baker, who had rushed into the Texas School Book Depository immediately after the shooting. There he encountered Roy Truly, the manager of the Depository, and together they raced up the stairs. On the second floor they found Oswald, drinking a Coca-Cola from a machine in the cafeteria. Baker asked Truly who the man was, and Truly identified him as a Depository employee, Lee Oswald. Having identified him, Baker let him go and continued upstairs. Oswald left the Depository.

What did Oswald do after the assassination? The Warren Commission says that he left the TSBD at 12:33. One worker, Mrs. Robert Reid, noticed him leaving as she walked in.¹²⁹ "Mrs. Robert Reid, a secretary in the Book Depository, watched the motorcade from the front steps of the building. After the shooting, she went back inside in order to avoid being shot herself. Not knowing what else to do, Mrs. Reid took the front stairs to the second floor and walked toward her desk. Just as she arrived at the desk, Mrs. Reid noticed Lee Harvey Oswald walking toward her. He was drinking a Coke. Mrs. Reid asked Oswald if he knew the president had been shot. Oswald muttered something she did not understand and proceeded very slowly toward the stairs leading down to the front door of the Depository Building. The time was 12:33."¹³⁰

The official account has him walking east on Elm, walking several blocks, and getting on a Mar-salis bus at the corner of St. Paul and Elm, driven by Cecil McWatters. Sharing the route at that point is also the Beckley bus, but it was not in view at that point, according to Posner, citing WC II 265; Lane, citing WC II 276, 283, says there was a Beckley bus right behind. I must check on that!

Oswald got off the bus within a matter of minutes because traffic was blocked and could not go through Dealey Plaza. A bus transfer was found among Oswald's effects which placed him on McWatters's bus, and Dallas police contacted McWatters on Nov. 22. McWatters was taken to a lineup that evening, and he identified Oswald as the man to whom he had given the transfer earlier that day, but the next day he say another man board his bus, a Milton Jones, and it was Milton Jones who McWatters was certain had asked for (and gotten) the transfer the day before. And now McWatters could no longer identify Oswald as the man who had been on the bus.¹³¹

The only witness who felt certain that she had seen Oswald was Mary Bledsoe, who had been Oswald's landlady for a few days when he moved back to Dallas the month before. Her testimony is lacking in detail, except for one point: she said that his shirt had a hole in the sleeve by the right elbow. This detail matches perfectly with the shirt that Oswald was wearing when arrested, and would seem to firmly support the reconstruction of Oswald's steps--except that, as

22 ¹²⁹III 278, cited in Posner, 266.

23 ¹³⁰Kurth, *Crime of the Century*, p. 13.

24 ¹³¹Lane, *Rush to Judgment*, 159f., citing WCD II 270ff.

Mark Lane observes,¹³² the Secret Service had the shirt brought to Mrs. Bledsoe's house for her to inspect it shortly before she presented her testimony!¹³³ Furthermore, she read from prepared notes at times during her testimony, and it came out that the notes were prepared at the suggestion of Secret Service Agent Forrest Sorrels,¹³⁴ because, as she said, "I forget what I have to say."

Oswald (or the man receiving the transfer) would have left the bus at approximately 12:44. He walked, we are told, several blocks, to Lamar and Jackson, and gotten a taxi at the Greyhound Bus Station. The cab driver was William Whaley; Oswald asked to be taken to the 500 block of North Beckley, some five blocks from the boarding house at 1026 North Beckley where Earlene Roberts told the police that Oswald had been renting a room.

1 The murder of Officer J. D. Tippit

1.1

At 12:44, a radio dispatcher at the police station sent out a description of a man wanted for questioning: "Attention all squads. The suspect in the shooting at Elm and Houston is supposed to be an unknown white male approximately 30, 154 pounds, slender build, armed with what is thought to be a 30-30 rifle..."¹³⁵ Where did this description come from? The Warren Commission report notes that "the police radio broadcast a description of the suspected assassin based primarily on Brennan's observations;"¹³⁶ elsewhere, a bit more circumspectly, it says that Brennan's description "most probably led to the radio alert sent to police cars at approximately 12:45 p.m."¹³⁷ Anthony Summers notes that

"[i]n what today seems an astonishing failure, the Warren inquiry never did establish the source of this description. Its best guess was that it arose from a police officer's conversation with Brennan, one of the witnesses who claimed too have seen a man with a gun in the sixth-floor window."¹³⁸

Howard Leslie Brennan, age 45, was sitting on a concrete retaining wall across from the Texas School Book Depository. He was on a lunch break from the construction project he worked at as a pipe fitter. Before the motorcade arrived, he testified, he saw a man in an upper floor of the Depository, a slender white man in his early thirties wearing light-colored clothing. Brennan testified that from 12:22 to 12:24, he saw a man leave and return to the window "a couple of times." He stated that the man was standing up, and apparently based his opinion of the man's height on

25 ¹³²Lane, *Rush to Judgment*, 163.

26 ¹³³VI 412f., cited in Lane, *Rush to Judgment* 163.

27 ¹³⁴VI 407, cited in Lane, *Rush to Judgment* 163.

28 ¹³⁵Summers p. 83, similar to Russell, 548, both citing WC XXIII 916

29 ¹³⁶Warren Commission report, NYTimes edition, p. 23.

30 ¹³⁷WCR, NYTimes edition, p. 133 ("eyewitness identification of assassin")

31 ¹³⁸Summers, 83.

that assumption, but we know that the man he saw could not have been standing up, since the window was only partly open at the bottom, as a contemporaneous photograph of the window shows. Brennan reported, "and after the President had passed my position...I hear this crack that I positively thought was a backfire....Well, it appeared to me he was standing up and resting against the left window will...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."¹³⁹

Brennan went to speak to a police officer after the shooting (though apparently only after rushing towards the grassy knoll¹⁴⁰), saying that he had seen a gunman in the Depository. Brennan was brought to the police station in the evening, where he was unable to identify Oswald as being the marksman in the Depository.¹⁴¹ A month after the assassination Brennan said that he was sure the man he had seen was Oswald, but his recollection had changed three weeks later.¹⁴²

In an interview with Jim Marrs, Brennan's foreman said,

They took [Brennan] off for about three weeks. I don't know if they were Secret Service or FBI, but they were federal people. He came back a nervous wreck and within a year his hair had turned snow white. He wouldn't talk about [the assassination] after that. He was scared to death. They made him say what they wanted him to say.¹⁴³

But the description had gone out. Officer Tippit stopped his patrol car to speak to a man, perhaps because the man fit the description that had just gone out. [...]

Mark Lane¹⁴⁴ observes,

Captain W.P. Gannaway, the officer in charge of the Dallas Police Department Special Service Bureau...said that Oswald's description was broadcast because he was missing from "roll call" of Book Depository employees. "He was the only one who didn't show up and couldn't be accounted for," Gannaway said. This attempt to explain why Oswald was wanted implies both that there was a comprehensive roll call in the building and that Oswald was the only person unaccounted for just after 12:30 p.m. In the first place, there was no such roll call, and in the second place, Oswald was not the only employee absent from the building after the assassination. Out of a total

32 ¹³⁹III WC 144.

33 ¹⁴⁰Summers 109

34 ¹⁴¹Marrs, p. 26 and Summers 109, who cites WC III 142, Report 145; see WRC NY-Times edition, p. 135.

35 ¹⁴²Summers 109. WCR, NYTimes edition 135, gives a summary of Brennan's waffling on whether it was Oswald that he saw.

36 ¹⁴³Marrs, p. 26.

37 ¹⁴⁴*Rush to Judgment*, Chapter 5

of 75 persons employed in the building, 48 were outside at 12:30 and five had not reported for work that day....even among the eight employees known to have been on the sixth floor earlier that day, Oswald was not "the only one who didn't show up and couldn't be accounted for." [reference here to VI 321.]

Police chief Jesse Curry...said that OSwald became a suspect "after the police had found on the sixth floor the rifle they believed was the assassination weapon. [Lane bases this on an article in the New York Times, Nov 24, 1963]. That explanation is equally unacceptable, since the broadcast was prior to 12:45 and the rifle was not discovered until 1:22 p.m.

Police Inspector J. Herbert Sawyer closed off the TSBD at a time no earlier than 12:37, and probably no later than 12:40, according to the Warren Commission's determination, on the basis of Sawyer's testimony.¹⁴⁵ But it was he who broadcast the description that went out over the police radio at 12:43, the first description of a man to be considered a suspect (called Sawyer Deposition Exhibit A by the Warren Commission). Sawyer says that the "description came to me mainly from one witness who claimed to have seen the rifle barrel in the fifth or sixth floor of the building, and claimed to have been able to see the man up here."¹⁴⁶ But Sawyer seemed to have simply no recollection of who the man was, other than that he was white; see the discussion above.

1.1 Oswald keeps on moving

Earlene Roberts, the housekeeper at 1026 North Beckley, where Oswald kept a room, saw Oswald rush into the house at around 1 P.M. Time is important at this moment, as we shall see. She said that he stayed no more than 3 or 4 minutes, and hurried out, zipping up a jacket. She then saw him standing at a bus stop in front of the house on the east side of Beckley.

"Oswald was next seen about nine-tenths of a mile away at the southeast corner of 10th Street and Patton Avenue, moments before the Tippit shooting." (WCR 165)

"At least 12 persons saw the man with the revolver in the vicinity of the Tippit crime scene at or immediately after the shooting. By the evening of November 22, five of them had identified Lee Harvey Oswald in police lineups as the man they saw. A sixth did so the next day. Three others subsequently identified Oswald from a photograph. Two witnesses testified that Oswald resembled the man they had seen. One witness felt he was too distant from the gunman to make a positive identification....

A taxi driver, William Scoggins, was eating lunch in his cab which was parked on Patton facing the southeast corner of 10th Street and Patton Avenue a few feet to the north. A police car moving east on 10th at about 10 or 12 miles an hour passed in front of his cab. About 100 feet from the corner the police car pulled up alongside a man on the sidewalk. This man, dressed in a light-colored jacket, approached the car. Scoggins lost sight of him behind some shrubbery on the southeast corner lot, but he saw the policeman leave the car, heard three or four shots, and then saw the policeman fall. Scoggins hurriedly left his seat and hid behind the cab as the man came back toward the corner with gun in hand. The man cut across the yard through some

38 ¹⁴⁵WC VI 320, 321.

39 ¹⁴⁶WC VI 322.

bushes, passed within 12 feet of Scoggins, and ran south on Patton. Scoggins saw him and heard him mutter either "Poor damn cop" or "Poor dumb cop." The next day Scoggins viewed a lineup of four persons and identified Oswald as the man whom he had seen the day before at 10th and Patton.

The line up that Scoggins saw -- the same one that William Whaley saw -- consisted of five young teenagers and Oswald. Whaley observed that "you could have picked [Oswald] 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...He showed no respect for the policemen, he told them what he thought about them....they were trying to railroad him and he wanted his lawyer...Anybody who wasn't sure could have picked out the right one just for that..."¹⁴⁷

In his testimony before the Commission, Scoggins stated that he thought he had seen a picture of Oswald in the newspapers prior to the lineup identification on Saturday. He had not seen Oswald on television and had not been shown any photographs of Oswald by the police. Another witness, Domingo Benavides, was driving a pickup truck west on 10th Street. As he crossed the intersection a block east of 10th and Patton, he saw a policeman standing by the left door of the police car parked along the south side of 10th. Benavides saw a man standing at the right side of the parked police car. He then heard three shots and saw the policeman fall to the ground. By this time the pickup truck was across the street and about 25 feet from the police car. Benavides stopped and waited in the truck until the gunman ran to the corner. He saw him empty the gun and throw shells into some bushes on the southeast corner lot. {It was Benavides, using Tippit's car radio, who first reported the killing of Patrolman Tippit at about 1:16 p.m. "We've had a shooting out here." No; T.F. Bowley who succeeded in using the radio; see Kurtz, p. 1135ff} He found two empty shells in the bushes and gave them to Patrolman J.M. Poe who arrived on the scene shortly after the shooting. Benavides never saw Oswald after the arrest. When questioned by police officers on the evening of November 22, Benavides told them that he did not think that he could identify the man who fired the shots. As a result, they did not take him to the police station. The following April, in his official testimony, he still could not identify the man who he had seen.¹⁴⁸ He testified that the picture of Oswald which he saw later on television bore a resemblance to the man who shot Officer Tippit. (Posner quotes Benavides as telling Walter Cronkite that "No, sir, there is no doubt at all [that the man he saw was Oswald]. I could even tell you how he combed his hair and the clothes he wore and what have you....You don't forget things like that" -- in 1967.¹⁴⁹)

Just prior to the shooting, Mrs. Helen Markham, a waitress in downtown Dallas, was about to cross 10th Street at Patton. As she waited on the northwest corner of the intersection for traffic to pass, she noticed a young man as he was "almost ready to get up on the curb" at the southeast corner of the intersection, approximately 30 feet away. The man continued along 10th Street.

40 ¹⁴⁷Marrs, *Crossfire*, 341.

41 ¹⁴⁸Kurtz, 138, citing Vi 444ff.

42 ¹⁴⁹Posner, p. 276.

Mrs. Markham saw a police car slowly approach the man from the rear and stop alongside of him. She saw the man come to the right window of the police car. As he talked, he leaned on the ledge of the right window with his arms. The man appeared to step back as the policeman "calmly opened the car door" and very slowly got out and walked toward the front of the car. The man pulled a gun. Mrs. Markham heard three shots and saw the policeman fall to the ground near the left front wheel. She raised her hands to her eyes as the man started to walk back toward Patton. She peered through her fingers, lowered her hands, and saw the man doing something with his gun. "He was just fooling with it. I didn't know what he was doing. I was afraid he was fixing to kill me." The man "in kind of a little trot" headed down Patton toward Jefferson Boulevard, a block away. Mrs. Markham then ran to Officer Tippitt's side and saw him lying in a pool of blood.

Mrs. Markham was screaming as she leaned over the body. A few minutes later she described the gunman to a policeman. Her description and that of other eyewitnesses led to the police broadcast at 1:22 p.m. describing the slayer as "about 30, 5'8", black hair, slender". At about 4:30 p.m., Mrs. Markham, who had been greatly upset by her experience, was able to view a lineup of four men handcuffed together at the police station. She identified Lee Harvey Oswald as the man who shot the policeman.

Markham claimed to have talked for some time with the dying Tippitt, yet medical authorities said he was killed instantly. She said she saw Tippitt's killer talk with the policeman through his patrol car's right-hand window, although pictures taken at the scene show that window was shut...[I]n her testimony before the Warren Commission, Markham stated six times she did not recognize anyone in the police lineup that evening, before Commission attorney Joseph Ball prompted, "Was there a number-two man in there?"

Markham responded

Other witnesses:

2. Virginia Davis and Barbara Davis (sisters-in-law), at 10th and Patton. Posner notes that they both picked Oswald up on a police line-up that night.¹⁵⁰
3. Ted Callaway. He hollered, "Hey, man, what the hell is going on?" The assailant, who had a pistol in his hand, did not say anything intelligible in response. Callaway ran to Tippitt, took his gun, and drove through the area with Scoggins looking for the man. He picked Oswald out at a line-up that night.¹⁵¹
4. Sam Guinyard picked him out of a lineup that day as well.¹⁵²
5. Warren Reynolds also testified to seeing Oswald. He was shot in the temple on January 23, 1964, just two days after giving his testimony to the FBI.
6. William Arthur Smith
7. B. M. Patterson

43 ¹⁵⁰Posner, p. 275

44 ¹⁵¹Posner, 276f.

45 ¹⁵²Posner, 277.

8. Jack R. Tatum, who spoke to the HSCA.
9. Aquilla Clemons
10. Frank Wright
11. T.F. Bewley. "Bewley was driving to pick up his wife when he saw the body of Officer Tippit in the street. He looked at his watch as he got out to help; it read 1:10 p.m."¹⁵³

1.1 The jacket

1.2 Bullets found on the scene

"Benavides and Virginia and Barbara Davis found four shells...."¹⁵⁴ Two were Winchester-Western bullets, two were Remington-Peters bullets. But of the four bullets found in Tippit at the autopsy, three were Winchester-Webster and one was Remington-Peters. (Posner suggests that Oswald had a heterogenous load of bullets, and fired off five shots, with one of the W-W shots missing its target; the police declared that they found six bullets in his revolver and five loose bullets when he was arrested: eight W-W and three R-P¹⁵⁵).

The gun that the police declared they found on Oswald was a .38 caliber that took .38 special ammunition. Posner says that of the four shells found, three were consistent with Oswald's gun, and a fourth was definitely matched to the gun.

1.1 Turning into the theater

Johnny Brewer, manager of a shoe store, saw a man turn his back and look into the store window as the police cars raced by, and when they were gone, he headed on down the street. Brewer went and talked with the ticket seller, Julia Postal, at the Texas Theater nearby. They concluded that the man had gone into the theater, though he had not bought a ticket, and they called the police.

William Burroughs was in charge of the concession stand at the theater, and he did not see Oswald enter. As Posner notes, Burroughs said in a 1987 interview that Oswald had arrived at the theater not long after 1:00 and had bought popcorn from him. Posner's comment is that Burroughs was rejected from the army because "his intelligence score was too low."¹⁵⁶

Postal and Brewer noted that the exit doors were locked, and Postal called the police, who arrived quickly. They found Brewer at the back of the theater, and asked him to point out the suspect. "And I or two or three other officers walked out on the stage and I pointed him out..."¹⁵⁷

1 Oswald's arrest at the Texas Theater; Oswald in police custody

According to FBI Special Agent Manning Clements, Oswald's wallet contained the following items:

46 ¹⁵³Benson, p. 38, citing Summers, p. 92, *Rush to J*, 171-173, 186, 195, *On the Trail* 196.

47 ¹⁵⁴Posner 279.

48 ¹⁵⁵Posner, p. 279, citing WC III, 459.

49 ¹⁵⁶Posner 279n.

50 ¹⁵⁷WC VII:6, cited in Posner, 282. Posner chides Robert Sam Anson for seeing something suspicious in that a man who was sitting near the front stood up and point Oswald out to the police. Posner takes it for granted that the man was Johnny Brewer.

A Selective Service card in the name of Lee Harvey Oswald
A Selective Service card in the name of Alek James Hidell [though see section 20 below]
A Certificate of Service, U.S. Marine Corps, in the name of Lee Harvey Oswald
A Certificate of Service, U.S. Marine Corps, in the name of Alek James Hidell
Department of Defense identification card in the name of Lee Harvey Oswald
United States Forces, Japan, identification card in the name of Lee Harvey Oswald
Social security card in the name of Lee Harvey Oswald
A handwritten card with the words: Embassy USSR, 1609 Decatur NW, Washington.
D.C. Consular Reznichenko
A paper with the address of The Worker, published by the American Communist Party
A membership card for the Fair Play for Cuba Committee, in the name of Lee H. Oswald,
with a New York address
A membership card for the Fair Play for Cuba Committee, in the name of L.H. Oswald,
signed by A.J. Hidell
A photograph of Oswald in a U.S. Marines uniform
A photograph of Marina and child
A Marine marksman's medal
\$13¹⁵⁸

A interesting point has been raised (Eddowes 1977, and more recently White 1993) regarding the Selective Service card (draft card) issued in Oswald's name, a card which does not appear among the photographs in the Warren Commission documents.¹⁵⁹ The photograph that appears on the draft card in Oswald's name differs from that in Hidell's name in just one respect, other than the names: the photographs are different, and the photograph that appears on the Oswald draft card is identical to a photograph that does appear in the Warren Commission report (CE 2892, XXVI, p. 346), where it is identified as a photo of Oswald taken in Minsk.

1 The early case against Oswald:

The case against Oswald early on was summarized by the FBI on the day after the assassination for President Johnson as follows:¹⁶⁰

Oswald had been employed at the Texas School Book Depository, determined to have been the building from which the shots had been fired. [*As we have already seen, thirty years of study have not substantiated the case that all, or even some, of the shots came from the TSBD.- JG*]
A fellow employee had observed him to carry to work, on the morning of November 22, a package of sufficient length to contain a rifle. [*As noted in XX above, below, the package was not of*

51 ¹⁵⁸Davis, *Mafia Kingfish*, 243-4

52 ¹⁵⁹White notes that the photograph has appeared in four places: *Investigation of a Murder*, by Judy Bonner (1969); *Chief Jesse Curry's JFK Assassination File*; Michael Eddowes, *Krushcheve Killed Kennedy* (19xx) and *The Oswald File* (19xx). (Jack White, 29ff, *The Third Decade*, 9(2)29-32.

53 ¹⁶⁰Blakey/Billings p. 21

sufficient length to carry the Mannlicher Carcano rifle that presumably belonged to Oswald, and not even in a broken-down state.-JG]

He had been observed on the fifth floor of the Book Depository at 11:50 A.M. [It later turned out he was seen on the sixth floor at about 11:45] [*However, Oswald was observed in the 2nd floor cafeteria, where he claimed to have been at the time of the assassination, at approximately 12:15, seen by the secretary of the [vice]president of the TSBD [name] JG*]

He had been observed inside the Book Depository shortly after the shooting, but he had then disappeared.

A witness stated he had seen the shots being fired from a sixth-floor window of the Book Depository by a man resembling Oswald, though he could not make a positive identification after viewing the suspect in a police lineup.

A housekeeper at a rooming house at 1026 North Beckley Avenue said that Oswald, who had lived there since October 14 as "O. H. Lee," had come by about 1 P.M. on November 22 to pick up a jacket and had departed hurriedly.

A 6.5 caliber Italian rifle, found on the sixth floor of the Book Depository, had been sent from Chicago to one "A. Hidell," the name on a Selective Service card in Oswald's possession at the time of his arrest.

A bullet found on a stretcher at Parkland Hospital and fragments from the presidential car had been identified as having been fired from the rifle found in the Book Depository.

A latent fingerprint on a brown paper bag found near the window from which the shots had been fired -- possibly the bag that had been used to conceal the rifle as it was being brought into the Book Depository -- had been identified as the left index finger impression of Lee Harvey Oswald.

Assistant DA William Alexander in Dallas:

I was amazed that a person so young would have had the self-control he had. It was almost as if he had been rehearsed, or programmed, to meet the situation that he found himself in."¹⁶¹

Evidence found in Oswald's apartment

Among Oswald's possessions at the time of his arrest were a number of pieces of expensive photographic equipment, perhaps harking back to his employment at Jagger-Chiles-Stovall, perhaps not. There were three cameras, including an extremely small Minox (see below; Posner claims that Michael Paine has claimed it as his own), a 15-power telescope, two pairs of field glasses, a compass, and a pedometer.¹⁶²

FBI: Special Agent Hosty ran to the Police Station when he heard that Oswald had been arrested in connection with the assassination of the President. Lt. Jack Revill, later reported that Hosty said to him, as they ran together towards the Oswald interrogation, that "we knew that Lee Harvey Oswald was capable of assassinating the president of the United States, but we didn't dream he would do it."¹⁶³ Hosty's later testimony to the Warren Commission directly contradicts this

54 ¹⁶¹Summers, *Conspiracy*, p. 128.

55 ¹⁶²Russell, 270; Russell cites Summers, *Conspiracy*, p. 231-32, and several articles by Earl Golz in the *Dallas Morning News*.

56 ¹⁶³Gentry, p. 545.

statement, and it is by no means self-evident that Revill's testimony should be received uncritically; Hosty himself denied in Warren Commission testimony having made the remark.¹⁶⁴

Later, when Hosty went back to the FBI office, he was called to speak both to Gordon Shanklin, in charge of the Dallas office, and Kenneth Howe, Hosty's direct superior there. Howe had gotten from Hosty's workbox the note that Oswald had left for Hosty two weeks earlier, and Shanklin assigned Hosty to write up a memorandum on the circumstances leading up to Oswald's leaving the message, which Hosty did that afternoon. Two days, as we shall see, Shanklin demanded that Hosty destroy the Oswald note.

Oswald under arrest: Det. Richard Sims: "He was calm and wasn't nervous...He had control of himself."¹⁶⁵

Post inspector Harry Holmes: "He struck me as a man who enjoyed the sutation immednsely, and was enjoying the publicity and everything that was coming his way."¹⁶⁶

Det. Jim Leavelle: "I never saw him raise his voice, and he seemed to answer questions easily. He had a smile a lot of the time, kind of a smirk, really, sort of like he knew something you didn't."¹⁶⁷

Oswald asked for John Abt to be his attorney. Abt's name had been in the papers in association with ...

1 Other participants: Jack Ruby; Sturgis; Mertz, Souetre, Roux;

1.1 Jack Ruby

Officer Tom Tilson, as we have seen, followed an individual leaving Dealey Plaza who looked a great deal like Ruby. Phil Willis, who took some photographs at the moment of the assassination, also believed that he saw Ruby in front of the TSBD shortly after the assassination.

According the WCR, Ruby arrived at the *Dallas Morning News* offices (about two blocks from Dealey Plaza). between 11:00 and 11:30. He was with Don Campbell until around 12:25, when Campbell left, and he was seen there again by John Newman at around 12:45.

Immediately after the assassination, Jack Ruby drove to Parkland Hospital.¹⁶⁸ Early in the evening, around 7 o'clock, Ruby went over to police headquarters, where he was seen on the third floor, where Lee Harvey Oswald was being interrogated. He was seen by police officers and at

57 ¹⁶⁴Gentry, p. 549, n. *.

58 ¹⁶⁵Posner 345, citing VII: 180-182.

59 ¹⁶⁶Posner 345, citing VII: 269.

60 ¹⁶⁷Posner 345, no citation given.

61 ¹⁶⁸*Ruby Coverup*, Seth Kantor p. xx. The Warren Commission disputes this, but Kantor's observations appear a good deal more convincing than the Warren Commission's reasons for skepticism. In addition, Wilma Tice, working at the hospital, also testified to having spoken to Ruby about the possibilities of organ donation (a conversation triggered by a comment about Connally's wounds). See CE2290 (provided in ZDI CDROM).

least one journalist, though Ruby later denied being there, as he denied having been at Parkland Hospital earlier that day.¹⁶⁹ Ruby was also present at police headquarters later that evening when Oswald appeared before the press briefly, and then when District Attorney Henry M. Wade addressed the reporters. Films of that session show Ruby in the back of the room, and they show that when Wade incorrectly identified Oswald as being a member of the Free Cuba Committee (an anti-Castro organization), Jack Ruby shouted out that it was the Fair Play for Cuba Committee that Oswald belonged to.

The next day, Chief of Police Curry announced he would be transferring Oswald to the County Sheriff's office later in the afternoon, and Ruby was seen at the county jail, apparently waiting for Oswald. The transfer was postponed till the next day, and Ruby returned to the third floor of the city police.¹⁷⁰

The next morning, Ruby was present at 11:20 in the police headquarters basement when Oswald was being transferred. Ruby was carrying the pistol he had carried throughout the weekend, and when Oswald appeared, he jumped in front of him and fired one shot into Oswald's abdomen, mortally wounding him.

Hinckle and Turner write,

That afternoon Seymour Ellison, a law partner of Melvin Belli in San Francisco, received a phone call from Las Vegas. Ellison, who had done legal work for Moe Dalitz of the Desert Inn, knew that the caller was connected with casino proprietors who had been ousted from Cuba. "Sy," the Las Vegas man said, "one of our guys just bumped off that son of a bitch that gunned down the President." He wanted Belli, who was in Riverside defending an associate of mobster Mickey Cohen in a murder trial, to take on the defense of Jack Ruby. It was to be understood that the client of record would be Jack's brother, Earl Ruby. Ellison called Belli, who was excited about taking the important case.¹⁷¹

2 The Rifle

Considerable controversy and uncertainty remains regarding the location and identity of a rifle found in the TSBD after the assassination. The Warren Commission report says that "[s]hortly after the assassination, the Mannlicher-Carcano rifle belonging to Oswald was found partially hidden between some cartons on the sixth floor," and this is generally how the discovery has been described.

However, according to a "Combined Wire Services" story which received national circulation, the Dallas police identified a rifle that was found on the *fifth* floor of the Textbook Depository as being a 7.65 Mauser.¹⁷² At 1:22 p.m., Deputy Constable Seymour Weitzman and Eugene Boone

62 ¹⁶⁹*Mafia Kingfish*, 204.

63 ¹⁷⁰MK, 205

64 ¹⁷¹The Fish is Red, p. 222.

65 ¹⁷²Evica, *And We Are All Mortal* (AWAAM), p.15, who cites a "Combined Wire Services story.

found a rifle well covered with boxes, and described it in a sworn affidavit as a 7.65 Mauser bolt action rifle. This description was seconded by Captain J. Will Fritz.

Placing the rifle on a floor lower than the sixth floor -- the floor with the "sniper's nest" -- is substantiated by interviews with Frank Ellsworth, an agent of the federal Alcohol, Tobacco, and Firearms Division, conducted in 1976 and 1992 by journalist Dick Russell. Ellsworth had been nearby the scene at the time of the assassination, and he ran to the building, arriving at the same time as Captain Will Fritz. They searched the building from the top down. "The gun was not found on the same floor, but on a lower floor by a couple of city detectives. If I recollect right, there was an elevator shaft or stairwell back in the northwest corner. The gun was over near that, just south of it behind some boxes." Ellsworth believes that the rifle was found on the fourth floor.¹⁷³

2.1 Source of the Mannlicher-Carcano

Klein's ...The rifle was ordered by A.J. Hidell, based on an advertisement in the February issue of *American Rifleman*, while an ad for the rifle was found among Oswald's effects that had been ripped from the June 1963 issue of the magazine at Alba's garage.¹⁷⁴

We have noted briefly that it has troubled researchers that the Dallas police made no public mention of Oswald's use of the name Alek Hidell (or A.J. Hidell, or a variant on that) until after Klein's had come up with the document showing that Hidell had ordered the rifle; that was not until November 23; we will return to this in section 20 below¹⁷⁵ The police released a great deal of information, including the fact that Oswald had rented his room in Oak Cliff under the assumed name of O.H.Lee. However, it has been claimed that there was no mention during this period of the name which the police later claim was found on the identification that Oswald carried in his pocket -- the identification that would link him, in the Warren Commission's judgment, to the purchase of the Mannlicher-Carcano.¹⁷⁶

Mannlicher-Carcanos were manufactured by ten different Italian factories, a situation which led to the result that there were several -- perhaps ten -- MCs with the same serial number, C2766. One researcher (a defender of the Warren Commission perspective, as it turns out, Dr. John Lattimer) apparently owns a different MC with the serial number C2766.¹⁷⁷

The argument that Oswald owned the gun rest on the conjunction of the genuineness of the mail order at Klein's and its connection to Oswald through handwriting analysis, and the post office box number's connection to Oswald through handwriting analysis (and also on Marina Oswald's testimony, which has in our view no probative value at all.)

66 ¹⁷³Russell, p. 569.

67 ¹⁷⁴Hurt, p. 298.

68 ¹⁷⁵See, for example, Lane, *Rush to Judgment*, 134-135.

69 ¹⁷⁶Lane, loc. cit.

70 ¹⁷⁷Noted in Kurtz, 110-111, citing Lattimer et al., *The Kennedy-Connally One Bullet Theory: Further Circumstantial and Experimental Evidence*, *Medical Times* 36, Nov 1974. See also Evica, *And We Are All Mortal*.

1.1 The three shells found by the window in the sniper's nest.

See the extended discussion in Michael Kurtz, *Crime of the Century*.

1.1 Fingerprints on the Mannlicher-Carcano

While the Mannlicher-Carcano was in the possession of the Dallas police, but before it was turned over to the FBI, Lt. Day, according to his later testimony, dusted the rifle and, quite literally, lifted a print off of the underside of the rifle barrel. This was later identified as Oswald's print. According to his testimony, the rifle was handed over to the FBI before he could complete his examination, and his results were not announced until 27 November. These results have troubled researchers because customary police procedures were not carried out in this case, and those procedures were precisely those which would have silenced the skepticisms.¹⁷⁸ There were no photos taken by Lt. Day of the print while it was still on the rifle, and the FBI did not notice any traces of the powder which Day says he applied.

1.1 The sniper's nest

1.2 Fibers from Oswald's shirt found in the rifle

--Although, as Kurtz points out (p. 109), the rifle and the shirt were shipped to the FBI in the same package, where the two could come in contact.

1.1 Homemade paper bag found at TSBD

The paper bag allegedly used by Oswald to carry the rifle into the Book Depository building is another piece of evidence magically produced by the Dallas police. There is absolutely no evidence of any kind that the bag was found near the sixth floor southeast corner window of the Building. Not even one of the first six Dallas police officers to enter the "assassin's nest" area remembers seeing a bag there. Numerous photographs were taken of the sixth floor, but not one reveals a bag. Dozens of photographs and newsreel films reveal Lieutenant Day removing the rifle from the building, but there are none of him with the bag. The Warren Commission nevertheless accepted without question Day's claim that the bag was found there. The commission even went so far as to publish a photograph of the sixth-floor area showing an empty space enclosed by a drawn-in dotted line as the location of the bag when discovered.¹⁷⁹

1.1 Ammunition

The questions remain unanswered about the ammunition used in the assassination. It is well-known that three spent cartridges were found by the "lair" -- the sixth floor window of the TSBD.

The second question concerns the source of the ammunition. Apparently (check this) in CE 2694, the FBI telephone R.W. Botts, District Manager of the Winchester-Western Division of the Olin Mathieson Chemical Corporation in Dallas, who informs them that Olin did manufacture bullets for the MC during WWII (for the Italians, that is). The FBI searched for sellers of 6.5 MC

71 ¹⁷⁸Kurtz, 109.

72 ¹⁷⁹Kurtz, 152f.

bullets in the Dallas area, and arrived at two sellers: John Brinegar, and John Thomas Masen (Masen bought his supply from Brinegar).¹⁸⁰

1.1 "The dark and scopeless rifle"

There was an "allegation, later rejected by the Warren Commission, that the President was killed by a dark rifle which Oswald had used earlier in the Soviet Union, at which time it lacked a scope and had a longer stock."¹⁸¹ Scott notes (p. 269) the following, apparently from 5 WH 218:

MARINA OSWALD advised that LEE HARVEY OSWALD owned a rifle which he used in Russia about two years ago. She observed what she presumed to be the same rifle in a blanket in the garage at 2515 West Fifth, Irving [Ruth Paine's house]. On November 22, 1963, she observed the same blanket in the garage but the rifle was missing. MARINA OSWALD stated that on November 22, 1963, she had been shown a rifle in the Dallas police Department, reportedly found at the Teas School Book Depository, and was unable to positively identify it as the one she had observed in the above mentioned garage. She stated that it was a dark color like the one she had seen, but she did not recall the sight.

As Scott notes, this line of testimony would naturally lead to the hypothesis that the rifle that had been used to kill the President was a Soviet rifle brought here by Oswald from the Soviet Union; and, as Mamantov pointed out, no ordinary person had a gun in the Soviet Union.¹⁸² She later testified under oath that Oswald had sold his rifle while still in Russia.

1 David Ferrie's activities

After Carlos Marcello's acquittal at the Federal Court House, David Ferrie set off on a trip to Texas. He placed a phone call to the Alamotel, a motel owned by Marcello in Houston, and made a reservation for himself and Alvin Beauboeuf and Melvin Coffey; he also placed a telephone call to the xx of the Winterland Skating Rink in xx. Ferrie, along with Beauboeuf and Coffey, drove some 350 miles through a tremendous rainstorm, to arrive at the Alamotel at 4 A.M. The next afternoon, Saturday, he placed a collect telephone call to Marcello's headquarters, the Town & Country Motel.¹⁸³ They then visited the Winterland and Belair skating rinks, and then drove on to Galveston, and stopped at the Driftwood Motel. In Houston, Ferrie told authorities that he discussed with Rolland the prospects of opening a skating rink in New Orleans; Rolland reported that they had had no extended discussion, and that Ferrie and simply stayed close to the public phone, which he used during the time Ferrie was at the rink. Witnesses told authori-

73 ¹⁸⁰Evica, p. 106.

74 ¹⁸¹Scott 1993, 267f. This quotation is followed by: "In other words, the false and eventually discarded story of a dark and scopeless rifle was used to reinforce what we have called the "phase one" illusion of an international Communimst conspiracy, which the Warren Report later replaced with the "phase two" myth of Oswald as a lone nut." We will return to this important hypothesis in Chapter 12.

75 ¹⁸²Scott 1993, p. 270

76 ¹⁸³Davis, Mafia Kingfish, 186-7.

ties that Ferrie and his associates did not skate at the Belair rink either. Houston. Ferrie, along with Beauboeuf and Coffey, drove some 350 miles through a tremendous rainstorm, to arrive at the Alamotel at 4 A.M. The next afternoon, Saturday, he placed a collect telephone call to Marcello's headquarters, the Town & Country Motel. They then visited the Winterland and Belair skating rinks, and then drove on to Galveston, and stopped at the Driftwood Motel. The next day was Sunday; they set out for New Orleans, and Ferrie learned by telephone before arriving that the district attorney's office in New Orleans was looking for him in connection with the assassination on the basis of Jack Martin's accusation.

- Nov 22
- *Phone call to Alamotel (Marcello) in Houston*
 - *Phone call to Winterland Skating Rink (Chuck Rolland)*
- Nov 23
- *Arrive at Alamotel at 4 A.M. in Houston*
 - *Calls Town & Country motel*
 - *Visit Winterland Motel (Chuck Rolland)*
 - *Visit Belair Skating Rink*
 - *Check out of Alamotel; drive 100 miles to Galveston*
 - *Check in to Driftwood Motel (10 PM)*
 - *Breck Wall, friend of Jack Ruby's, arrives in Galveston and receives a phone call from Ruby at 11:44 P.M. at the home of Thomas J. McKenna.*
- Nov 24
- *Ferrie calls Layton Martens, and finds out that he is being sought in connection with the assassination; drives back to Louisiana, spending that night in Hammond LA, at SE Louisiana University*
- Nov 25
- *Arrives in New Orleans, and goes with Wray Gill to the District Attorney's office.*

In an interview conducted by Dick Russell with Raymond Broshears, a former roommate of David Ferrie's, Broshears offered the following account of Ferrie's activities that weekend:

David was to meet a plane. He was going to fly these people on to Mexico, and eventually to South Africa, which did not have an extradition treaty with the United States. They had left from some little airfield between Dallas and Fort Worth, and David had a twin-engine plane ready for them, and that was the purpose of his mad dash through a driving rainstorm from New Orleans. But the plane crashed off the coast of Texas near Corpus Christi. That was what David was told in the telephone booth that day. Apparently they had decided to try to make it to Mexico on their own. They did not.¹⁸⁴

77 ¹⁸⁴Russell, 575f.

1.1 Oswald-Ferrie connection:

From HSCA vol 10, pp 114ff.

Evidence indicated that Ferrie conducted his own investigation into the Kennedy assassination.

[(1)] *Oswald's former landlady in New Orleans, Mrs. Jesse Garner, told the committee she recalled that Ferrie visited her home on the night of the assassination and asked about Oswald's library card. Mrs. Garner would not talk to Ferrie.*

[(2)] *A neighbor of Oswald's, Mrs. Doris Eames, told New Orleans district attorney investigators in 1968 that Ferrie had come by her house after the assassination, inquiring if Mrs. Eames had any information regarding Oswald's library card. Eames told Ferrie he had seen Oswald in the public library but apparently had no information about the library card Oswald used.*

[(3)] *Ferrie also talked with several former members of the Civil Air Patrol in an attempt to find out if any former cadets recalled Lee Harvey Oswald in Ferrie's squadron. Among those contacted was former cadet Roy McCoy, who told the FBI that Ferrie had come by looking for photographs of the cadets to see if Oswald was pictured in any photos of Ferrie's squadron.*

1.1 Was Ferrie scheduled to pilot someone involved in the assassination?

Dick Russell notes that around 1 P.M. on November 22, a twin-engine plane at Redbird, a private airport, was reported to the police by local residents who complained that the engine was revving its engines and making a lot of noise, but not lifting off; it eventually did lift off, before the police took any investigative action. This information was given to him by Mary Ferrell. Russell also notes that "an FBI file of March 10, 1967, describes statements made by Louis Gaudin, the government's air traffic control specialist at Redbird airport, who recalled observing three men in business suits board a Comanche-type aircraft at about 2:00 P.M. on November 22, head north, then return with only two occupants, where they were met by a Dallas policeman named Haake."

1.1 David Ferrie's library card:

[Posner says that there was rumor "that Ferrie's New Orleans library card had been found in a search of Oswald's house in Dallas after the assassination. That was false, and Ferrie produced his library card for the FBI agents in the November 27 interview."¹⁸⁵]

Ferrie later worked for the United Air Taxi Corporation, owned by Carlos Marcello, and subsequently for Jacob Nastasi at a New Orleans air cargo service (Nastasi was an associate of Carlos Marcello). After that, he came into the ownership of a service station franchise, financed by Carlos Marcello.¹⁸⁶

1 Martin-Ferrie connection

Observation of the HSCA:

(432) Jack Martin, a private investigator associated with Banister,(132) may also have been contacted by Ferrie for assistance on his case. Ferrie testified in August 1963 that he had helped Martin on a case involving a phony religious order in Louisville, Ky., in

78 ¹⁸⁵Posner, 143.

79 ¹⁸⁶Mafia Kingfish, p. 302

November 1961.(133) Later, Martin wrote letters to the FAA and Eastern Airlines on Ferrie's behalf.(134) ¹⁸⁷

7.13 Guy Banister's activities

Jack Martin, a private investigator who worked for Guy Banister, became involved in a heated argument with Guy Banister in Banister's office on Nov. 22, after the assassination. At one point, he said, What are you going to do, kill me like you all did Kennedy, and Banister took out a pistol and beat him on the head with it. Two days later, Martin phoned a friend who knew Asst. District Attorney Martin Kohlman, and told him that he recalled that Lee Harvey Oswald had known David Ferrie since 1955, when they were both in the Civil Air Patrol; he had also overheard them talking about assassinating the President. Kohlman instructed the police to find Ferrie, on that day, the 22nd, but they, of course, were not successful; Ferrie was in Houston. Gill, Ferrie's sometime employer and Marcello's lawyer, informed Kohlman where Ferrie was, and that Ferrie would be back shortly.

More on Jack Martin:

Martin got into a fight with Banister on the night of November 22, a start that started as a verbal confrontation in a bar, and continued as they went back to Banister's office. Martin at one point shouted, "What are you going to do --kill me like you all did Kennedy?" Banister responded by beating Martin in the head with a pistol. Delphine Roberts had to intervene; Martin did not press charges.

On Nov. 24, Martin called someone who he knew was acquainted with Asst DA Herman Kohlman, and Martin said he suspected that Ferrie was involved in the assassination; he mentioned the CAP connection, and that he had heard Ferrie talking about having to assassinate JFK. Special Agent Regis Kennedy of the FBI interviewed Martin on Monday, Nov. 25, and said that he had seen rifles in Ferrie's apartment (apparently like the one used in the assassination); that Ferrie was an amateur hypnotist who "could have hypnotized Oswald"; etc.

Ferrie was interviewed as well, and he suspected that the person who had named him was Jack Martin.

By that day, Monday the 25th, it became known among the journalists in New Orleans that Martin had been the source of the charges against Ferrie; Martin had attempted to maintain his anonymity the day before. "Jack Martin was no fool. He knew full well about David Ferrie's relationship with Carlos Marcello. If it were to become public knowledge that he, Martin, was accusing Ferrie of conspiring with Oswald to assassinate President Kennedy, suspicions of complicity in the assassination might also fall on Marcello.

...Jack Martin became a very different person when he was interviewed by the Secret Service on [Friday] November 29...Apparently terrorized, Jack Martin reversed himself, telling Secret Service Agents Rice and Gerrots that he suffered from "telephonitis while drinking and that it was during one of his drinking sprees that he telephoned Assistant District Attorney Kohlman and told him this fantastic story about David William Ferrie being involved with Lee Harvey Oswald." ¹⁸⁸

80 ¹⁸⁷HSCA X: 111

81 ¹⁸⁸Mafia Kingfish, John Davis. p. 187ff.

1 *The FBI and J. Edgar Hoover*

Gordon Shanklin was the Special Agent in Charge of the Dallas office of the FBI. With the Bureau, he was the protege of John Mohr, Assistant to the director, a powerful man within the organization -- in charge of budgets, heavily influential in the choice of assignments for the FBI agents, and in charge of the Agency's files. After the assassination, Hoover reprimanded and censured three Special Agents in Charge for their actions relating to Oswald, but Shanklin was not among them.¹⁸⁹

At 7:26 p.m., an hour after Johnson returned to the White House, he called Hoover and told Other bullets strike the ground

"Dallas policeman J. W. Foster, from his vantage point on the top of the Triple Underpass, saw a bullet strike the grass on the south side of Elm near a manhole cover. He reported this to a superior officer and was told to guard the area. Photographs taken that day show both Foster and Deputy Sheriff Walthers standing over the manhole cover.

"Newsmen and spectators were kept at a distance and told that evidence--a bullet --was embedded in the grass inches from the manhole cover. News cameraman Harry Cabluck photographed the scene and recalled seeing more than one gouge in the ground. He, too, was told that a bullet had struck there. However, Cabluck said he took the photographs hours after the assassination and never actually saw a slug.

"One photograph of the slug even appeared in the November 23, 1963, edition of the *Fort Worth Star-Telegram*, with the caption Assassin's Bullet:

One of the rifle bullets fired by the murderer of President Kennedy lies in the grass across Elm Street from the building in which the killer was hiding and from where he launched his assault.

"Inches from the bullet, which is circled in the newspaper photo, is the edge of the cement manhole.

"On November 24, the Dallas Times Herald reported: "Dallas Police Lt., J.C. Day of the crime lab estimated the distance from the sixth floor window the slayer used, to the spot where one of the bullets was recovered, at 100 yards."

"Richard Dudman wrote in the December 21, 1963, issue of *New Republic*:

On the day the President was shot I happened to learn of a possible fifth [bullet]. A group of police officers were examining the area at the side of the street where the President was hit, and a police inspector told me they had just found another bullet in the grass."¹⁹⁰

82 ¹⁸⁹Gentry, 550.

83 ¹⁹⁰Marrs, *Crossfire*, p. 315. The descriptions from Cabluck come from interviews of Marrs with Cabluck in 1976 and 1986, and those from the Hartmanns from an interview in 1986.

Marrs adds other testimony to the existence of this bullet, from Wayne and Edna Hartman, who told the FBI that the bullet marks "did not line up with the Texas School Book Depository but rather with the picket fence on the Grassy Knoll."¹⁹¹

But the bullet was taken away by an FBI agent, mention in Jesse Curry's book, and identified in the video that I have (get his name).

A propos: Posner reports that

After the assassination, two large bullet fragments were found on the front floorboard of the limousine, and a nearly intact bullet on the Parkland stretcher. Neutron-activation tests done on the whole bullet and the fragments show they represent only two bullets. No part of a third bullet was ever found.¹⁹²

Posner proposes that the damage to the chrome and the inside of the windshield were caused by "fragments that came from the President's head wound."¹⁹³

Of the bullet mentioned just above, taken away by FBI agent XX, Posner dismisses this report, saying "Walthers denied he ever found or saw any bullet fragment. What he did find was a small bone fragment, part of the President's skull (Sheriff Jim Bowles, interviewed by author, March 1992, Gus Rose, interviewed by Earl Golz, undated)."¹⁹⁴

him that he wanted a complete report on the assassination.¹⁹⁵ By the next day, Nov. 23, the FBI had submitted a preliminary report to the president saying that Oswald had killed the president, acting alone and unaided.¹⁹⁶

1 The assassination of Oswald by Jack Ruby

1.1

In the early morning hours of Nov. 24, someone called the Dallas FBI office, and the Dallas police, warning that someone was going to kill Oswald as he was transferred from the Dallas Police Department later that day.¹⁹⁷ SAC Gordon Shanklin in Dallas phoned Hoover at 3:15 to give him the message. Hoover told Shanklin to tell Chief of Police Jesse Curry of the message, only to find that they too had received the same message.

84 ¹⁹¹Marrs, p. 315-316.

85 ¹⁹²Posner p. 323.

86 ¹⁹³Posner p. 323, note *** [sic].

87 ¹⁹⁴Posner 326.

88 ¹⁹⁵Gentry, 542.

89 ¹⁹⁶Gentry 543.

90 ¹⁹⁷Gentry 543.

1 Ruby's immediately preceding activities

1.1 His presence at Parkland Hospital on Nov 22 after the shooting (Kantor)

1.2 His presence at the Police press conference indicating his knowledge of Oswald's involvement in the FPCC

Jack Ruby was present at the news conference that Henry Wade¹⁹⁸ the District Attorney, held late on the night of November 22. Ruby was recorded for posterity there as correcting Wade out loud when Wade incorrectly identified Oswald as having been a member of the "Free Cuba Committee"; Ruby told Wade that it was the Fair Play for Cuba Committee that Oswald belonged to.

1.3 The shooting on Nov 24

Jack Ruby shot Lee Harvey Oswald in front of a nationwide television audience on Sunday morning at 11:21, Dallas time; Oswald died at 1:07, at Parkland Hospital.

14.5 Other assassins eliminated:

In 1976, Antonio Veciana, who was discussed in Chapter 5 in connection with Alpha 66, discussed some of his earlier projects with a journalist, Dick Russell. Veciana called his CIA case officer "Maurice Bishop," as we have seen, and Bishop is widely conjectured to be David Atlee Phillips (see XX supra). The last project directed by Bishop that Veciana was involved in was in 1971, in Chile. Castro was coming to visit Salvador Allende:

Allende was a Marxist and we knew that once he was voted in, Castro would go to Chile. While Allende was still campaigning, Bishop contacted me to talk to several people. Friends of mine among the exiles. We were to prepare to get Castro killed. A lot of the officers of the Chilean Army were very cooperative with me and Bishop. They knew everything -- when Castro would arrive, where he was going to make an appearance. The plan was to have TV cameras with machine guns inside. We got two agents, they were able to get IDs as pressmen and would handle these cameras. All this was planned directly by Bishop, from Bolivia. We all went to Chile as diplomats, by car through Peru. It was very similar to the Kennedy assassination, because the person Bishop assigned to kill Castro would later himself be killed. He was going to get planted with papers to make it appear he was a Moscow Castro agent who turned traitor -- fake documentation that could be recognized as being from Moscow. But it never got off the ground. One of the agents had an appendicitis attack and had to be rushed to the hospital. The other agent said he wouldn't do it alone.¹⁹⁹

91 ¹⁹⁸Henry Wade is also known for being the Wade in the famous Wade v. Roe abortion case.

92 ¹⁹⁹Russell, *The Man Who Knew Too Much*, p. 418.

2 Other evidence against Oswald

2.1 The backyard photos.

These were found in Ruth Paine's garage on November 23, after Oswald told the police that he kept a lot of his possessions in her garage. They show Oswald holding a rifle, as well as *The Worker* (published by the Communist Party) and (published by the Socialist Worker's Party, the Trotskyite organization). Oswald's reaction was that they were faked: that they were pictures of his head superimposed on a background with someone else's body.

Faked: Oswald's position, that they were faked, has been supported by expert testimony. Major John Pickard, the commander of the photographic department of the Canadian Defense Department, agreed with Oswald:

The pictures have the earmarks of being faked. The shadows fall in conflicting directions. The shadow of Oswald's nose falls in one direction and that of his body in another. The photos were shot from a slightly different angle, a different distance, with the gun in a different hand. So, if one photo is laid on top of another, nothing could match exactly. Yet, impossibly, while one body is bigger, in the other the heads match perfectly, bearing out Oswald's charge that his head was pasted on an incriminating photograph.²⁰⁰

A second expert consulted by Anthony Summers, as he reports in *Conspiracy*, offered the same conclusion based on other observations, including the fact that the pictures show a man with a square chin, while Oswald's chin was rounded. "One can only conclude that Oswald's head has been stuck on to a chin which is not Oswald's chin," noted retired Detective Superintendent Malcolm Thompson.²⁰¹

Not faked: Marina Oswald testified that she had taken the photos in March of 1963.

In 1976, the widow of Dallas policeman Roscoe White announced that she had a third, distinct photo of Oswald in the backyard.

In a second sweep -- not the first -- of the Paine house, the police found a Minox camera with rolls of film. Posner reports that Michael Paine has explained that the Minox was his, and that he was responsible for the pictures of scenes in other countries.²⁰²

1 Alek Hidell

Lt. Col. Robert Jones, operations officer of the 112th Military Intelligence Group, had men in Dallas, and early in the afternoon he was informed that A. J. Hidell had been arrested -- not Lee Oswald.²⁰³

P.D.Scott notes,

93 ²⁰⁰Summers 95.

94 ²⁰¹Summers 95-96.

95 ²⁰²Posner, 344.

96 ²⁰³Summers, *Conspiracy*, 91, citing an unpublished note by Paul Hoch; FBI document 10582555 (unrecorded)(original in 62-109060-811); *Dallas Morning News*, March 19, 1978, and HSCA p. 221.

Why was the name "Hidell" sent out to other agencies? According to the Dallas police, an obviously forged Selective Service card for "A.J.Hidell," with Oswald's photograph on it, had been found in Oswald's wallet when he was arrested (WR 181, 7 WH 187-88; WCE 795). Sylvia Meagher, by examining the record carefully, has shown that there is no contemporary reference to this card before an FBI report dated Saturday, November 23 (of an interview the day before), and that the claim it was found in Oswald's wallet is almost certainly false. [citing Meagher, 182-191]²⁰⁴

Who was A. Hidell? While the Dallas police later claimed that they found a draft card in the name of A. Hidell on Oswald when he was arrested, it has been noted that no public statement mentioning Hidell was made by the police until the next day, after Klein's, a store in Chicago, had found in their records an order placed by an A. Hidell and shipped to Oswald's post office box in Dallas.²⁰⁵ The suggestion has been made that the draft card was not found on Oswald, but was part of a frame-up that included at least parts of the Dallas police force, a case first by Mark Lane, and then made most forcefully by Sylvia Meagher (*Accessories After the Fact*, pp. 181-199). Anthony Summers considers this possibility, and rejects it, not because of any implausibility to the notion that the government might be involved in a frame-up, but because the handwriting on the order form at Klein's was certified to be Oswald's by a government expert, and a frame-up that would be consistent with those facts would require too broad a conspiracy to be plausible. Let us review the substance of Meagher's reconstruction.

1. *On several occasions on November 22 [and early November 23?], authorities in Dallas failed to make any reference to a Hidell alias when in retrospect we certainly would have expected them to, if we accept the official account of the Hidell ID card being found in Oswald's wallet when he was arrested.*

1.a. Arresting officer (?) Sgt. Gerald Hill stated to the press on November 22:

Hill: The only way we found out what his name was was to remove his billfold and check it ourselves; he wouldn't even tell us what his name was...

Question: What was the name on the billfold?

Hill: Lee H. Oswald. O-S-W-A-L-D.²⁰⁶

He said absolutely nothing further about a Hidell, or any uncertainty regarding the identity of the arrested suspect.

1b. The FBI reports cite an identification by Dallas Police Detective Paul Bentley on June 11, 1964, of the Hidell draft ID card as one that he had found on Oswald's person on November 22, 1964. But in his December 3, 1963, report to Police Chief Curry, he simply wrote:

On the way to the city hall I removed the suspect's wallet and obtained his name. He made several remarks on route to the city hall about police brutality and denied shooting anyone...I turned his identification over to Lieuten-

97 ²⁰⁴P.D. Scott 1993, 258f.

98 ²⁰⁵Sylvia Meagher, p. 188, cited in Summers, 91.

99 ²⁰⁶CE 2160, cited in Meagher. 186.

ant Baker. I then went to Captain Westbrook's office to make a report of this arres²⁰⁷

1c. Meagher also notes no reference to the Hidell identification in the early December police reports of the other arresting officers, Bob Carroll, K.E. Lyon, and C.T. Walker.²⁰⁸

2. *The testimony by Dallas police officers in April 1964 describes a scenario according to which the arresting officers did not know whether Oswald's name was Oswald or Hidell, because they found identification cards under both names on Oswald's person, and Oswald refused to say which name was correct. Yet in fact there was no uncertainty at the time as to what his name was, for two reasons:*

2.a. Oswald was wearing an identification bracelet, as noted by taxi driver William Whaley, and Detective Richard Sims, who took the paraffin cast of Oswald on Nov. 22.

3.. When Oswald was arrested in New Orleans (August 10, 1963), he was carrying his FPCC cards, including one signed by A.J. Hidell, but he was not carrying the Hidell draft card. Yet he presumably had already produced it (assuming that he made it at JCS, the only place he would have had access to the appropriate equipment²⁰⁹); why did he not carry it at the time?

As we noted above, 112th Military Intelligence Group reports having received word on the afternoon of Nov. 22 that A. J. Hidell had been arrested. Lt. Col. Robert Jones located a file on A. J. Hidell quickly, he reported, and found a cross-reference to Lee Harvey Oswald. That file contained the basic information on Oswald's background, including his time in the Soviet Union and his work for the FPCC in New Orleans. This information he transmitted back to the FBI Special Agent in Charge Gordon Shanklin.

The file that Lt. Col. Jones read this information from was never submitted in evidence. The Warren Commission requested all files that the Army had involving Oswald, but they did not receive this file, and eventually the HSCA was informed that the file had been destroyed in 1973 as a routine matter, a point that the HSCA found extremely troublesome.²¹⁰

100 ²⁰⁷CE 2003, p. 78, cited in Meagher, 186.

101 ²⁰⁸Meagher, 186.

102 ²⁰⁹Meagher notes, "Alwyn Cole, FBI expert in questioned documents, testified that the fabrication of the Hidell draft card required a very accurate camera "such as are found in photographic laboratory and printing plants." (4 H 388) "Although the Commission did not address itself to the question of when and where Oswald made the card, it may be assumed -- in the context of the Commission's assertions -- that he must have done so during this employment at Jaggars-Chiles-Stovall, a graphic arts company in Dallas, from October 1962 to April 1963. Oswald had no other known access to the necessary equipment." Meagher, p. 183.

103 ²¹⁰Summers p. 92

[Lane recounts an especially curious version of this. On November 23, when Police Chief Jesse Curry announced to newsmen that the FBI had found the order form for the Mannlicher Carcano, he explained that the name that had been used was Hidell. "A reporter asked, 'Had Oswald ever used the alias Hidell before?'" Chief Curry replied, "I don't know," an incredible statement if Oswald had indeed been arrested with identification in the name of Hidell on his person.]

Detective Gus Rose testified that he learned of the names Hidell and Oswald simultaneously:

I took the man to an interrogation office. I removed his handcuffs. I asked him to identify himself. He refused. In his pockets I found two pieces of identification. One card was for Lee Harvey Oswald, the other was for Alek Hidell. "Which are you?" He said, "You're the copy. You figure it out."²¹¹

1 FBI, again

Shortly after Oswald's murder, Agent Shanklin, in charge of the Dallas office, told Agent Hosty, "Oswald's dead now; there can be no trial; here get rid of it," referring to the note that Oswald had left Hosty. A few days later, Hosty obtained from Ruth Paine a copy of a draft of a letter that Oswald had written to the Soviet consulate, and when he asked Shanklin how he should treat it in his report, Shanklin apparently thought Hosty was talking about the note from Oswald to Hosty. According to Hosty, Shanklin "became highly upset and highly incensed and appeared to be almost on the verge of a nervous breakdown, and said, 'I thought I told you to get rid of that, get rid of it.'"²¹² (Shanklin lied under oath in 1975, according to Gentry, stating he had no knowledge of the Oswald note.²¹³)

The existence of the Oswald/Hosty note remained a well-kept secret within the Agency for twelve years.²¹⁴ Curt Gentry suggests that his interviews with both Alan Belmont, who headed the FBI investigation of the assassination, and William Sullivan were not acquainted with the content of the memo; Belmont may even have been unaware of the note's existence.²¹⁵ Sullivan said, "Hoover ordered the destruction of the note. I can't prove this, but I have no doubts about it."²¹⁶ Sullivan also stated in a deposition, "During the course of this long difficult investigation I did hear that some document had been destroyed relating to Oswald and that some others were missing, the nature of which, if told, I do not recall. I cannot remember who gave me this information or whether it was from one or more sources."²¹⁷

104 ²¹¹Marrs, *Crossfire*, citing VII.228, and a Nigel Turner documentary.

105 ²¹²Gentry, 546.

106 ²¹³Gentry 546.

107 ²¹⁴Gentry, 546.

108 ²¹⁵Gentry, 546.

109 ²¹⁶To Gentry (p. 546).

110 ²¹⁷Gentry, 546.

1 Scenario 1

1. Oswald was to be flown out of Dallas along with ??, to go to Houston, where Ferrie would fly the group to Mexico.

- On Nov. 20, two men came to speak to the manager of Red Bird Airport (just south of Dallas) about renting a plane on Nov. 22 to go to Mexico. A third man, who the manager said resembled closely Lee Harvey Oswald, remained in the car.²¹⁸

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1 Arnold Rowland

Now, Arnold Rowland's testimony is particularly important, of course, because he said he saw two people on the sixth floor at a time when the Warren Commission view could not allow anyone to be up there with Oswald. If we read in WD II, p. 165ff., we find the testimony of an articulate young man, to all appearances fully aware of where he was and what he was doing around noon on November 22. Rowland's wife, Barbara Rowland, did not testify before the Warren Commission as her husband had, but she was deposed in Dallas by David Belin for the Commission. Alas, her testimony is both confused and confusing; she knows that she has only a vague recollection of most of what Mr. Belin is interested in, and she does her best, it seems, to be as helpful as she can. But the difference between her testimony and that of her husband is striking.

Examples of her

B: What was your major?

R: English

B: If you had one?

R: I was going to major in English, Math, and Spanish

B: All three?

R: In high school.

....

Examples of him.

Posner is at particular pains to reduce the credibility of Arnold Rowland, even at the price of inaccurately reporting Rowland's testimony and the relationship between his testimony and that of his wife's. Posner writes,

The rest of his testimony is riddle with inaccuracies. Rowland claimed that there were women and children on the nearby Triple Underpass (there were none);...

What is apparently at issue is not whether there were people on the Triple Underpass -- there seems to be no controversy attached to the statement that thirteen railroad employees and two policemen were on the railroad bridge.²¹⁹ What did Rowland actually say? (Check that).

111 ²¹⁸Marrs, Crossfire, p. 355, no reference given.

...that the crowds started to laugh after the first shot (no one else reported such a reaction);

Yes, someone else reported such a reaction: "We heard a shot, and I didn't recognize it as being a shot--I just heard a sound, and I thought it might be a firecracker. And the people started laughing at first, and then we heard two more shots." The witness who offered this testimony was, in fact, standing close to Arnold Rowland, so it may well have been just people nearby who laughed; this witness was his wife.²²⁰

...and that fifty police converged instantly on the grassy knoll after the shots (there were initially two).

Rowland does not say that fifty police converged instantly on the grassy knoll (and certainly does not say it on the page that Posner cites, p. II 181); on the preceding page, he says that he and his wife ran to the grassy knoll for the same reason that "police officers, everyone" went running there: that was where it sounded like the bullets had come from. On p. 181, Arlen Specter asks Rowland how many officers were converging on that area, speaking now of the confusion in the aftermath of the shooting, and it is in that context that Rowland says "I think it would be a very good estimation of 50, maybe more"; and to this writer's knowledge, Rowland is not wrong.

According to his wife, Rowland lied under oath about a series of small but telling issues,...

Rowland's wife at no time said that he lied under oath; at no point does she say or imply that he told Federal officials or the police anything that she knew to be untrue.

...ranging from graduating from high school...

Specter asked Rowland, "what education have you had, sir?" Rowland: High school. Specter: "Are you attending high school at the present time?" Rowland: I have finished, and fixing to go to college. S: When did you graduate from high school? R: June 1963.

David Belin asked Mrs. Rowland, "Do you know how far your husband got through school? Mrs. Rowland: Well, his credits are all mixed up. I think he lacks one or two semesters." B: of completing high school? R: Yes. B: You said you were going back to school. Does he plan to keep working, or does he plan to go back to school? R: He plans to go back to school sometime. I'm not sure when. B: To finish high school? R: And college. Go to college, I think.

What is clear from Mrs. Rowland's testimony is that she is simply not sure whether her husband would be going back to high school (since some credits may or may not be lacking) or to college (in which case, he has finished high school).

...to his grades...

Mrs. Rowland says, "He says he has an A average, but I don't believe him." Belin: "Why? Did he tell you that?" R: "Yes. He told me that, because I saw a few of his report cards." B: Pardon? R: "I saw a few of his report cards and they weren't all As."

...to the job that he held...

112 ²¹⁹Lane, *Rush to Judgment*, citing SCR p. 72; VI 223-231, 236-256; and XXII 833-837.

113 ²²⁰WC VI 184.

When asked how he was presently employed, Rowland said, "promotional advertising," and that he worked for P. F. Collier Co. When asked what her husband did, Mrs. Rowland said that he was a "telephone solicitor," working for Life Circulation Co., and she says that he previously worked for Collier, and now works for Life Circulation Co.

...even to what he claimed he did on the morning of the assassination....

Mrs. Rowland said they were at her mother's house, Mr. Rowland said they were at school; Mrs. Rowland said that they both had stopped going to school earlier in the month. Mr. Rowland had testified earlier, but Mrs. Rowland was not confronted with her husband's testimony, and it is by no means certain which of the two would have changed their testimony, if either, when the disagreement was pointed out to them.

"I know there weren't any other people on that floor looking out the windows that could be seen from the outside," Mrs. Rowland insisted under oath.

Let's back up and see what the context was from which Posner extracts this.

B: When you gave your statement to the police and your husband gave his statement to the police...do you remember what your husband said?

R: Yes. Do I have to tell you again?

B: Well, did he say substantially what you said?

R: Yes, I think so.

B: Anything else that he said that you haven't related here?

R: I believe he may have said that the man had dark hair. Either he said that the man had dark hair, or he didn't see what color the man's hair was. And he said just about the same thing I said here, I think.

B: All right, anything else that was said there by your husband?

R: I don't remember anything else.

B: Did your husband at that time say whether or not he had kept any watch on the window of the School Book Depository Building after he saw this man with the gun?

R: No

B: You mean he--

R: He didn't say

B: Did he say whether or not he had seen any other people in the windows of the School Book Depository Building after he saw this man with the gun?

R: No.

B: You mean he --

R: He didn't say.

B: Did he say whether or not he had seen any other people in the windows of the School Book Depository Building?

R: Yes, I am fairly certain that he said there were other people looking out the windows.

B: Did he say whether or not there were any other people on that same floor looking out the windows?

R: I am not certain whether he said or not. But I know there weren't any other people on that floor looking out the windows that could be seen from the outside.

B: How do you know that?

R: I mean I know they couldn't be seen from the outside, because I couldn't see them. I am near-sighted.

Earlier she had said (p. 182) that "We looked at it [the sixth floor] for a few minutes, but we didn't look back, and when we heard the shots, we didn't look back up there."

It seems clear from context that Mrs. Rowland's remark is not intended to contradict her husband's statement, though it is by no means the clearest of statements.

When asked, "Do you feel you can rely on everything that your husband says?", she replied, "At times my husband is prone to exaggerate. Does that answer it?"

However, when we turn our attention back to Mrs. Rowlands' statements to David Belin, it is clear that at no time does she give the impression that she has anything but full confidence in her husband's description of what they had seen that day, or at other times. If he exaggerates, she says, "his exaggerations are not concerned with anything other than himself. They are usually to boast [boost? check that] his ego. They usually say that he is really smarter than he is, or he is a better salesman than he is, something like that." That comment is given as a clarification to the previous remark, the one that Belin had solicited in a leading context; he had just said, "sometimes some people are prone to exaggerate more than others, and without in any way meaning to take away from the testimony of your husband as to what he saw in the building at the time, just from your general experience, do you feel you can rely on everything that your husband says?" And to this very leading question, the witness shows -- perhaps for the first time -- some explicit sense of being led by the nose, and not liking it; and so she replies, "I don't feel that I can rely on everything anybody says." A good answer! But Belin presses the point, hoping to get an answer that can then be cited by a writer such as Posner some day: "Well," he says, "this is really an unfair question for me to ask any wife about her husband, and I am not asking it very correctly, but --". And then Mrs. Rowland replies, "At times my husband is prone to exaggerate. Does that answer it?" For she knows perfectly well where she is being led. And it is then that she goes on to make clear that such a comment, drawn out of her, is not being offered by her as anything that ought to be used to discredit his eyewitness testimony. Thus Posner reaches new heights of mendacity.

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1 Witness list from Rush to Judgment

Witnesses

Adams, Victoria	VI	388	
Allen, J.B.	XXII	601	
Alonzo, Aurelia	XXIV	520	
Altgens, James	VII	517	Press photographer
Alyea, Thomas	XXV	875	
Arce, Danny	VI	365	TSBD employee
Arnold, Carolyn	XXII	635	
Ault, Cecil	XXIV	534	
Baker, Marrion	III	246	police officer
Baker, Virgie	XXII	635	
Barclay, Malcolm	XXVI	552	

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Barnett, Welcome	VII	541	
Beckworth, Lindley	XVII	616	
Bell, Jack	NYT	Nov 23	1963
Benevides, Robert	XIX	512	
Bennett, Glen	XVIII	760	
Berry, Jane	XXII	637	
Betzner, Hugh	XIX	467	
Bishop, Curtis	XXII	834	
Boone, Eugene	III	292	
Bothun, Richard	Dallas	Morning News, Nov 23,	1963
Bowers, Lee	VI	287	railroad employee
Brehm, Charles	XXII	837	
Brennan, Howard	III	143	construction worker opposite TSBD
Brooks, Jack	XVII	616	
Broseh, Jerry	Dallas	Morning News, Nov 23,	1963
Brown, Earle	VI	233	
Brown, Margaret	XXIV	520	
Burney, Peggy	Dallas	Morning News, Nov. 22	1963
Burns, Doris F.	VI	399	
Cabell, Earle	VII	478	
Cabell, Mrs. Earle	VII	486	
Calvery, Gloria	XXII	638	
Campbell, Ochus	XXII	638	
Carter, Clifton	VII	475	
Case, Edna	XXII	639	
Chaney, James	III	266	
CHism, John	XIX	471	
Clark, Robert	NYTimes	Nov 23	1963
Clark, Rose	XXIV	533	
Clay, Billie	XXII	641	
Connally, John			

1 Witness list based on Lifton's classification

• <i>Witnesses on the triple underpass</i>	Sam Holland	Saw puff of smoke at grassy knoll/arcade	
	Frank Reilly	Shots came out of the trees by the knoll	
	James Simmons	?smoke by trees	
	Clemon Johnson	smoke by pavilion	
	Austin L. Miller	looked to the knoll, saw smoke or steam there	
	Walter L. Winborn		
	Thomas J. Murphy		
<i>Grassy knoll</i>	Abraham Zapruder	thought it came from behind him	

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	Mary Woodward	noise from behind them and to the right, i.e., wooden fence area	
	Maggie Brown	ditto	
	Aurelia Lorenzo	ditto	
	Ann Donaldson	ditto - 4 journalists together	
	Jean Newman	standing between TSBD and knoll: shots came from the right	
	John and Marion Chism	they were by the Stemmons sign, it came from behind them, i.e., the knoll	
	William and Gayle Newman	It came from directly behind them	
	Emmett Hudson	he was further up the knoll; shots came from behind him	
	A.J. Millican	3 shots from TSBD, then 2+3 from the knoll area	
	Cheryl McKinnon		
• <i>Standing in Dealey Plaza</i>	Ronald Fisher	shots came from area near railroad cars, i.e., knoll area	
	Jean Hill	4 to 6 shots -- from knoll area	
	Charles Brehm	from in front or beside	
• <i>In or near the TSBD</i>	William Shelley	on front landing: came from the west	
	Roy Truly	shots didn't come from building; they came from the railroad area	
	Ochus Virgil Campbell	near the railroad track	
	Steven F. Wilson	from the 3rd floor of TSBD: came from the west end of the building, or across the street, but not from above him (where LHO was supposed to have been)	

Chapter 7: November 22, 1963

	Mrs. Alvin Hopson	on 4th floor of TSBD; didn't think the shots came from the bulding	
	Mrs. Charles Thomas Davis	standing in front. Not sure, probably from the triple overpass	
	Dorothy Ann Garner	4th floor: from west of the building	
	Dolores Kounas	from across the street from TSBD, thought shots came from wet of there	
	Otis Neville Williams	in front of TSBD: three blasts from the overpass area	
	Victoria Adams	from 4th floor of TSBD: "seemed as if it came from right below rather than left above"	
	Billy Lovelady	from "concrete little deal" on the grassy knoll"; "I did not at any time believe the shots had come from the Texas School Book Depository"	
	Danny Arce	railroad tracks	
	Wesley Frazier	underpass	
	Joseph Molina	steps of TSBD: thought it came from the west	
	Mrs. Donald Baker	from the railroad tracks, but not too certain	
	James Jarmin Jr.	from below, near the motorcad	
	Bonnie Rae Williams	from above them, in TSBD	
	Harold Norman	from above them, in TSBD	
• <i>Policemen of the Sheriff's Department</i>	E.L. Boone	following witness reports, he ran up the knoll to the railway area	

Chapter 7: November 22, 1963

	Harry Weatherford	from railroad area -- ran there immediately	
	Harold Elkins	sounded like it came from between the rail- road and the TSBD	
	Seymour Weitzman	Scaled the wall by the knoll, perhap follow- ing descriptions by a witness	
	Roger Craig	ran to the railroad tracks	
	A.D. McCurley	following others, he ran to the railroad area	
	J. E. Decker	notified officers to run up the embankment, where he apparently thought the shots had come from (from the lead car)	
	J.L. Oxford	ran up the knoll with McCurley	
	Luke Mooney	ran up knoll towards railroad tracks	
	Jack Falkner	said that TSBD em- ployees on the 3rd floor had said that the shots came from the concrete arcade area	
	I.C. Todd	by railroad tracks	
	James Crawford	down the hill by the bypass	
• <i>Secret Service agents</i>	Roy Kellerman		
	Clinton Hill	the second shot had "almost a double sound"	
	Emory Roberts		
	Paul Landis Jr.	first shot from the rear, and second from the "front, right-hand side of the road"	
	Forrest Sorrels		
• <i>Dallas police offi- cers</i>	Jesse Curry		

Chapter 7: November 22, 1963

	Robert Hargis	run up knoll, because he figured it might have come from the railway area, since he got splattered with blood	
	Clyde Haygood		
	E.L. Smith	thought they were coming from the grassy knoll area	
	J.M. Smith	ran up the knoll because of a woman's report, into the railway area, and smelled gun-smoke in the air	
Riding in motorcade	Robert Jackson	sounded as if shots were from the front, from the front of the motorcade	
	Mrs. John Connally	they came from the right	
	Malcolm Couch		
	David Powers	an impression that they came from the front, and the feeling that they were driving into an ambush	
Others	Lee Bowers		
	J.C. Price	From his location on the top of the Terminal Annex Building: 5 shots, and then a man ran toward the railroad cars	
	Arnold Rowland	sounded like it came from the Triple Underpass area	