

Endnotes

INTRODUCTION

- xii **change the world for the better:** The undeniable thing about the Kennedys of Boston is that with the great wealth of the family giving all the children three options—living a life of pleasure and leisure, increasing their wealth in the private sector, or performing public service—every one of the clan admirably chose the latter. That commitment, almost unique among large prominent families in American history, continues to this very day. JFK would tell *Time* magazine in 1957, “Dad persuaded us to work hard at whatever we did. We soon learned that competition in the family was a kind of dry run for the world outside. At the same time, everything channeled into public service. There just wasn’t any point in going into business” (*Life*, Memorial edition, December 6, 1963, unnumbered p.23).
- xii **naval officer:** Kennedy’s first assignment was to a desk in naval intelligence in Washington, preparing a news digest for the navy chief of staff. But this was not what he wanted, and once again he called on his father’s influence to get him transferred to the patrol torpedo (PT) boat training station in Melville, Rhode Island, to prepare him for combat duty in the South Pacific. (*New York Times*, November 23, 1963, p.13)

But there were further problems. In his oral history at the Kennedy library in Boston, John Harlee, the executive director of the PT boat school, said, “Kennedy was such an outstanding student that I selected him for the training squadron at Melville. This was in the days [1942] before there were enough combat veterans to fill the ranks of the instructors . . . [and] a few of the best students were made instructors. Kennedy was extremely unhappy . . . As a matter of fact, he and I had some pretty hard words about this assignment, and I thought I had made another enemy for life, but I insisted that he remain with us. It was not our intention to hold him as an instructor for the rest of the war but for six to twelve months . . . He saw me and

insisted that he be sent overseas to one of the squadrons in combat . . . He felt there was no reason why he should be kept in the United States . . . He was most insistent . . . I absolutely insisted that he remain, which made him extremely unhappy.”

When Kennedy eventually learned that the squadron to which he was assigned, Squadron Fourteen, was going to be assigned to Panama, far away from the combat zone, he got busy, authors Joan and Clay Blair Jr. write, “trying to find the right string to pull to get out of Squadron Fourteen and into combat. He finally found it.” Harlee goes on to say, “Kennedy received orders to the war zone. I was somewhat surprised by the orders and suspected that some strings had been pulled. The suspicion was later confirmed when I had occasion to review his record in the Bureau of Naval Personnel in 1947. Tremendous effort had been brought to get him into the combat zone . . . I saw a letter signed by Senator David I. Walsh . . . He was known to be a friend of Ambassador Joseph P. Kennedy, and there was no question that Joseph P. Kennedy, or perhaps young Jack himself, had interceded with the Senator, and the Navy Department had deferred to his wishes and sent Jack Kennedy out to the combat zone.” (Blair and Blair, *Search for JFK*, pp.165, 169–170)

When JFK ran for president in 1960, Harlee headed up the Citizens for Kennedy group in northern California (Parmet, *JFK: The Presidency of John F. Kennedy*, p.44).

- xiii **“Ask not what your country”**: Many other people have previously uttered articulations very similar to these words by Kennedy, and the general sense of historians is that the idea was not Kennedy’s and he had heard or read some variation of it elsewhere.* Knowing that Kennedy was a voracious reader, my guess is that he picked it up from a 1925 article by the Lebanese philosopher Kahlil Gibran. I say that for two reasons, one of which is Gibran’s words: “Are you a politician [it would be an easy jump for Kennedy to change *politician* to *citizen*] asking what your country can do for you or a zealous one asking what you can do for your country? If you are the first, then you are a parasite; if the second, then you are an oasis in the desert.” The second reason is that the title of Gibran’s article was “The New Frontier,” and we all know this appellation was associated with Kennedy’s years in office. He first used “The New Frontier” in his acceptance speech for the Democratic nomination in Los Angeles in July of 1960. No one on Kennedy’s staff had suggested this term to him and they all supposed it was “all his own” (O’Donnell and Powers with McCarthy, *Johnny, We Hardly Knew Ye*, p.224). It may have been, but unless it’s quite a coincidence, it’s not unreasonable to believe that Kennedy got his “Ask not” phrase *and* name for his administration from Gibran.
- xiv **Close to one thousand books**: How many books have been written on the assassination? When I asked Andy Winiarczyk, the popular owner of The Last Hurrah Bookshop in Williamsport, Pennsylvania, the largest and oldest (since 1983) continuously running bookstore in the country specializing in JFK assassination literature, that question, he said, “If you ask seven people, you’ll get seven different answers.” His estimate to me was “in excess of one thousand books.” When I asked

*Even Kennedy’s speechwriters never came up with the injunction, only a more concise and dramatic way of saying it. Previously, Oliver Wendell Holmes Jr. said, “It is now the moment . . . to recall what our country has done for each of us, and to ask ourselves what we can do for our country in return.” And President Warren Harding said, “We must have a citizenship less concerned about what the government can do for it, and more anxious about what it can do for the nation.”

him about the frequently quoted figure of “over two thousand” books, he said, “Too high. You’ll note that whenever this figure is bandied about, no source is ever given.” I asked Winiarczyk who would possibly know the answer to my question (Ronald Whealon, the head librarian at the John F. Kennedy library in Boston, told me in 1999 that the library had 490 JFK assassination books on its data base at that time, but conceded there were many more out there), and he referred me to James P. Sawa in Pittsburgh, who, together with coauthor Glenn A. Vasbinder, published *JFK Resources, a Compilation of the Books and Videos Relating to the Life and Assassination of President John F. Kennedy* in 2000. However, the compilation includes non-assassination books also—indeed, books that only have a chapter or two on the assassination. I asked Sawa if he would be kind enough to go through his massive compilation and cull out only JFK assassination books, which he said he’d be happy to do. I told him that I would be calling him close to the time the book was going to press for a number up to that point, which turned out to be in late November 2006. In a telephone conversation with Sawa on November 26, 2006, he told me that as of that date, he and Vasbinder had found from their extensive and ongoing research 933 books “dealing exclusively with the assassination.” He told me that more than 2,000 books had chapters on the assassination. Sawa and Vasbinder are assassination researchers who at one time taught a course on the assassination at the University of Pittsburgh. Their compilation book can be purchased from The Last Hurrah Bookshop. (Telephone interview of Ronald Whealon by author on April 14, 1999; Telephone interview of Andy Winiarczyk by author on May 1, 2004; Telephone interview of James Sawa by author on November 26, 2006)

- xv **conspiracy “buffs”**: One should not confuse the literally thousands of conspiracy buffs—who, it must be said, here and there have come up with worthwhile information overlooked by the authorities, but who desperately want there to be a conspiracy and are allergic to anything that points away from one—with the much smaller number of assassination researchers, serious students of the assassination whose primary agenda (though many are fervently hoping to find a conspiracy) is to ferret out the truth. (Robert Blakey; Paul Hoch; Josiah Thompson; Gerald Posner; Gary Mack; Max Holland; Dale Myers; Patricia Lambert; Walt Brown; Gus Russo; Jim Lesar; David R. Wrono; Todd Wayne Vaughan; Edward Epstein; John McAdams; Ken Rahn; Stephan Barber; David Lifton; Larry Sturdivan; James DiEugenio; Bill Turner; David Perry; Drs. Cyril Wecht, Gary Aguilar, David Mantik, and Chad Zimmerman; Jack Duffy; Vince Palamara; Dave Reitzes; James Fetzer; Allan Eaglesham; David Phinney; Mark Zaid; Bill Drenas; Ken Holmes; James Sawa; and Malcolm Blunt are just some among others who come to mind.) Most of them have actually concluded Oswald was part of a conspiracy to assassinate the president and are part of the conspiracy theorist community.
- xvii **Gerry Spence**: I have been asked over and over again how Gerry Spence and I ended up trying the case. If any reader of this book has the same question, I can only quote the producer of the docu-trial, Mark Redhead, for the answer. “I went around to loads and loads of lawyers, getting a sense of who were the leading lights,” Redhead says. “Bugliosi and Spence emerged as the naturals to take on the job” (Bill Bancroft, “Oswald Goes on Trial,” *Los Angeles Times Magazine*, November 9, 1986, p.21). Speaking of Spence, Redhead told the *London Observer* (November 23, 1986, p.27) he “found that Gerry Spence was the most sought-after defense

lawyer in the States,” one whose “powers of persuasion,” a London newspaper wrote, “have in the past led him to be accused of hypnotizing a jury.”

In a June 13, 1982, *60 Minutes* special on Spence, “The Best in the West,” reporter Ed Bradley said, “Spence sees himself as a Marshal Dillon, a good guy fighting the bad guys for causes he believes in.” Addressing Spence, Bradley said, “You’re on the stand. You’re under oath. How good are you as a lawyer?” Spence: “I’m the best lawyer I ever knew.” Bradley: “Gerry Spence isn’t modest, but he probably isn’t wrong. He just may be the best trial lawyer in America.” Redhead told me that he first started talking to lawyers at the American Bar Association convention in London in 1985, and followed this up with speaking to trial lawyers at bar conventions in the United States.

The first contact I had had with Spence prior to the London trial was when, I believe for the first and only time in his career, he prosecuted a case in the late 1970s, serving as a special prosecutor in a murder case in which he had been a close friend of the victim, whose wife and child were also murdered. Spence was asking for the death penalty, and like the great lawyer he is, he anticipated that defense counsel, in seeking from the jury a sentence of life imprisonment rather than the death penalty, might argue to the jury that the fifth commandment says, “Thou shalt not kill.” Spence called me to find out how, as a prosecutor, you get around this argument. I wasn’t in, and when I called him back he wasn’t in, but I left a message with his secretary that most biblical scholars interpret the original language of the fifth commandment to mean, “Thou shalt not commit *murder*” (murder being an unlawful killing, not a sanctioned one), which is exactly how it appears in the New English Bible. In other words, you can’t kill in the first instance, which would be murder, but if you do, it’s not against the Bible that you yourself be killed. Indeed, Exodus 21, verse 12, reads, “Whoever strikes a man a mortal blow must be put to death.” I am not a biblical scholar, but I knew from my prosecutorial background that not only doesn’t the Bible prohibit killing, it commands it when someone has committed murder. By the way, Spence got a conviction of first-degree murder and the death penalty in that case.

I’ll never forget the first time I met Spence, a joint appearance with him a few years later in Wyoming. There was standing room only because in Wyoming, Spence is iconic. During the question-and-answer period that followed our addresses, a fellow got up and said to me, “Mr. Bugliosi, we have a problem around these parts. We all love and respect Mr. Spence, but if you want to kill someone around here, you can do it and all you have to do is get Mr. Spence and he’ll get you off.” (Among many other murder cases he’s won, Spence had just won one where the local sheriff had killed someone—I believe he was in the backseat of the sheriff’s car—and for whatever reason, most everyone thought the sheriff was guilty, but Spence convinced twelve local citizens, to most everyone else’s great displeasure, that there was a reasonable doubt.) I told the locals that “the next time you folks have a murder around these parts and you think the defendant is guilty, here’s my Beverly Hills phone number——, and if you want, call me and I’ll come up here and serve as a special prosecutor.” Little could I have known that just a few years later Spence and I would be squaring off in London, with me “prosecuting” someone whom I believed to be guilty of murder and Spence defending him.

In the *60 Minutes* special, while attesting to the fact that Spence was “uniformly

successful with juries, just uniformly; you know, *he never loses*,” the segment made a point of emphasizing Spence’s fierceness in the courtroom—that to Spence, going to trial was like going off “to war,” with Spence himself saying that a courtroom fight was a matter of life and death, speaking metaphorically of the “swords” he puts through his legal opponents, “and I can almost hear the pop of it, when things just sort of disintegrate, and you can see [them] all just almost die in front of you.” Past courtroom opponents and co-counsels of Spence’s spoke of his stopping at nothing to win, including “trying to physically hurt” his opposition. One spoke of a major case where he said Spence “was physically leaning” on his opponents and, when he “turned his back on the judge,” faced his opponent and, “you know, I won’t mouth exactly what he was mouthing at that stage, but it was very intimidating.” Of course, Spence’s extremely competitive nature is just one of the reasons why he is the great trial lawyer he is, separating him from his peers.

I got the full “Spence treatment” at the London trial. And I’ll say this. I thought I was a courtroom battler, but Spence exposed me to a level of legal confrontation that I had never dreamed about. In several instances I was clearly able to turn his conduct around, right in front of the jury, to my distinct advantage, but I don’t intend to go into them here, except to say that Spence is such a colorful rogue that when you catch him with his hand in the cookie jar, instead of getting angry, except for one instance, I just handled the matter and smiled. I do, however, want to mention two out-of-court instances, one of which ended in a stalemate, the other which Spence won. The reason why I want to mention the stalemate one is that it ostensibly tended to confirm what the media, on both sides of the Atlantic, were saying about Spence and me, which didn’t begin to tell the whole story. Going into the trial I didn’t know Spence well, but I was aware of his superlative record, respected him, and certainly had no dislike for him. I hoped he felt the same way about me. But here’s a small sampling of what the media was saying: London’s *Observer* referred to Spence and me as “bitter rivals.” London’s *Time Out*: “The two lawyers had taken such a violent dislike to one another that it seemed possible that the trial would not be able to go ahead . . . As expected, Bugliosi and Spence went for one another from the beginning, much to the annoyance of the judge, who told each of them that if they had behaved like that back in Texas he would have had them locked up.” I don’t recall, now, Judge Bunton saying this to Spence and me directly, but he may have. He certainly told the reporter this, but in a later note to me he said his remark “had nothing to do with the courtroom performance of you and Gerry. It had to do with the pre-trial conference.”

What happened at the pretrial conference was, looking back, humorous, at least to me. Judge Bunton, Spence, and I were arguing over the admissibility of a piece of evidence when Spence suddenly turned to me and said, with all apparent seriousness, “I’m just going to have to punch you in the nose.” Looking back, obviously Spence couldn’t have been serious, and perhaps was just trying to intimidate me, but at the moment I was stunned and responded, “You gotta be kidding. Who in the f—— do you think you are, you s—— of a b——? You may be bigger than I am, but I’m faster and in much better shape. I don’t know what you’ve been getting by with around the country, but you’re in the majors now, and you’re not going to get by with it here. I’m going to have to teach you some manners.” Judge Bunton and the typically proper Brit, Mark Redhead, sat there openmouthed and

speechless. Now the humor. Spence said, “I don’t see any reason why I have to sit here and take this kind of abuse,” and proceeded to leave the room with his law partner, Ed Moriarty. Moriarty came back into the room a few minutes later and said Gerry didn’t intend to resume the pretrial conference if I (the one whom his partner had threatened to punch in the nose) didn’t treat him “in a civil manner.” I forget what happened next, but Gerry returned to the room in a few minutes.

Later that afternoon I was working in my room at our hotel, the Savoy, when Moriarty called to say, “Gerry is downstairs in the dining room. He’d like you to come down and talk for awhile,” which I did. “Gerry, how you doing ol’ buddy,” I said warmly. “Fine. Now, Vince, we’re in this f—— trial together, and it ain’t to any of our benefit to fight like this. There’s no reason why we can’t get along.” “I agree, cowboy.” To this day, I call Gerry “cowboy,” not in denigration, because Spence is a great trial lawyer, but Gerry “thinks” he’s a cowboy, coming into court with his Stetson hat, suede jacket, and cowboy boots. And he does own a thirty-five-thousand acre ranch eighty miles from his home in Jackson Hole, Wyoming.

Though the trial that followed contained many tense, confrontational moments between Spence and me, from that moment on we got along fine and have become good friends. Spence is someone I have a lot of respect for, not only because he’s the best criminal defense attorney and plaintiffs lawyer in the country, but because he’s a man of compassion for the little guy, as I am. He also happens to be one of the finest writers of nonfiction books in America, bringing a wonderful literary quality to his writing that is largely absent in the nonfiction genre. He’s a golden nugget waiting to be discovered by mainstream book reviewers.

About the incident that Spence won, the night before the trial we all appeared in court to familiarize ourselves with the courtroom and everyone’s position in it, right down to the court reporter. Spence proceeded to sit in a seat at the counsel table that was closest to the jury and always occupied by the prosecutor, the defense attorney invariably sitting at the other end of the table. I walked over to Spence and said, “Cowboy, you’re sitting in my seat.” Spence said he wasn’t, that it was his seat, and “I’m not budging.” I said, “Gerry, lawyers and judges from several countries [in addition to the United States and Great Britain, I believe France, Germany, Australia, New Zealand, and Denmark] are going to be watching this trial and you know that we’re trying to make the trial as authentic as possible, and if they see you sitting in the prosecutor’s seat it’s just going to look very strange to them, like we don’t even know where to sit in a courtroom.” (The *London Sunday Times* of November 23, 1986, gave its readers a different reason why I wanted Spence away from the prosecution chair. “Bugliosi was determined to keep his rival as far away as possible from the jury, because Spence has a reputation for being able to hypnotize jurors.”) But Spence was adamant. “Listen,” he said, “I lecture to thousands of lawyers around the country and I tell them I always sit next to the jury, that you are a second-class citizen if you sit away from the jury, and there’s no sense in suggesting to the jury that the prosecution is closer to them than the defense. If I have to get up at five in the morning, I’m the first one who enters that courtroom and I make sure I sit next to the jury.” “Gerry, what you say may have some merit, but this is just not the way it’s done in courtrooms throughout the land.” “It is where I practice law,” he said. I appealed to the judge to order Spence to sit in the defense seat, which he politely did, telling Spence that in Texas the

prosecutor “always sits next to the jury.” But Spence ignored the judge and said, “Either I sit where I am right now or I’m going back to Wyoming tonight.”

The Brits were absolutely terrified, having invested well over a million dollars and a year and a half of very diligent effort to track down witnesses and put the trial together. It was all about to go up in flames. Mark Redhead was as pale as a ghost and was once again shocked by the conduct of Spence and me. In Britain, lawyers are very dignified and reserved, and now twice, within two days, Redhead was being exposed to conduct that was both foreign to him and an assault on his British sensibilities. (He told London’s *Evening Standard* that the verbal fisticuffs between Spence and me were like a heavyweight boxing match. “I felt I was refereeing some almighty punch-up and if one of them happened to duck while the other was swinging a punch it was liable to be me who’d receive a bash on the nose. They weren’t exactly gentlemen.”) But Mark took my side in the dispute, whereupon Spence said to him, “I told you that I would insist on sitting next to the jury and you gave me your word I could. I don’t like goddamn bastards who break their word.” Mark, almost trembling, looked at Spence and said quietly, “I don’t remember this.” “Well,” Spence said, “there’s not going to be any goddamned trial here. I’m ready to go home.”

I finally broke the impasse, once again finding the situation humorous, by telling Redhead with a smile and to his great relief, “Mark, the problem we’re having here is that American lawyers are different from British lawyers, but even among American lawyers, Gerry and I are on the fringes. You people here in England are civilized, I’m half-civilized, and the cowboy is completely uncivilized. Let Gerry stay where he is. It’s no big deal.” And Spence, who refers to himself as a gunslinger, won the fight and sat next to the jury throughout the whole trial.

The trial, as hotly contested as any real trial I had ever participated in, had its light moments, as when Spence, deliberately trying to unnerve me before the jury, kept pronouncing my last name with a hard *g*, as in “bug.” I finally said, “It’s Boogliosi, Mr. Spence, the *g* is silent.” “That’s the only thing that’s silent about Mr. Bugliosi,” Spence retorted, impressing the media on both sides of the Atlantic with his witticism. And then there was the occasion when Spence, at the lectern, started reading from an HSCA volume in his cross-examination of Dr. Charles Petty, the Dallas medical examiner who was my expert forensic pathologist. “Where are you reading from?” I asked Spence from my position at the counsel table to Spence’s right. Spence, ignoring my request, continued to read from some page in some volume of the HSCA. “Where are you reading from?” I persisted. Spence, showing a little irritation, finally told me volume 7 of the HSCA, and then resumed his reading. “What page?” I again popped up, not to interrupt Spence, but to make sure he wasn’t missing a word, or reading selectively. Clearly irritated now, he answered sharply, “Page 129,” and said to the witness, “I’ll read it again now, *without counsel’s interruptions, if I might,*” and continued to read on when, to his exasperation, he heard a persistent voice once again coming from his right. “What paragraph?” I asked, “so I can follow you, Mr. Spence . . . That’s the typical thing to do.” Gerry, now more than irritated, and feeling I had gone too far, did not reply, telling Dr. Petty, “*I’ll start once more,*” but Judge Bunton interceded, telling Spence, “Give the paragraph and let’s go; page number, paragraph” and adding something I hadn’t asked for, “and line.”

The jam-packed courtroom was already smiling and enjoying the interplay when Spence, a thespian at heart, seized the moment and said to Bunton, "I'll even give it [page 129] to counsel so he can see it. It's in yellow. Here you go, counsel," he said as he left the lectern and approached me at the counsel table. "As a matter of fact," he said as he sat down next to me, "let's you and I read it together." The situation was getting more and more humorous, and the courtroom burst into laughter when Judge Bunton said from the bench, "It's nice to see both of you sitting side by side. It warms the cockles of my heart." When the laughter subsided, Spence and I returned to serious lawyering, with Spence finally reading to Dr. Petty the language he had set out to read a while back, in which the HSCA said that the autopsy photos of the president's brain did not indicate the degree of laceration that would be expected if the bullet had entered the president's skull at the point the autopsy report said it did, the back of his head. It was perfectly proper cross-examination by Spence, but because the language was taken out of context it could easily lead the jury to believe that maybe the shot never came from Kennedy's rear, where I was maintaining Oswald was. Because we were operating under very tight time constraints and I wasn't sure at this point if Judge Bunton would allow me to conduct redirect examination, where I could clarify the matter, when Spence got up from his seat beside me to return to the lectern after he finished reading what he wanted to Dr. Petty (and confident he had heard the last from the unwelcome voice to his right), I immediately got up too, and walking behind him, started reading aloud to the jury—as if continuing on from where Spence had left off—later language on page 129 where the HSCA said it concluded that the head shot came from behind. Stung, Spence asked Judge Bunton in front of the jury if he could mark page 129 as a defense exhibit and show it to the jury "so there will be no question that I told them the truth." Spence had, in fact, told the jury the truth, as far as it went. If anyone was out of line, it wasn't the cowboy, it was I, since I had read into the trial record an excerpt from page 129 at a time when the witness on the stand was still Spence's, not mine.

In any event, the trial received rave and widespread reviews from virtually every major news outlet in the country, many doing feature stories. In addition to *Time* magazine's saying that the docu-trial was "TV's best courtroom drama ever . . . a fascinating lesson in history and the law . . . Spellbinding," the *Los Angeles Times* said, "Extraordinary. Not to be confused with other TV law renderings. It is very close to the real thing." *Miami Herald*: "The trial has the ring of reality. It is history because it is honestly and painstakingly executed." *New York Times*: "Compelling. In Spence and Bugliosi, we are watching a master defense attorney and prosecutor at work." *New York Post*: "Absolutely riveting courtroom drama. A serious undertaking." New Orleans's *Times-Picayune*: "Innovative, riveting, perhaps even historic television. Maybe the best courtroom drama ever made for television." *San Jose Mercury News*: "Vincent Bugliosi and Gerry Spence do battle in a fashion that puts Perry Mason and the entire firm of 'L.A. Law' to shame." *Seattle Times*: "Pits two legal giants against each other in a totally unscripted situation. The greatest pleasure comes from watching two brilliant legal personalities at work." Cox News Service: "The realistic trial is dominated by the hand-to-hand courtroom combat of the opposing attorneys, Gerry Spence and the relentless prosecutor Vincent Bugliosi. Will intrigue viewers for decades to come." *USA Today*:

“Spence and Bugliosi are experts. They taunt each other, humble witnesses and dig for facts like dogs digging for bones.” *People*: “Riveting. Bugliosi questions cops, people who were there that day, people who knew Oswald, and experts on forensic firearms, photography and chemistry. In his three piece suit, he is all business. Spence, in his cowboy hat, is all theatre. An experiment that works.” *Los Angeles Herald*: “The most potent drama ever put to tape. The hard-nosed, hyper Bugliosi and condescending, ridiculing Spence go at one another like frenzied rhinos.” The *Australian*: “An irresistible piece of television.” *London Sunday Times*: “Genuine. An epic programme.” *London Standard*: “What we shall never know is how a jury might have reacted if Oswald had survived to stand trial, but London Weekend Television has come up with the next best thing, a trial-in-absentia of the man accused of shooting Kennedy, complete with judge, jury, witnesses, and opposing counsel. A major contribution to one of the enigmas of twentieth century crime.” *London Telegraph*: “I wish to record admiration, gratitude and quite frankly awe for what LWT gave us last night.” London’s *TV Mail*: “As close to the real thing as we are likely to see. Great stuff.”

One thing that everyone agreed on—it was close to a real trial. Judge Bunton said, “Bugliosi and Spence were extraordinarily well-prepared. Both of them worked very, very hard getting this case ready for trial. The trial was of the highest caliber, one that measures up to any legal standards. We weren’t playing games. This was a trial.”

Since 1994, Gerry Spence has been conducting a three-week seminar for trial lawyers throughout the country at his ranch in Dubois, Wyoming. Called “Trial Lawyers College,” it has become very popular, almost to the point of becoming a mecca for trial lawyers, and is attended not just by new trial lawyers but also by successful, experienced ones who want to rise to a higher level. I’m told that the key thing he teaches among many points is that a trial lawyer has to “bond” or connect emotionally with the jury, get them to like him. And one technique he urges lawyers to employ in this regard is to talk to the jurors at a gut level and also to expose the lawyer’s own human weaknesses and vulnerabilities to the jury.* Following are some excerpts from Spence’s opening remarks in his final summation to the jury in London, where he attempts to do what he preaches:

Mr. Bugliosi.
My partner, Eddie,
Ladies and gentlemen of the jury:

I have been doing this a long time. And I have to swear to you something that I think some of you will find hard to believe. And that is that I never start a final argument in a case like this without my belly just going lickety-split split, and I feel shivers going down my arms, and I’m uptight, and I wonder if I can do my job right.

*Because of his course’s popularity, in the past several years Spence has also been conducting four or five regional three-day seminars around the country. The many, positive testimonials I’ve seen from lawyers who attended speak to the fact that not only have they started becoming more successful in their trials, but also what they learned gave them a better sense of who they are as human beings, thereby enriching their lives.

That might be hard for you to believe from somebody as experienced as I that has been in these courtrooms all these years. But if you stop to think how *you* feel right now, as a part of a very important historical trial, as a part of a jury trial that has historical significance that will go on for generations, then maybe you know how I feel. Because you folks are the first American citizens who have ever had a chance to pass judgment on the government's case. How does it make you feel? Maybe you know how I feel too. And together, I think we'll find some answers here this evening that are going to be important for history.

And I've got to tell you something. I just am very proud to have been a part of this proceeding. And the one thing that always makes me proud of being an American is the fact that I get to join with other good Americans who sit here in a jury trial and give of their time, give of their lives, go through hardship, go through physical discomfort, and serve their country in a search for truth. And that's what this case is about, is it not, a search for truth?

Excepting, you know, in every jury trial that I have been in before, I've had a client. I had somebody to talk to. Somebody that needed me. Somebody that looked at me with his eyes, and—and needed somebody to care.

And as I began to think about what I was going to say to you folks this evening, I began to wonder what it would be if Lee were here. What would he say to me.

I think I know what Lee would say. I think he would say, I'm scared, Mr. Spence. I think he'd say I—I can't explain a lot of these things. I think he would say, I don't know what to do. And I think he would look to me for some answers and for some reassurance. And maybe I would say to him, Lee, when they charge you, that doesn't mean you're guilty in this country. You know, there has got to be 12 good and true men who find you are guilty beyond a reasonable doubt.

And Lee, I want to tell you something, in my experience you can trust the jury. You know why? Because, you know, lawyers may think they are pretty smart, Lee, and doctors, scientists may think they are smart. The people with the great educations and the wonderful qualifications, Lee, they think they are great. And they may have curriculum vitae a mile long.

But a jury, Lee, is a composite of ladies and gentlemen like this one, maybe with an average age of 40 years old. With a jury of 12, that's 480 years of experience, almost half a thousand years of experience, Lee. And this jury has to find you guilty unanimously.

This jury has more judgment and more intelligence and is brighter than the brightest scientists and the greatest orators and the smartest lawyers that have ever walked into a courtroom, because a jury is a composite mind. That's what makes the American system great.

You know, when you have a man who has labored and a man who has suffered and a woman who has given birth to children and raised babies; when you have people from all walks of life, from every kind of background and experience, and you bring them together, it isn't the flat information that you get from a single witness on the stand, it becomes whole and round and complete.

And it's been proven. The wisdom of juries have been proven. It started with the Magna Carta in England. It was given to our colonists, and it's here today, Lee, this jury. I'm going to ask you to do just one thing, Lee. Just trust the jury.

I want to tell you something else I might say to Lee under those circumstances.

I might say, Lee, you know, in this country we have great rights. And when a member of this jury demands those rights be given to you, they are protecting those rights for themselves.

When this jury says this case has to be proven to us, not just me, but to every one of my colleagues, *beyond a reasonable doubt*, they protect you, but they also protect themselves, and they protect this system and this country that is different from every other country in the world. Because I need you to know something. There aren't any juries in Russia, Lee. And you may have discovered by now, Lee, that there aren't any juries in Cuba, and there weren't any juries in Nazi Germany, and there aren't any juries in China.

And the difference is the fact that in America we're free. And we'll be free as long as we have a jury like the one that is going to judge you, and see you, and test this case the state brings against you.

Now, folks, the judge is going to instruct you after this case is in and my argument is over, and one of the things that you will see in the charge is this language.

The defendant is presumed by the law to be innocent. He has no burden to prove anything.

Did you hear that? He has no burden to prove anything.

That means that all of the proof has to come from the government. All of the proof has to come from Mr. Bugliosi, this government's representative. We don't have to prove anything, because we are, you and I are, American citizens.

And they have to prove this case to you *beyond a reasonable doubt*. They have to prove every element of this case beyond a reasonable doubt, and when there are reasonable doubts that are raised by this evidence, which was my obligation to do, fairly, if I could, they must dispel those doubts. Not one of them. Not two of them. Not 17 of them. But the raft of doubts that you have heard in this case have to somehow disappear unanimously. In the minds of every one of you. And I need to say something to you that is very important to me.

Each one of you have the power individually to say no. No, I won't convict. Each one of you have the power to stop this thing, and so none of you can say, you know, I just went along with the majority. This isn't a majority case.

You have heard the testimony of doctors who testified the majority said this, and the minority said that. That's reasonable doubt.

Why are the great scientists having minority and majority decisions on matters of life and death? In this case, if you decide no, I have a reasonable doubt, you can stop this conviction all by yourself.

You have the power, you have the right, you have the responsibility to do it if in good conscience you can't go along with a conviction in this case. If one single doubt remains in your mind, you have the right and the responsibility and the duty to have the courage to say no.

And I turn to Lee Oswald, and I say, Lee Oswald, this jury—this jury is composed of people that have the courage to say no.

And that's what I would say to Lee Oswald in this case when he said to me, "Mr. Spence, I'm afraid."

This is a case in which we have searched for the truth. I will tell you there is only one truth. There is only one truth in this case. And that is the truth that nobody knows the truth. Nobody understands the truth. There is one truth in this case,

and that is that the closet involved here is locked, still locked. They won't tell us what's in the closet.

This man [turning to me] suggests to you that I have some obligation to prove something that is in his locked closet. [I did not suggest this.] That's the truth that is ultimately involved in this case.

We have our individual suspicions. We may have our individual theories. But they are not the truth.

We may have our prejudices. I have prejudices. I'm human. You have prejudices. Every one of us have had prejudices from the standpoint of history that have been brought to us.

You have heard Mr. Bugliosi attempt to work on your prejudices. How does it feel to have people play with your prejudices? How does it feel to have someone come up to you with a nice man, like the FBI's Shaneyfelt, and use him to prejudice you, reading a diary that was probably written in two or three days.

How does it feel to have your prejudices turned on and messed with so that suddenly you find yourself hating a human being, hating him because somebody from the stand read something from a letter and from a diary.*

How does it feel when you hear him talk about a human being as a kook?

You see, I've done some things here that maybe I shouldn't have. It's hard for me not to be friendly to people. I—that's why I'm a lawyer. I like people. I care about human beings. Sometimes I'm nasty and mean and ugly, but I try not to be. And if I have been too friendly during the course of this trial, if you have seen that as an attempt to influence you, then you must see me as some person who has no respect for you. You must see me as some person who believes that you would sell your vote, sell your conscience, sell your honesty, sell your true beliefs for a smile.

And I hope it's been all right that I have smiled at you from time to time. And have been friendly. And that you don't hold that against my client, Lee Oswald. (Transcript of *On Trial: Lee Harvey Oswald*, London Weekend Television, July 25, 1986, pp.997–1006)

No one could possibly quarrel with Gerry Spence's position that it's good for a trial lawyer to be able to bond with the jury. If he can do this, it can only help him in his quest for the verdict he is seeking. But there is another, perhaps superceding dynamic and reality at play here. As Spence would agree, a lawyer has to be himself before a jury. If he's not, the jury will pick up on the phoniness just like that, and this can only hurt him in the jury's eyes. Although it is natural for Spence to play to the jury and try to get them to like him, it would not be natural for me to do so. My personal style before a jury is to try to gain their respect. Although I obviously want them to also like me, I make no effort in that regard. Not only would I feel very uncomfortable making such an effort, since it's not my personality, but I'm too absorbed in the trial anyway to be thinking about such things. And by the

*What I introduced into the record may possibly (though I doubt it) have had that effect, but that was not my intent in introducing it. I presented evidence of Oswald hating America and capitalism to fortify my argument on motive that to Oswald, Kennedy probably was the quintessential representative of a society for which he had a grinding contempt. In fact, the main part of Oswald's diary I had Shaneyfelt read to the jury was Oswald's writing that "I have lived under both systems [American and Soviet]," Oswald going on to say, "I despise the representatives of both systems."

way, I would imagine there's a little intrinsic danger in playing to the jury. For example, with respect to the technique of smiling to the jurors (which Spence did and I didn't in London), if you happen to smile at some jurors more than others, this may possibly cause the latter to feel slighted, especially if, accidentally, no smiles come the way of a particular juror who sees you smiling at his fellow jurors. There is also the problem that Spence himself seemed to be concerned about—that the jury might think a smiling, friendly counsel believes he can get a juror to sell his vote or conscience, which would be very insulting to a juror.

What I try to convey to the jury is sincerity, honesty, substance, and stature. They all add up to credibility, which I want to have with the jury above all else.

An example of my seeking to have stature and credibility with a jury happened in 1966, only two years after I had become a prosecutor at the Los Angeles district attorney's office. That year there had been a record 367 bus robberies in Los Angeles. The situation had gotten so bad that many of the drivers refused to drive without a police officer present on the bus. Finally, a seventy-one-year-old driver who was due to retire within one month was shot and killed when he resisted two robbers, surprisingly the first homicide that the Rapid Transit District bus line in Los Angeles had ever had. It was an important case in the office, and we were seeking the death penalty against the two defendants.

The judge obviously felt that since I hadn't been in the DA's office that long, I was a relative rookie and could be pushed around. On the first day of trial testimony, I made an objection while sitting down (not an uncommon practice). The judge ordered me to stand up to make my objection. I did, after which he told me to sit down. I asked to approach the bench. These were my words, which were taken down by the court reporter, and it was obvious to the judge that I was angry: "Judge, I represent the people of the state of California, twenty million people [it was only twenty million back then, now it's approaching forty million], and when I stand up in front of the jury in my final summation, I have to have stature and credibility with them. If you tell me to stand up and sit down like a yo-yo in this courtroom, I'm not going to have that. From now on, I'll stand up and sit down in this courtroom when I want to, not when you want me to." Whereupon I stalked back to my seat. You can believe it or not, but from that point on in the trial, I made all my objections sitting down, not standing up, and the judge never said a word. Of course, a trial lawyer talking to a judge like that risks being held in contempt of court. But I'd personally rather be held in contempt of court and keep my credibility with the jury than let the judge demean me before the jury, not respond, and hence, lose stature.

xviii **LWT staff:** LWT's chief outside consultant was Paul Hoch of Berkeley, California, whom neither I nor Spence worked with in the preparation of our cases. Hoch, who leans toward the conspiracy theory, is eminently fair and objective and is one of the very most respected assassinologists in America.

xx **impossible to keep a secret:** Not impressed at all with the enormous improbability that two groups of conspirators could keep a secret for decades, prominent conspiracy theorist Peter Dale Scott has added a third group from which not one word has ever escaped. "There are probably three categories," Scott, a former Canadian diplomat with a PhD in political science, told an interviewer for the *Syracuse New Times* on July 8, 1998. "1. People actually involved in the assassination,

2. Those involved in the cover-up, and 3. The watchers who knew that the president was going to be murdered.” If we wait long enough, Scott, whose passion for speculation and hypotheticals is matched only by his aversion for hard facts, will surely come up with some fourth group whose members have all remained silent for over forty years—for instance, those who were offered a choice role in the killing of Kennedy, but for whatever reason (perhaps a prior commitment) declined.

This book will make it very obvious how unreliable and independent Oswald was, yet many conspiracy theorists contend he wasn’t only a secret agent for the political left or right, but a double agent. Again, this is not good enough for Scott, a professor of English at University of California, Berkeley, who prides himself as being a deep, serious thinker. Oswald, he told the *New Times*, “may have been a triple agent.” Scott’s book, *Deep Politics and the Death of JFK*, though well written and well researched, is replete with such nonsense and could more aptly be titled, *Serious Silliness and the Death of JFK*.

- xiii **This realization impelled me:** But at times I found the sheer weight of the case almost too much, saying to myself that I might not have enough time to get a handle on one of this magnitude. These low moments, however, were always immediately quelled by my awareness (an awareness that gave me renewed impetus and vigor to break the back of the case from a prosecutorial perspective) that if I were unable to satisfactorily explain away to the jury the multiplicity of problems with the case and prove Oswald’s guilt beyond all reasonable doubt, the Warren Commission critics would seize on this fact as virtual confirmation that when a jury of twelve objective and impartial American citizens had heard and considered the evidence against Oswald, they concluded he was not guilty. And the theorists would unquestionably cite this fact in the future in their books. (It was equally clear to me that if the verdict were guilty, there would be no mention of the fact in their books.)
- xiii **The trial in London:** In preparing for the trial, nearly all of my time was spent on getting a solid grasp of the case and all its major issues. I never had the time to really familiarize myself with the many pages of direct examination, cross-examination, and final summation I had prepared to the point where the whole page was in my mind. I therefore had to make reference to my yellow-pad notes more than I would have in a normal trial.

One of the biggest problems I had preparing for the trial was how to compress the prosecution of a murder case of this magnitude (and in addition thereto, two other murders inextricably related to the Kennedy assassination I had to deal with—Oswald’s killing of Officer Tippit and Ruby’s killing of Oswald) into only ten and a half hours, my half of the time allotted for the trial. And to do so in a structured, understandable, and persuasive way for the jury.

Because of the time limitations, I was also forced to proceed at a markedly faster tempo than normal with my questioning of witnesses. Though considerations of style would have dictated otherwise, I invariably opted for the historical record, determined to shoehorn as much substance into the record as possible.

Because of these same time constraints, although it is good trial technique anyway not to object to your opponent’s questions too often in a jury trial (the jurors may conclude you’re trying to suppress relevant evidence they want to hear), I rarely objected to Spence’s questions, even those that were clearly objectionable, not wanting to consume valuable time.

- xiv **a verdict of guilty:** Producer Mark Redhead told me years ago that on the first ballot back in the jury room, the vote was slightly in favor of an acquittal, like 7 to 5 or so. But when I spoke on the phone on December 27, 2002, with the jury foreman, Jack Morgan, he remembered very clearly that on the first ballot “it was 10 to 2 for guilty [he was one of the two voting not guilty, he said] and on the second ballot it was unanimous.”
- xiv **very large national audience on Showtime [footnote]:** Though the trial was twenty-one hours long, Showtime showed only four and a half hours. London Weekend Television (the producers) and Showtime, which helped fund the project, wanted to have a poll from the national audience (in which people calling in would have fifty cents added to their phone bill) on whether Oswald was guilty or not guilty, and whether or not they believed there was a conspiracy. I was very much opposed to this for two reasons: One, how could members of the television audience, acting as television jurors, so to speak, render an opinion on these issues when they only saw approximately 25 percent of the trial, missing 75 percent of it? If a real juror had to miss even 1 percent of a trial, they would automatically be replaced by an alternate juror. Secondly, as stated in the main text, it was not alleged in the indictment that Oswald was part of a conspiracy, and it was not an issue for the London jury to decide.

Despite my objections, the producers and Showtime were insistent on a TV poll, so I suggested a compromise, one in which I eventually became the victim of the expression “Be careful what you ask for, you might get it.” I agreed to go along with the poll if it was limited to a call-in for guilty or not guilty, with no vote on the conspiracy issue. That was my mistake, thinking the television audience would be responsible enough to vote on the only issue before it. When the result of the national poll came on the screen and was announced by the host, network commentator Edwin Newman, it showed that 85 percent voted not guilty, only 15 percent voted guilty. I felt I knew what had happened. National polls at the time showed that approximately 85 percent of the American people believed that Oswald was part of a conspiracy in the assassination. It was just too much of a coincidence. The television audience, unable to vote for its belief in a conspiracy, expressed its belief in the only way available to it, by voting not guilty.

This conclusion of mine was virtually confirmed when the four and a half hours of trial was again shown on national television in 1988 in a Tribune Entertainment Geraldo Rivera special from Dallas on the twenty-fifth anniversary of the assassination. (The trial was shown once again as a five-part series on A&E in February of 1992.) Governor Connally and his wife, Nellie, were guests on the show. I had learned my lesson, and even though I knew the audience shouldn't be voting on anything (since they never saw the vast majority of the trial), and certainly not on the issue of conspiracy, I now insisted that they vote separately on the issue of conspiracy. The Showtime special had not put on the screen the number of voters who called in. But the number for the 1988 Tribune Entertainment special was a phenomenal 221,516. Eighty percent voted guilty, 20 percent not guilty, and 71 percent of the television audience said that Oswald was part of a conspiracy. In an interview following the vote, I commented that national polls at the time showed that 85 percent of the American people believed there was a conspiracy in the assassination, and that after the audience (certainly a representative sample of the

national population) watched only four and a half hours of the twenty-one-hour trial, the number had dropped to 71 percent. I added my belief that if the audience had seen the entire twenty-one hours, the percentage would have been considerably lower.

By way of footnote, although the only verdict for the London jury to return was guilty or not guilty, they were also asked, based on what they had seen at the trial, to give their informal opinion as to whether Oswald acted alone or as part of a conspiracy. Seven concluded he had acted alone, three believed he was part of a conspiracy, and two had no opinion.

- xxv **not guilty verdict [footnote]:** Actually, in the law, *not guilty* and *innocent* are not synonymous terms. A verdict of not guilty means only that the prosecution has failed to meet its legal burden of proving the defendant's guilt beyond a reasonable doubt, not that the jury necessarily believes the defendant is innocent—that is, did not commit the crime.
- xxviii **2,500 sets of the volumes:** Without citation, author Walt Brown says that “some contend there were 8,000 sets of the 26 volumes published” (Brown, *Treachery in Dallas*, p.397), presumably including those that may have been published after the original first printing of 2,500.
- xxxi **issue of conspiracy:** Unbelievably, the 1976 Church Committee Report contained this language: “Rather than addressing its investigation to all significant circumstances, including all possibilities of conspiracy, the FBI investigation focused narrowly on Lee Harvey Oswald” (Church Committee Report, p.6). Whoever wrote these words either knew nothing at all about the FBI's investigation, or should have his or her mouth washed with soap. It is 100 percent wrong, or at the very least, completely misleading. Since the FBI and Warren Commission knew beyond all doubt that Oswald killed Kennedy, by definition any conspiracy had to have involved Oswald. So only in that sense is the Church Committee statement that the FBI investigation “focused narrowly” on Oswald correct. Since it knew Oswald killed Kennedy, the narrow focus on *Oswald's* (as opposed to some innocent person's) association with others was *mandatory*. Moreover, the Church Committee statement suggests much more than this—that virtually no investigation of conspiracy was conducted. When leading Warren Commission critic and pro-conspiracy author Harold Weisberg pointed out that the FBI and Warren Commission “checked into almost every breath [Oswald] drew” (Weisberg, *Oswald in New Orleans*, p.214), this fact *is* an investigation of a possible conspiracy. There can be no question that the FBI spent thousands of man-hours investigating matters that had nothing to do with Oswald killing Kennedy and everything to do with whether he was involved with anyone else in the assassination. With a large staff and eleven senators on the Church Committee, it's remarkable that a historical falsehood and blasphemy like the aforementioned statement would not have been caught by someone and corrected before publication.

As if the above is not bad enough, the Church Committee Report also says, “There is no indication that the FBI or the CIA directed the interviewing of . . . sources within the Cuban exile community” (Church Committee Report, p.4). Apparently the Church Committee was unaware of the FBI's very extensive investigation of the Sylvia Odio incident, the considerable number of FBI interviews of anti-Castro Cuban exiles, and the fact that the Warren Commission took sworn

testimony from several members of that community concerning the Carlos Bringuier incident. (See main text.)

On the other hand, Gary Cornwell, chief deputy counsel for the HSCA, makes the point that with the exception of the Warren Commission and FBI investigating all aspects of Ruby's involvement in the assassination weekend, and their looking into, though much more modestly, Oswald's possible association with the CIA, FBI, and KGB, they should have been more proactive in investigating the conspiracy issue, as opposed to too often only responding to tips and leads furnished them. For instance, he said, since motive is circumstantial evidence, and since organized crime had a motive to kill Kennedy, the Commission should have sought the FBI electronic surveillance tapes of the mob, which it didn't do, but which his HSCA did. Likewise, he says, with anti-Castro Cuban exiles. Since it was well known that many of them hated Kennedy over the president's failure to provide air support during the Bay of Pigs invasion, the Commission should have asked the FBI to investigate this group in depth (again, as the HSCA did), beyond the Sylvia Odio affair and Oswald's brief foray into infiltrating anti-Castro elements in New Orleans. (Telephone interview of Gary Cornwell by author on January 13, 2006)

One can't quarrel with Cornwell's assessment on this matter. Although in a criminal investigation you follow leads for the most part (you don't blindly spin your wheels pursuing that which doesn't exist), the presence of motive is itself a lead to pursue. The only observation I would add to Cornwell's critique of the Warren Commission is that since the Commission knew beyond all doubt that Oswald killed Kennedy, by definition, if there was any conspiracy, the conspiratorial group (mob, anti-Castro Cuban exiles, CIA) *had* to have been involved in some way with Oswald. Inasmuch as the Warren Commission, FBI, and Secret Service probably conducted the most comprehensive and meticulous investigation of Oswald that has ever been conducted on any individual in history, even though the Commission and FBI did not go out and do what Cornwell said they should have done (which I don't disagree with him on), they virtually reached the same degree of knowledge by examining almost every day of his life. If he had been involved with any of these groups, this investigation of Oswald's life and activities would have taken them to the CIA, FBI, et cetera, even if they hadn't had them on their radar screen already.

xxxiii **fluff:** In his book *Treachery in Dallas*, Warren Commission critic Walt Brown refers to many Commission exhibits in volumes 16 to 26 as "nonsense" (i.e., fluff). Some of those he cites are not nonsense at all. Just for example, he considers as nonsense exhibits like Ruby's tax returns, transcripts of Ruby's trial, photos of the Triple Underpass, an X-ray of a fractured goat rib from a Warren Commission reenactment of the shooting of Governor Connally, and a report on Oswald (as well as his relationship with his mother) by a probation officer for New York City's Juvenile Court. But there are, in the eleven volumes of exhibits comprising 9,833 pages, a number of dubious evidentiary value. However, to make a point of this, as Brown does, is like criticizing the New York Public Library because it contains some books of cartoons and on UFOs. In this limited category, he cites two newspaper photos of Mark Lane (Marguerite Oswald's lawyer), an FBI interview on the treatment of Jack Ruby's baldness, lyrics of a Russian song, and Marina's dental records, among a few others. (Walt Brown, *Treachery in Dallas*, pp.391–397) How did these

exhibits find their way into the eleven volumes? Because for whatever reason, witnesses testifying before the Commission either specifically referred to the exhibits in their testimony, or gave testimony that prompted the FBI to go out and try to confirm something they said.

In any event, a good 97 to 98 percent of the contents of the volumes (and that includes some duplicate exhibits that appear in different volumes) are of substance and are relevant, in some way, to an assassination issue that arose during the Warren Commission hearings and investigation.

- xxxiv **Liebeler testified before the HSCA:** Although what assistant Warren Commission counsel Wesley Liebeler said is difficult for anyone to refute, listen to this from Warren Commission critics Gil and Ann Chapman: “The Warren Commission was ineptly managed, with little or no care or thought put into its operation, and with the thought the second rate, slipshod report would satisfy the President and get by with the American public.” My, my. (Chapman and Chapman, *Was Oswald Alone?* p.156)
- xxxv **within the Warren Commission volumes:** Remarkably, *Best Evidence* author David S. Lifton complains in his book about the fact that the testimony of witnesses supporting his conclusion that the shots that struck the president were fired from the grassy knoll was “scattered throughout the twenty-six volumes.” He clearly suspects a nefarious purpose on the part of the Warren Commission when he writes that “perusing the twenty-six volumes, [he and his colleagues] found accounts of what was seen and heard in Dealey Plaza *mentioned nowhere* in the Warren Report.” (Lifton, *Best Evidence*, p.15) The Warren Report, of course, is only a summary of the twenty-six volumes. And it’s these volumes that contain the testimony, statements, exhibits, and affidavits of the witnesses. But the Warren Report itself makes no effort to conceal the fact that many witnesses thought the shots came from places other than the Book Depository Building. On page 71 of the report, the Commission writes, “When the shots were fired, *many* people near the Depository [where Oswald was located] believed that the shots came from the railroad bridge over the Triple Underpass or from the area to the west of the Depository [grassy knoll],” and page 73 of the report specifically sets forth the conclusion of several of these witnesses. But even if there were no references in the Warren Report of witnesses who thought the shots came from locations other than the Book Depository Building, and the only reference to them was in the twenty-six volumes of the Commission, the question Mr. Lifton should ask himself is, If the Warren Commission were trying to suppress the truth, why would it publish, for everyone to see, the testimony of these witnesses *at all*? Why publish a name in the index and put the testimony and affidavits of these witnesses even in the twenty-six volumes for critics like me to find?
- xxxvi **have it both ways:** While it is perfectly legitimate to cite someone who has a different view of the assassination than yours for saying things supportive of your position, which I myself do from time to time in this book, it would seem you can’t cite some person or group whom you believe to be actually involved in the assassination (e.g., FBI), or knowingly involved in the cover-up (e.g., autopsy surgeons), for taking positions that are supportive of your premise.
- xxxviii **contrary to what Posner suggested:** In a similar vein, Posner remarkably dismisses in just a few words one Joseph Milteer as “a right-winger in Miami who

told a police informant in November 1963 that Kennedy would be killed when he came to Miami (November 18, only days before his Texas trip) . . . Beyond his boastful claim in November, there is no link between Milteer and the events in Dallas” (Posner, *Case Closed*, p.498). Although Posner’s conclusion is correct, Milteer was considered sufficiently important and troubling by the HSCA to appear on forty-six pages of its volumes.

xxxix **Posner “didn’t have anything to do” with their project:** Virtually all of the media reviewers of Posner’s *Case Closed* (the *San Francisco Chronicle* and *Washington Post* may have been the only exceptions) just assumed that Posner was somehow responsible for the computerized analysis in his book. A typical and representative review of Posner’s book was this August 23, 1993, Reuters’s story out of New York, which was republished in many papers in this country: “One of the largest private investigations into the assassination of John F. Kennedy—one using the most advanced computer technology available—concludes that Lee Harvey Oswald was a lone assassin . . . Investigator-author Gerald Posner, *whose findings* will be published by Random House in a book called *Case Closed* . . .” However, Patricia Holt, the seasoned book editor of the *San Francisco Chronicle*, wrote on September 5, 1993, “Posner refers to that study repeatedly, but does not explain that Failure Analysis was commissioned by the American Bar Association to recreate its reconstruction for the ABA’s mock trial of Lee Harvey Oswald in San Francisco last year.”

And when a reporter from the *Washington Post*, Jeffrey Frank, went further and suggested in his October 31, 1993, review of *Case Closed* that Posner had misrepresented to his readers that he had commissioned the study by Failure Analysis Associates (FAA), Posner wrote this response to Frank’s review in the December 12, 1993, edition of the *Post*: “The insinuation that I claimed that FAA’s enhancements were commissioned for [my] book is false. In the book, the citations to FAA’s work and Dr. Piziali’s testimony refer to the 1992 ABA mock trial which is a matter of public record.” Yes, the American Bar Association’s mock trial is a matter of public record, but it was a very obscure event that at least ninety-eight out of a hundred people had to be completely unaware of. And Posner, in his book, clearly wasn’t eager to increase the number of people who did know about it. The only references to the mock trial are buried in the back of the book in citations to the text, and nowhere in his book does Posner tell his readers that the American Bar Association commissioned FAA’s work for the trial. Much more important and relevant is the fact that while Posner’s citations, as he indicates, do refer to the mock trial and Dr. Piziali’s testimony at the trial, they in no way refute (or even address themselves to) the reality pointed out by Frank that Posner had led his readers to believe that he had commissioned FAA’s work.

Not only the print media but also the electronic media thought Posner had commissioned the FAA work. In a September 26, 1994, affidavit under penalty of perjury, FAA president and CEO Roger L. McCarthy said that “in early televised interviews of Mr. Posner that were witnessed by FAA staff [members], Mr. Posner made no attempt to correct any supposition by a questioner that the FAA analytical work was performed at his request for him, and certainly left quite the opposite impression.” See also *Fourth Decade*, November 1993, p.12.

- 5 **Why would he say that? she wondered:** Marina Oswald later speculated that he probably did not want to run the tiniest risk of her seeing him take his rifle from the garage that morning (McMillan, *Marina and Lee*, p.525).
- 7 **Today he will get up around ten:** A Dallas police officer friend of Jack Ruby's, T. M. Hansen Jr., told the Warren Commission that sometime between 8:15 and 9:30 a.m. on the previous day, Thursday, November 21, or Friday, he couldn't remember which, he saw Ruby standing on the sidewalk outside the Dallas Police Department and exchanged brief greetings with him (15 H 442–443). It almost had to be Thursday morning because Ruby didn't get to bed Thursday night until after four in the morning (Crafard Exhibit No. 5226, 19 H 356), so he wasn't likely to have been up a few hours later on Friday morning and in front of the police department where Hansen said he saw him, especially given the time he always took for a shower, breakfast, dressing meticulously, and getting ready to leave his apartment. In fact, when George Senator, who lived with Ruby, left their apartment Friday morning at around eight, Ruby was still asleep (CE 1810, 23 H 460).
- 13 **news for November 22, 1963:** Not in the news but in the newsstands in Paris is a booklet of astrological predictions by Andre Barbault and published by Albin Michel. On page 90 is the prediction that “for November 1963, the tragic end of the President of the United States.” (Gun, *Red Roses from Texas*, p.37)
- 15 **desire to come to Texas:** The basic decision to make the November trip to Texas was made at a meeting of President Kennedy, Vice President Johnson, and Governor Connally on June 5, 1963, at the Cortez hotel in El Paso, Texas (WR, p.28; 7 H 475, WC affidavit of Clifton C. Carter). However, the president had been urging such a trip long before then, and up until the Cortez hotel meeting, Connally had been resisting the trip because he was so consumed with his own reelection campaign for governor in 1962 (and then, after his reelection, with developing a legislative program to submit to the Texas legislature) that he didn't feel he had the time to “do credit to a visit” (1 HSCA 12–13). And, according to his aides after the assassination, he feared the possibility of some unpleasant incident in the right-wing state (“Connally Wanted President to Call Off Trip to Texas,” *Dallas Morning News*, November 23, 1963, sect.4, p.5).
- 22 **the lobby:** Ruby told FBI agent C. Ray Hall that he talked to two girls in the lobby, Gladys Craddock and a girl named Connelly or Connell (actually, Claire Conlon, Craddock's supervisor), and he “thinks” he gave them a bottle of Larson's CRD, a food supplement for people on a diet (Hall [C. Ray] Exhibit No. 3, 20 H 49). But Conlon had left early for lunch to be able to get back for the presidential motorcade, so she wasn't in the building when Ruby arrived, and Craddock said that she had no conversation with Ruby that day other than his shouting out from a distance across the lobby that “the president is going to be here today” (CE 2321, 25 H 282, FBI interview with Mrs. Gladys Beall Ivey, nee Craddock, on July 30, 1964).
- 22 **Tony Zoppi:** Tony Zoppi would later reminisce about Jack Ruby: “I was the nightclub editor [at the *Dallas Morning News*] . . . Well, let me tell you, [Jack Ruby] would walk into my office and invariably he was looking for a plug in [my] column for an act, and we'd talk in generalities. And then, he'd start to talk, and as he talked, he got louder and louder. And he had a very nervous giggle . . . And people in the office, when he'd leave, they'd say, ‘Why do you tolerate him . . . why do you even

associate with him?’ And my stock answer was, ‘He’s a letter from home.’ Because where I lived in New Jersey, there were people like Jack Ruby. He was very ethnic. He was Jewish. I was Italian, and that’s the kind of neighborhood I was brought up in. I mean, there was every nationality imaginable. And there was a pool hall downtown. I never was in it, but I’d see the fellows coming and going. And Jack Ruby was that type, and that’s why I said he was like a letter from home” (Tony Zoppi, Oral History Collection/Sixth Floor Museum at Dealey Plaza).

- 22 **he’s in New Orleans:** But *was* Tony Zoppi in New Orleans? Jack Ruby testified that when he went to Zoppi’s office, “They said he went to New Orleans for a couple of days” (5 H 183; see also 14 H 467, WCT Eva Grant). Yet Zoppi told the HSCA in a March 31, 1978, interview that he saw Ruby on the morning of the assassination in his office at the *Dallas Morning News* and that Ruby had a picture of an ESP expert he wanted Zoppi to plug, adding that Ruby was “too calm” that morning to have been involved in a conspiracy (5 HSCA 170). And Zoppi, in a 1993 conference of reporters who covered the assassination, said that not only was he in Dallas that day, but he watched the motorcade go by from the mezzanine of the Adolphus hotel, though he never mentioned the Ruby visit earlier that morning (Hlavach and Payne, *Reporting the Kennedy Assassination*, p.73). The probable reason he didn’t is that in the writing of the book *Case Closed*, author Gerald Posner confronted Zoppi with the fact that Ruby said Zoppi was not at the *Dallas Morning News* on the morning of the assassination when he came by. Zoppi proceeded to tell Posner that Ruby was right, and that he, Zoppi, had not told the truth to the HSCA investigators. Posner, on a Washington, D.C., radio station said, “He admitted to me that he just tried to make the story sound more interesting by putting himself there. He wasn’t there, in fact, when Ruby showed up” (Diane Rehm radio show, WAMV, Washington, D.C., September 15, 1993). Conspiracy author David Scheim, who prompted Posner’s statement about Zoppi by calling in to the radio show and pointing out to Posner the conflict between Ruby’s and Zoppi’s original statements, has taken Posner to task for relying extensively in his book on Zoppi’s credibility that Ruby had no mob connections, yet not telling his readers that Zoppi had lied to the HSCA and hence, Zoppi’s credibility was dubious (Press release, Spi Books, September 24, 1993).

- 23 **Neither Campbell nor Ruby mentions the presidential motorcade:** Conspiracy theorists have wondered why, if Ruby cared for the president so much, and was such a familiar figure attending so many events in Dallas, he wouldn’t have been somewhere along the motorcade route. Everyone who knew Ruby said he always wanted to be a “part of the action.” Watching a motorcade pass by for fifteen or twenty seconds would probably not have been a part of the action to Ruby. He obviously was into events whose localization enabled him to indirectly participate in them, like arguing with those close to him near ringside at a big boxing event. “Jack Ruby was the kind of person who hung around newspaper city rooms and hung around with the police, and he was in full evidence, usually at sporting events, boxing matches, football games, and things like that” (Testimony of Seth Kantor, Transcript of *On Trial*, July 25, 1986, p.924).

Ruby’s testimony before the Warren Commission, in attempting to explain why he didn’t go out in the street and watch the presidential motorcade, that “I don’t want to go where there [are] big crowds. I can’t explain it to you” (5 H 184), makes no sense at all, and hence, cannot be reasonably explained. His limited intellect

tried to come up with a reason that made sense as to why someone who loved the president as much as he said he did wouldn't be out on the street greeting him, and he uttered a completely irrational statement. As indicated, Ruby went to boxing fights and football games, where there were large crowds, all the time.

One observation should be added to the above, however. The Carousel, by virtually everyone's account, was Ruby's life, and the ads for the club in the Friday newspapers were the most important because the weekends brought in the most revenue for the club (13 H 436, WCT Curtis LaVerne Crafard). Additionally, there was a 12:00 noon deadline for the ads, so Ruby had a good reason to be where he was as opposed to watching the motorcade. Apparently, this deadline was flexible because Ruby told the FBI that he was still working on or discussing the ads at the time he heard the president had been shot (Hall [C. Ray] Exhibit No. 3, 20 H 49; but see 15 H 539, WCT John Newnam). And actually, early Friday morning at the Carousel, after Ruby had closed the club, he told Billy Joe Willis, the drummer in the band at the Carousel, that he *did* intend to go and watch the presidential motorcade if he got his weekend ad drafted in time (Wills and Demaris, *Jack Ruby*, p.208; Willis with Ruby early Friday morning: CE 2003, 24 H 230).

- 23 **Air Force One:** In 1963, there was only one plane that served as Air Force One, SAM26000. However, there were three other jets in the presidential fleet, SAM86970, SAM86971, and SAM86972 (all Air Force Twos), which served as backup planes for Air Force One, and if the president, for whatever reason, was flying in one of them, for that flight it became "Air Force One." The vice president would always fly on one of the Air Force Two planes. Today, there are two Air Force Ones, SAM28000 and SAM29000, both Boeing 747-200s, with numerous backup jets in the fleet. (Telephone interviews of James Sawa by author on June 18 and 21, 2005) Air Force One and all of the other planes are kept at Andrews Air Force Base in Maryland, about fifteen miles from Washington, D.C.
- 25 **the bubble top:** The oft-stated belief is that since the bubble top was plastic and not bulletproof, it wouldn't have made any difference if it had been used in Dealey Plaza. But that presupposes that Oswald would have shot Kennedy if the bubble top was on the car, and we don't know that. The limousine being a presidential one, he may have assumed the top was bulletproof and therefore concluded that he could not shoot and kill Kennedy.

After the assassination, the limousine was sent back to Hess & Eisenhardt for modification, which included a reinforced steel roof and bulletproof glass. The rebuild was completed in less than six months and the limousine returned to the White House, though the new president, Lyndon Johnson, rarely used it. It remained a part of the White House fleet until it was retired in 1977. The limousine is currently on display at the Henry Ford Museum in Dearborn, Michigan. ("Discovering History with a Car Collector," pp.46-47)

- 30 **but finds it missing:** However, during a 1967 CBS News broadcast, Charlie Givens provided another explanation as to why he didn't fulfill Oswald's request: "Well, I, you know, [was] kind of excited, wanted to see the parade, so when I got downstairs I really forgot it. I just rushed off and went out to lunch" (Transcript of *CBS News Inquiry: The Warren Report*, part I, June 25, 1967, p.7, CBS Television Archives).
- 31 **he doesn't see anyone on the sixth floor:** Bonnie Williams testified that "at the time I couldn't see too much of the sixth floor because the books at the time were

stacked so high. I could see only in the path I was standing. As I remember, I could not possibly see anything to the east side of the building,” where a sniper’s nest would be found after the shooting (3 H 169).

- 31 **a piece of chicken on the bone:** During a search of the sixth floor after the assassination, a detective for the Crime Scene Search Section of the Dallas Police Department found a lunch bag with chicken bones, a piece of waxed paper, and a little piece of Fritos in it in front of the “third” double-window over from the southeasternmost window on the sixth floor of the Book Depository Building. He also found a Dr. Pepper bottle nearby. (7 H 146, WCT Robert Lee Studebaker; CD 1245, p.84, FBI interview of Robert Studebaker on May 29, 1964) Since Bonnie Williams had chicken, Fritos, and a Dr. Pepper for lunch at that exact place, that should have been the end of it. Lieutenant J. C. Day dusted the Dr. Pepper bottle for fingerprints, and no prints of Oswald’s were found. When Day later found out the food and drink had belonged to Williams, he decided the lunch bag and Dr. Pepper bottle had no value to the case and threw the sack and bottle away. (CD 1245, p.83) Not so fast, said conspiracy theorist Sylvia Meagher, who said that since Day “saw no need to check the empty bottle for fingerprints other than Oswald’s, we will never know if fingerprints were on the bottle, or whose they were.” And even though Studebaker, whose job it was to search the sixth floor, saw the food and drink next to the third double-window over, and several other witnesses said they saw them in the same place (e.g., 6 H 330–331, WCT William H. Shelley), and Williams himself said that’s where he ate his lunch, Meagher proceeded to cite other witnesses who said they saw food elsewhere, for example, Luke Mooney (3 H 288–289), who said he saw a piece of chicken on top of one of the boxes surrounding the sniper’s nest. (Meagher, *Accessories after the Fact*, pp.39–41)

Other than her and her colleagues’ insatiable passion for pointing out normal (not to them) inconsistencies in the recollections of witnesses, nowhere does Meagher tell her readers what the relevance of these inconsistencies was. Was it her point that Williams was lying, that the chicken eater was the assassin in the sniper’s nest (who wasn’t, Meagher would assure us, Oswald), or Williams was not lying, but the assassin in the sniper’s nest was also eating chicken while he waited to kill the president? I wish the theorists would tell us the relevance of the many inconsistencies they cite in the Kennedy case instead of feeling that the inconsistencies are an end in themselves and nothing else has to be shown or argued.

- 31 **goes back to the elevator:** Bonnie Ray Williams told the Warren Commission on March 24, 1964, that he could not remember the exact time he descended to the fifth floor. He first suggested it was “ten to fifteen minutes after twelve” when he said he finished his lunch. But then he said it was “approximately 12:20, maybe.” It is unlikely that Williams, who left the sixth floor around 11:55 to get his lunch, and probably arrived back on the sixth floor at around noon or shortly thereafter, would have taken close to twenty minutes to eat his lunch. FBI agents Tom Carter and Will Griffin reported that earlier, in a January 14, 1964, interview, Williams told them he went back down to the fifth floor around 12:05 p.m. (3 H 173, WCT Bonnie Ray Williams).
- 32 **man who’s having some sort of epileptic fit:** The conspiracy community is convinced that the man’s epileptic seizure was feigned, and only done to “distract police and bystanders while assassins moved into position prior to Kennedy’s arrival in Dealey Plaza” (e.g., Marrs, *Crossfire*, p.43). But we know that at the time

of the seizure Oswald was already in his position in the sniper's nest in the Book Depository Building. And since most conspiracy theorists believe that the only (or second) assassin was behind the picket fence on the grassy knoll on Elm, how would someone having a seizure on the west side of Houston Street have possibly distracted people in the vicinity of the grassy knoll way down Elm Street? I mean, those are the people you'd want to distract, right?

In any event, the man was twenty-three-year-old Jerry Boyd Belknap, who was working part-time in the mail room of the *Dallas Morning News* at the time of the assassination. He came to Dealey Plaza to watch the motorcade. Belknap said he was struck by a car several years earlier, suffering a head injury that required him to take medication three times a day to avoid fainting spells, saying he did not believe the spells were any type of epilepsy. He neglected to take his medication on November 22, and when he felt a fainting spell coming on while waiting for the motorcade, he attempted to move back from the crowd, and while doing so, fainted and fell backward on the sidewalk. Belknap said that shortly after the ambulance attendants carried him on a stretcher into Parkland Hospital, President Kennedy was brought into the hospital and, he said, there was "much confusion" and "little attention" was paid to him. But he did get a glass of water from a nurse, took his medication, and when he felt much better, walked out of the hospital without ever registering as a patient, and returned to work. Belknap said he didn't know Oswald, but had seen Jack Ruby on one or two occasions though he never met or spoke to him. (CD 1245, pp.9–10, FBI interview of Jerry Boyd Belknap on June 8, 1964)

The ambulance driver, Aubrey Rike, said he was dispatched to go to 100 North Houston at 12:19 p.m., and that by the time he and his partner arrived at Houston Street, Belknap, on the ground, was conscious and had a "slight facial laceration." He confirmed Belknap's story about Kennedy arriving at Parkland shortly after they did, that there was a lot of confusion, and "during this confusion" the patient he brought to the hospital "walked off." (CD 1245, p.7, FBI interview of Aubrey Lee Rike; Gates with Manly, Foote, and Washington, "Bottom Line: How Crazy Is It?" p.52; see also CD 1245, pp.6, 8, for FBI interviews of two employees of the ambulance company who knew about the call for help coming in to the company. Belknap paid his ambulance bill of \$12.50 on December 2, 1963.)

With forty-four years to investigate Belknap, I'm still waiting for conspiracy researchers to connect him with the plot to kill JFK. Maybe they haven't had enough time yet to get to the bottom of it.

- 38 **limousine commences its turn onto Elm Street:** Roy Truly, superintendent of the Texas School Book Depository, testified that the driver of the presidential limousine misjudged the turn onto Elm Street and nearly hit the finger-like extension of the north curb that lies between Elm Street and the service road that runs in front of the Depository (3 H 220). Amateur films taken by Elsie Dorman and Tina Towner, however, prove the limousine made a smooth, uninterrupted turn from Houston onto Elm Street using the center lane.
- 39 **First Shot—:00.0 seconds:** The exact time of the assassination being at 12:30 p.m. was established by several witnesses. Secret Service agent Rufus W. Youngblood told the Warren Commission that as the vice presidential car in which he was a passenger turned onto Elm from Houston just before the assassination, he looked at the large electric sign clock atop the Texas School Book Depository Building and saw it was 12:30. He said he was keeping track of time for Vice President Johnson, who

would periodically ask him during the motorcade if they were “running on time.” The reason, he said, that the 12:30 time was “significant” to him “is because this was the time we were supposed to arrive at the Trade Mart.” (2 H 151, WCT Rufus Wayne Youngblood) Presidential aide David Powers, riding in the Secret Service follow-up car to the presidential limousine, said in an affidavit that “I was very much concerned” about getting to the Trade Mart on time, and just as his car turned onto Elm, “I looked at my watch and noted that it was almost exactly 12:30 p.m., which was the time we were due at the Trade Mart. I commented to Ken O’Donnell that it was 12:30 and we would only be about five minutes late.” He said the first shot was fired just after this. (7 H 473, WC affidavit of David F. Powers) And the Dallas police radio log shows that Dallas chief of police Jesse Curry reported the shooting and issued his first orders at 12:30 p.m. (CE 1974, 23 H 913).

- 39 **sparks fly off the pavement:** Royce Skelton, a mail clerk at the Texas Louisiana Freight Bureau, who was standing on top of the Triple Underpass, also testified that he saw a bullet strike the pavement. According to Skelton, the bullet struck concrete to the left front of the president’s car, scattering pavement dust away from the Depository, although Skelton’s testimony indicates this occurred around the time of the head shot. (6 H 236–239; Skelton Exhibit A, 21 H 519) Austin Miller, a coworker standing next to Skelton, also noticed a powder dust spray in the street to the driver’s side and rear of the limousine at the time of the shots, but never indicated the time with any specificity (CD 205, p.27, FBI interview of Austin Miller on December 18, 1963).
- 39 **Connally blurts out:** Governor Connally’s recollection is that he didn’t utter this cry until *after* he had been hit by the second bullet (4 H 133; 1 HSCA 46), although he once wavered in his recollection in 1978 (1 HSCA 43). In this instance, however, the governor’s recollection is at odds with that of two other witnesses and a film of the event. Mrs. Connally testified that her husband cried, “Oh no, no, no!” immediately after the *first* shot and prior to the second (4 H 147; 1 HSCA 43). Mrs. Kennedy’s testimony also agrees with Nellie Connally’s. Mrs. Kennedy recalled that she was looking to the left side of the car when the governor’s cry caused her to turn to her right (5 H 180). The Zapruder film supports the recollection of both women, showing Mrs. Kennedy’s left-right turn (Z167–193) occurring immediately after the governor turns to look over his right shoulder (Z162–170). According to the Zapruder film, and consistent with Mrs. Connally’s recollection, both of these events occur prior to the second shot (Z223–224), which is believed to have been the bullet that simultaneously struck both the president and the governor, the *first* time that either of them was wounded.
- 39 **a great number of pigeons:** An image that has become so much a part of assassination lore that even the conspiracy theorists have unthinkingly accepted it as fact (e.g., Oliver Stone’s movie *JFK* depicts it) is that at the time of the shots in Dealey Plaza, a large flock of pigeons immediately took flight from their position on the roof of the southeast corner of the Book Depository Building. If true, this, of course, would be just another piece of circumstantial evidence that the shots came from right below the pigeons—Oswald’s sniper nest. The problem is that when you look at the official record, and in view of the fact that we know people don’t always speak with precision, it cannot be categorically stated that the pigeons flew *from* the roof of the Depository. But from the overall context of Marrion Baker’s testimony it does appear the pigeons came *from* the top of the building (“I had it in mind that the shots came from the top”

of the Book Depository Building, and “I was looking up there and I saw those pigeons flying around there” [3 H 247–248]). But earlier in his testimony he said (perhaps loosely) that he saw the “pigeons began to fly *up to* the top of the building” (3 H 246), suggesting the pigeons were not originally on the roof. And elsewhere in his testimony he says, “I noticed those pigeons start to fly up there” (3 H 267). But does this mean they were flying “up there” when he first saw them, or that they flew from a lower position *up to* the top of the building? But, of course, if the pigeons were not originally on the roof, where were they? Although Baker is “pretty sure” the pigeons came from the Book Depository Building located on the northwest corner of Elm and Houston, he said they could have come from the building “on the northeast corner [Dal-Tex Building]” (3 H 246). However, the fact that Baker entered the Book Depository Building and proceeded to the roof of the building is evidence that it was his impression the pigeons came from the Depository, not from the Dal-Tex Building. At the London trial, when I asked Baker if he saw “any activity of pigeons” at the time he heard the shots, he clarified one point, saying, “Yes, sir, I did. I saw a huge number of pigeons flying *from the top* of this here [pointing to the Book Depository Building on a diagram],” but added, “And some were also coming from the building across the street.”* “And this was concurrent with the sound of the shots?”† “Yes.” (Testimony of Marrion Baker, Transcript of *On Trial*, July 23, 1986, pp.169–170)

What precisely happened cannot be nailed down any further by reference to the Warren Commission testimony of George Rackley, a Dealey Plaza witness who said he noticed something that “looked suspicious” to him—“a hundred pigeons flew up like you shot into them.” Question: “Where did you see them fly from?” Rackley: “From over the top of the building.” Question: “Which building? The School Book Depository *or* over on the other side?” Rackley: “The Trinity Building.” (The Dal-Tex Building was previously known as the Trinity Warehouse Building.) In an inappropriate, leading question, particularly in view of the fact that Rackley had already answered the question, Warren Commission counsel David Belin asked, “Did it look like they were flying up from both buildings?” “Both buildings,” Rackley replied.‡ (6 H 275)

Dallas Police officer Earle V. Brown adds to the confusion with his Warren Commission testimony that from his position on top of the railroad overpass above the Stemmons Freeway he saw pigeons “all take off” around the time of the shots. Question: “Where was it you saw the pigeons rise?” Brown: “From where I was standing they would be about halfway between—no, they would be up more

*In an interview for a 1998 book, Dallas police officer David V. Harkness, who was on a three-wheeler west of Houston on Main Street at the time of the shots, said, “If I would have been suspecting where the shots came from, I would have picked the building across from the School Book Depository because I looked up and there was a huge flock of pigeons that flew up from that building.” However, thirty-four years earlier, when Warren Commission counsel asked Harkness, “Where did the shots sound like they came from?” he simply responded, “I couldn’t tell.” Though the question dealt with *sound*, counsel obviously was interested in where the shots came from, and, though not necessarily, one would have expected Harkness to have mentioned the pigeons coming from the Dal-Tex Building leading him to believe the shots came from there. (Sneed, *No More Silence*, p.205; 6 H 309, WCT D. V. Harkness)

†If the pigeons had been on the roof of the Book Depository Building, where? The stronger inference is they were on the northwest corner of the building, *not* the southeast corner where Oswald was. Baker said he saw a shack on the roof of the northeast corner of the building (photographs show it was actually the *northwest* corner) where “pigeons had been roosting there for some time,” and saw pigeon droppings (3 H 260).

‡However, in an FBI interview a month earlier, Rackley was unequivocal and said he saw “a large flock of pigeons take off from the roof of the Texas School Book Depository Building” (FBI Record 124-10028-10387, Interview of George W. Rackley Sr. on March 9, 1964, p.4).

toward that other overpass, what they call the triple underpass.” (6 H 234) Whether Brown was referring to the same pigeons referred to by Baker and Rackley, or other pigeons, is not known. What is known is that conspiracy theorists, who routinely reject incontrovertible evidence in the assassination, have accepted a point supportive of Oswald’s guilt that, from the evidence, could never be classified as incontrovertible.

- 40 **unlikely the president *could* have spoken [footnote]:** During the autopsy on the night of the assassination, Kellerman told FBI agents Sibert and O’Neill that the president said only, “Get me to a hospital” (ARRB MD 151, FBI Airtel, SAC, Baltimore to FBI Director, November 26, 1963, p.1). During a subsequent interview on November 27, 1963, Kellerman recalled the president saying, “My God, I’m hit,” with no mention of the other remark (ARRB MD 152, FBI interview of Roy H. Kellerman on November 29, 1963, p.3; see also ARRB MD 153, FBI memorandum, A. Rosen to A. Belmont, March 12, 1964, p.4; also FBI Record 124-10028-10361; ARRB MD 154, Memorandum, Arlen Specter to J. Lee Rankin, March 12, 1964, Re: Interview of FBI Agents Present at Autopsy, pp.1–2).
- 41 **“Let’s get out of here. We’re hit.”:** On the matter of the presidential limousine dramatically slowing down, but not stopping, *the conclusive evidence that it did not stop is the Zapruder film itself*. But as far as eyewitnesses are concerned, predictably, they were very divided on whether the car stopped or merely slowed down. For instance, United Press International White House reporter Merriman Smith, six cars behind in the press pool car, wrote in a UPI article on November 23, 1963, that “the President’s car . . . seemed to falter briefly” (United Press International, *Four Days*, p.32). Dallas police officer D. V. Harkness, on the south side of Elm Street, said, “The president’s car slowed down to almost a stop” (6 H 309).

But just as many or more erroneously thought the limousine had come to a complete stop. Dallas police officer Earle V. Brown, on the railroad overpass above the Stemmons Freeway service road, said, “When the shots were fired, it [presidential limousine] stopped” (6 H 233). Roy Truly, near the Texas School Book Depository Building, told the Warren Commission that “I saw the president’s car . . . stop somewhere down in this area [indicating where the limousine was around the time of the third shot]” (3 H 221).

It has to be noted that from the rear, which is where most of the witnesses were, it would be much more difficult to discern whether the car (slowing down many yards away) had slowed down or stopped than it would be for someone very close to the car or to the side of it. * When we look at people in this latter group, we see, for instance, Dallas police motorcyclist Bobby Hargis, to the immediate left rear of the limousine, testifying before the Warren Commission that “the Presidential car slowed down” (6 H 294). Ten years later, Hargis told two private investigators the car had stopped (Newcombe and Adams, *Murder from Within*, p.71). And John Ready, a Secret Service agent in the follow-up car, said, “The president’s car slowed” (CE 1024, 18 H 750).

- 41 **President and Mrs. Kennedy are looking down at something in the seat:** Jean Hill told the Warren Commission that “I jumped to the edge of the street and

*In fact, if one is, for instance, traveling in his car on a straight road, it literally cannot be determined if a car traveling in the same direction ahead some distance away is actually traveling or stationary at any given moment in time. The same would be true if one were the same distance away but in front of the vehicle. Though we aren’t dealing with these distances here, the above phenomenon is something that has to be factored in.

yelled ‘Hey, we want to take your picture.’” However, the Zapruder film does not show Hill leaving her position on the grass next to Mary Moorman as the presidential limousine drove by, nor does it appear to show Hill shouting at Kennedy. She also testified that after she shouted out to Kennedy, “he started to bring his head up to look at me and just as he did the shot rang out” (6 H 206–207). But nowhere at the time of the shooting in Dealey Plaza is Kennedy seen looking to his left in the direction of Mrs. Hill.

Jean Hill took a lot of ribbing for telling reporters in a national TV interview shortly after the shooting that President and Mrs. Kennedy were looking at a little white dog on the seat between them as the car came abreast of Hill’s position. In later years, conspiracy theorists tried to restore her credibility by claiming that photographs taken at Love Field show that Mrs. Kennedy had been given a white, stuffed-toy version of the famous Sheri Lewis TV puppet, Lamb Chop. The claim, however, was based on poor-quality images posted on the Internet. High-quality images show that what critics thought was a Lamb Chop toy was, in fact, a bouquet of white asters. (Trask, *That Day in Dallas*, p.29)

- 41 **his view of the president’s car is blocked:** In his 1987 book, coauthored by J. Edward Cherryholmes and published after Brennan’s death in 1983, Howard Brennan reportedly stated that after the first shot he looked up and saw Oswald fire the second shot, turned and saw Governor Connally reacting to his wounds, looked back at the window, saw Oswald fire the third shot, looked back toward the limousine, and saw a “spray of red” around the president’s head (Brennan with Cherryholmes, *Eyewitness to History*, pp.13–14). However, in 1964 Brennan testified that he heard only two shots, the first and last, and that he looked up at the window only once, in time to see Oswald fire the last shot (3 H 154). When asked whether he could see what Oswald was firing at, Brennan replied, “Subconsciously I knew what he was firing at. But immediately [after the last shot] I looked towards where President Kennedy’s car should be, and there was something obstructing my view. I could not see the President or his car at that time” (3 H 154). Indeed, a computer re-creation of the shooting shows that Brennan’s view of the limousine would have been blocked by a portion of the concrete peristyle after the first shot (“Secrets of a Homicide: The JFK Assassination,” © 1995–2004, Dale K. Myers).
- 42 **driving pieces of his skull into the air:** Part of Mrs. Kennedy’s description of the president’s head wounds, as she saw them, were deleted from her published Warren Commission testimony. On June 5, 1964, just six and half months after her husband was murdered at her side, the Warren Commission had the delicate task of having to ask her to provide testimony about the day’s events. A private session was arranged in her Georgetown residence with Chief Justice Earl Warren, General Counsel J. Lee Rankin, Attorney General Robert Kennedy, and a court reporter in attendance (Gest, Shapiro, Bowermaster, and Geier, “JFK: The Untold Story of the Warren Commission,” p.40), and her testimony was subsequently published. When Mrs. Kennedy reached the time of the shooting in her testimony, she said, “And just as I turned and looked at him, I could see a piece of his skull and I remember it was flesh colored. I remember thinking he just looked as if he had a slight headache. And I just remember seeing that. No blood or anything” (5 H 180). Later in her published testimony, the Warren Commission inserted the notation, “Reference to wounds deleted” (5 H 180). Early critics of the Warren Commission were outraged at the deletion, suspicious that something

important had been withheld, and launched a legal battle to get the omitted testimony released. In 1971, the deleted segment was made available to the public. It read, “I was trying to hold his hair on. From the front there was nothing—suppose there must have been. But from the back you could see, you know, you were trying to hold his hair on, and his skull on” (Deleted testimony of Jacqueline Kennedy, National Archives, Records Group 272).

In 2001, critics reported a discrepancy in Mrs. Kennedy’s original published testimony. A study of the court reporter’s transcript showed Mrs. Kennedy providing additional details not included in the testimony (both published and deleted) that had been released by the National Archives: “I could see a piece of his skull sort of wedge-shaped like that, and I remember it was flesh colored with little ridges at the top.” Conspiracy theorist David Mantik claimed that “these details could have been valuable to the House Select Committee on Assassinations,” although exactly how he never explained. One critic questioned why Mrs. Kennedy wasn’t asked for even “more detail” since she had an opportunity to view the wounds as they originally existed longer and closer than any other person. Another critic added, “Why [the Warren Commission] would withhold an accurate description is open to debate, but the fact that they put out an altered transcript is telling. How many other transcripts may have fallen victim to the same shenanigans? This is a find that proves alteration of original evidence and that is important.” (Press Release, “Warren Commission Suppressed Jackie’s Testimony on JFK’s Head Wound: Court Reporter’s Tape Shows Additional Description Withheld,” JFK Lancer Productions and Publications, August 5, 2001) Frankly, the only thing the critics have proved from the episode is that the hearts of the Warren Commission members were not made of stone.

- 42 **Greer stomps on the gas pedal:** Roy Kellerman testified that as soon as Bill Greer accelerated, “We just literally jumped out of the God-damn road” (2 H 74). With that kind of acceleration it is highly unlikely that the shot that was so accurate at frame 313 of the Zapruder film came *after* the acceleration.

The strong indication from the Zapruder film and the official record of Warren Commission testimony is that Greer, when first told by Kellerman to take off, did not do so instantaneously, but in the confusion of the moment paused a moment, during which time he turned his head to look back a second time at the president, and it is while he is looking backward toward Kennedy that Kennedy is hit with the shot to the head (Greer looking back at Kennedy: Z frames 303–316; Groden, “New Look at the Zapruder Film,” p.36). It is improbable that Greer would have sped up while his head was turned away from the road and he was preoccupied with looking at the president, particularly when he could see Special Agent Clint Hill running to catch up to the limousine to board it. Indeed the limousine doesn’t appear to start speeding up until Z frame 367, when Hill is finally aboard the car (Telephone interview of Richard Trask by author on October 17, 2005).*

* According to some witnesses, Greer himself felt he did not react instantaneously, and hence blamed himself for the president’s death. Although he told the Warren Commission that “just as soon as I turned my head back from the second shot, right away I accelerated right then” (actually, as indicated, it appears it was after the *third* shot that Greer accelerated), which he said was “about simultaneously” with Kellerman’s instruction to him to speed up (2 H 119) (suggesting he did nothing which he could have done better), author William Manchester writes, without citation (but the implication being his source was the First Lady), that at Parkland Hospital, “Those who had been in the motorcade were racking their brains with *if* only this, *if* only that. One of them came to her [Jackie Kennedy]. Bill Greer, his face streaked with tears, took her head between his

Although it is the consensus that Greer only speeded up *after* the head shot, there is disagreement as to when he slowed down. According to an Itek Corporation study of the Zapruder film in 1967, within twelve frames of Z313 the limousine slowed down to a speed of 7.6 mph (HSCA Record 180-10001-10396, “John Kennedy Assassination Film Analysis,” Itek Corporation, [94 pages], May 2, 1976; Note: Itek’s analysis of the limousine speed is on pages 45–46 in appendix A to the 94-page analysis, appendix A being Itek’s “Nix Film Analysis,” dated May 17, 1967). Nobel Prize-winning physicist Luis Alvarez, in his own personal examination of the film, concluded that from the use of reference points (on the north side of Elm Street) and measurements, and use of the Nix and Muchmore films, the limousine “decelerated suddenly . . . from about 12 mph to about 8 mph” for about half a second (ten frames) starting at Z294 (Alvarez, “Physicist Examines the Kennedy Assassination Film,” pp.823–825).

Richard Trask, who wrote the definitive book on the photographic history of the assassination, *Pictures of the Pain*, told me that a strong indication that the limousine had slowed down before the head shot is that “in the Bronson and Nix films, just before the head shot you can see the motorcycles and the follow-up car gaining on the presidential limousine, very definitely indicating that the limousine has slowed down.” When I asked him if additional evidence of the limousine slowing down was the statement of Dr. David Mantik that from his review of the Muchmore film he noticed that the right taillight of the limousine was on at least by Z frame 311, he said, “No, it is not that clear from the Muchmore film that the taillight is on. I’ve looked closely at the Muchmore film, and you would almost have to see the rear lights go on and off to know if the brakes had been applied.” (Telephone interview of Richard Trask by author on October 17, 2005; David Mantik, “Special Effects in the Zapruder Film: How the Film of the Century was Edited,” in Fetzer, *Assassination Science*, p.301)

The Warren Report, however, said that “motion pictures of the scene show that the car slowed down momentarily *after* the shot that struck the President in the head and then speeded up rapidly” (WR, p.641), but the citation it gives for this (4 H 133) is not a good one. The only reference I could find in the Warren Commission volumes that the car slowed down after the head shot was in the testimony of motorcyclist Bobby W. Hargis, who said that when the president was hit in the head, “I was splattered with blood and brain . . . And at that time the Presidential car slowed down. I heard somebody say ‘Get going’ . . . and that is when the Presidential limousine shot off” (6 H 294).*

hands and squeezed until she thought he was going to squeeze her skull flat. He cried, ‘Oh, Mrs. Kennedy, oh my God, oh my God. I didn’t mean to do it. I didn’t hear, I should have swerved the car, I couldn’t help it. Oh, Mrs. Kennedy, as soon as I saw it I swerved. If only I’d seen in time! Oh!’ Then he released her head and put his arms around her and wept on her shoulder” (Manchester, *Death of a President*, p.290). Of course, there was no one taping Greer’s words, and perhaps that’s why they sound incoherent, Manchester’s source having Greer say things that make little sense, such as “I didn’t hear” and “if only I’d *seen*” (seen what?), and “I didn’t mean to do it.” Of course, overcome by the tragedy, he couldn’t be expected to be precise in his words. But if he, in fact, did emote to Jackie at the hospital, and if the words attributed to him are close to what he said, it would clearly appear he felt he had failed the president, and that failure had caused the president’s death. And in a CBS interview by Charles Kuralt on November 22, 1988, former Kennedy aide David Powers spoke of the considerable remorse Greer felt over not speeding up quickly enough to save Kennedy’s life.

*It should be noted that on the afternoon of the assassination, Hargis told the *Dallas Times Herald* that “after” the president was shot in the head, “the presidential car stopped almost immediately and stayed stopped about half a second, then took off at a high rate of speed” (*Dallas Times Herald*, November 22, 1963, p.A19).

However, the preponderance of evidence is that the limousine slowed down before the head shot, most likely when Greer looked over his right shoulder at the president for a second time around frame 300.

- 44 **they soon returned to their office:** James Crawford left his office shortly thereafter and told a Dallas deputy sheriff outside the Depository Building to make sure he had someone search the boxes behind the sixth-floor window (6 H 174, WCT James N. Crawford).
- 46 **“I could hear the action of the bolt”:** Back in 1977, Warren Commission critic Patricia Lambert, looking at contradictions in several statements made by Harold Norman, wrote an article concluding that Norman had “fabricated” his testimony. She points out that in Norman’s first statement to the authorities (not a signed statement but an FBI report of an interview that was not tape-recorded) on November 26, 1963, the FBI, in its short half-page summary of what Norman told them, did not say he mentioned hearing the sound of the bolt or the empty metal cartridge casings fall to the floor above him (CD 5, p.26). Of course, he could have told them this and they neglected to include it in their very brief summary report or he could simply have not mentioned it, even though it happened. The first time Norman mentioned hearing the bolt action and the empty shells falling above him was in his affidavit (a signed statement by Norman made under penalty of perjury) to the Secret Service on December 4, 1963, which were *his* words, not a report of his words, and which was in more depth than the earlier FBI interview (CE 493, 17 H 208; CD 87, p.491). Since Ms. Lambert found this inconsistency, and since neither Bonnie Ray Williams nor James Jarman, Norman’s coworkers on the fifth floor, heard the shells drop on the floor above them (CD 87, pp.10–11, Secret Service interviews of Bonnie Ray Williams and James Jarman on December 7, 1963), she concluded that Norman may have made this up. But she doesn’t say why he would do this other than to say it’s “suspicious” and most likely Norman fabricated the story.

What’s the bottom line on Ms. Lambert’s contention? She says it “points to the possibility that the shots which killed the President were *not* fired from the so-called sniper’s nest but from some other location and that the shells found on the sixth floor of the Depository were merely planted there.” In other words, I guess we should just forget about the sworn testimony of four other witnesses (Howard Brennan, Amos Euins, James Worrell, and Robert Jackson) who saw a rifle in the sniper’s nest window, three of whom saw the rifle being fired. Ms. Lambert failed to mention that in the first interview Norman gave to the FBI in which he allegedly did not mention hearing the working of the bolt and the shells falling to the floor, according to the FBI report, “he said he thought the shot had been fired from the floor *directly above him,*” and then heard “two additional shots.” Nor does she mention that Bonnie Williams told the FBI in his first interview with them on November 23 that he heard two shots that day which “sounded like they came from right over his head.”* (CD 5, p.330)

Ms. Lambert tells her readers about other statements from Norman, her pri-

*Jarman told the FBI on November 24, 1963, that after he heard three shots, he, Williams, and Norman all agreed the shots came from inside the building (CD 5, p.335), and all three told the Secret Service on December 7, 1963, they agreed the shots came from the sixth floor (CD 87, p.11). The FBI report is most likely in error since it is unlikely Williams and Norman would have *only* said the shots came from inside the building when they both told the authorities from the very beginning that the shots came from directly above them.

mary villain, such as his telling the Warren Commission that he did not recall telling the FBI on November 26, 1963, that he saw particles of dirt falling at the time of the shots, testifying, “I didn’t see any falling, but I saw some in Bonnie Ray Williams’s hair” (3 H 192, 196). Nor did he recall telling the FBI, as the FBI reported he did, that at one point during the shooting he stuck his head out the window and looked upward, which he told the Warren Commission he did not do (3 H 196).

Ms. Lambert doesn’t stop at accusing Norman of fabricating evidence against Oswald. Finding inconsistencies in statements by Williams and Jarman between their first statements to the FBI and their subsequent statements to the Secret Service (all set forth in a Secret Service Report, CD 87, Control Number 491, on December 7, 1963), when, she said, they changed their stories and mentioned things for the *first* time (e.g., Norman mentioning the sound of the bolt and hearing shells fall), she says this “casts doubt on the integrity of the investigation conducted by [the Secret Service’s] Dallas field office. For if these stories are fabrications, the witnesses who supplied them had *guidance* from someone. Someone in a position to screen out and *coordinate* information at its source,” suggesting that “basic evidence was falsified at a very early stage” (Patricia Lambert, “Secret Service Report 491,” *Continuing Inquiry*, October 22, 1977, pp.8, 13–16).

There can be only one interpretation of this. That the Secret Service set out to frame Lee Harvey Oswald for Kennedy’s murder. But of course if the agency did that, it’s virtually no step at all to conclude that it was behind Kennedy’s murder, and this is why it tried to frame someone else for it. Ms. Lambert doesn’t ask herself why in the world would the president’s own security force kill him, or, at a minimum, frame someone for his murder. And if the Secret Service was getting the three book employees to tell lies and was “coordinating” their stories, Ms. Lambert also doesn’t explain how come the Secret Service said in its report that Norman heard the bolt action and three shells falling above, but said Williams and Jarman did not. Some coordination. Apparently the Secret Service agents were successful in getting Norman to lie about the sound of the bolt and the falling shells, but when they tried to get Williams and Jarman to go along with the lie so Norman’s lie would sound like the truth, Williams and Jarman were defiant and refused—that is, “We’ll agree to tell some lies for you, but not that one.” (Does Ms. Lambert really believe this is the essence of what happened?) But if Williams and Jarman were going to tell other lies for the Secret Service, as Ms. Lambert suggests by necessary implication, why stop at that one?

Ms. Lambert is a very intelligent and decent woman who went on in later years to write the best book on the Garrison case, *False Witness*. Her article was written in the early years, when her sincere belief in a conspiracy clouded her vision, and I would guess that now, years later, she wished she had never written it.

- 47 **run toward the grassy knoll area:** Charles Hester, in suit and tie, and his wife, Beatrice, had been sitting on the grassy slope north of Elm Street watching the motorcade. After hearing two shots ring out that sounded like they came from the School Book Depository Building, and not knowing where the next shot was coming from, he drags his wife up the slope next to the concrete embankment and throws her down on the ground, then gets down on the ground with her. After the third shot and the “utter confusion” that engulfed the area, he tells Dallas deputy sheriff John Wiseman that the shots came from the Texas School Book Depository

- Building. (Decker Exhibit No. 5323, 19 H 478; Trask, *Pictures of the Pain*, pp.59, 73) Nearby, Wiseman also talks to Marilyn Sitzman, Abraham Zapruder's receptionist, and "she pointed also to the old Sexton Building [Texas School Book Depository Building]. I ran at once to the Sexton Building and went in." Wiseman asks a woman employee how many exits there were to the building. When told four, he exits the building, rounds up some Dallas police, and reenters the building with them. Wiseman runs up the stairs all the way to the attic and gives each floor a quick search on the way down, finding nothing. "In a few minutes," he says, "the place had maybe fifty [officers] in it." (Decker Exhibit No. 5323, 19 H 535)
- 52 **"The building is sealed off"**: However, Captain Will Fritz testified the building wasn't sealed off until twenty-two minutes later (12:58 p.m.) (4 H 204–205).
- 53 **limousine pulls up abruptly**: The exact time of arrival at Parkland varies depending on the source. Secret Service agents reported arrival times between 12:30 (impossible since 12:30 was the time of the assassination) and 12:37 p.m. (CE 1024, 18 H 735, 747, 756, 779, 783). Author William Manchester gives an arrival time of 12:36 p.m. (Manchester, *Death of a President*, p.168). Recordings of the Dallas police radio channel 2 transmissions show that police had secured the emergency entrance of Parkland approximately six and a half minutes after the shooting (NAS-CBA DPD tapes, C2, 12:37 p.m.).
- 54 **puddles of blood on the rear seat**: Critics claim that the backseat was washed out with a bucket of water, citing photographs that allegedly show a bucket near the limousine. Nurse's aide Shirley Randall was reportedly asked to perform such a task, but in the excitement, never got around to it. (Manchester, *Death of a President*, p.180 footnote) But on the face of it, it appears highly unlikely that the Secret Service would wash away the "crime scene" before the FBI criminalists could examine the car, and there is no testimony or statement from anyone that this was done. Indeed, Walt Brown, the editor of *JFK/Deep Politics Quarterly*, informed his readers that he has a color photo of the interior of the car taken hours later at the White House garage in Washington, D.C., by Secret Service agent James Fox that gives "clear, if unaltered . . . proof that there still remained a serious residue of carnage" in the car (*JFK/Deep Politics Quarterly*, January 2001, p.16).
- 55 **Smith tells them**: Merriman Smith's report moves over the wires at 12:39 p.m. (United Press International, *Four Days*, p.22).
- 55 **"Get some men up here"**: FBI transcripts list Unit 22, Patrolman L. L. Hill, as the source of this transmission (CE 1974, 23 H 914). However, the channel 2 police recordings show the caller to be Unit 142, Clyde A. Haygood.
- 59 **Kennedy's already fragile back [footnote]**: It is unclear when and how Kennedy started having back problems, different biographies of him giving different accounts. For instance, biographer Michael O'Brien writes that "one account said [JFK] suffered a 'spinal injury' in a junior varsity scrimmage" at Harvard, which JFK entered in 1936 after attending part of the previous year at Princeton. "Nigel Hamilton [another Kennedy biographer] reported that in late October 1937, during Jack's sophomore year, the family chauffeur playfully tackled him after a junior varsity game, causing a serious back injury. 'He wore a corset all the time,' fellow player and roommate Charles Houghton remembered." (O'Brien, *John F. Kennedy*, p.81) But biographer Robert Dallek quotes JFK's medical records from the JFK library as saying that in 1938 he had begun to have "an occasional pain in his right

sacro-iliac joint . . . In the later part of 1940 while playing tennis he experienced a sudden pain in his lower right back—it seemed to him that ‘something had slipped.’” Dallek writes that although Kennedy “had suffered football injuries and other mishaps that could help account for his emerging back pain, the onset of his back problem could have been related to his reliance on adrenal extracts and/or parathyroid hormone to control his colitis; they may have caused osteoporosis and deterioration in his lumbar spine. Back surgery in 1944 showed clear evidence of this condition.” (Dallek, *Unfinished Life*, p.81)

- 59 **when he was hurled backwards onto the deck [footnote]:** Despite his back injury, Kennedy helped save at least two burned and injured crewmates who were thrown into the water, which was covered with gasoline flames. In the process, Kennedy swallowed much gasoline, which later gave him serious stomach problems. A member of the varsity swimming team as a Harvard undergraduate, he then managed to swim for four hours to a small island, Plum Pudding Island, pulling one of his badly burned crewmates by clasping the man’s life preserver straps in his teeth. (Another version has it that the crewmate was on Kennedy’s back, with Kennedy swallowing much seawater.)* It was from another small island (Naru) nearby that Kennedy sent out to Rendova, the main base for the PT boats, with natives, a coconut shell with the following rescue message,

Nauro Isl [Naru Island]
Native knows posit
He can pilot 11 alive need
Small boat
Kennedy

On the seventh day of being stranded, the natives brought back a PT boat from Rendova to rescue JFK and his crew, and they were transported back to Rendova. Throughout his presidency, the scarred and battered coconut shell held a place of honor on Kennedy’s desk. (saved men in water: Blair and Blair, *Search for JFK*, pp.236, 248, 274; see also O’Donnell and Powers with McCarthy, *Johnny, We Hardly Knew Ye*, p.73; O’Brien, *John F. Kennedy*, pp.142–143, 147–148, 151 [message on a coconut]; see also *New York Times*, November 23, 1963, p.13; seventh day: Dallek, *Unfinished Life*, p.97)†

*Though there can be no question that Kennedy saved Patrick McMahon’s life, another of Kennedy’s crew members, Charles Harris, has no doubt Kennedy saved his life and those of the other crew members too. After the crew reached Plum Pudding Island, 100 yards long by 70 yards wide, Kennedy, for several days before they were rescued (on the fifth day), swam far out to sea at night with a bottle lantern, hoping to find a PT boat to save his crew. Crew member Gerald Linzer says, “Kennedy did everything he possibly could to save us . . . He had extraordinary energy, he just wouldn’t give up . . . That’s what made him go out and try to flag down a PT boat. He was exhausted each morning when he got back in.” Harris says, “He saved our lives. I owed him my life. I tell everybody that. If it wasn’t for him I wouldn’t be here. I really feel that. I venture to say there are very few men would swim out in that ocean alone without knowing what was underneath you. Brother, I wouldn’t do it. You could give me a million dollars and I wouldn’t swim out there. That took a lot of guts. I thought he was great. Everybody in the crew thought he was top-notch.” O’Brien, *John F. Kennedy*, pp.148–149, 160)

†Ted Robinson, a young naval ensign, was on the waters that night filling in as a radar officer for PT 159 in squadron nine, which consisted of twelve PT boats, one of which was JFK’s PT 109. (Robinson was the skipper of PT 118 in squadron six, and his boat was being repaired.) “We were about three miles away from JFK at sea when we saw the explosion,” he recalled to me. “We didn’t know what happened, even whether it was a Japanese destroyer or one of our PT boats. All we saw was the flash in the distance, but found out later

- 59 **if Kennedy had not been opposed to Secret Service agents riding [footnote]:** A *Houston Post* article raised another “if” question, this time as to Governor Connally, theorizing that if Connally hadn’t looked over his right shoulder after the first shot to see if the president had been hit, the shot that entered under his right armpit would have hit more to his left, entering his heart and killing him. (“Turn May Have Saved Connally,” *Houston Post*, November 23, 1963) But the Zapruder film shows that Connally had already turned back to the front by frames Z210–225, when he was hit. (See also 4 H 132–133, WCT Governor John B. Connally Jr.)
- 64 **an eyewitness who saw the gunman:** Critics have questioned whether Howard Brennan was really the source of Sawyer’s detailed description and the dispatcher’s subsequent broadcast. In *Accessories after the Fact*, author Sylvia Meagher wrote that Brennan testified he gave the description to Secret Service agent Forrest Sorrels, who arrived at the scene *after* Sawyer’s broadcast; that Sawyer did not remember speaking to Brennan or anyone who resembled him; and that a few minutes after the description was broadcast, Sawyer reported, “It’s unknown whether he is still in the building or not known if he was there in the first place”—an indication, according to Meagher, that the description came from a witness who hadn’t seen the gunman in the Depository at all, much less a particular window (Meagher, *Accessories after the Fact*, p.10). Although Meagher is correct in reporting that any description given by Brennan to Sorrels could only have occurred *after* Sawyer’s 12:44 p.m. broadcast (since Sorrels didn’t arrive at the Depository until about 12:50 p.m.), Brennan wrote in his 1987 book that he

it was JFK’s boat. We were on a mission that night to attack four Japanese destroyers. The one that hit JFK’s boat cut it in half on an angle. The bow continued to float but the stern sunk.” Robinson said that JFK had an executive officer on board with him, another officer he had asked to come along whom he was friendly with, and ten crew men. “Either one or two of the crew died, and JFK saved one of his men. He took a strap from the life jacket of a crew member named [Patrick] McMahon, who had been very badly burned in the explosion of three thousand gallons of high-octane gas our boats carried, and attached it to his teeth, and towed McMahon, for lack of a better word, to the nearest island. It was heroic. He wasn’t in good health to start out with and had been burned himself and he took in a lot of salt water.”

Robinson, a retired planning engineer for Pacific Bell Telephone, said that a few weeks later he lost his PT 118 boat in combat and ended up being a “tent mate” for a month or so with JFK on the island of Florida behind the lines, where Kennedy was recuperating. He got to know JFK very well. “I think he was a great guy. A fine officer. Courageous. Very thoughtful of his men. They all greatly admired and respected him. All his crew are now dead, but when they were alive, not one of them ever said a negative word about him. And all were a part of his inaugural parade.” Robinson recalls that Kennedy had “a great sense of humor” and was “one of the guys. It didn’t make any difference to any of us who his father was. It was who *he* was.” Robinson said that when he tented with Kennedy, JFK was “in bad shape, but he never talked about it. He was extremely thin, and from his demeanor you could tell he was not in good health. He had orders to go home but he insisted on going back *up* the line [term for going back *to* the front line of combat] where he went on several other PT missions [commanding PT 59] before they sent him home. I would have jumped at the order to go home.” (Telephone interview of Ted Robinson by author on November 9, 2005; see also O’Donnell and Powers with McCarthy, *Johnny, We Hardly Knew Ye*, pp.438–439)

Robinson’s high praise for Kennedy was shared by crewmates of Kennedy’s in the Solomon Islands. Among their comments: “Kennedy was a fine young man, an excellent gentleman. Very gracious, very considerate”; “He was in this hospital—not a real hospital, a tent affair—and wearing only skivvies. . . . Kennedy was such a sweet guy. When I saw him in sick bay, I said, ‘Jack, what went through your mind when you saw that destroyer coming and you thought you might be killed?’ He looked real serious and asked, ‘You really want to know?’ I said, rather seriously myself, ‘Yes.’ Then he said, ‘I thought, my God, I owe Joe Kernell two hundred and fifty dollars in bridge debts and I haven’t paid him.’ So, right there, he whipped out a check and paid me”; “He was one of the finest and most brilliant men I had ever met. . . . His knowledge was very versatile—everything from poker to philosophy”; “He was a fine man. I liked him very much. He was real skinny, and very young looking. He always had a good rapport with the crew.” (Blair and Blair, *Search for JFK*, pp.271–272, 278–279)

spoke with Sawyer *before* his encounter with Sorrels and that he gave Sawyer the same description he later gave Sorrels (Brennan with Cherryholmes, *Eyewitness to History*, pp.17–18, 104 note 5).*

A correlation of the testimony of those present and the Dallas police radio recordings corroborates Brennan’s story. Meagher’s claim that Sawyer did not remember speaking to Brennan or anyone who resembled him is only a quarter-truth. Although he didn’t recall Brennan by name, when he was asked about the person who supplied the description, Sawyer testified, “That 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 there” (6 H 322). Asked to provide details about the witness, Sawyer remembered that he was a “white man” who was “a few years either way” of thirty-five. Sawyer also recalled sending the witness “with an escort to the sheriff’s office to give fuller or more complete detail.” (6 H 322–323) Only two witnesses who claimed to have seen the gunman firing the rifle were known to police at that time—the fifteen-year-old black youth, Amos Euins, and the forty-five-year-old white construction worker, Howard Brennan. Clearly, Sawyer is referring to Brennan. And like Sawyer’s recollection, Brennan was escorted to the sheriff’s office by Secret Service agent Forrest Sorrels. (7 H 349, WCT *Forrest V. Sorrels*) In fact, the affidavit that Brennan gave at the sheriff’s office within an hour of the shooting includes this description of the gunman: “He was a white man in his early 30’s, slender, nice looking . . . would weigh about 165 to 175 pounds” (Decker Exhibit No. 5323, 19 H 470). Brennan’s description is nearly identical in language to Sawyer’s broadcast: “The wanted person in this is a slender white male about thirty. Five foot, ten. A hundred and sixty-five” (NAS-CBA DPD tapes, C2, 12:44 p.m.).

With respect to Meagher’s claim that a subsequent transmission by Sawyer indicates that Brennan was not the witness who gave him the description, police radio tapes show that shortly after Sawyer’s broadcast description, Captain C. E. Talbert asked Sawyer whether he could determine if the gunman “was still supposed to be in the building, or had he left?” (NAS-CBA DPD tapes, C2, 12:46 p.m.). Sawyer responded, “Well, it was thought that the shot might have come from this building. It’s unknown whether he’s still there or not. It’s unknown whether he was there in the first place” (NAS-CBA DPD tapes, C2, 12:46 p.m.). Although Meagher sees this as an indication that Sawyer’s witness was someone who hadn’t actually seen the gunman in the window, it’s more likely loose language on Sawyer’s part, or the statement only reflected Sawyer’s own initial uncertainty about the accuracy of any of the early reports he and other police officers were receiving. Subsequent investigation, of course, did later confirm Brennan’s report. Although the Warren Commission was timid about declaring Brennan the source of Sawyer’s 12:44 p.m. transmission—the Commission wrote that Brennan’s description was “most probably” (WR, pp.144, 649) the one that led to the broadcast—there can be little doubt Brennan was, in fact, the source.

66 **if an emergency such as an armed robbery or a major accident occurs:** In Murray Jackson’s appearance on CBS in 1967, he said he wanted to send Officer

*Sorrels, in his Warren Commission testimony, said that Brennan “gave me a description” of the man in the window, although the only physical description Sorrels gave the Commission, or remembered, is that Brennan said the man was of a “slender build” and he thought he could identify him (7 H 348–349).

J. D. Tippit to central Oak Cliff because in an emergency “we wouldn’t have anybody there” (Transcript of *CBS News Inquiry: The Warren Report*, part III, June 27, 1967, p.3, CBS Television Archives). This was only true in a certain sense. Patrolman William Duane Mentzell, a friend of Tippit’s, was assigned on the 7:00 a.m. to 3:00 p.m. shift to Districts 91 and 92, right in the heart of Oak Cliff, 91 being the same district Tippit was killed in, and he did not go, nor was he assigned to go, downtown to help in the assassination. But Jackson would later tell HSCA investigators that Mentzell “was off on a lunch break starting at 12:32 p.m.” (HSCA Record 180-10103-10353, Interview of Murray J. Jackson on December 20, 1977, p.2; CE 2645, 25 H 909) Mentzell told the HSCA that he was the sole operator of a patrol car in District 91 on November 22, 1963, and that he was at Luby’s, a cafeteria in the 400 block of West Jefferson, and had just finished paying for his food before eating when he heard the president had been shot. He put his tray down and left the premises. After responding to a “Signal 7” (traffic accident), he heard an officer had been shot on his beat. He couldn’t figure out who it could be and learned it was his friend Tippit, whom he had worked with in the past, when he arrived at the murder scene. (HSCA Record 180-10103-10354, Interview of William Duane Mentzel on October 24, 1977; HSCA Record 180-10087-10365, Interview of William Duane Mentzel on March 8, 1978; CE 2645, 25 H 913)

- 66 **number “78” [footnote]:** Number “78” was not Officer Tippit’s radio call number exclusively. Each of the officers assigned to the three shifts for the district would have the same call number. If more than one squad car happened to be assigned to the district during one shift, the call number for the second car would be “78, car 2,” and so on, although “it was very seldom that two cars would be assigned to any of the police districts.” (Telephone interview of Jim Bowles by author on September 29, 2006)
- 67 **the shy officer loved his job:** Although J. D. Tippit could have told his oldest son, Allen, this for other reasons, the only hint that Tippit may not have liked his job as a policeman was Allen’s saying on NBC national television on Sunday, November 24, 1963, “My father always said he wanted me to be something other than a policeman” (NBC News, *Seventy Hours and Thirty Minutes*, p.115).
- 67 **Sorrels questions the boy:** There is considerable doubt about the details Amos Euins provided investigators. Euins told the Warren Commission that while he was talking with Officer Harkness in front of the Depository, a construction worker approached him and stated that he saw a man run out the back of the Depository and that the man had “a bald spot on his head” (2 H 206). The construction worker could not have been Howard Brennan, known to have been in close proximity to Euins at the time, since Brennan had seen no one run out the back of the Depository, nor had he described the gunman as having a bald spot. The only eyewitness who claimed to have seen a man leave the back of the Depository was James R. Worrell Jr., who didn’t contact police until the next day (2 H 197–198, WCT James Richard Worrell Jr.). Euins eventually incorporated details of the “bald spot” into his own account when he testified March 10, 1964 (2 H 204, 207). Reminded that his November 22 statement mentioned only that the gunman was a “white man” (CE 367, 16 H 963), Euins claimed he told officers that he couldn’t tell if the man was white or black, only that he had “a white spot on his head” (2 H 208). This statement, of course, contradicts his remarks to newsman James Underwood immediately after the shooting in which he was convinced that the gunman was a

black man. In the end, it is difficult to understand how Euins could possibly have seen a bald spot on the *top* of the gunman's head (even if, as Euins said, the man was facing the street, looking down the rifle barrel) from Euins's position sixty-one feet *below* the sniper's nest window. Finally, when questioned by the FBI a week after the shooting, Euins's stepfather said that the boy had told him what he saw but that "he was not sure whether Euins had seen [the shooting], or whether he had just imagined it" (CD 205, p.11).

- 67 **escorts the two eyewitnesses over to the sheriff's office:** Before departing for the sheriff's office, Forrest Sorrels and Howard Brennan stood on the top step, just outside the entrance to the Depository, for a few minutes. During this period, Brennan spotted Depository employees Harold Norman and James "Junior" Jarman leaving the building, and identified them to Sorrels as two of the three black men he saw in the fifth-floor window just below the sniper's nest window. (3 H 146, 185, 197, 207) Two amateur films (Robert Hughes film and John Martin film shown in *President Kennedy's Final Hour*, Dallas Cinema Associates, 1964) capture Brennan making the identification of Norman and Jarman, and Sorrels calling the two men back to the building to be questioned. Brennan's ability to correctly identify Norman and Jarman, of course, contradicts conspiracy theorists' claims that Brennan's eyesight was so poor that he couldn't possibly have identified Oswald as the gunman seen in the window immediately above the two black men.
- 68 **northwest corner of Neely and North Beckley:** William Whaley's original testimony to the Warren Commission was that he had dropped Oswald off at the corner of Neches and North Beckley, one-half block north of Oswald's rooming house. Recalled to testify again several weeks later, he specified the intersection of Neely and North Beckley, close to four blocks from Oswald's rooming house at 1026 North Beckley. (2 H 258, 6 H 429–430)
- 68 **Jackson checks in with patrol Unit 78:** Conspiracy critics have made a big deal out of this rather benign conversation. Theorists see Murray Jackson's "be at large" comment as some sort of code message that ultimately led to Tippit's fatal encounter with Oswald. Obviously, Tippit would have *automatically* responded to any emergency that came up and didn't need to be told to do so. The fact that Jackson pointed out this obvious fact to his former partner is strongly supportive of Jackson's later explanation that the remark was nothing more than his way of needling Tippit about the previous incident.
- 70 **Mrs. Roberts glances out the window:** Mrs. Earlene Roberts testified before the Warren Commission that she heard a car horn sound while Oswald was in his room, looked out the front window, and saw a Dallas police car move off, easing around the corner from Beckley onto Zangs Boulevard (6 H 43). Although critics have been quick to seize on Mrs. Roberts's claims as supportive of the charge that Oswald met up with police conspirators after leaving his rooming house, the housekeeper's account of seeing a Dallas police car is rife with discrepancies and devoid of logic. Roberts, who admitted she was "completely blind" in her right eye, and couldn't "see too good" with her left, told the FBI the license plate number of the police car was 207. Roberts waited seven days (November 29) before she told this story to the FBI. (CE 2249, 25 H 171, FBI interview of Earlene Roberts on November 29, 1963; CE 2645, 25 H 909) A Dallas police investigation ascertained that patrol car 207 was nowhere near Oak Cliff that afternoon, being parked at Houston and Elm at the time, its operator, Patrolman Jim Valentine, who was

the sole occupant of car 207 on November 22, 1963, assisting in the search of the Book Depository Building (CE 2249, 25 H 171; CE 2645, 25 H 910, 914). The next number she came up with was 106 (6 H 443). But at 12:45 p.m. on the day of the assassination, Dallas officers B. L. Jones and M. D. Hall, in 106, left their post at the corner of Pearl and Jackson streets and proceeded to the Book Depository Building, where they presumably stayed until 1:18 p.m., when they drove to Oak Cliff to help in the search for Officer Tippit's killer. (Myers, *With Malice*, p.51) In her Warren Commission testimony, Roberts said, "I don't know where I got that 106." The correct number, she said, was "107." (6 H 444) But number 107 belonged to a Dallas police car that had been stripped of its numbering and sold on April 17, 1963, to a used-car dealer in Sulphur Springs, Texas, and the police didn't resume using this number until February of 1964 (CE 2045, 24 H 460).

Ultimately, police were unable to identify *any* police vehicle that might have passed in front of 1026 North Beckley at one o'clock that afternoon (CE 2645, 25 H 909-915; see also 11 HSCA 240). The FBI conducted its own investigation of Roberts's allegation and said it "fails to substantiate" what Roberts said (FBI Record 124-10047-10428, June 17, 1964). Mrs. Roberts later testified that she thought the officers in the car might have been Officers "Alexander and Charles Burnley" whom she had performed housekeeping duties for in the past (6 H 443; worked for in past: CE 2249, 25 H 171). There was only one Alexander on the force, a Lieutenant Floyd T. Alexander, but he was a firearms expert who worked in the crime lab, and he didn't drive a squad car. There had been another Alexander on the force, Sergeant Floyd J. Alexander (no relation), but he left the force in 1957. Floyd Alexander did know Mrs. Roberts, having employed her as a housekeeper. He described her as not being very bright, and the kind of person who "would do almost anything to get attention." Officer Charles T. Burnley was equally unsupportive, stating that Mrs. Roberts never worked for him, nor had he ever met her. (Myers, *With Malice*, pp.50-53, 55)

Finally, Mrs. Roberts, who repeatedly claimed that the police car honked its horn while Oswald was *in his room*, changed her story in June 1964, saying in her only handwritten account that when she heard the car horn, she looked out the window and saw Oswald standing at the curb, near a bus stop (CE 1125, 22 H 93). Of course, this sequence of events hardly seems conspiratorial, since this version has Oswald remaining at the curb without getting in the "police car" and the car presumably drives off. On the issue of Roberts giving the numbers for two police cars that were proved to have been elsewhere at the time in question, it is a non sequitur to conclude, as some anti-conspiracy theorists have, that this means no police car was there. That would be the equivalent of saying that if you give the incorrect address of your new apartment on a job application, your apartment doesn't really exist. However, Roberts giving two police car numbers that didn't check out is relevant to the issue of whether or not she made the story up.

Was Earlene Roberts the type to make up stories? Mrs. Gladys Johnson, the owner of the rooming house at 1026 North Beckley, and Roberts's employer, told the Warren Commission that Roberts had "some bad habits that some people have to understand to tolerate." Mr. Ball [Warren Commission counsel]: "What are they?" "Talking, just sitting down and making up tales, you know. Have you ever seen people like that? Just have a creative mind, there's nothing to it, and just make up and keep talking until she just makes a lie out of it. Listen, I'm telling you the

truth and this isn't to go any further, understand that? You have to know these things because you are going to question this lady . . . I think she is a person who doesn't mean to do that but she just does it automatically . . . I don't understand it myself. I only wish I did." (10 H 298–299, WCT Mrs. Arthur Carl Johnson)

Hugh Aynesworth, the *Dallas Morning News* reporter who, along with Jim Ewell, the newspaper's police beat reporter, covered the assassination story from ground zero, said that he went out to the rooming house right after the police had searched Oswald's room on the afternoon of the assassination and interviewed Roberts in depth. "She never said a word about any police car honking its horn outside the rooming house around the time Oswald was there earlier in the day." In fact, Aynesworth said he interviewed Roberts at least two more times thereafter and she never said a word about the alleged incident. Ewell, he said, had also interviewed Roberts separately and she never mentioned the incident to him either. "When Jim and I found out she had told the police about the horn honking, we were amazed. When I went back to her and brought it up, she became very flustered and never had a satisfactory answer why she hadn't mentioned the incident to us. She was an older lady in poor health, not too bright, and I just think that somebody put that thought in her mind." (Telephone interview of Hugh Aynesworth by author on April 22, 2002)

In addition to the fact that there is absolutely no corroboration of Roberts's story (for instance, no one else in the neighborhood said they saw a police car in front of the rooming house at the time), the incident is devoid of common sense. Why honk the horn if you aren't going to pick the person up? Roberts testified that after hearing the horn, she saw the police car drive off (6 H 444; CE 2249, 25 H 171). Also, after she saw the car drive off, as indicated, she saw Oswald still standing at the bus stop in front of the rooming house (7 H 439, WC affidavit of Earlene Roberts), and we know Oswald was seen walking on the street about fifteen minutes later (e.g., 3 H 306–307).

Or are we to believe that the honking of the horn was a signal to Oswald? If so, for Oswald to do what? To leave the rooming house, as he did? If Oswald was part of a conspiracy, and had just pulled off by far the most difficult part of it—killing the president and managing to escape—why would his co-conspirators feel they had to follow him out to his rooming house to remind him of the simple fact that after he returned to his place he was supposed to leave?

And are we really to believe that the Dallas Police Department, or certain members of it, were involved in the conspiracy to kill President Kennedy? And if so, would they be blatantly driving around during their complicity with Oswald (going to his rooming house just a half hour after Kennedy was shot) in *marked* Dallas Police Department vehicles?

If the Dallas Police Department was not involved, was some group trying to frame them by the incident? But if so, would the group's sole effort to frame the Dallas Police Department be this one incident that only lasted a matter of seconds? And one they would have no reasonable basis to believe anyone would even be aware of? In other words, how would they know Earlene Roberts, or anyone else, was even going to see them?

The Earlene Roberts story has no evidence or logic to support it and therefore cannot be given any weight.

Another perception of Roberts that appears to have been wrong is the color of

the zippered jacket Oswald was wearing when he left the rooming house. All of the direct and circumstantial evidence is that the jacket was light-colored (see main text), but when Mrs. Roberts was shown the jacket (CE 162, 16 H 520) by Warren Commission counsel, she said the jacket Oswald had put on “was darker than that. Now, I won’t be sure, because I really don’t know . . .” (6 H 439). In an affidavit she gave the Commission she said she recalled the jacket was a dark color (7 H 439).

- 71 **It is one o’clock and it’s all over:** Although the time of death was estimated at 1:00 p.m., and this is the time that has been accepted through the years, Dr. Fouad A. Bashour, an intern in the department of cardiology at Parkland who helped in the cardiac massage of the president, wrote in his Parkland Hospital Admission Note that “the president was declared dead at 12:55 p.m.” (CE 392, 17 H 13; 6 H 62, WCT Dr. Fouad A. Bashour).
- 72 **“Is he dead?”:** At 1:23 p.m., United Press International reported that Father Huber had “administered the last sacrament of the Church to the President.” The report included his response to the question, “Is he dead?” At 1:32 p.m., the Associated Press reported that “two priests who were with Kennedy say he is dead of bullet wounds,” even though Father Thompson had said nothing, and bullet wounds had not been mentioned. (Manchester, *Death of a President*, p.218 footnote)
- 72 **The White House extension phone rings:** Robert Kennedy thought the caller was Clint Hill (Schlesinger, *Robert Kennedy and His Times*, p.608); however, author William Manchester reported that the call originated from Tazewell Shepard at the White House (Manchester, *Death of a President*, p.256 footnote).
- 73 **It’s J. Edgar Hoover again:** Author William Manchester wrote that Hoover called Robert Kennedy and when Kennedy came to the phone, Hoover said, snappily, “The president’s dead,” and hung up (Manchester, *Death of a President*, p.257), which on its face is almost impossible to believe. According to the FBI memo of the incident, after learning of the president’s death from Robert Kennedy, Hoover advised Kennedy of the condition of Governor Connally and that Mrs. Kennedy and Mrs. Connally were unhurt. Hoover also gave Kennedy up-to-the-minute details on the search for the assassin and inquired whether Kennedy intended to go to Dallas. (FBI Record 124-10012-10169, FBI memorandum, Hoover to Tolson, November 22, 1963, pp.2-3) Robert Kennedy later recalled, “I don’t remember what [his words] were . . . He was not a very warm or sympathetic figure” (Schlesinger, *Robert Kennedy and His Times*, p.608). Manchester later asked him if Hoover seemed to be upset, and Kennedy said no. His voice, Kennedy said, was “not quite as excited as if he were reporting the fact that he found a Communist on the faculty of Howard University” (Manchester, *Death of a President*, p.257). But it’s reasonable to believe that RFK was referring to Hoover’s first call to him when Hoover told him, “I have news for you. The president’s been shot. It’s believed to be fatal. I’ll call you back when I find out more.”
- 74 **Seconds later, he calls in “seventy-eight” again:** Can we be 100 percent sure that the two 1:08 p.m. transmissions were from Officer Tippit? Way back in 1964, Jim Bowles told the Warren Commission by way of his transcription of the Dallas police channel 1 radio tape that at 1:08 p.m., a patrol officer called in “seventy-eight” to the police dispatcher twice within a matter of seconds (CE 705, 17 H 406). The Dallas police tapes now being played by many throughout the country are notoriously poor in fidelity. But Bowles made four reel-to-reel magnetic-tape

copies of the original channel 1 and 2 recordings, which he said were just as clear as the originals. Two, he said, were for the FBI, one for Chief Curry, and one copy for himself, which he transcribed from. (He never knew what happened to the original recordings themselves, though they would turn up in a Dallas police lieutenant's garage in 1978, and are now at the National Archives.) He vaguely recalls that one of the FBI tapes was sent by the bureau "to some laboratory in Oklahoma."

Bowles said his instruction from the FBI (given to him by Deputy Chief George Lumpkin) "was to transcribe from the original recordings," and he said he did transcribe directly from the Dictabelt and Audograph recordings. But since he knew that every time the two original recordings were transcribed from, they would be damaged by the constant starting, stopping, and reversing that are inherent to the transcription process, he first made, before he transcribed from the two original recordings, the four reel magnetic-tape copies of the originals. (Telephone interview of Jim Bowles by author on November 1, 2004) In any event, we know that Bowles heard "seventy-eight" twice on the original Dictabelt recording, certainly much clearer than the multigenerational copies being listened to by assassination researchers.

The chronology of the tape transcriptions is not clear. But certain things are known. Late in the afternoon of the assassination Deputy Chief Lumpkin impounded the channel 1 and 2 police radio tapes and gave them to Gerald Henslee, the head dispatcher on the shift at the time of the assassination who handled the channel 2 transmissions, and told him to transcribe them, which he did (HSCA Record 180-10108-10192, HSCA interview of Gerald Henslee on August 12, 1978, p.4).^{*} Henslee turned in his transcript of the channel 2 motorcade tape (that included transmissions pertaining to Tippit's shooting) to Dallas police chief Jesse Curry on December 3, 1963 (Sawyer Exhibit A, 21 H 388 et seq), and on December 5 turned in an extremely brief (three-page) transcript of the channel 1 tape to Curry, leaving out a great number of transmissions "for reasons of brevity" (Sawyer Exhibit B, 21 H 398-400). By contrast, the later transcription by Bowles of the channel 1 tape, the one with the two 1:08 p.m. transmissions of "seventy-eight," runs to sixty-five pages (CE 705, 17 H 390-455). The Henslee transcriptions were only made for the Dallas Police Department, and it is not known whether they ever left the department.

What Bowles remembers very clearly is Lumpkin coming into his office in early March of 1964 with the original recordings that had been sent back to Dallas by the FBI and telling him, "Sergeant, the FBI has asked us to transcribe the original recordings. They can't understand them. You'll have to do it." Bowles did so, his transcription of the channel 1 and 2 recordings being submitted to the Warren Commission by Dallas police inspector J. Herbert Sawyer on March 23, 1964. Bowles's transcription of the recordings appears in CE 705, 17 H 390 et seq.

^{*} Although Henslee supervised the transcription of the channel 1 and 2 police radio logs, it appears he, himself, only transcribed the channel 2 log. I say that because his signature only appears at the end of the channel 2 transcription (Sawyer Exhibit B, 21 H 400), not at the end of the channel 1 transcription. That signature, of another Dallas police sergeant, though illegible, is clearly not Henslee's (Sawyer Exhibit A, 21 H 397). Both transcriptions were sent to Dallas police chief Jesse Curry. In the separate cover letter to him, the "subject" is referred to as "Transcript of Radio Log" (Sawyer Exhibit A, 21 H 388; Sawyer Exhibit B, 21 H 398). Bowles told me that "in the old vernacular, the recordings were referred to as logs" (Interview of Jim Bowles by author on April 27, 2006).

Although the Warren Commission doesn't expressly say that Bowles transcribed the tapes, it is accepted by assassination researchers, and Bowles told me and others that he did. Indeed, at the conclusion of the police radio transcripts in Warren Commission volume 17, the Commission refers to "Sergeant James C. Bowles" as the person it consulted to identify the meaning of the entire shorthand "system of signals" referred to in the transcripts (CE 705, 17 H 490-494).

It should be noted that yet another (a third) transcription of the recordings was submitted by the FBI to the Warren Commission on August 11, 1964, the transcript appearing in CE 1974, 23 H 832 et seq. Though everyone has always assumed that the FBI transcribed these recordings, the letter of transmission of the transcript to the Warren Commission by the FBI does not make this clear at all. Indeed, instead of saying the FBI did it at the crime lab in Washington, D.C., it says only that "these recordings were *reviewed* [not transcribed] by a Special Agent of the Federal Bureau of Investigation on July 21, 22, 23 and 24, 1964, at the Dallas Police Department" (CE 1974, 23 H 832). Bowles has no idea who transcribed these recordings a second time, but knows it was no one in the Dallas Police Department, since, he said, "I'm the only one at the Dallas PD that transcribed the recordings for the Warren Commission." Parenthetically, the FBI transmission to the Warren Commission on August 11, 1964, gives a time sequence of what happened that is different from that of Bowles, saying that *after* the Warren Commission got the Bowles transcript, the Commission, because of "the importance of these transcripts," requested that the FBI "obtain the original tapes" and prepare "a new transcript" (CE 1974, 23 H 832).

On March 25, 2004, Bowles, who had a copy of the channel 1 recording (*not his magnetic copy of the original*) in his office that was clearer than the copy I had, played it over the phone for me (in Los Angeles) and we could hear the second "seventy-eight" (Tippit's call number) call at 1:08 p.m., though not completely clearly, but could not make out the first one. But Bowles was adamant that on the magnetic copy of the original Dictabelt recording he listened to many years ago, he not only heard "two 78s, but I recognized Tippit's voice." By the latter he said he meant the inflection, tone, and cadence in the four syllables of the words "seventy-eight." The plain-spoken Dallas sheriff said, "If I didn't hear two 78s from Tippit at 1:08, then I've been lying to people for forty years, and counselor [me], I haven't been lying." (Telephone interviews of Jim Bowles by author on March 25, April 23, and October 18, 2004; HSCA Record 180-10108-10192, HSCA interview of Gerald Henslee on August 12, 1978, p.4)

Not all people who have listened to the Dallas police tapes agree with Bowles about what was heard at 1:08 p.m. The transcription furnished by the FBI to the Warren Commission on August 11, 1964, has Unit 58 calling in with a "garbled" transmission for Bowles's first "seventy-eight," and Unit 488 calling in with a "488 (garbled)" for Bowles's second "seventy-eight" (CE 1974, 23 H 855). A "Copied and Updated" transcript by Russ Shearer on February 24, 1995, of an original transcript prepared from a multigenerational copy of the channel 1 Dictabelt recording by Mary Ferrell, Arch Kimbrough, and Judy Bonner, actually has two "599s" instead of two 78s at 1:08 p.m., clearly an error, in my opinion.

75 "the norm for an officer" [footnote]: As with all Dallas police squad cars, there was a clipboard installed on the dashboard of Officer Tippit's car number 10 for him to take notes and keep his wanted persons' names on. Tippit had written notes

on his clipboard, but Dallas police sergeant W. E. Barnes, who arrived at the Tippit murder scene and checked the car for fingerprints, told the Warren Commission, “We never read his [Tippit’s] clipboard” (7 H 274). Is it possible the clipboard contained a note by Tippit as to why he had stopped Oswald? In 1983, Detective James R. Leavelle, who headed up the Tippit murder investigation, told author Dale Myers, “I looked at some of the stuff that Tippit had in [his] car, but, to my knowledge, there was nothing found—that was written—in regards to the man he stopped. There was no reference as to why he stopped to talk to him.” Leavelle said the absence of a note in such a situation was very common. (Myers, *With Malice*, pp.63–64)

77 **1:15 p.m. bus:** Although an FBI report (CD 630[h]) says that Helen Markham’s bus, per the Dallas Transit System, came by each day “at about 1:12 p.m.,” not 1:15 p.m., I tend to doubt the 1:12 time for two reasons. Number one, the FBI never nailed down which of two separate buses Markham could have taken at Jefferson and Patton, not asking her what corner at the intersection she got on her bus. Apparently, only one of the buses was scheduled to come by at 1:12, and the FBI never even alluded to the existence of another bus that stopped at a different corner of the intersection and would also have taken Markham downtown by a more indirect route (Myers, *With Malice*, p.597 footnote 154; CD 1128, p.3). Much more importantly, Markham, when asked by Warren Commission counsel, “You know what time you usually get your bus, don’t you?” she answered “1:15” (3 H 306). And in an earlier FBI interview she said the bus came by at 1:15 p.m. (CD 630[c], p.1). Why in the world would she say 1:15 if it was 1:12? We know that Markham was not a bright woman, but she was smart enough to hold down a job as a waitress, where one has to deal with numbers on a customer’s bill, and smart enough to get to work every day. It requires *no* intelligence to read a watch or clock, and though the Dallas Transit System advised the FBI that the bus was scheduled to come at 1:12, I find it very hard to believe it routinely came by at that time. If it did, with Markham thinking it came by at 1:15, I wonder how she didn’t miss the bus a lot and was able to keep her job.

78 **why the cop has stopped him:** Tippit murder authority Dale Myers, while not definitely rejecting the conventional wisdom, feels he has come up with an even better reason why Tippit may have stopped Oswald. Myers cites three sources for the proposition that Oswald had been walking *west* on Tenth Street before his confrontation with Officer Tippit. He resolves the seeming conflict between the sources he relies on and the statements of those who said Oswald was walking *east* on Tenth by saying they both were correct in that they were talking about different times. He theorizes that Oswald had originally been walking west on Tenth, and when he spotted Tippit’s approaching squad car, spun around and started back “in the opposite direction,” and it was this sudden “change in direction” that aroused Tippit’s suspicions and caused him to stop Oswald, not the “meager description of the suspect wanted in the Kennedy assassination.” (Myers, *With Malice*, pp.64–65)

Myers may very well be right, but there isn’t too much evidentiary support for his position, his three sources being somewhat weak. One is Jimmy Burt, who told assassination researcher Al Chapman in a February 1968 interview that shortly before the shooting, while he and his friend William Arthur Smith were standing on the porch of where Burt was then living, at 505 East Tenth Street (about a block

from where Tippit was shot), he saw a man walking west on Tenth on the opposite side of the street. Though he didn't see the shooting, and said he could not identify the man, he did say that after he heard the shots he saw this same man running away from the squad car south on Patton. (HSCA Record 180-10091-10288, Transcript of taped interview of Jimmy Burt by Al Chapman on February 7, 1968, pp.1-3, 6, 8-9) But Myers acknowledges that Burt told a completely different story when he was interviewed by the FBI back in December of 1963. He told the FBI that at the time of Tippit's murder, he and his friend, William A. Smith, were seated *inside* his brother Billy Burt's house located at the corner of Ninth and Denver streets, about a block and a half from the murder scene, when he heard a total of what he believed to be six shots. He and Smith immediately left the house, got in his car, and drove to the murder scene. (FBI Record 124-10011-10204, Interview of Jimmy Earl Burt by FBI SAs Delane Christianson and Jackie Acklin on December 16, 1963, p.1) The new story the twenty-year-old Burt came up with five years later obviously cannot be given too much credence, though Myers speculates that Burt may not have told the truth to the FBI out of fear of becoming involved (Myers, *With Malice*, p.598 footnote 159).

But even assuming that the story Burt told Chapman was true insofar as his location at the time of the shooting, his twenty-year-old friend, Smith, while not refuting Burt's story, does not corroborate it on a key point. Burt told Chapman that "we [he and Smith] went out on the porch and we was talking . . . and *we* noticed this guy walking down the street, just someone walking, you know." As indicated, he said the man was walking "west" on East Tenth Street. Although Burt didn't testify before the Warren Commission, Smith did. Smith said that at the time of the shooting he and Burt were in the front yard of 505 East Tenth Street, thus confirming what Burt told Chapman, not the FBI. But, unlike Burt, he said he did not see the assassin walking west in front of Burt and him before the shooting. When asked by Warren Commission counsel if the "first time you ever saw this man was after you heard these shots," Smith answered, "Yes, sir." Question: "You had never seen him walking?" "No." "You hadn't seen him walking in front of the house?" "No, sir." "Where you were standing [with Burt]?" "No, sir."* (7 H 83-85, WCT William Arthur Smith)

Myers also relies on witness William Scoggins, who told the Warren Commission, "I couldn't say whether [Oswald] was going west or was in the process of turning around, but he was facing west when I saw him" (3 H 325), not the strongest of support for the theory of Oswald walking west. Finally, Myers relies on the November 22, 1963, Dallas Police Department Homicide Report on Tippit's slaying prepared by Captain Cecil E. Talbert, which says that Tippit had been driving "east on Tenth [and] stopped to interrogate a suspect walking west on Tenth" (HSCA Record 180-10100-10436, "Homicide Report" of Dallas Police Department on murder of J. D. Tippit, November 22, 1963, Case F-85827).[†] But why

*In his testimony before the Warren Commission and in a December 13, 1963, FBI interview (CD 205, pp.243-244), Smith gave a description of the man he and Burt saw running from the murder scene that was close to fitting Oswald, but said the gunman had darker hair than Oswald's hair appeared to be on television, although he said the FBI photo of Oswald shown to him showed Oswald with similar-colored hair to the gunman's.

[†]Though Myers doesn't cite it in support of his position, as late as May 28, 1964, Captain Glen King, Chief Jesse Curry's administrative assistant who handled press and public relations, told the American Society of Newspaper Editors at a speech in Dallas that Oswald was "walking west" (King Exhibit No. 5, 20 H

Talbert would say this in his report when at that time there was no witness who had made this observation to the police or FBI is not known. In any event, since there was no evidence to support this statement, it has to be written off as a foundationless assumption.*

The only credible evidence (though not that strong) that Oswald may have been walking west on Tenth is, as assassination researcher Bill Drenas points out, if he had been walking east on Tenth, “he would have walked right in front of Scoggins seated in his cab” (Telephone interview of Bill Drenas by author on March 4, 2004). Although Scoggins was never asked if he saw a man walk in front of him just prior to the shooting, it’s the type of thing he would be expected to volunteer if the man killed Tippit shortly thereafter. But it should be noted that Scoggins had just returned to his cab parked on Patton at Tenth (after leaving it to get a Coke and watch TV at a nearby place) when the shooting occurred, saying he had only “taken one or two bites of my sandwich and drank a couple of swallows out of my Coke” (3 H 323–324), and it’s possible that Oswald had crossed Patton on Tenth going east before Scoggins returned to his cab. The point to which Oswald had walked when he confronted Tippit was close to 120 feet to the east of Scoggins’s cab. (Dallas police sergeant W. E. Barnes sketch of crime scene, DMA, box 9, folder 1, item 18; Myers, *With Malice*, p.161)

The reality is that if we discount Burt’s statement, which we’ve seen cannot reasonably be relied on at all, there is actually only one witness[†] who claims to have seen Oswald walking west on Tenth before the murder. In January of 1964, one

465, WCT Glen D. King). Of course, King was not a Dallas police detective and may have gotten this “information” for his speech, which was about his department’s relationship with the media, from his department’s “Homicide Report” on Tippit’s murder prepared on the day of the assassination.

*One alleged witness Myers doesn’t rely on for his “change of direction” theory, not even mentioning him in his book probably because of the person’s almost assuredly phony story, is Elcan Elliot, who waited thirty-one years (not too long a period, right?) to tell his story for the first time to author Gus Russo. Elliot claimed that after the president was shot, “there was no one on the streets” because everyone was home watching the assassination news on TV or radio, or simply out of fear. We know, of course, that this is not true. In the Tippit incident alone, we know Helen Markham, William Scoggins, and William Lawrence Smith (see main text) were walking on the street, and people were in their cars (e.g., Jack Tatum and Domingo Benavides) going places other than home to watch the TV news. But undoubtedly most people were at home or in their offices with their TV or radio turned to the assassination news, a fact that could have contributed to Tippit’s having stopped Oswald. But this is a weak inference. In any event, Elliot, who claimed he lived near Oswald, said he was driving his car on the streets of Oak Cliff searching for his fourteen-year-old daughter because he feared for her safety. He claims he saw Oswald “relieving himself” on some bushes around the 700 block of North Beckley. He thought Oswald looked suspicious so he followed him (he apparently had given up worrying about his daughter) and saw Oswald “reverse direction . . . three or four times” as he approached Lancaster Boulevard, saying Oswald looked “lost, bewildered.” There is no indication in Russo’s book that Elliot gave any reason for his thirty-one-year silence on this matter, which alone would almost seem to disqualify Elliot as a credible source. But based on Elliot’s story, Russo speculates that Tippit may have stopped Oswald not just because he vaguely fit the description of the man in the sniper’s nest sent out over the police radio, but because of “Oswald’s erratic back-and-forth movements on foot in Oak Cliff.” (Interview of Elcan Elliot by Gus Russo on September 9, 1994, in Russo, *Live by the Sword*, pp.307–308, 314, 564 note 1) But if Oswald was walking back and forth in opposite directions and going toward Lancaster Boulevard, it would not have been physically possible for him to reach Tenth and Patton when we know he did.

[†]An Oswald-was-proceeding-west witness whom no one pays attention to is a man with the last name of Clark who worked at the Tenth Street Barbershop near the corner of Tenth and Ewing, seven blocks east of Tenth and Patton. One James A. Barnes telephoned the FBI on November 29, 1963, to inform the bureau that Clark had told him that “on the morning of November 22” (which automatically eliminates Oswald, since we know where he was that morning) a man “he would bet his life on” was Oswald passed his shop “in a great hurry.” The FBI took “no action” on the phone message. (FBI File 89-43, Memo from FBI agent Carl Underhill to SAC, Dallas, November 29, 1963)

William Lawrence Smith told the FBI that on November 22, 1963, he was laying brick at 500 East Tenth Street when he left his job to go to lunch and noticed a man walking west on Tenth. A few minutes after he got to the café located at Tenth and Marsalis, a fellow bricklayer came to tell him at the café that “somebody shot a policeman.” After being shown photos of Oswald, he felt sure Oswald was the man he had seen walking by him while he, Smith, was going to lunch. (CD 329, p.83, Interview of William L. Smith by FBI SA William G. Brookhart on January 11, 1964)

Although Smith’s statement, as opposed to Burt’s, cannot as easily be ignored, it has to be viewed in the context of all the evidence. Also, at the time Smith saw the man walking west on Tenth, he wouldn’t have had any reason at all to remember what he looked like, Smith not indicating the man did anything at all to draw anyone’s attention to him. So Smith’s identification, though not to be dismissed out of hand, has to be considered suspect.

On the other side of the issue as to the direction in which Oswald was walking, we have, as set forth in the main text, Jack Tatum, with every reason to remember Oswald (having seen him shoot Tippit), telling the HSCA in 1978 that he saw Oswald walking east on Tenth as Tippit’s car pulled over to the curb to talk to Oswald, and repeating this observation to me at the London trial. And we know Helen Markham testified that she saw Oswald “walking away from me” (i.e., walking east) before his confrontation with Tippit. When Warren Commission counsel asked here, “The police car was going in the same direction as the man?” she answered, “Yes, sir.” (And we know Tippit was going east on Tenth.) “And caught up with him?” “Yes, sir.” (3 H 307, 317)

Of course, neither Markham’s nor Tatum’s observations, even if true, negate Myers’s position that Oswald was originally walking west. However, Scoggins’s and Markham’s testimony that they saw Tippit proceeding very slowly eastbound on Tenth is much more consistent with his having been following Oswald for some time from behind as Oswald was walking east, than Oswald walking toward him going west on Tenth.

Also, it would seem that Oswald’s seeing Tippit and suddenly turning around and walking in the opposite direction would be inconsistent with Oswald’s conduct that day. In the lunchroom of the Book Depository Building with Officer Baker just forty-five minutes earlier, we know that Oswald acted perfectly innocent. And even a child would know that turning around and walking in a different direction when seeing a police officer makes one look guilty of something. Though the possibility cannot be dismissed, it seems unlikely to me that Oswald would have changed directions (something, it should be added, that no witness saw) right in Tippit’s view, that is, if Oswald could see Tippit, Tippit could see him. In fact, as indicated, Tippit’s allegedly seeing Oswald turn around is the basis for Myers’s conclusion as to why Tippit pulled over.

But perhaps the biggest problem I have with the argument that Oswald was originally walking west on Tenth is that if you look at the map of the area in the photo section in this book, although there were several routes Oswald could have taken to reach Tenth and Patton from his rooming house, any route that would have him walking westbound on Tenth at the time Tippit pulled over would be, as Sheriff Bowles told me, “way out of his way. Oswald was almost for sure walking east on Tenth” (Telephone interview of Jim Bowles by author on February 23, 2004). Bill Drenas, a student of the assassination for many years who knows this area like the

palm of his hand, and who incidentally is five feet nine and weighs 135 pounds, virtually the same height and weight as Oswald, told me he walked the quickest route to Tenth and Patton from the rooming house that would have enabled Oswald to be walking west on Tenth—south on Beckley to Davis, east to Crawford, south-east on Crawford to Ninth, northeast on Ninth to Marsalis, then south on Marsalis to Tenth, and then west on Tenth to the scene of the murder at 404 East Tenth. Drenas, a letter carrier from Lowell, Massachusetts, told me that taking this route and walking at a “fast pace” took him sixteen minutes and thirty-five seconds, which, if Oswald left the rooming house around 1:00 p.m., as is believed, would not have permitted him to be where we know he was at the time of the murder. Drenas said that to get to where all the evidence shows Oswald ended up (Drenas himself is completely open-minded, and not pushing any agenda on whether or not Oswald killed Tippit), if Oswald took a route that would have him walking west on Tenth, he would have literally “had to have been running almost all the way.” The only other way he could have gotten there on time, Drenas said, would have been “if he had hitchhiked part of the way,” but no evidence has ever surfaced to indicate Oswald did this. Moreover, even to get dropped off at the main point of Marsalis and Tenth, two changes of street direction (at Colorado and later at Marsalis) from the intersection of Beckley and Zangs Boulevard would have to be made, requiring that Oswald have been picked up by someone willing to chauffeur him rather than merely driving him only in the direction the driver was proceeding in on Zangs, the normal situation. (Telephone interviews of Bill Drenas by author on March 4, 2004, and April 30, 2006)

78 **not keeping his eyes on Oswald:** Murray Jackson, who worked with Tippit in the past, and knew him well, said that “when Tippit approached a person he would *never* look directly at them but would look either sideways or down at the ground. This lack of eye contact plus the fact that he usually walked with his hand on his gun butt could have alarmed Oswald.* Oswald could have felt threatened by Tippit’s demeanor, and because of Tippit’s averted downcast eyes, have had the drop on him in a shootout” (HSCA Record 180-10103-10353, HSCA staff interview of Murray Jackson on October 20, 1977, p.2).

William Mentzel, who had also worked with Tippit, recalled the same characteristic of Tippit that Jackson had, Tippit “looking down at the ground rather than at the person” (HSCA Record 180-10103-10354, HSCA staff interview of William Mentzel on October 24, 1977, p.2). Tippit’s best friend on the Dallas Police Force, Bill Anglin, who lived three doors down from Tippit on Glencarin Street and had a coffee break with him that morning,[†] said that Tippit “never looked anyone in the eye” (HSCA Record 180-10108-10451, HSCA staff interview of Bill Anglin on November 11, 1977). Billy Fowler, another Dallas police officer who partnered with Tippit for awhile, said the same thing, telling author Bill Sloan, “He always kept his eyes averted when he was talking to you. Personally, I figure that’s how Oswald—or whoever it was that shot him—got the drop on him in the first place. Knowing J.D.,

*Witness Domingo Benavides said that as Tippit got out of the car and walked to the front of it, “he was reaching for his gun” (Transcript of *CBS News Inquiry: The Warren Report*, part III, June 27, 1967, p.4, CBS Television Archives).

[†]See Myers, *With Malice*, p.39, and Bill Drenas, “Car #10 Where Are You?” October 1998, pp.4-6 (available at <http://mcadams.posc.mu.edu/car10.htm>), for confusion as to where and when Tippit and Anglin met that morning.

he was bound to have been looking somewhere else.” Fowler said that he was Tippit’s partner, and if he hadn’t had the day off, he would have been with Tippit. (Sloan, *JFK: Breaking the Silence*, pp.191, 194) However, not only did Dallas patrolmen almost always ride solo during the daytime, but Fowler wasn’t even working the same shift as Tippit around the period of the assassination, Fowler working the First Platoon (12 midnight to 8:00 a.m.) and Tippit the Second Platoon (8:00 a.m. to 4:00 p.m.) (Batchelor Exhibit No. 5002, 19 H 123, 126).

No one knew why Tippit would look down as he did. Gerald Henslee, a fellow Dallas police officer who knew Tippit, said he simply had a “bad habit” of maintaining the “old country hang dog look.” It seems he “just wouldn’t look anyone in the eye for more than a second or two,” and Henslee and others even criticized Tippit for this habit, but he never changed. (HSCA Record 180-10108-10192, HSCA staff interview of Gerald Henslee on August 12, 1978, p.5) But Austin Cook, the John Birch Society member who owned Austin’s Barbeque where Tippit worked part-time for a few years, said that Tippit had sustained what he called a “war injury” which prevented him from looking a person in the eye (HSCA Record 180-10115-10004, September 19, 1977, p.6; John Birch Society member: CE 2985, 26 H 488).

78 **the young man pulls a gun out:** For years, Warren Commission critics have alleged that Oswald’s known movements that day precluded him from being at Tenth and Patton in time to kill Tippit. The Warren Commission estimated that Oswald left the Depository Building at 12:33 p.m., three minutes after the assassination (WR, p.157). In a reconstruction by the FBI, at an average pace (which we have no reason to believe Oswald would have been walking at) it would have taken Oswald six and a half minutes to walk the seven blocks to board the bus at Elm near Griffin. In heavy traffic (as it was that day), the bus was timed as taking four minutes to travel the two blocks on Elm to the point near Poydras where Oswald got off. The approximately three blocks from there to the cabstand at Lamar and Jackson took three minutes to walk at an average pace, putting Oswald there around 12:48 p.m. (WR, p.157; CE 1987, 24 H 18) The Warren Commission, being objective and to its own detriment, rejected the “trip card” records of cabdriver William Whaley that he picked Oswald up at 12:30 p.m. (that part it had to reject, since that is the time of the assassination) and dropped him off at 700 North Beckley at 12:45 p.m. (“*All my trips are marked fifteen minutes each,*” he said.) Whaley acknowledged that his records “could have been ten minutes off in each direction.” (2 H 254)

Warren Commission assistant counsel, with a stopwatch, reconstructed with Whaley the route he took with Oswald, leaving the cabstand at the Greyhound bus depot around 12:48 p.m., most likely several minutes later than Oswald actually left there. I say that not only because Oswald would have probably been walking at a fast pace from the time he left the Depository, but most importantly because the most reasonable assumption is that Whaley put 12:30–12:45 p.m. on his trip ticket because he left at some time *prior* to 12:45 p.m., making the Warren Commission estimate of a 12:48 p.m. departure from the bus depot *at least* three minutes too late. It makes little sense that if Whaley left the depot at 12:48, he would record his departure time as being between 12:30 and 12:45 p.m. From the cabstand, it took five minutes and thirty seconds, by cab, to reach 700 North Beckley, where Whaley dropped Oswald off, and at a normal pace, five minutes and forty-five seconds to walk the four blocks to Oswald’s rooming house at 1026 North Beck-

ley (6 H 434, WCT William Wayne Whaley), making Oswald's estimated Warren Commission arrival time there around 12:59 p.m. or slightly earlier, since Whaley said that he drove "a little bit faster" (accounting, he said, for no more than a half minute) than the driver during the reconstructed run (6 H 429).

With a probable minimum three-minute error by the Warren Commission, the real arrival time was most likely around 12:56 p.m. or earlier. The HSCA, in its reconstruction of the event, concluded Oswald arrived at "approximately 12:55 P.M." (HSCA Record 180-10115-10004, September 19, 1977, p.2). Earlene Roberts nonetheless put Oswald's arrival time at the Beckley rooming house "around 1 o'clock."* But there is no reason to assume that Earlene Roberts's guesstimate of 1:00 p.m. should be given precedence over the reconstructed time minus the three minutes. Roberts said that Oswald stayed in the house "not over three or four minutes, just long enough, I guess, to go in there and get a jacket and put it on and he went out zipping it" (6 H 440, WCT Earlene Roberts). Assuming an arrival time of 12:56 p.m. (even this is being generously late since it is based on the Warren Commission's assumption that from the Depository to the bus, from the bus to the cab, and from 700 North Beckley to his rooming house, Oswald was walking at an average pace—we can certainly assume he was not), and given Roberts's testimony that Oswald was "in a hurry . . . walking unusually fast . . . all but running" (6 H 439), her three- to four-minute estimate would clearly seem to be loose and excessive. And if we use, based on common sense, the amended reconstructed time, Oswald would have left his home around 12:59, or earlier. Generously assuming a departure time as late as 12:59 p.m., since my best estimate of the time of Tippit's murder was around 1:12 p.m. or earlier, with Oswald arriving there around 1:11 p.m., this gave Oswald twelve minutes to reach Tenth and Patton, eight-tenths of a mile away. And twelve minutes was the FBI's reconstructed time for the walk[†] (CE 1987, 24 H 18).

As the reader can see from the sketch in the photo section of this book, there are several routes Oswald could have taken to get there. Warren Commission assistant counsel David Belin points out in a statement he made for the record in the Warren Commission volumes that there are two "direct" routes from Oswald's rooming house to the Tippit murder scene. The first one is from Beckley south to Davis, then left or east on Davis a very short block to Crawford, and then continuing south or right on Crawford to Tenth, and then going left again or east past Patton to the murder scene. The second direct route is to take Beckley to Davis and stay on Davis all the way to Patton and then take Patton south to Tenth, then going east to the murder scene. (6 H 434, WCT William Wayne Whaley) In Belin's book on the case he tells the reader that at a normal pace, the first route took him fourteen minutes and the second route twelve minutes. As you can see from the map, the second route is even more direct (i.e., slightly shorter), but the Warren Commission assumed Oswald did not take this route, because if he had, he would have been walking south on Patton, the same direction that Helen Markham was

*She added "or maybe a little after, *because* it was after President Kennedy had been shot." Since Kennedy was shot at 12:30, Roberts's remark is a non sequitur.

[†]HSCA investigators, during their reconstruction of the event, strangely concluded, in contravention of Roberts's observation that Oswald was "in a hurry . . . all but running," and with nothing to support their conclusion, that Oswald was at Beckley for five minutes, an inordinate length of time. And since their walking to Tenth and Patton from Beckley took fourteen and a half minutes by what they said was the shortest route, they have him arriving there at around 1:15 p.m. (HSCA Record 180-10115-10004, September 19, 1977, p.2)

walking. And at some point he would have had to pass Markham on the sidewalk and be walking in front of her, since for her to see him walking east on Tenth, as she said she did, he would have to reach Tenth and Patton before she did. Yet she never said she saw Oswald on Patton, indicating that the first time she saw him he was walking east on Tenth across the intersection of Tenth and Patton “almost ready to get up on the curb.”* (3 H 307, WCT Helen Louise Markham; Belin, *November 22, 1963*, p.419) So the Warren Commission, as can be seen from its map of the route it believed Oswald took, assumed he reached the murder scene by the slightly less direct route.

When I walked the same route Belin did (and the one the Warren Commission assumed Oswald did) on September 22, 2004, with assassination researcher Bill Drenas timing me with a stopwatch, and his colleague, Ken Holmes, following us in his cab truck, it took me eleven minutes and twenty-three seconds going at a quite brisk pace, the pace I assumed Oswald would be walking. Common sense tells us that Oswald would most likely not have been walking at a normal, average pace, and we know from Earlene Roberts that at the house he was walking “unusually fast, almost running.” So Oswald would have had sufficient time to get where, from *all* the evidence, we know he was at the time Tippit was shot.

A point that should be noted is that of the various reasons people have speculated why Tippit pulled Oswald over, I don’t believe I’ve ever *read* of one of the most obvious ones, that Oswald was most likely walking at a fast pace, and this immediately stood out to Tippit. (This, as previously indicated, is the firm belief of Sheriff Bowles, who believed that Oswald was probably “walking like the devil possessed.”) Unfortunately, the documents on the matter don’t indicate that any of the witnesses who purportedly saw Oswald before the shooting were asked at what speed or gait he was walking, and Helen Markham was not asked this in her Warren Commission testimony. When Jack Tatum first noticed Oswald walking eastbound on Tenth, it was right before Tippit pulled him over, so at that point, even if Oswald had been walking fast earlier, he would have been slowing down.

For years, critics have cited T. F. Bowley’s affidavit on December 2, 1963, that when he saw Tippit lying on the street next to the left front of his car, he looked at his watch “and it said 1:10 p.m.” (CE 2003, 24 H 202). So the murder happened at 1:10, or even earlier they say, making it even more difficult for Oswald to have been the killer. Of course, even if Bowley is correct, and Tippit was killed at 1:10 or earlier, it would be irrelevant, since we know Oswald killed him. How he managed to get there on time to do it would only have academic value. If we didn’t know (by reference to the testimony of many eyewitnesses and firearms evidence) that Oswald killed Tippit, then Bowley’s affidavit would be more relevant. But even then we can’t be sure at all that Bowley was accurate. Apart from the improbabil-

*In Markham’s affidavit to the State of Texas, County of Dallas on the afternoon of the assassination, she didn’t address herself to the issue of when she *first* saw Oswald (CE 2003, 24 H 215). In an affidavit she gave to the Secret Service on December 2, 1963, it’s not completely clear. After saying she saw Tippit pull over, she says, “I *then* saw a man [suggesting this was the first time she saw him] who *had been walking down Tenth Street* approach the stopped patrol car,” suggesting she had seen him before she saw him approach the car (CD 87, p.447). On March 16, 1964, Markham told the FBI essentially what she told the Warren Commission ten days later, that “as” Tippit’s car “passed” the intersection in front of her going east on Tenth Street, she saw Oswald walking east on the southeast corner of Tenth and Patton, which would be diagonally across the street from where she was, and finally stop to talk to Tippit about 115 feet east of the intersection (CD 630[c], p.7).

ity that with an officer lying apparently mortally wounded on the ground, Bowley would want to look at his watch, we don't know that Bowley's watch was not off by several minutes, as so many watches are. Just one example among countless others. We *know* the assassination took place at 12:30 p.m., yet a Dealey Plaza witness, Mrs. Phillip Willis, said she looked at her watch and "it was 12:35 p.m." (CD 1245, p.44, FBI interview of Mrs. Willis on June 17, 1964). Indeed, if we're going to resort to citing Bowley for when the murder happened, we can't pick and choose, and Bowley, in the same affidavit, says that the first thing he did at the scene was to try to help Tippit, and he suggests that while he was doing this, Benavides was trying to operate the police radio but couldn't, so he did. But we know from Dallas police radio dispatch records that Benavides didn't start trying to operate the police radio until 1:16 p.m. (which would prove that Bowley's watch was five to six minutes off), and Bowley established contact with the police close to 1:18 p.m.

Other critics have even tried to bring the clock back further, citing Helen Markham's State of Texas, County of Dallas affidavit on the afternoon of Tippit's murder that it happened around 1:06 p.m. (CE 2003, 24 H 215). But we know Markham is wrong since we know Tippit called in on his police radio at 1:08 p.m., two minutes after Markham says he was dead. Markham is so confused on the timing that after she gave her affidavit on the afternoon of Tippit's murder, she told an FBI agent that the shooting of Tippit took place "around 1:30 p.m." (Interview of Helen Markham by FBI agent Bardwell D. Odum on November 22, 1963)

- 78 **Helen Markham:** Conspiracy theorist Mark Lane alleges in his book *Rush to Judgment* that although the Warren Commission suggested that Helen Markham was the only female witness to the murder of Tippit, in fact there was another one, Mrs. Acquilla Clemons, and he strongly implies that the Commission knew of her existence and didn't want to know the truth she had to tell. But Lane presents no evidence that the FBI or Warren Commission knew of Mrs. Clemons's existence. In his book, Lane says that Clemons "told several independent investigators that she saw two men standing near the police car just moments before one of them shot Tippit. The killer then waved to the other man, she said, and they ran away in different directions." He cites an article in the *New Leader* of October 12, 1964, by George and Patricia Nash based on a tape-recorded interview of Clemons in 1964 as support for this. But the *New Leader* article doesn't make any reference to Clemons saying she saw one of two men shoot Tippit, nor to his thereafter waving to the other man and each of them running off in opposite directions. (Lane, *Rush to Judgment*, pp.193–194, 200, 280) On March 23, 1966, Lane interviewed Clemons on film (a film, the contents of which he refused to debate in public with former Warren Commission counsel David Belin [Belin, *Final Disclosure* pp.31–32]), and Clemons told Lane that the gunman was "kind of a short guy" and "kind of heavy" (which sounds disturbingly similar to the words that Lane tried to put into poor Helen Markham's mouth [see section on Mark Lane in conspiracy part of book], compelling one to wonder if these weren't Lane's words fed to Mrs. Clemons before the interview), and the other man was tall and thin (Mark Lane and Emile d'Antonio, *Rush to Judgment* film, 1966).

In 1964, Clemons told George and Patricia Nash, two young research assistants at Columbia University, that she was contacted by the FBI, but the agents decided not to take her statement because she was a diabetic and in poor physical condition. What? Clemons, a middle-aged woman who was healthy enough to work, but

not healthy enough to be interviewed? The Nashes, not impressed with Mrs. Clemons, said “her version of the slaying was rather vague, and she may have based her story on second-hand accounts of others at the scene.” (Nash and Nash, “Other Witnesses,” p.9) Clemons capped off her dream by telling Lane in his 1966 film that a policeman toting a gun came to see her and said that “someone might hurt me” if she told what she saw. After the *New Leader* article, the Dallas office of the FBI notified FBI headquarters that “no information identifiable with . . . Acquilla Clemons could be located in Bureau files” (FBI Record 124-10047-10486, FBI Airtel of October 14, 1964).

Writing in 1998, Dale Myers says that in over thirty years, “everything that has been uncovered proves [Mrs. Clemons] to be wrong” (Myers, *With Malice*, p.73). Another of the endless and countless kooks in the Kennedy assassination.

- 79 **Tatum at the London trial [footnote]:** Conspiracy theorists have raised the issue of Jack Tatum’s legitimacy as a witness because he never came forward to the authorities at the time with his observations. That normally is a valid position. But Tatum’s bona fides in this case overcome this infirmity. Tatum’s first public statement on the matter was on February 1, 1978, when an HSCA investigator, Jack Moriarty, tracked him down at his job as the director of photography at Baylor University Medical Center in Dallas. Moriarty had learned of Tatum’s existence from an Oak Cliff jeweler. Tatum’s first words to Moriarty were, “How did you find me?” Moriarty found Tatum to be originally reticent about getting involved, particularly since he felt the case was closed, but he said Tatum ended up cooperating when he found out more from Moriarty about the HSCA investigation, although Moriarty said he remained apprehensive. Moriarty was impressed with Tatum, as I was when I interviewed him in 1986 for the London trial. He told Moriarty that he didn’t come forward because “there were more than enough people there and I could not see what I could contribute.” Tatum’s story is completely compatible with everything else we know about Tippit’s killing, and he certainly wasn’t someone looking for his fifteen minutes of fame or trying to cash in on his story. Moreover, we know from Domingo Benavides’s testimony before the Warren Commission that there was a “red Ford” proceeding west on Tenth Street in front of his car at the time of the shooting (6 H 453). And Tatum told a London Weekend Television interviewer, and later told me, that he was driving a red Ford Galaxie XL500 car that day. Additionally, with respect to the last coup de grace shot that only Tatum reported seeing Oswald fire at Tippit, the HSCA noted, “The committee did verify from the Tippit autopsy report that there was one wound to the body that slanted upward from front to back. Though previously unexplained, it would be consistent with the observations of Jack Ray Tatum.” One excellent indication of just how solid a witness Tatum is took place at the London trial. After Tatum told the jury that he got a “very good look” at Tippit’s killer, and said there was no question “whatsoever” in his mind it was Oswald, Gerry Spence did not even cross-examine Tatum on the issue of whether he was at Tenth and Patton, in effect thereby conceding that he was there. Moreover, Spence conducted an extremely and uncommonly brief cross-examination of Tatum on the issue of his identification of Oswald as Tippit’s killer. Spence, a highly experienced trial lawyer, obviously made an assessment that Tatum could only hurt him. (HSCA Record 180-10087-10355; HSCA interview of Jack Tatum by Jack Moriarty and Joe Basteri on February 1, 1978; Interview of Jack Tatum by London Weekend Television staff on May 13, 1986, and of Jack Mori-

arty on May 17, 1986; Telephone interview of Jack Tatum by author on June 1, 1986; previously unexplained shot: HSCA Report, p.60 footnote; Transcript of *On Trial*, July 23, 1986, pp.200–204)

- 80 **for two or three minutes:** Three years later Domingo Benavides indicated that the time frame was much shorter, telling CBS-TV, “I gave him [the gunman] enough time to get around the house. Thinking he might have went in the house, I sat there for maybe a *second or two* and then jumped out of the truck and run over” (Transcript of *CBS News Inquiry: The Warren Report*, part III, June 27, 1967, p.4, CBS Television Archives). This latter version seems like more of a made-for-TV one. Not only is it inconsistent with his earlier statement to the Warren Commission that he waited for “a few minutes,” but Helen Markham (who may have been off as to the time of the murder, which anyone could be, but isn’t nearly as likely to be unable to distinguish between someone arriving at the crime scene almost immediately as opposed to there being a meaningful lapse of time) said she had to wait for “minutes” before anyone else arrived at the murder scene to help her.
- 81 **tries to call the police dispatcher:** Although Domingo Benavides testified in 1964 that he ultimately contacted the dispatcher after one failed attempt (6 H 449), Dale Myers pointed out in his 1998 study of the Tippit murder, *With Malice*, that starting around 1:16 p.m. on Dallas police radio tapes, one can hear the sound of someone making noise with the microphone button of the police radio. This sound continues for over ninety seconds until a second passerby, T. F. Bowley, used it to successfully contact the police dispatcher at about 1:18 p.m. (Myers, *With Malice*, pp.86–87; CE 1974, 23 H 858; CE 2003, 24 H 202, Affidavit of T. F. Bowley)
- 83 **“501 East Tenth”:** The 501 East Tenth Street address was the address of Mary Wright and her husband Frank. When they heard the shots, she looked out the window and saw a man lying on the street in the next block. She ran to the telephone and dialed the operator. “Call the police. A man’s been shot,” she said. The operator took Mrs. Wright’s address and called it in to the police, resulting in the incorrect address for the shooting.

If anyone was more confused about what happened after the shooting than Mary’s husband, Frank, I don’t know who it was. While his wife was dialing the operator, Frank walked outside to see what happened. About the only thing he saw that we know was correct was a man (Tippit) lying on the ground near the left fender of his car and a man looking down at him. (He said the man was wearing a long coat that ended just above his hands. It’s impossible to know what he meant by this since a long coat would not normally be referred to by saying it ended above one’s hands.) From this point on, Frank Wright went psychedelic, claiming he saw the man who was standing run to a car, an old gray coupe, and race away. (Wright said the car was parked on the same side of the street as the car next to which the man was lying. But if that was so, unless the coupe was parked on the wrong side of the street, it couldn’t have driven off in a direction *away* from Wright, as he claimed it did, without making a U-turn. Wright also said that before the ambulance arrived, other than he and a woman who had “come down from her porch, there wasn’t anyone else out there at all,” when we know that at least Benavides, Markham, and Bowley were at or near the police car. Indeed, Clayton Butler, the ambulance driver, said that “there were at least 10 people standing around” Tippit when he arrived.

With everyone except Wright seeing the gunman run away, not drive, it’s under-

standable that when Wright (who says that “nothing in the world is going to change my opinion. I know what I saw.”) said he tried to tell “two or three people” at the scene what he saw, “they didn’t pay any attention.” (Nash and Nash, “Other Witnesses,” pp.7–8)

- 84 **take possession of the bullet:** Secret Service agent Richard E. Johnsen reported that the bullet was given to him “approximately five minutes” before President Kennedy’s body left Parkland Hospital (CE 1024, 18 H 799), which occurred a little after 2:00 p.m. (CE 1024, 18 H 726, 744, 756–757). Conspiracy theorist Josiah Thompson figured that the bullet (CE 399), later dubbed by critics as “the magic bullet,” was therefore probably found by Tomlinson at about 1:50 p.m. This may be correct, although Wright later told CBS-TV that he carried the bullet around for “thirty or forty minutes” before turning it over to the Secret Service (Transcript of *CBS News Inquiry: The Warren Report*, part IV, June 28, 1967, p.7, CBS Television Archives).
- 85 **Reynolds and Patterson run back and check the parking lot:** Warren Reynolds claimed to have crossed the street immediately after the gunman disappeared behind the buildings near Crawford and Jefferson, and checked the parking lot; however, considerable evidence exists that about five minutes elapsed before Reynolds checked the lot (Myers, *With Malice*, pp.105–106).
- 86 **collect other evidence:** The detectives also find a Dr. Pepper bottle, some remnants of fried chicken, and a lunch bag beneath the second set of windows to the west of the sniper’s nest window, almost undoubtedly what Bonnie Ray Williams left behind after having lunch there (3 H 169, WCT Bonnie Ray Williams; 7 H 102, WCT Marvin Johnson; CE 2003, 24 H 307).

Although the long, brown paper bag will later be dusted for prints by Robert Studebaker and initialed by Studebaker, L. D. Montgomery, and Marvin Johnson, surprisingly, no photographs are taken of the handmade paper bag lying where it was found.

- 87 **local TV cameraman records the scene:** Mr. Pinkston of the FBI, a Secret Service man, and two men from the Alcohol and Tobacco Tax Unit of the Treasury Department (the predecessor to today’s Bureau of Alcohol, Tobacco and Firearms, the name changing in 1968) were also present as Lieutenant Day and Captain Fritz photographed and examined the rifle. The rifle’s *empty*, six-round-capacity brass cartridge clip was still attached to the rifle at the time the rifle was found (Sims Exhibit A, 21 H 512; cartridge clip: 1 HSCA 482, 7 HSCA 355, 366, and CE 575, 17 H 259, xi). Since one live round was found in the chamber, and Oswald fired three rounds, this means that for whatever reason Oswald took only four bullets with him when he left in the morning to kill the president. Either he never had two more to put into his six-round clip, or he felt he was such a good shot that four rounds were more than he needed, or he knew he’d have to leave to escape long before he’d have an opportunity to fire six rounds (we knew he left after three rounds, not firing the fourth), or he had some other reason we’ll never know.

Although conspiracy theorists continue to yap that the rifle found on the sixth floor was not a 6.5-millimeter Mannlicher-Carcano, but some other weapon, such as a 7.65-millimeter Mauser (which one of the officers who discovered it thought it was), there can be no question the rifle was a 6.5-millimeter Mannlicher-Carcano. All of the evidence, including photographic and eyewitness, proves this. Indeed, photographer Tom Aleya of WFAA-TV in Dallas was on the sixth floor at the time

and filmed the recovery of the rifle. Two of the frames from his film, one in particular, clearly show the rifle was a 6.5-millimeter Mannlicher-Carcano. ([http://mcadams.posc.mu.edu/day1\(and2\).jpg](http://mcadams.posc.mu.edu/day1(and2).jpg))

- 87 **the rifle:** The rifle was originally designed in 1891 as a 6.5-millimeter weapon and produced in new models—which varied only in superficial details such as barrel length and caliber—in 1891, 1938, and 1941. After the outbreak of World War II, the Italian government continued to produce many 6.5-millimeter versions in order to use up large stocks of ammunition on hand. These 6.5-millimeter Carcanos are designated as model 91/38, to distinguish them from model 38, the designation for a 7.35 millimeter rifle. (3 H 392–393, 396, WCT Robert A. Frazier) (On the difficulty of identifying the caliber of a rifle with the naked eye, see 7 HSCA 372.)
- 92 **outside Trauma Room One:** One of the most unusual occurrences in the whole assassination story is set forth in a Secret Service report about an incident that took place outside Trauma Room One. It reads, “At approximately 1:30 P.M. I was outside of the President’s room with SA [Special Agent] Berger when Chief Nurse Nelson entered the President’s room. She was followed by an unidentified man (WM, 40–45 yrs, 6’2”, 185 lbs, gray hair). When SA Berger and I stopped him he said, ‘F.B.I.’ and made a determined effort to enter the President’s room. We stopped him and asked for his credentials. He again tried to forcibly enter the President’s room and had to be restrained. After he had been subdued he produced his F.B.I. credentials. At this time ASAIC [Assistant Special Agent-in-Charge] Kellerman appeared and asked the F.B.I. agent to go to the end of the hall” (CE 1024, 18 H 798–799, Memorandum from SA Richard E. Johnsen to Chief James J. Rowley, November 30, 1963; see also CE 1024, 18 H 795–796, Memorandum from SA Andrew E. Berger to Rowley, November 30, 1963). Nurse Nelson confirmed the Secret Service account, but added that one of the Secret Service agents “had knocked [the man] winding.” She said, “I saw the man get up and heard him say, ‘You’re not in control now—what’s your name?’” (Price Exhibit No. 33, 21 H 261). (The latter could possibly be a misreporting of the Secret Service agent asking the intruder “What’s your name?”)

But that’s not the way the FBI agent involved in the incident, Doyle Williams, said it happened, although his version doesn’t make too much sense. On the afternoon of the incident he wrote a memo stating that around 12:35 p.m., he was instructed by the special agent-in-charge in Dallas to go to Parkland and establish contact with the Secret Service and offer the bureau’s assistance, which he said he did with Special Agent Roy Kellerman. Wanting to use a phone to contact the special agent, he found that “all outgoing telephone service on the first floor of the hospital was blocked and it was not possible to make any outside contact by telephone.” So he said the chief nurse on duty in the emergency ward then took him to another part of the hospital where he was able to use a telephone and contact the special agent-in-charge. After the call, as the nurse and he returned to the emergency area and started to pass through the emergency room door, “two Secret Service agents, without challenging me [for identification], grabbed me and wrestled me to the hall floor.” He said he immediately identified himself, whereupon Kellerman appeared on the scene and asked him to leave the area, which he did. (Memo from SA J. Doyle Williams to SAC, Dallas, November 22, 1963) In a subsequent memo on the matter, he repeated the essence of the earlier memo, saying that the nurse had taken him to the hospital switchboard room on the second or third floor to make his call (Memo

from Doyle Williams to SAC, Dallas, February 12, 1964; see also James Doyle Williams, “The Dolphus Starling, Minnie Lee Williams Family, An Autobiography, Family-Careers,” self-published, October 1990, pp.121–128).

But the chief nurse, whose name he does not give in his memo, was Doris Nelson, and if it was she whom he was referring to, she did not say anything about having taken the FBI agent she saw knocked down to make a phone call before the incident (supervising nurse in emergency room: 6 H 144, WCT Doris Mae Nelson; no mention of phone call: Price Exhibit No. 33, 21 H 261).

Here’s the story Williams told his fellow agents back at the office. Former agent Jim Hosty told me that “everyone in the office was talking about” the incident, and “Doyle was very embarrassed over it.” Hosty personally spoke to Williams (who’s now deceased) about it at the time and this is what Hosty wrote in his book: “Williams had been ordered . . . to find out what was happening in the emergency room. When [he] got the report that the president had died, he grabbed a nurse and told her he was an FBI agent and that he needed a phone immediately. The nurse told Williams to follow her and the two of them moved hastily down the emergency unit’s hallway. The nurse came to a curtained-off corner and, pulling the curtain slightly aside, told Williams there was a phone in there. Williams stormed in, eager to place his call. The instant he walked inside the curtained area, a burly man coldcocked him square in the nose. Williams slammed to the floor.” After Williams told them who he was and they examined his credentials, one of the men “helped Williams up.” Hosty was under the impression the incident took place outside the new president’s (Johnson’s) door, but Williams, in a December 1, 1963, memo to his personal file, said it took place in the area “where the President and Mrs. Kennedy were.” Hosty said that Williams ended up filing a Workman’s Compensation claim over the beating he took, but nothing came of it. (Telephone interview of James Hosty by author on June 21, 2005; Hosty with Hosty, *Assignment: Oswald*, pp.63–64)

- 93 **roll call outside of Supervisor Bill Shelley’s office:** At the London trial, Wesley Frazier testified that “everyone was present [at the roll call] except Mr. Oswald.” (Transcript of *On Trial*, July 23, 1986, p.38). Billy Lovelady told the media back in 1964 that “a roll call was taken of the dozen or so men in my work gang. Only Oswald was missing” (*New York Herald Tribune*, May 24, 1964, p.10).
- 96 **make a U-turn:** Deputy Sheriff Bill Courson recalled making a wild “right turn” around this time in responding to the call from the library (Sneed, *No More Silence*, p.484).
- 100 **“celebrating”:** Although there was celebration, then, among some in America over JFK’s death, it was by individuals here and there. At least there is no record of an established institution in America exulting over his assassination. Not so with Lincoln’s murder almost a century earlier. For instance, the *Dallas Times Herald* said, “God Almighty ordered this event or it could never have taken place.” And the *Tri-Weekly Telegraph* in Houston said, “From now until God’s judgment day, the minds of men will not cease to thrill at the killing of Abraham Lincoln . . . Whoever would impose the fate of servitude and slavery on these Confederate States, whatever fatal Providence of God shall lay him low, we say, and say it gladly, God’s will be done.” (Semple, *Four Days in November*, p.307)
- 101 **FBI dispatches its first Teletype:** The Church Committee Report (p.39) said this Teletype from FBI Director Hoover was sent out by FBI headquarters in Washing-

ton, D.C., at 9:40 p.m. EST on the evening of the assassination. This time is almost assuredly way off. One copy of the Teletype has the time listed at 8:33 p.m. EST (FBI Record 124-10143-10046). But to believe these times, one would have to believe that even though the FBI started working on the case almost immediately, it waited at least seven long hours after the shooting in Dealey Plaza before sending out any instructions to its field offices around the country, which makes little sense. FBI agent James Hosty, who says his “main job” with the bureau in Dallas was to “track the right wing—they accounted for two-thirds of my cases,” told me that this Teletype came in “*before* Oswald was arrested [which was around 1:45 p.m.]. I’m positive of this. In fact, this Teletype was the reason that Ken Howe [Hosty’s immediate supervisor] told me on my car radio to ‘get back to the office fast’ from where I was at Parkland Hospital. When I got back he handed me the Teletype because I was the guy who monitored the right wing and all of us at that time assumed the right wing was behind the assassination” (Telephone interview of James Hosty by author on April 17, 2005). In Hosty’s book on the case, he estimated the time of the Teletype as being before 1:25 p.m. (Hosty with Hosty, *Assignment: Oswald*, p.14).

In the *original* copy of the FBI Teletype there are many times stamped on it, but the earliest time is 2:39 p.m. EST, which would be 1:39 p.m. Dallas time, a time completely consistent not just with Hosty’s clear recollection, but with common sense (FBI Record 124-10013-10003, November 22, 1962, p.2).

- 101 **No one is clear on the law:** Article II, Section 1 [6] of the U.S. Constitution provides that “In case of the removal of the President from Office, or of his *Death*, Resignation or Inability to discharge the *Powers and Duties* of said Office, the *Same* shall devolve on the Vice-President . . .” This article insures the continuity of the executive branch of government, giving the vice president the same *powers* that the president had. (This is necessary because Article II, Section 1 [8], a different section of the Constitution that does not deal with the issue of presidential succession, and seems to assume an elected president, provides that “*Before* he enter on the *execution* of his office, he shall take the following oath,” suggesting that in the period before the oath, though one is the president, he cannot *act as president*.)

Does the vice president, when a president has died in office, become president? The line of succession is somewhat murky since Article II, Section 1 [6] does not provide that the vice president becomes president on the death of the president. Indeed, Section 1 [6] says that after the *powers* of the presidency devolve to the vice president, he may, with the approval of Congress, “act as President . . . until . . . a President shall be elected.” If there was any ambiguity in this language, it was not clarified by the Twentieth Amendment in 1933, which provided that “If, at the time fixed for the beginning of the term of the president, the president *elect* shall have died [Kennedy was not a president *elect*], the Vice-President *elect* shall become President. If the President shall *not* have been chosen before the time fixed for the beginning of his term [i.e., was not a president *elect*, the situation with JFK] . . . then the Vice-President *elect* shall *act* as President until a President shall have qualified [by election].”

One thing is clear. Neither Article II, Section 1 [6] nor the Twentieth Amendment expressly made Lyndon Johnson the president on the death of JFK. *Indeed, both seem to mandate just the opposite.* This is why it is so remarkable that with LBJ, as with the prior seven vice presidents who had been elevated by the death of a sitting president, this nation has blatantly ignored the Constitution and elevated vice

presidents to the office of the presidency on the death of a president. This practice, which has no constitutional basis, all started in 1841 when President William Henry Harrison, the nation's ninth president, died in office of pneumonia exactly one month after being sworn in, and John Tyler, his vice president, arrogated to himself the title as well as the powers and duties of the president. This precedent established by Tyler was followed by six other vice presidents before Lyndon Johnson, and constitutional scholars say it had become a "constitutional custom" ("Constitution Vague on President's Successor," *New York Times*, November 23, 1963, p.16); that is, it had become the custom to ignore the U.S. Constitution on a matter that couldn't be more consequential.* To illustrate how this "custom" had been clothed with a legitimacy it did not have and was unquestioningly accepted by everyone, when Franklin Delano Roosevelt died, the only reference in the *New York Times* to how Harry Truman became president was a parenthetical one on page 3 of "the constitutional [what constitution?] transition to the Presidency of Mr. Truman . . ." (*New York Times*, April 13, 1945, p.3).

In any event, all illegitimacy and ambiguity was removed by the ratification of the Twenty-fifth Amendment to the U.S. Constitution on February 10, 1967. This amendment explicitly provides that "In case of the removal of the President from office or of his death or resignation, the Vice President shall become President."

There are those who believed that between the time of Kennedy's death and the oath-taking of Lyndon Johnson as president two hours later, the nation had a president, but one who, under Article II, Section 1 [8], could not *act* as president. "Legally, Lyndon Johnson was no longer Vice-President and had none of the powers of that office," author Jim Bishop wrote. "He was now President of the United States, with none of the powers of that office [until he took the oath]. He could not have protected the country if, as some surmised, the death of Kennedy was part of a much larger plot to bring the government to its knees" (Bishop, *Day Kennedy Was Shot*, p.250). *U.S. News & World Report* made the same interpretation of Article II, Section 1 [8], captioning one of its many perceptive articles on the case through the years, "Fateful Two Hours without a President" (pp.70, 73).

Although the above interpretation, at least arguably, may be correct,[†] and

*Just how consequential are we talking about? Obviously, nothing less than changing history. If there had been an election following the deaths in office of the seven presidents before Kennedy, it's fair to assume that one or more of the vice presidents who succeeded these presidents would not have been elected, and hence, with a different presidential administration, history almost assuredly would have been different. And after Kennedy's death, if there had been an election, there is a good chance the president's brother Robert would have actively sought, or been pressured into running for, the office of the presidency. And with the mood of the country being so sympathetic to the president's surviving loved ones, and RFK certainly more likely to represent in the voters' minds a continuation of the JFK presidency than Johnson, he might have been elected. And with his election, it is not unreasonable to conclude that there may not have been a Vietnam War, with its cataclysmic repercussions, which resonate powerfully to this day.

[†]The conflict is between Article II, Section 1 [6], which immediately gives the vice president the *powers and duties* of the president, and Section 1 [8], which seems to contradict 1 [6] (unless 1 [8] only applies to *elected* presidents) by saying he can't carry out these powers and duties until he is sworn in, in effect rendering Section 1 [6] a nullity.

Assistant Special Agent-in-Charge Lem Johns was aboard Air Force One at the time and was of the belief that the Constitution itself technically prohibited Johnson from ordering a nuclear response prior to his being sworn in. But he adds, "Now, the bagman [reference to the military attaché who carried the locked metal suitcase that contained the codes to launch a retaliatory attack] of course was on the plane with us and I just don't know what would have happened, whether the president would have been given access to the code if the need arose before he was sworn in." (Telephone interview of Lem Johns by author on June 28, 2005)

although only the president has the authority to use nuclear weapons in an emergency (WR, p.426; “Fateful Two Hours without a President,” p.73, quoting Defense Secretary Robert S. McNamara), there can be little question that if the need for nuclear retaliation ever existed, and a U.S. president hadn’t yet been sworn in, he would not let Article II, Section 1 [8] stand in his way. Although the U.S. Constitution is above the statutory law of the land (*Marbury v. Madison*, 1 Cranch 137; 2L. Ed.60 [1803]), there is something that trumps and is above the Constitution where necessity and national security are involved, and that is common sense. One is reminded of Lincoln’s temporary suspension of the constitutional right of habeas corpus during the Civil War. When constitutional purists complained bitterly, Lincoln, undeterred, responded rhetorically, “Was it possible to lose the nation, and yet preserve the Constitution?”

- 103 **Abundant Life Temple:** Some conspiracy theorists place significance on the fact that Tippit’s killer was allegedly seen entering the Abundant Life Temple, pointing out that the church was a member of the American Council of Christian Churches (ACCC). The ACCC was a right-wing organization headed by evangelist Carl McIntire and reportedly was supported financially by Dallas oilmen H. L. Hunt and Clint Murchison. It was rabidly anti-Kennedy for what it felt was his appeasement of Khrushchev and Castro in the cold war. The argument goes that the ACCC was a part of the conspiracy to murder Kennedy and the Abundant Life Temple was to be a convenient refuge for Kennedy’s and Tippit’s killer. (Tagg, *Brush with History*, pp.20–21, 155–156)
- 103 **it was too dark to see anything:** In 1987, nearly a quarter of a century later, Warren “Butch” Burroughs, his memory understandably much better now than in 1963, told conspiracy theorist Jim Marrs that the person who had sneaked into the theater could not have been Oswald because he saw Oswald enter the theater a minute or so after 1:00 p.m. And later, around 1:15 p.m., Oswald came up to his concession stand and bought some popcorn. (Marrs, *Crossfire*, p.353) (I’m surprised Burroughs, who thereby gave Oswald an alibi for Tippit’s murder, didn’t bring the time back just thirty minutes earlier. He would have provided a perfect alibi for Oswald for Kennedy’s murder as well.) Unfortunately, we have to deny Burroughs his fifteen minutes of fame. You see, when Burroughs testified before the Warren Commission on April 8, 1964, not only did he say he never saw Oswald enter the theater, but he didn’t say anything about Oswald being inside the theater at any time prior to when the police arrived, or selling Oswald popcorn. Burroughs told the Commission he couldn’t get into the army because he failed “the mental part.” He didn’t add that he *was* good at telling stories. (7 H 14–17)
- 104 **every police car in the area:** “People have questioned why so many officers converged on the scene at the Texas Theater,” former Dallas police captain W. R. Westbrook, who was there that day, says. “But when you get one of your own killed [Tippit], it’s just like someone killing your wife” (Sneed, *No More Silence*, p.316).
- 104 **Brewer tells him:** In one of those endless but typical discrepancies when one is dealing with the frailty of human beings and their perceptions and memories, although Johnny Brewer was standing when the police arrived and when he pointed Oswald out to them (7 H 5, WCT Johnny Calvin Brewer), in a November 24, 1963, article that Officer Nick McDonald wrote for the Associated Press, he said that “a man *sitting* near the front [of the theater], and I still don’t know who

it was, tipped me that the man I wanted [Oswald] was sitting on the third row from the rear on the ground floor, and not in the balcony” (*Dallas Morning News*, written for the Associated Press, November 14, 1963, p.13). Conspiracy theorist Robert Sam Anson quotes this article by McDonald, then suggests that this man who fingered Oswald was part of the U.S. intelligence plot to frame Oswald. Anson adds that this mysterious man, after fingering Oswald, “then disappeared.” Anson gives no source for this “then disappeared” assertion of his, which bolsters his story of a frame-up, almost undoubtedly because none exists. McDonald’s article, beyond what I’ve already quoted, makes no further mention of the man who fingered Oswald, not saying anything about him, much less that he disappeared. And in the finest traditions of the conspiracy theorists, Anson doesn’t bother to tell his readers that McDonald later found out who the man was who pointed Oswald out to him. “I learned his name later . . . He was a shoe store salesman. His name was Brewer.” (Anson, “*They’ve Killed the President!*” pp.38, 282, 353; 3 H 299, 303, WCT M. N. McDonald)

106 **snap of the hammer:** Officer Nick McDonald testified to the Warren Commission that one of the six full cartridges removed from Oswald’s revolver after his arrest had a “small indentation” at the center of the primer (3 H 302). However, an FBI firearms expert noted that although one of the six live cartridges removed from Oswald’s revolver had “an indentation” near the edge of the primer, there was “no indication . . . that that nick had been caused by a firing pin.” Moreover, the nick or indentation was in the “wrong” location, not being in the center of the primer. He said, “We found nothing to indicate that this weapon’s [Oswald’s revolver] firing pin had struck the primer of any of these cartridges.” The Warren Report, citing FBI firearms expert Cortlandt Cunningham, said that “if Oswald had pulled on the trigger while McDonald was firmly grasping the cylinder, the revolver would not have fired, and if the gun was grabbed away at the same time, the trigger would have snapped back with an audible sound.” So the Commission concluded it was the trigger snapping back that made the snapping sound, not the snap of the hammer, which bears the firing pin. (3 H 460–461, 463, 465, WCT Cortlandt Cunningham; WR, p.560)

108 **City Hall:** If the city of Dallas itself could not make up its mind on what to call the five-story gray stone structure at 2000 Main Street in downtown Dallas, outsiders can’t be expected to. The three names strewn throughout the Warren Commission and HSCA volumes are City Hall, the Municipal Building, and the Police and Municipal Courts Building, *all at the same location*, between Main and Commerce on the north and south and Harwood Street on the west. (The east side of the building does not directly face a street.) On the Harwood side of the building is a small plaque in front calling it “City Hall.” But on the Commerce Street side in large letters carved in stone near the top of the building are the words “Municipal Building.” Complicating the matter further is that although there is only *one* solid structure at this location, it actually consists of two buildings. From Warren Commission testimony and talking to Dallas old-timers like Jim Bowles, a thirty-year member of the police force, this is the best I could do to decipher the matter.

The first structure on this block was built in the early 1900s at the corner of Commerce and Harwood and was named the Municipal Building, but people called it “City Hall” because the mayor, the city council, and the city departments had

their offices there. In 1958 this building was renamed the Police and Municipal Courts Building, with the Dallas Police Department taking over the second through the fifth floors and the Municipal Court occupying the first floor. (The court is still there, but the police have moved out.) A new Municipal Building (City Hall) was built as an addition to the old Municipal Building, and faced Main Street. The two buildings “kissed” and were “molded together,” Bowles said.

At the time of the assassination, the formal name for the two collective buildings was the Municipal Building, but again, most Dallasites called it “City Hall,” and that title included, as indicated, the Police and Municipal Courts Building. Even the police, in referring to their own headquarters in the Police and Municipal Courts Building, referred to the latter building as “City Hall” (never the Municipal Building) just as frequently as “police headquarters” (“Take the evidence down to City Hall”). In fact, calls coming into the Police Department were answered by operators saying, “City Hall.”

Anyone going to police headquarters or the municipal court entered City Hall at the entrance on Harwood Street (106 S. Harwood). The traffic lane leading down into and up out of the basement of the single structure was below and right in the middle of the Police and Municipal Courts Building on one side and City Hall on the other. The parking area or garage in the basement was under the City Hall part of the structure, not under the Police and Municipal Courts Building, but was only for the use of the police department. The department operated, of course, around the clock seven days a week, had many more people working in its headquarters than there were people working in City Hall, and needed a basement area for security purposes when transporting prisoners to the jail. City Hall occupants parked in a lot on the east side of the building facing the Pearl Expressway. (Telephone interviews of Jim Bowles by author on January 29 and 30, 2006; Interview of Ken Holmes, member of the Dallas Historical Society, by author on January 26, 2006; Telephone interview of Jim Leavelle by author on August 29, 2005; 15 H 130, WCT Jesse E. Curry)

- 109 **they ask him his name:** Officer Richard Stovall told the Warren Commission that when he and Guy Rose first asked Oswald his name, Oswald said, “Lee Oswald,” but seemed to be unsure of this when he added “as well as I remember” (7 H 187), whereas Rose’s memory seemed much clearer on the point.
- 113 **to be interrogated:** The fragility of memory, and the caution with which one has to thereby treat it as a source after an interlude of many years, is clearly exemplified in the statements of Dallas detective James Leavelle to author Dale K. Myers in 1983, 1985, and 1996 that when Oswald was brought to the police department following his arrest at the Texas Theater on Friday afternoon, he conducted an interrogation of Oswald, by himself, for ten minutes before Captain Fritz took over, actually relating a word-by-word conversation with Oswald (Myers, *With Malice*, pp.199–200, 603). But there’s no reference to Leavelle taking part in any interrogation of Oswald in the testimony or statements of the many officers who, by mutual corroboration, we know were there (e.g., Fritz, Baker, Stovall, Rose, Hill, Sims, etc.). Indeed, Leavelle himself, a solid detective of unquestioned integrity, testified before the Warren Commission in 1964, when his memory was fresh, that he never even talked to Oswald, or had any connection with him in any way (much less interrogate him), until Sunday morning, two days later (7 H 268–269; see also

Leavelle Exhibit A, 20 H 500). If someone with the credibility of Leavelle, who never seeks publicity, can be this far off base in his memory years later, what does that say about the publicity-seeking nuts who have been coming out of the woodwork for years in the Kennedy case with their ridiculous stories, each of whom is always warmly embraced by the conspiracy community?

- 115 **Chief:** Although it was said that Captain Fritz had been offered the position of chief of police a number of times but always turned it down, preferring to work in the Homicide and Robbery Bureau, Dallas police detective Elmo Cunningham, who knew Fritz well, said that Fritz “told me he didn’t particularly want to be chief, but he said ‘Now these people that’s passed the word around that I turned it down are wrong. I wasn’t offered the job. If I’d been offered the job, I’d have probably taken it.’” If he wasn’t offered the job, it was probably because, as Cunningham said about Fritz, “Fritz wasn’t an administrator. He was an outstanding investigator and a super interrogator, but he was not an administrator in any sense of the word.” Among other things, Cunningham said, Fritz “didn’t believe in writing, and his reports on the investigations were usually very brief. So writing was not a strong suit for him, but he could remember, word for word, conversations from ten years prior.” (Sneed, *No More Silence*, pp.268–269)
- 115 **the finest interrogator on the Dallas Police Force:** Captain Will Fritz told the Warren Commission that “I kept no notes at the time” of his several interrogations of Oswald (4 H 209). However, many years later, someone discovered a little over two and a half pages of Fritz’s contemporaneous handwritten notes at the National Archives. They are obviously scribbled and extremely sparse for twelve hours of interrogation, but they do set forth when each of the four interrogations of Oswald began,* and with two of them, the second and fourth, when they ended. Though Fritz’s notes were so very sketchy, he was noted for his memory, and he said that “several days later” he wrote more extensive notes of the interrogations (4 H 209). What has become of these notes is not known, but we do know he had to have used them to prepare his formal typewritten report of thirteen pages (WR, pp.599–611). In setting forth in this book the questions asked of Oswald and his answers, many sources were relied on, including not just Fritz’s formal report, Warren Commission testimony, and his contemporaneous notes, but also the reports and testimony of the members of law enforcement who were present for one or more of the interrogations, some of whom participated in the questioning, such as FBI agents James Hosty (whose contemporaneous handwritten notes also surfaced at the archives) and James W. Bookhout, as well as Secret Service inspector Thomas J. Kelley and U.S. postal inspector Harry D. Holmes.

During which of the four interrogations the questions were asked and answered presented problems since Fritz himself told the Commission, “I can remember the thing that I said to him and what he said to me, but I will have trouble telling you which period of questioning those questions were in” (4 H 209). Therefore, Fritz’s recollection had to be compared with those recollections of others present to determine during what session, and in what sequence, the questions and answers took

*However, I could not take even this at face value. Fritz’s first note is “3:15 P.M. Don’t own rifle.” But we know from the testimony of several witnesses that the first interrogation session started at the very latest around 3:00 p.m.

place. Wherever possible, the timing of other events helped determine when a series of questions took place. For instance, Oswald could not have been asked about the backyard photos during the first interrogation session because they hadn't been found at that point. Other events, like the time of lineups, were also helpful.

- 115 **Fritz begins:** Oswald was interrogated by Dallas police captain Will Fritz and others for a total of approximately twelve hours between 2:30 p.m. on Friday, November 22, 1963, until just after 11:00 a.m. on Sunday, November 24. It would have been good for the historical record if the sessions had been tape-recorded. Why weren't they? It wasn't because, as some conspiracy theorists have darkly suggested, that Dallas law enforcement didn't want anyone to know what Oswald *really* said. The reason was a little less suspicious than that. "Did you have any tape recorder?" Warren Commission counsel asked Fritz in his April 22, 1964, testimony. "No sir," Fritz answered. "I don't have a tape recorder. We need one . . . I have requested one several times but so far they haven't gotten me one" (4 H 232).

"Hell, we [the DA's office] never had one either," Dallas assistant district attorney Bill Alexander told me.

Alexander has suggested in the past that even if Fritz had had a recorder, it is likely he wouldn't have used it because "if [Oswald] had said, 'Yeah, I killed the no-good s.o.b. president,' it would have been inadmissible in any court. Even if we gave him the proper warning, and then reduced his statement to writing, if he then refused to sign it in the presence of a witness, it [would be] useless. That's how strict the Texas law was. He could always say the statement was induced by threats, fraud, or coercion. That would have risked reversal on appeal, so why even take that chance since the physical evidence was so strong?" (Posner, *Case Closed*, pp.343–344). But under that reasoning, which would apply, by the way, in any state, law enforcement would never want to tape-record any interrogation. Yet they have routinely done so around the country, including in Texas, for years. Indeed, under that reasoning, why would Captain Fritz have tried so hard, as we know he did, to get an oral confession out of Oswald, which would have been even weaker than a tape-recorded confession, and which Oswald could also say was induced by threats, fraud, or coercion? When I interviewed Alexander, he conceded this point, acknowledging that if Oswald (or any defendant) had voluntarily confessed, there would at least be a good chance that he would also sign such a confession.* Such a signed confession would obviously be something that law enforcement would very much want. And if the suspect refused to sign it, the police wouldn't be any worse off than if they hadn't even attempted to get his confession. (Interview of William Alexander by author at Alexander's office in Dallas, Texas, on November 30, 2000) In fact, Fritz, in his Warren Commission testimony, left little doubt that if he had had a tape recorder, he would have used it with Oswald. He did this when he said his office needed one and if they had one, they "could have handled these conversations [with Oswald] much better" (4 H 232).

It is a legal oddity and curiosity that in a state noted for its conservatism and,

*In the majority of states, oral confessions or admissions of a defendant made to police while in custody are admissible against him at his trial—assuming there is no other reason for their exclusion, such as coercion, not being advised of rights, and so on. But under Article 727 of the Texas Code of Criminal Procedure, an oral statement of a defendant made "while he is in the custody of an officer" is inadmissible against him at his trial unless it has thereafter been reduced to writing and signed by him.

even today, for the lack (relative to most other states) of proper safeguarding of the constitutional rights of indigent defendants, in the one area of oral admissions and confessions by defendants, Texas for years was way ahead of virtually every other state. “We were using *Miranda* before *Miranda*,” Alexander said to me, though Texas law did not, as indicated, require that a suspect be advised of his right to counsel (Interview of William Alexander by author at Alexander’s office in Dallas, Texas, on November 30, 2000). Section 88.2 of Branch’s Texas Penal Code, the applicable law in existence in Texas at the time of Oswald’s interrogation, provided that before a jury could consider an alleged confession or admission of a defendant, the jury “must first believe from the evidence beyond a reasonable doubt that the same was voluntarily and freely made by the defendant . . . and that prior thereto he was warned by the person to whom such confession, if any, was made, first, that he did not have to make any statement at all, and second, that any statement made might be used in evidence against him.”

- 117 **O’Donnell locates her in the dressing room:** Just one of a considerable number of conflicting stories about the same event: Lawrence F. O’Brien, Kennedy’s special assistant for congressional relations, told the Warren Commission it was he who went to get Jackie for the swearing-in ceremony. “I went to the bedroom,” he said. “The door to the adjoining restroom was closed. I went out and asked Mrs. Lincoln [JFK’s personal secretary] if she would see if Mrs. Kennedy was available. She went in and came out with Mrs. Kennedy, and [Mrs. Kennedy] took her place to the president’s left” (7 H 454, 470). Whom to believe?
- 118 **Samuel Joseph Byck [footnote]:** Samuel Byck, a professed Nixon hater, got on a Delta airline flight (scheduled to fly to Atlanta) at Baltimore–Washington International Airport on February 22, 1974. He ordered the pilot to take off, and when the pilot refused, Byck started shooting. Before it was over, Byck had shot and killed the copilot and an airport policeman and seriously wounded the pilot. A second airport policeman shot through a plane window and struck Byck with two bullets, in the abdomen and chest, before Byck killed himself by shooting himself in the temple with his .22 caliber gun. The FBI and press called Byck a “hijacker” and he undoubtedly was. But he was more than that. Author James W. Clarke researched the Byck case and heard a tape recording, which the FBI had, that Byck had made the day before his attempted hijacking in which he said he wanted to make his death and President Nixon’s a “smashing success” by crashing the plane “into the target, which is the White House,” hopefully killing Nixon inside. The slight piece of evidence that goes in the opposite direction was that in Byck’s attaché case, the 250-pound former Philadelphia salesman had an incendiary device consisting of two gallons of gasoline in plastic containers wired to a destructing mechanism, an explosive that clearly wouldn’t be necessary if the plane crashed into the White House. On the other hand, if he merely intended to blow up the plane with his incendiary device, he wouldn’t have had any need to hijack the plane.

This incident happened at the height of the Watergate scandal, and during the previous year, 1973, Byck had demonstrated three times in front of the White House, at least one of which times he was carrying a sign asking for Nixon’s impeachment, and his old Buick was “plastered with ‘Impeach Nixon’ stickers.” In 1972, the Secret Service had investigated Byck as a result of an alleged threat he made against Nixon. He was picked up and committed to a Philadelphia hos-

pital for mental observation. (Clarke, *American Assassins*, pp.128–129, 131–134, 286 notes 78, 87–88; *New York Times*, February 23, 1974, pp.1, 61; *New York Times*, February 24, 1974, p.34)

- 118 **“still illegitimate”** [footnote]: LBJ may have been insecure because of the way he became president, but few have ever been more knowledgeable about, or expert at, the manipulation of the levers of power in accomplishing their presidential agenda than Johnson, as he soon proved with his civil rights legislation and war against poverty. Apart from his unease over how he ascended to the Oval Office, the “Master of the Senate” (the title of one of Robert A. Caro’s three biographical volumes on Johnson) felt otherwise comfortable, indeed, in the presidential chair. David M. Shribman writes that “John F. Kennedy was assassinated at midday on a November Friday and within 24 hours Lyndon B. Johnson was firmly in control of the government, remaking it, reshaping it, refocusing it” (*Boston Globe*, July 3, 2005).
- 118 **“almost unbearable”** [footnote]: Lyndon Johnson was Kennedy’s strongest opponent for the Democratic presidential nomination at the Democratic national convention in Los Angeles in July of 1960. A total of 761 votes were needed for the nomination. On July 13, Kennedy won on the first ballot with 806 votes. Johnson had 409. It was not Johnson’s intent to be Kennedy’s vice presidential running mate, but after a half-hour meeting with Kennedy the following day, he was talked into it. Kennedy, needing to shore up his support in the South, chose Johnson over people like Senator Stuart Symington of Missouri, Senator Henry M. Jackson of Washington, and Governor Orville L. Freeman of Minnesota. It had not been an easy decision for Johnson. His supporters had committed themselves to Johnson’s campaign for the presidency. For him to now join with Kennedy was the equivalent of “going over to the enemy.” While Johnson was mulling over Kennedy’s offer, Senator Robert Kerr of Oklahoma burst into Johnson’s suite and shouted, “Lyndon, if you do this thing, I’ll personally shoot you right between the eyes.” And Mrs. Johnson was moved to tears at one point, knowing the sense of dismay their friends and supporters would feel. (Los Angeles vote count: *Dallas Morning News*, November 23, 1963, p.15; Johnson’s supporters against Johnson being JFK’s vice president: Connally, “Why Kennedy Went to Texas,” p.86B; Relman Morin, “1960 Phone Call Launched Moment of Destiny for a Proud, Energetic LBJ,” Associated Press, November 26, 1963)
- 120 **“Box number 6225”**: Later in the day, Inspector Harry Holmes took a duplicate key to P.O. Box 6225 down to police headquarters and compared it to the only key found in Oswald’s pocket after his arrest. The two keys had numbers on them, and they were the same. (7 H 293, WCT Harry D. Holmes)
- 120 **surveillance of the box**: The surveillance, beginning at about 5:00 p.m. on November 22 and ending at midnight November 24, proved negative. A modified surveillance was conducted until the box closed on December 31, 1963. The only mail in the box on November 22 was a Russian magazine addressed to Oswald. Although an occasional Russian newspaper and a copy of the *Daily Worker* were delivered to the box between November 22 and December 31, no first-class mail was ever delivered, nor did anyone attempt to retrieve mail from the box during the surveillance period. (7 H 293, WCT Harry D. Holmes; CE 1799, 23 H 419)
- 121 **Hosty and Revill**: There is a considerable difference of opinion about the exact circumstances surrounding this incident. Revill testified that Hosty ran over to him and initiated the conversation (5 H 34), while Hosty testified that Revill

approached him and initiated the conversation by stating that he “had just determined that the only employee from the Texas School Book Depository who could not be accounted for was a man named Lee” (4 H 463). Although both Hosty and Revill agree that the conversation took place, there is also a dispute over the precise words that were used. In particular, Revill claimed that Hosty had said that the FBI knew that Oswald was “capable” of committing the assassination (5 H 38; CE 709, 17 H 495). Hosty emphatically denied that he ever made such a statement to Revill, or anyone else (4 H 469). Both men offered explanations for the discrepancy. Revill testified that he may, in fact, have “misunderstood” what Hosty said about Oswald being “capable” of the assassination and that he would give Hosty “the benefit of the doubt” (5 H 38) about this portion of the conversation. Hosty testified that the level of noise in the stairwell was “very high” (4 H 463), suggesting that Revill did not hear what Hosty said correctly.

- 122 **screen flashes the image of Lee:** After the assassination, the first photograph of Oswald was shown on local television at around 3:10 p.m. and was a still image taken by AP photographer Ferd Kaufman (AP/Wide World Photos; CD 723, p.2).
- 125 **he had one at the Depository:** Warren Carter, the manager of Southwestern Publishing Company in Dallas, whose office was in the Book Depository Building, told the FBI that on Wednesday, November 20, 1963, he bought two rifles, a 30.06 and a .22, at Sanger’s store in the city. After the purchase he took them to the Depository Building that same day and showed them to Roy Truly, telling Truly he intended to hide the rifles in his office because he was going to give the .22 rifle to his son as a Christmas present. But on second thought he feared the rifles might be stolen so he took them home that day, November 20. He said he had never seen anyone with a gun in the Book Depository Building. (CD 205, p.278, FBI interview of Warren Carter on November 24, 1963)
- 127 **author William Manchester [footnote]:** William Manchester’s book *The Death of a President*, which is quoted from heavily in this section, is by all accounts a very important literary contribution to an understanding of the human drama surrounding the assassination, and probably will remain the definitive account of this aspect of the tragedy. The 360,000-word, 710-page book was contractually commissioned by Robert and Jacqueline Kennedy (it was Jackie who asked Manchester to write the book) to provide an authorized and accurate version of the event, and had the full cooperation of the Kennedy family. What undoubtedly helped in the selection of Manchester* by the Kennedys was the fact that among the young author’s previous seven books was a well-received biography of JFK, *Portrait of a President: John F. Kennedy in Profile*, which JFK had liked. In fact, the Kennedys had sent copies of the book to their nieces and nephews as Christmas presents. (Manchester, “Death of a President,” *Look*, p.36; managing editor: “Book That Has Backfired,” p.36) *Death of a President* immediately soared to the top of the *New York Times* best-seller list and the serial rights to the book sold to *Look* magazine for an unprecedented \$665,000, the equivalent of \$3.8 million in 2004 dollars. (Holland, *Kennedy Assassination Tapes*, p.308 footnote 47)

But perhaps no book in publishing history generated more controversy than *Death of a President* did, even before it was published. “The Manchester work is

*Manchester, forty-four at the time, took an indefinite leave of absence from his job as managing editor of the Wesleyan University Press in Middletown, Connecticut, to write the book.

probably the most highly publicized unpublished book in the annals of journalism,” *U.S. News & World Report* asserted (*U.S. News & World Report*, January 2, 1967, p.23). The problem is that both the Kennedy and Johnson camps were convinced the book was going to hurt their side politically and stain their legacy. The Johnson camp was convinced that “from leaks” the Kennedys were dictating the thrust of the book, and the book would depict Johnson in such a boorish, unflattering way that it would cause serious harm to Johnson politically, thereby enabling RFK to defeat him for the presidency in 1968. Washington correspondent William White, in a syndicated December 17, 1966, column, spoke of the “unremitting hostility” of the Kennedy people toward LBJ, whom they viewed as a “crude usurper” to the throne. One of LBJ’s associates said that “the Kennedys have the attitude . . . that the White House is still ‘their house,’ and Jacqueline Kennedy is the widowed queen in exile awaiting the return of the dynasty to the throne.” Indeed, Manchester, who ended up being hospitalized for twelve days from exhaustion in the writing of the book, himself would say that Mrs. Kennedy reminded him of “Marie Antoinette, completely isolated from the world by her courtier-advisers. For the first time I know what it was like to live in a monarchy.” And RFK, he said, was “surrounded by people who have hitched their wagon to his star. Betting their futures on another Kennedy administration,” they are “willing to do anything.”

But it wasn’t just the LBJ side that was having kittens worrying about the book. Jackie Kennedy, whom Manchester interviewed on tape for ten hours, also was dissatisfied with the manuscript of the book Manchester furnished her—so dissatisfied, in fact, that she sent an urgent, handwritten plea to Manchester to revise his manuscript in designated areas, which he refused to do. “The changes I am talking about,” she wrote Manchester, “all touch upon things of a personal nature that I cannot bear to be made public. There are many other matters, I know, but these are all of that sort, and they are absolutely necessary to me and my children. I cannot believe that you will not do this much.” The pressure and strain became so great that Manchester, writing to his New York agent, felt constrained to say, “I have reached the point where, if the integrity of my manuscript is violated, I have no wish to go on living. It sounds vainglorious, I know, but I am ready to die for this work.” Jackie proceeded to go to court, filing a lawsuit on December 16, 1966, in the New York State Supreme Court in Manhattan asking the court to bar publication of the manuscript in any form to protect “my family’s privacy.” In a statement issued to the press, Jackie said that while the manuscript contained “generous references to all members of the Kennedy family,” it also had “inaccurate and unfair references to other individuals,” calling the book “premature,” “tasteless,” and “distorted.” But it was believed by many that Jackie was mostly concerned about what the manuscript said about her innermost private self. (“Book That Has Backfired,” p.36; “Growing Rift of LBJ and Kennedy,” pp.22–23, 27; “As ‘The Book’ Appears,” p.50; “To Help You Keep the Record Straight about That Book,” p.66; *New York Times*, January 23, 1967, p.26; Corry, *Manchester Affair*, pp.7, 14–16; Jackie asked Manchester to write book: Manchester, “William Manchester’s Own Story,” p.65; “The changes”: Adler, *Eloquent Jacqueline Kennedy Onassis*, p.158)

The public squabble became so involved and bitter that an entire book, *The Manchester Affair*, was written on it. Ultimately, the legal battle ended on January 16, 1967, when Mrs. Kennedy withdrew her lawsuit as a result of a settlement in

which Manchester agreed to delete or modify some of the passages of his book she considered objectionable (*New York Times*, January 17, 1967, pp.1, 25).

Manchester's splendidly written book, whose prose sparkles, turned out to be fairly balanced and reasonably authoritative, although it unquestionably relied too heavily, as *U.S. News & World Report* pointed out, "on information provided by the Kennedy family and friends, often without reference to conflicting views" ("As 'The Book' Appears," p.50). However, President Johnson reportedly declined Manchester's request to be interviewed for the book.

It should be noted that both Manchester and his publisher, Harper & Row, turned over a major share of their profits from the book to the Kennedy presidential library (Corry, *Manchester Affair*, pp.215–223). In 1968, after a check for \$750,000 from the book's royalties had been sent to the Kennedy library, Jacqueline Kennedy issued a statement to the *New York Times* which said in part, "I think it is so beautiful what Mr. Manchester did . . . all the pain of the book and now this noble gesture, of such generosity, makes the circle come around and close with healing" (*Los Angeles Times*, June 2, 2004, p.A14).

- 128 **"we figured someone would be out"**: In Ruth Paine's testimony before the Warren Commission, she said that when the detectives came to the door she was "very surprised" and it was "the first I had any idea that Lee might be in trouble with the police or in any way involved in the day's events" (3 H 78–79). This simply can't be squared with the testimony of the three members of Dallas law enforcement who came to her door. Detective Guy Rose testified that Paine said, "I've been expecting you to come out . . . Just as soon as I heard where the shooting happened, I knew there would be someone out" (7 H 229). (Of course, even if Paine had not thought that Oswald was involved, it wouldn't be unusual for her to think that law enforcement would be interviewing everyone close to those who worked at the Book Depository.) Detective Richard Stovall testified that Paine said, "Yes, you are here about this mess on television" (7 H 188; see also CE 2003, 24 H 292). Deputy Sheriff Buddy Walthers testified that "just as soon as we stepped on the porch," Paine said, "Come on in, we've been expecting you" (7 H 548; see also Decker Exhibit No. 5323, 19 H 520).
- 130 **"O. H. Lee"**: In fact, Oswald signed the register at the rooming house as "O. H. Lee" (Johnson [Gladys J.] Exhibit A, 20 H 276; 10 H 294, WCT Mrs. Arthur Carl Johnson).
- 131 **"No, I emphatically deny that"**: In his report of the Friday-afternoon interrogation session, James Hosty wrote that Oswald "frantically" denied shooting either Officer Tippit or President Kennedy (CE 832, 17 H 786). Critics often use this reference to portray Oswald as a bewildered victim, caught up in a plot not of his own making. In fact, Hosty testified that the word "frantically" should have been "emphatically" (4 H 468), a small, but significant change in meaning.
- 134 **Alexander prepared the warrant**: "Who signed the affidavit in support of the search warrant?" I asked Alexander. "What affidavit?" "The affidavit [almost always signed by a police officer] establishing probable cause for the issuance of the warrant." Alexander said, "In those days, we didn't have supporting, probable cause affidavits. We just made a brief statement in the warrant itself that 'on information and belief' we believed a crime had been committed and that the place to be searched might have evidence relating to the crime." (Interview of William Alexander by author on December 8, 2000)

135 **troop the four men out onto the stage:** Critics have charged that the four Oswald lineups, including the one for Markham, were grossly unfair. The three other men who appeared in the Markham lineup with Oswald, though a little heavier, were nonetheless, like Oswald, slender looking, young, and of similar height and description: 1—W. E. Perry, age 34, 5 feet 10½ inches, 150 pounds, brown hair, blue eyes; 2—Lee Harvey Oswald, age 24, 5 feet 9 inches, 150 pounds (estimated weight at death), brown hair, gray-blue eyes; 3—R. L. Clark, age 31, 5 feet 11 inches, 177 pounds, blond hair, blue eyes; and 4—Don Ables, age 26, 5 feet 9 inches, 165 pounds, brown hair, brown eyes (7 H 235, WCT W. E. Perry; 7 H 239, WCT Richard L. Clark; 7 H 242–243, WCT Don R. Ables; see also 7 H 168, WCT Richard M. Sims; CE 1981, 24 H 7; CE 3002, 26 H 521). However, the lineup (and the others that followed) was almost unavoidably a defective one, one that pointed to Oswald as the most likely suspect among the four men. For one thing, Oswald had a cut on his forehead above his right eye, and his left eyelid was puffed up, the only one of the four men in the lineup who was physically bruised. Secondly, Oswald was verbally belligerent to the police detectives throughout the lineup, in contradistinction to the other three men. But one disparity between Oswald and the other men that Warren Commission critics have pointed to, the attire of the men in the lineup, is not quite as great. The Dallas Police Department had no policy with respect to taking photographs of lineups. Detective James Leavelle, who conducted three of the Oswald lineups (standing with the witnesses and telling the men on stage to turn left, right, etc.), said that in close to one hundred lineups he conducted as a Dallas officer, he never once took a photo of the people in the lineup, and unfortunately, the Oswald lineups were no exception. However, the Dallas Police Department did send the Warren Commission photos of Clark, Perry, and Ables standing next to each other in a pose taken months *after* the lineup. Two of the photos appear in the Warren Commission volumes (CE 1054, 22 H 1), and Clark and Perry are in suit and tie. Ables is wearing a sports shirt, but couldn't possibly have looked more neat. This, of course, contrasts sharply with a bruised, unshaven Oswald in a plain T-shirt. (Pizzo Exhibit No. 453-C, 21 H 140)

Understandably, the critics have railed against this obvious disparity. But at the time of the lineup, none of the three were dressed as they were in the photo taken for the Warren Commission. "I made sure that none of them had their ties on, and none were wearing a suit coat," Leavelle recalls very clearly (7 H 263; Interview of James Leavelle by author on February 3, 2003). Beyond that, he cannot remember the attire of the men in the lineup. However, each testified to their attire before the Warren Commission, and they corroborate Leavelle's recollection. Perry said he took his suit coat and tie off, "unbuttoned" his shirt, and put a sports coat on (7 H 233). Clark said he took his coat and tie off, unbuttoned the top button on his shirt, and put a vest on (7 H 236). Ables said he was wearing a white shirt with a sweater over it (7 H 240). But even the clothing the three men were wearing at the time of the lineup presented a contrast to Oswald's T-shirt. Oswald would later complain to Captain Fritz that he had not been granted a request to put on a jacket at the lineup similar to those worn by some of the others in the lineup (WR, p.625). Although the police had recovered Oswald's gray jacket by this point, they obviously couldn't have Oswald, for his own benefit, wear the very jacket that the witnesses had seen Tippit's killer wear. So the police would have had to put the gray

jacket on all the men in the lineup (which they could not do simultaneously, of course), or on none of them, which they chose to do.

There is one area of unresolved ambiguity about the lineup which may have additionally pointed to Oswald as Tippit's killer—his name. Leavelle says, "I definitely remember not asking any of them [four men in the lineup] their names, because Oswald's name had already been out there over radio and TV in connection with the Tippit murder, and the witnesses may have heard it" (7 H 263; Interview of James Leavelle by author on February 3, 2003). But Perry, in his testimony before the Warren Commission, said he was asked his name at the lineup (7 H 234), Clarke said he was asked his name (7 H 237), and Ables, agreeing with Leavelle, said he was not (7 H 241). And when Warren Commission counsel asked Cecil McWatters, the bus driver, if during the later lineup he attended that day the police identified any of the men in the lineup "as bearing the name Lee Oswald?" he replied, "No, sir . . . It was never, the name Lee Oswald, I don't believe was ever mentioned while we was back there" (2 H 290).

Although the Warren Commission said it was "satisfied that the lineups were conducted fairly" (WR, p.169), I am willing to concede that the Tippit lineups were not fair lineups, although Oswald himself was partially responsible for this. But does this mean that all of the identifications of Oswald by witnesses to the Tippit murder should be "discarded as utterly valueless," as conspiracy author Sylvia Meagher (*Accessories after the Fact*, p.257) says? No. To accept that proposition, one would have to presuppose that the witnesses picked out Oswald not because he looked like the man they saw at the Tippit murder scene, but simply because he stood out in many other ways from the other men in the lineup. I, for one, find this very hard to believe. No matter how Oswald acted and looked as opposed to the other three men, if he didn't look just like the man they saw at the murder scene, why would they all (not just one) say he did? Indeed, even if Oswald was the only one in the lineup, and therefore there wasn't even anyone else to choose from, their observation that he was (or was not, if that had been the case) the man they saw at the Tippit murder scene would have to be accorded great weight. To conclude otherwise, and embrace the notion that the witnesses picked out Oswald as Tippit's killer *only* because of his bruises, his disheveled appearance, and the way he acted* it necessarily follows that the critics believe if Arnold Schwarzenegger or anyone else took Oswald's place in the lineup, with the same bruises and disheveled appearance, and acted like Oswald did, all the witnesses would be positive that *he* was the one they saw kill Tippit or run from the murder scene.

- 135 **Oswald is taken back up:** Detectives Richard Sims and Elmer Boyd wrote that they returned Oswald to Captain Fritz's office at 4:20 p.m. (Sims Exhibit A, 21 H 514); however, police records show that the first lineup wasn't conducted until 4:35 p.m. Therefore, Oswald couldn't have been returned to Fritz's office until after 4:40 p.m.
- 135 **unmarked squad car pulls up:** There is some discrepancy as to the exact time the search was conducted. A police list of "searches and seizures" in the Kennedy

*Two of the witnesses, Virginia and Barbara Davis, who are sisters-in-law, picked out Oswald instantly, the moment he walked on stage, which was *before* they heard any answers to any questions or saw Oswald's belligerent attitude (7 H 250, WCT C. W. Brown).

assassination states that Oswald's room was searched at "3:00 p.m." (CE 2003, 24 H 348); however, this clearly is in error, given that the warrant itself was issued by Johnston at 3:55 p.m., and according to Johnston, the search was conducted at "about 4:30 p.m." (Johnston Exhibit No. 1, 20 H 314). Detective H. M. Moore wrote in his report that they left City Hall for the sheriff's office at approximately 4:20 p.m. (CE 2003, 24 H 316), and F. M. Turner wrote that they arrived at the rooming house at "4:45 to 5:00 p.m." (CE 2003, 24 H 327). Detective Walter Potts said the search was conducted after the warrant arrived at "4:30 or 5:00 p.m." (CE 2003, 24 H 318). From the record it would appear that the search began at about 4:45 p.m.

- 136 **possibility of a Communist conspiracy:** I asked Bill Alexander whether the detectives who were with him had the same fears as he. "Why, yes. They weren't burros. From what little we knew, this was a normal thought. If Oswald is the assassin, for whom did he do it, and were others involved?" (Interview of William Alexander by author on December 11, 2000)
- 136 **carry everything:** Inventory lists, Nos. 11194G–11209G (CE 2003, 24 H 341–344), mistakenly identify the search date as "11-23-63." These items were recovered on November 22, 1963. (Potts Exhibit B, 21 H 143–144)
- 136 **friction between Kennedy and Johnson factions:** Secret Service agent Lem Johns, while acknowledging that he didn't know what was going on in people's minds on the plane, did not personally notice the alleged tension between JFK and LBJ's staffs. "That is absolutely wrong," he says. "It was just a mournful, sad, somber flight, and I saw a lot of crying." (Telephone interview of Lem Johns by author on June 28, 2005)
- 140 **Commander J. Thornton Boswell:** Boswell was the first to be notified he would be on the autopsy team. He tried to telephone Commander James Humes earlier in the afternoon but was unable to reach him. (ARRB MD 26, Memorandum, Andy Purdy to Jim Kelly and Kenneth Klein, August 17, 1977, Notes of interview with Dr. J. Thornton Boswell, pp.1–2; ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.15, 16)
- 146 **standing in front of the hospital talking:** Upon their arrival at Bethesda, General McHugh spoke with Admiral Galloway about having Kennedy embalmed on the grounds of the hospital following the autopsy. Galloway resisted, saying the hospital didn't have the facilities to perform an embalming service. "I highly recommend a funeral parlor," he told McHugh. The general persisted, telling Admiral Galloway that it was what the Kennedy family wanted. Galloway eventually acquiesced, and arrangements to bring portable embalming equipment to Bethesda to perform the service were made with Gawler's Funeral Home. (Manchester, *Death of a President*, p.398; ARRB MD 134, Funeral Arrangements for John Fitzgerald Kennedy, November 22, 1963, p.1; ARRB MD 182, ARRB Meeting Report, Interview of Joseph E. Hagan, May 17, 1996, p.1; ARRB MD 180, ARRB Meeting Report, Interview of Thomas E. Robinson, June 18, 1996, p.1)
- 146 **what the delay is all about:** Confusion surrounding the manner in which the president's body arrived at the rear of the hospital later resulted in charges by conspiracy author David S. Lifton that a decoy ambulance was used to deceive those present and cover up the fact that the president's body had already been surgically altered at another location and then snuck into the morgue. According to Major

General Philip C. Wehle, commander of the Military District of Washington, and his aide, Richard A. Lipsey, two navy ambulances were in fact used during the procession from Andrews Air Force Base to Bethesda Naval Hospital—one driven by Greer up front (containing the president’s body, with Jackie and RFK in the back-seat), and a second, empty ambulance at the tail of the motorcade, which Lipsey referred to as a “decoy hearse.” (ARRB MD 87, Interview of Richard A. Lipsey, January 18, 1978, p.2; Lifton, *Best Evidence*, pp.396–397; HSCA Record 180-10105-10405) According to Major General Wehle, the second ambulance drove around to the back of the hospital, and in the confusion of the darkness, the casket team (under the command of First Lieutenant Samuel R. Bird, of Company E, the Old Guard, Third Infantry) followed in a truck, only to discover that it was empty. They returned to the front entrance and subsequently escorted the first ambulance (containing the president’s body) to the morgue entrance. (ARRB MD 163, After Action Report, joint casket team state funeral, President John Fitzgerald Kennedy, December 10, 1963, p.2)

One member of the casket team reported a different account to *Time* magazine in 1981, claiming, “On that night there were a large number of spectators around, and our intention was to get the ambulance to the morgue before the crowd gathered. The honor guard, along with a Navy enlisted-man driver, the other duty officer, and me, rode to the morgue on the guard truck at high speed, believing that the ambulance was following. When we got there, the ambulance was not to be seen. Since the Secret Service driver was unfamiliar with the grounds, we decided he was lost. Retracing our path, we found the ambulance still at the front of the hospital amid many onlookers. In our haste we had left without confirming that the ambulance was behind us. On the second try we did it right. At no time was the ambulance [containing the president’s body] out of sight of at least several hundred people from its arrival at the center until the bronze coffin was unloaded at the morgue” (Sorell L. Schwartz, Letter to editor, *Time*, February 16, 1981, pp.4–5). Likewise, FBI agent Francis O’Neill, who didn’t recall a second ambulance being used (ARRB Deposition of Francis X. O’Neill, September 12, 1997, p.55), assured investigators that “the ambulance carrying the president’s body was in my line of vision until the time we stopped our vehicles in the rear of the hospital” (ARRB MD 189, Undated Report, “Assassination of President John F. Kennedy and Aftermath,” by Francis X. O’Neill, pp.4–5).

- 147 **Day shows Marina the rifle:** The exact time that Marina was shown the rifle varies by account. Lieutenant T. L. Baker reported that the rifle was shown at approximately 7:00 p.m. (CE 2003, 24 H 287), Detective Adamcik said the time was about 7:30 p.m. (CE 2003, 24 H 291), and Lieutenant J. C. Day testified that it was about 8:30 p.m. (4 H 263). However, hall clocks visible in television footage and still photographs depicting Lieutenant Day carrying the rifle through the third-floor hallway show the time as 6:16 p.m. (KRLD-TV Collection, November 22, 1963, reel 31, Sixth Floor Museum at Dealey Plaza; Matthews, *Four Dark Days in History*, p.13).
- 149 **cannot make a positive identification:** Cecil McWatters later testified before the Warren Commission that a teenage boy was also on the bus at the time Oswald came aboard and that it was the teenage boy, later identified as seventeen-year-old Milton Jones, whom he was thinking of when he was looking at the number-two

man in the lineup (2 H 280–281, 289; see also CE 2641, 25 H 899–901, FBI interview of Roy Milton Jones on March 30, 1964). Nonetheless, police recorded that McWatters gave a positive identification (DMA, box 1, folder 10, item 3, p.1), probably because he gave an affidavit that night after the lineup that the number two man “looks like the man” he picked up (CE 377, 16 H 971). Indeed, contrary to McWatters’s testimony before the Warren Commission, Dallas officer C. N. Dhority, who was at the lineup, told the Warren Commission that McWatters “identified” Oswald at the lineup as the man he picked up (7 H 151). McWatters testified that he never told police of what he now believed to be his mistake that night (2 H 290), which explains why the police record was never corrected.

Critics have charged that McWatters’s testimony impeaches his alleged encounter with Oswald on November 22, and that Oswald must have used some other form of transportation to get to Oak Cliff. However, in straightening out the Jones–Oswald mix-up, McWatters testified that a man (other than Jones) *did* board his bus at about Elm and Griffin after having knocked on the door of the bus, and exited two blocks later, taking a transfer as he left. McWatters described the man as wearing “work clothes” and some type of “cloth jacket,” adding that he was “medium-sized” (“five-seven or five-eight”), of “average weight” (“135 to 140 pounds”) and “light-complected” (2 H 270, 279, 289). The description, a close approximation of Oswald, is less important when one considers the physical evidence—the transfer itself. The transfer removed from Oswald’s pocket after his arrest, number 004459, *was* issued by McWatters (CE 377, 16 H 971; 2 H 269, WCT Cecil J. McWatters). The bus driver testified that he only issued two transfers during that run, Oswald being the only male to receive one, not giving one to Jones (2 H 269–270). Finally, and perhaps most importantly, Oswald *himself* admitted boarding a bus, then getting a transfer and exiting when the bus became bogged down in traffic (WR, p.604). All of these facts coincide with McWatters’s testimony and support the conclusion that Oswald was on McWatters’s bus.

149 **both identify the light gray Eisenhower-style jacket:** At the London trial, Ted Callaway testified that he was taken to a rack that “had six or seven jackets on it” and that Detective Leavelle “asked me could I point out the jacket Oswald had been wearing, so I selected the jacket, and Officer Leavelle said that was the jacket found behind the Texaco station” (Testimony of Ted Callaway, Transcript of *On Trial*, July 23, 1986, p.214). In a police report of Leavelle’s, he said, “Mr. Callaway and Guinyard were taken up to the crime lab on the fourth floor, where Captain Doughty showed us a jacket . . . They identified it as the same one or one just like the one worn by the suspect” (Leavelle Exhibit A, 20 H 501).

150 **bullet wound in the president’s right upper back:** Some critics have contended that the bullet wound in the back wasn’t discovered until the latter stages of the autopsy, a claim Dr. James Humes vehemently disputes. Humes told the HSCA that the back wound was found during the initial examination of the body. (ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, pp.7–8) “It was obvious,” Humes told the ARRB in 1996. “It was no secret. It was right there. But we directed our attention first to the wound that we were certain was the fatal wound, of course, the head wound” (ARRB Transcript of Proceedings, Deposition of Dr. James Humes, February 13, 1996, pp.114–115). Dr. John Ebersole, the autopsy X-ray technician, concurred. “Does it seem reasonable to you that a pathologist

would carry out an autopsy of this nature without looking at the front and back of the body? My remembrance is that we were aware of the [back] wound of entrance relatively early in the game” (ARRB MD 60, Transcript of HSCA Medical Panel Meeting, March 11, 1978, p.57).

- 152 **places a telephone call to Finck’s:** Although Dr. Thornton Boswell told the ARRB in 1996 that he placed the call to Finck (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.17–18), all other testimony shows the call was placed by Dr. Humes. In 1992, *JAMA* erroneously reported that Finck was called at 7:30 p.m. (shortly after the body was received). However, the call was actually made at 8:00 p.m. EST, as recorded by Finck in his 1965 memorandum to General Blumberg. The later time also coincides with Humes’s statement that by the time of the call he already had “good X-ray films of the head.” (ARRB MD 30, Transcript of HSCA Medical Panel Meeting, March 11, 1978, p.77; AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.1)
- 155 **Marguerite has been convinced:** Upon arrival at police headquarters, Marguerite Oswald insisted on talking with FBI men “from Washington” about her suspicions that Lee was a secret agent. She finally agreed to talk with Dallas FBI agents, telling them, “For the security of my country, I want this kept perfectly quiet until you investigate. I happen to know that the State Department furnished the money for my son to return back to the United States” (1 H 142–143). Mrs. Oswald was fearful of how the country might react to the news that the State Department loaned Lee the money to return to the United States (1 H 143). When asked when was the last time she had seen her son, Mrs. Oswald said, “I have not seen my son in a year . . . My son did not want me involved. He has kept me out of his activities” (1 H 143).
- 156 **Oswald’s wallet:** Although he wasn’t specific as to time, FBI agent Manning Clements told the Warren Commission that sometime during the evening of the assassination he “examined the contents of [Oswald’s] wallet which was there on the desk,” the implication being that others had previously examined all of the contents (7 H 320–321). The following day he dictated a report setting forth the contents (WR, pp.615–617). The next day, Sunday, November 24, FBI agent James W. Bookhout dictated a report setting forth a list of photographs of the contents of the wallet furnished by Captain Will Fritz. Among other contents, the following cards were found in Oswald’s wallet on the day of his arrest: a Selective Service System Notice of Identification card in the name of Alek James Hidell, which bears a photograph of Oswald and the signature Alek J. Hidell; a Selective Service System Notice of Classification card in the name of Lee Harvey Oswald, Selective Service number 41-114-39-532, dated February 2, 1960; a Selective Service Registration Certificate in the name of Lee Harvey Oswald and bearing his signature; a U.S. Forces, Japan Identification Card in the name of Lee H. Oswald and bearing his signature dated May 8, 1958; a Certificate of Service Armed Forces of the United States card of the United States Marine Corps in the name of Alek James Hidell (this card is not included in Clements’s report); a Certificate of Service Armed Forces of the United States card of the United States Marine Corps in the name of Lee Harvey Oswald [Service Number] 1653230; a Department of Defense card, number N4,271,617 in the name of Lee H. Oswald, reflecting his service sta-

tus as MCR (Marine Corps Reserve) with an expiration date of December 7, 1962;* a Fair Play for Cuba Committee New Orleans Chapter membership card in the name of Lee H. Oswald and signed A. J. Hidell as chapter president (an FBI handwriting comparison test of the A. J. Hidell signature with a handwriting exemplar of Marina's showed that the A. J. Hidell signature was that of Marina; also, she told the FBI on June 3, 1964, that it was her signature [FBI Record 124-10034-10285, June 17, 1964, p.1]); a Fair Play for Cuba Committee membership card in the name of Lee H. Oswald and bearing Oswald's signature; a Dallas Public Library identification card in the name of Lee Harvey Oswald and bearing his name and signature; and a Social Security card, number 433-54-3937, in the name of Lee Harvey Oswald. Other contents of Oswald's wallet included a snapshot of Marina, one of him in a Marine uniform, and one of a small baby in a white cap, most likely his daughter Rachel. (Bookhout's report: CE 1986, 24 H 17; see also CE 2011, 24 H 421-422)

The following were also taken from Oswald at the time of his arrest: \$13.00 in currency consisting of one \$5 bill and eight \$1 bills; 87 cents consisting of one 50-cent piece, three dimes, one nickel, and two pennies; a Dallas Transit Company Shoppers Transfer dated Friday, November 22, 1963, bearing number 004459, perforated at "PM" and "Lake Wood," bearing the initials "RMS" on the back; a black belt with buckle; a small box top bearing the name "Cox's, Fort Worth"; a brass key marked "P.O. Dept. Do Not Dup.," number 1126; a silver-colored Marine Corps emblem ring; a chrome ID bracelet with expansion band with the inscription "Lee"; and, curiously, a paycheck stub for a James A. Jackson from American Bakeries Company dated August 22, 1960, or August 27, 1960, reflecting the amount of pay as \$66.17, less federal income tax of \$7.40 and Social Security tax of \$1.99 for a net amount of \$56.78. The FBI located Jackson, who confirmed this was his paycheck stub. He said that he had never met Lee Harvey Oswald and had no idea how Oswald came into possession of the stub, only conjecturing that perhaps he had accidentally dropped the stub on the street and someone picked it up. Why Oswald would have on his person a three-year-old paycheck stub of Jackson's is unknown. (CE 1148, 22 H 178; FBI interview of James A. Jackson by SA Arthur Carter on December 21, 1963, File DL 100-10461)

- 157 **Both are recovered:** Conspiracy theorists, eager to find an extra fourth bullet, one more than Oswald is believed to have fired, and hence a conspiracy, got very excited when they learned that the receipt for the two fragments turned over to

*The front of the card says "Theatre, Commissary, Exchange, Unlimited," and contains a photo of Oswald taken in Minsk (CE 2892, 26 H 346). Neither Clements nor Bookhout describe the reverse side of the card, which appeared for the first time in Dallas police chief Jesse Curry's 1969 book. The document's reverse side further identifies the card as a "Uniformed Services Identification and Privilege Card," DD Form 1173. It is dated September 11, 1959, the date Oswald was discharged from the Marines, and is signed by a USMCR First Lieutenant A. G. Ayers. (Curry, *JFK Assassination File*, p.109) Some conspiracy theorists have suggested this privilege card shows Oswald was somehow connected with U.S. military intelligence. And we all know what this means—that he had killed Kennedy for them. If that's not the inference, then what's the relevance of the card? The buffs don't bother to ask themselves why, if Oswald was a U.S. agent or operative, they discontinued his privilege on December 7, 1962, almost a year *before* the assassination. Is that any way to treat a future hit man for you? Wouldn't that make him disgruntled and maybe unwilling to do your bidding for you? Anti-conspiracy author Gerald Posner says that the DD 1173 card was "routinely issued to reservists through most of 1959" to those discharged from the military, but he gives no citation for this statement (Posner, *Case Closed*, p.92).

FBI agents Sibert and O'Neill on November 22, 1963, and signed by the two agents, refers to a "receipt of a missile [*sic*]" (HSCA Record 180-10120-10362; JFK Document 014834). But the HSCA concluded that "the receipt was in error." Chester H. Boyers, the navy corpsman who typed the receipt, gave HSCA investigators an affidavit under penalty of perjury that contained his handwritten notes at the time of the autopsy, in which he jotted down during the autopsy that "there were bullet missile *fragments* recovered. These were placed in a specimen container and delivered to me. The FBI was there and wanted them." The affidavit says that "although the receipt states that a 'missile' was transferred, this is an error" (HSCA Record 180-10120-10362, Affidavit of Chester Boyers, December 4, 1978 p.3, p.2 of accompanying notes). Both Agents Sibert and O'Neill confirmed to the HSCA that they received two bullet fragments, not a missile. As Sibert put it in an affidavit, "Regarding the receipt for the 'missile,' I do not recall exactly how the receipt described the fragments but it was certainly not for a whole missile, rather it was for some fragments. ["Two metal fragments," he says earlier.] A single missile to me means considerable substance, more of a whole bullet. This receipt was prepared by someone else and typed up by a naval corpsman. If I had prepared the receipt, I would have listed the items as metal fragments" (7 HSCA 11-12; JFK Document 002191, HSCA interview of Sibert on August 25, 1977; HSCA 180-10100-10135, Affidavit of Sibert on October 24, 1978, p.3; JFK Document 006185, HSCA interview of O'Neill on January 10, 1978).

In 1975, Dennis David, a navy first-class petty officer at the time of the assassination who later became a key cog in conspiracy author David Lifton's zany body-alteration theory, claimed that *he* was the one who typed up the receipt for the bullet fragments. During an interview for Lifton's book, David claimed that a Secret Service agent reportedly dictated the receipt in the administrative offices, describing the physical characteristics of *four* bullet fragments. David said he kept no copies. "I just typed it on an original . . . and handed it to the Secret Service agent. And he made some comment about, 'This is considered classified material. Secret.' Or something to that effect" (Lifton, *Best Evidence*, p.579). By 1997, David was claiming that the unnamed agent allowed him to handle the fragments, then admonished him about security concerns, told him to treat the information as classified, and confiscated all copies of the memo "including the pieces of carbon paper, and even took the ribbon from the IBM Selectric typewriter with him" (ARRB MD 177, ARRB interview of Dennis David, February 14, 1997, pp.2-3). David's credibility couldn't be any lower in this regard. His name doesn't appear on any list of personnel involved in the autopsy (7 HSCA 8-9), nor is his story about typing the receipt for four bullet fragments corroborated by anyone. In addition, David admitted being hypnotized in 1994 in New York State to recover memories of the autopsy events (ARRB MD 177, ARRB interview of Dennis David, February 14, 1997, p.4; see also Law with Eaglesham, *In the Eye of History*, pp.12-13).

Although the "fourth bullet rather than two fragments" argument is deadlier than a doornail, David Lifton has persisted in trying to keep it alive, and his weapon is the faulty memory of others. In 1978, Admiral David Osborne told HSCA investigators that at the time of the autopsy (Osborne was then a captain and chief of surgery at Bethesda) he saw a "fully intact . . . copper-clad slug" roll out of the

president's clothing onto the table when the president's shoulders were raised to remove the suit coat Osborne said Kennedy was wearing (ARRB MD 66, HSCA Outside Contact Report of interview of Admiral David Osborne, June 20, 1978, p.3). Of course, throughout the HSCA's entire investigation no one else had told the committee about seeing a slug on the autopsy table or anywhere else at Bethesda. The HSCA said it "recontacted Admiral Osborne and informed him that the body of the President had not arrived in any clothes [as Osborne said], but was wrapped in sheets, and that no one else recalled anything about the discovery of a missile. Admiral Osborne then said that he could not be sure he actually did see a missile and that it was possible the FBI and Secret Service only spoke about the discovery of a missile" (7 HSCA 15-16; ARRB MD 66, HSCA Outside Contact Report of interview of David Osborne on June 20, 1978, p.3).

Lifton contacted Osborne the next year and Osborne proceeded to tell him his original story, claiming that Kennedy arrived in his casket in his clothing, and a "reasonably clean, unmarred" bullet fell from the clothing. But now Osborne added a real zinger. He not only *saw* the bullet, which is what he told the HSCA, he held "that bullet in my hand." (Lifton, *Best Evidence*, pp.645-646) My, my.

Lifton next contacted Captain John Stover in April of 1980. Stover had been the commanding officer of the U.S. Naval Medical School and, like Osborne, was in the autopsy room during the autopsy. Lifton says that Stover confirmed Osborne's assertion that there was a bullet in the autopsy room, saying, "It seems to me that the one they found in Dallas they brought up . . . I think it was in a brown paper envelope" (Lifton, *Best Evidence*, p.651).

If I can conclude this silly story with one observation over and above the fact that it has been established beyond any reasonable doubt that two large bullet fragments, not a missile or bullet, were found during the autopsy, it would be this. As set forth in the text, we know that Dr. James Humes and his two fellow autopsy surgeons were completely perplexed over (and made a very big issue out of) the fact that they could not find or figure out what happened to the bullet that entered the upper right part of the president's back, Humes only determining what happened to it the following morning when he spoke on the phone to Dr. Malcolm Perry. If, indeed, Drs. Osborne and Stover recall seeing an intact bullet in the autopsy room that night—and if we're to believe Osborne, he actually held it in his hand—why didn't either one of them bother to mention this bullet to the three pathologists who were so troubled all evening by its absence? You know, "Dr. Humes? Here's the bullet you're looking for."

- 157 **Finck walks into the autopsy room:** Although the May 27, 1992, issue of *JAMA* reported that Lieutenant Colonel Pierre Finck arrived at 9:15 p.m. EST (Breo, "JFK's Death—The Plain Truth from the MDs Who Did the Autopsy," p.2798), all other accounts (including an October 7, 1992, *JAMA* article) show that Finck arrived at about 8:30 p.m. EST, thirty minutes after receiving the call from Dr. Humes (Breo, "JFK's Death, Part III," p.1749; AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.1). Finck testified at the Clay Shaw trial in New Orleans that he arrived "a short time after the beginning of the autopsy . . . approximately 8:00 o'clock at night." (HSCA 180-10097-10183, Testimony of Pierre Finck at Clay Shaw's trial, February 24, 1969, p.50). Finck wrote in a 1965 memo that the "brain, the heart and the lungs had been removed before my arrival"

(AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.1; also ARRB MD 28). However, other testimony indicates that the heart and lungs were not removed until the latter stages of the autopsy.

160 **“I have seen the man that they have under arrest on television”:** Howard Brennan testified before the Warren Commission that he thought Oswald looked younger on television than the man he saw in the window, perhaps five years younger (3 H 160).

162 **Where did the bullet go?:** The difficulty of finding the bullet that entered Kennedy’s upper back is reminiscent of the much longer search for a bullet to the back of President James A. Garfield, shot by Charles Guiteau on July 2, 1881. While Garfield lingered near death for eighty days, his doctors, not having X-rays at the time, probed for the bullet that entered Garfield’s right back with unsterilized instruments or their bare hands, a common practice at the time. Guiteau severely criticized Garfield’s doctors, claiming that it was they, not he, who killed Garfield. “I just shot him,” he said.

Guiteau’s position may have been correct. “Historians agree that massive infection, which resulted from unsterile practices, contributed to Garfield’s death.” The bullet was finally found during the autopsy following Garfield’s death on September 19, 1881. It had lodged in the left side of Garfield’s back just below the pancreas, and hadn’t struck “any major organs, arteries or veins.” Dr. Ira Rutkow, a professor of surgery today at the University of Medicine and Dentistry of New Jersey, observes, “Garfield had such a nonlethal wound. In today’s world, he would have gone home in a matter of two or three days.”

During the eighty-day period, the location of the bullet in Garfield’s body became a national obsession, with many people offering advice on how to locate it. One citizen wrote to the White House that the doctors should simply turn the president upside-down and see if the bullet would fall out. Even Alexander Graham Bell tried to help locate the bullet. (Amanda Schaffer, “A President Felled by an Assassin and 1880’s Medical Care,” *Los Angeles Times*, July 25, 2006, p.D5)

164 **paraffin tests:** On March 15, 2006, the FBI notified all of its field offices that the bureau would no longer analyze gunshot residue in its investigations. An FBI spokesperson said that the bureau was discontinuing the tests “not because of a lack of confidence in the science” but because of a “shift in priorities,” noting that FBI laboratory was in recent years receiving fewer than ten requests per year and that the agency decided its resources could be better utilized in “areas that directly relate to fighting terrorism.” (*Los Angeles Times*, May 28, 2006, p.A15)

165 **will not leave nitrate residue on the firer’s cheek [footnote]:** In his book *Rearview Mirror*, former FBI agent William Turner writes that in the mid-1960s Dr. Vincent Guinn, who at the time was the head of the General Atomics project in San Diego that had developed the process of neutron activation analysis (NAA), and Raymond Pinker, the director of the Los Angeles Police Department crime lab at the time, “ordered an Italian Carcano rifle such as Oswald supposedly fired from the same mail-order house in Chicago. They fired the obsolete weapon a number of times . . . and tested their cheeks by NAA. Nitrates were present in abundance” (Turner, *Rearview Mirror*, p.115).

There simply is no way to square this with the testimony and experience of the Dallas police and FBI in this case. Sergeant W. E. Barnes, who conducted the paraf-

fin test on Oswald's cheek, testified, as noted, that it was the only time in nine years of doing such tests that he had ever been requested to test one's cheeks to determine if the person had fired a rifle. "I didn't expect any positive report from the test to start with," he said. And his superior in the Dallas crime lab, Lieutenant J. C. Day, who reported to the Warren Commission that the paraffin test on Oswald's right cheek was negative, testified that he wouldn't expect there to be nitrates on one's cheeks "from a man firing a rifle." (7 H 281, 283, WCT W. E. Barnes; 4 H 276, WCT J. C. Day) Why in the world would these two Dallas officers lie under oath about something like this? Since no nitrates were found on Oswald's right cheek, were they telling the lie that none were expected to be found because they were trying to frame Oswald? What conceivable reason would they have for framing Oswald? Moreover, if they were out to frame Oswald, wouldn't the obvious lie they would tell be that nitrates *were* found on Oswald's right cheek?

And the FBI expert Cortlandt Cunningham also testified that "I personally wouldn't expect to find any residues on a person's right cheek after firing a rifle due to the fact that . . . the cartridge itself is sealed into the chamber by the bolt being closed behind it, and upon firing the case, the cartridge case expands into the chamber filling it up and sealing it off from the gases, so none will come back in your face, and so by its very nature, I would not expect to find residue on the right cheek of a shooter" (3 H 492). No one could really believe this is perjured testimony, if for no other reason that no professional would lie under oath on a matter that he knows other experts could easily refute him on.

And, as set forth in the text, the FBI also had an agent fire Oswald's Carcano rifle three times, and after making a paraffin cast of his right cheek and thereafter testing for nitrates, found, like the Dallas police with Oswald, no nitrate residue on his right cheek (3 H 493-494, WCT Cortlandt Cunningham).

It should be noted that after the Dallas police conducted paraffin tests on Oswald, they washed both casts. Nonetheless, the FBI decided to conduct NAA tests on the casts. Though no nitrates were found, the washing hadn't removed all the barium and antimony on the casts. The FBI said that these two elements "were present in the powder residues from both the rifle and revolver cartridges." However, it added that "no characteristic elements were found by neutron activation analysis of the residues which could be used to distinguish the rifle from the revolver cartridges," so no deposits could be "specifically associated with the rifle cartridges . . . In view of the fact that the paraffin casts [for the firing of the rifle] were not made until *after* the reported firing and handling of the fired *revolver* [by Oswald], no significance could be attached to the residues found on the casts other than the conclusion that the barium and antimony in these residues are present in amounts greater than found on the hands of an individual who has not recently fired or handled a recently fired weapon" (15 H 747-749, WCT John F. Gallagher; WR, p.562).

The other big problem is that barium and antimony are present in many common items, such as grease, glass, paint, paper, plastics, leather and cloth for barium, and matches, lead alloys, paints, and rubber for antimony, meaning the barium and antimony present in Oswald's casts could have come from those sources as opposed to the rifle and revolver cartridges (Gallagher Exhibit No. 1, 20 H 1; WR, p.562).

- 165 **takes Oswald's finger and palm prints:** Two police reports state that the prints were taken *before* the paraffin casts (Sims Exhibit A, 21 H 516; CE 2003, 24 H 287); however, Sergeant Barnes, who took the casts, testified that the prints were done last, so as not to disturb any potential nitrates (7 H 284). Barnes repeated this in a 1992 interview (Savage, *JFK First Day Evidence*, p.197).
- 166 **She hasn't seen her or Lee in a year:** Poor Marguerite would later rationalize why Lee never came to see her. En route to Dallas from Fort Worth on the afternoon of the assassination, she told *Fort Worth Star-Telegram* reporters Bob Schieffer and Bill Foster, "Ever since he came back from Russia he has been persecuted. I was persecuted. My friends, if that's what you call them, turned their backs [on me] . . . He doesn't come around anymore. I haven't seen him in a year. He never said why he doesn't come to the house, but I know. It's because he doesn't want them to persecute me. He knows how they've treated me. He wanted to shoulder it himself." (*Dallas Morning News*, November 23, 1963, p.6)
- 167 **Ordering steaks and coffee:** In her 1969 book, *Investigation of a Homicide*, Judy Bonner implies the steakhouse dinner started between 6:15 and 6:30 p.m. or so (Bonner, *Investigation of a Homicide*, pp.151–152). But Bill Alexander told me it was around 9:00 p.m., and that it was definitely after the complaint against Oswald for the Tippit killing was filed in Fritz's office (Telephone interview of William Alexander by author on December 12, 2000). Since we know the Tippit filing was at 7:05 p.m. (15 H 506, WCT David L. Johnston; Johnston Exhibit No. 1, 20 H 314), it is rather likely that at 6:15 p.m., Fritz and Alexander probably hadn't even started dinner yet at a steakhouse. In a 1998 interview, Alexander also said the dinner took place around 9:00 p.m., but erroneously added that he hadn't yet filed on Tippit (Sneed, *No More Silence*, p.537).
- 172 **people in the office to notice:** Although several witnesses saw Ruby inside the *Dallas News* building at the time of the assassination and for a meaningful period of time thereafter, conspiracy theorists are convinced that a photo taken of the front of the Book Depository Building shortly after the assassination by amateur photographer Phillip L. Willis shows Ruby standing in the crowd. Although the man does resemble Ruby, a photo taken of the man around the same time by freelance photographer Jim Murray shows the man closer up and he clearly is not Ruby. (Trask, *Pictures of the Pain*, pp.177–178)
- 175 **about eleven in the evening:** Five witnesses, four of whom knew Ruby, testified that they saw him on the third floor of police headquarters at City Hall sometime earlier, between 5:30 and 8:00 that Friday evening. Dallas police detective A. M. Eberhardt testified he saw Ruby there between 6:00 and 7:00 p.m. (13 H 186–187); *Dallas Morning News* reporter John Rutledge thought it was around 6:00 or 7:00 (CE 2410, 25 H 477); Dallas KBOX radio news editor Ronald Lee Jenkins said it was between 5:30 and 7:30 (15 H 602); Dallas WFAA news reporter Victor Robertson said it was between 7:00 and 8:00 p.m. (15 H 350 [earlier, he had told the FBI it was between 5:00 and 7:00 p.m., Robertson (Victor) Exhibit No. 1, 21 H 309]); and Dallas police detective Roy Standifer said it was between 7:30 and 8:00 p.m. (15 H 617).

Most assuredly, all of these people did see Ruby Friday evening at police headquarters, but the likelihood is that looking back (for four out of the five, months later, including for two, eight months later, with only one closer to the event, and even that one was two weeks later), they are simply mistaken as to the time. All of

the things they saw Ruby doing, such as hanging out outside Captain Fritz's door and helping reporters, Ruby admits doing, but *after* he arrived on the third floor around 11:00 p.m. The main reason we can be reasonably confident Ruby wasn't on the third floor earlier in the evening is that he said he wasn't (5 H 188). Not only wouldn't he have any reason to deny being there earlier in the evening if he had been, but why would he deny something like this under oath if he knew that many people (for all he knew, forty or fifty people) would be able to prove he was? It makes no sense, and the Warren Commission tended to believe the witnesses had been mistaken in their time (WR, pp.338, 340), something that would be easy to do when the intensity of the drama was all focused on Oswald and the president's death and no one was concerned about Ruby. It should be noted that Dallas police officer Clyde Goodson, who knew Ruby, and whose job it was to stand guard outside Captain Fritz's door Friday evening, testified that he did not see Ruby outside or near the door between 5:30 and 7:30 p.m., at which time he left, although he did see someone "that possibly someone would mistake" as Ruby near the door around 6:00 p.m. (15 H 599).

Finally, Eva Grant, Ruby's sister, was very candid in her testimony about her failure to even remember approximate times, but when asked how long her brother had stayed in her apartment the last time he visited her on the day of the assassination, she said, "I would say a good two hours. Maybe two and a half hours . . . I *know* it was around 7:15 or 7:20 when he left" (15 H 327).

The possibility exists, of course, that Ruby was at police headquarters earlier in the evening before he went back to his apartment, where we know from telephone records that he called his friend Ralph Paul at Paul's Bullpen restaurant at 8:48 p.m. and his brother Hyman in Chicago at 9:02 p.m., before leaving for the temple (CE 2302, 25 H 240).

176 **"being carried away by the excitement of history":** Ruby told Dr. Manfred S. Guttmacher, the chief defense psychiatrist at his trial, "Everybody says, 'Hello, Jack.' It took away the tragic feeling. Everything was so bustling . . . I was in this swarm of people and suddenly Oswald comes. The reporters asked me who was this one and who was that one. I was in a complete change of mental reaction. Already I am with the deal. They are going to take him to the big assembly room. History is being made" (Wills and Demaris, *Jack Ruby*, p.215).

177 **a long-distance call from someone in the White House:** Waggoner Carr testified that he couldn't "for the life of me" remember who it was who called him. Author Jim Bishop speculated that the caller would likely have been Lyndon Johnson (but certainly Carr would remember speaking to the president), Jack Valenti, Bill Moyers, or Clifton Carter (Bishop, *Day Kennedy Was Shot*, p.522). In 1987, Assistant District Attorney Bill Alexander stated that the caller was Clark Clifford, who he believes called Wade directly from the White House (Sneed, *No More Silence*, p.551, interview of William Alexander). Wade, however, testified that the only conversation he had with anyone from the White House was with Clifton Carter, a close personal friend whom he spoke with earlier in the afternoon when Clark inquired about the general progress of the case (5 H 254). Alexander told me in 2002 that he wasn't *really* sure who it was in Washington that called, other than it was someone close to President Johnson (Telephone interview of William Alexander by author on February 17, 2002).

- 177 **the rumor:** In Gerald Posner's *Case Closed*, he quotes Bill Alexander as having told him that Wade asked Alexander, "What the hell are you trying to do, start World War Three?" (Posner, *Case Closed*, p.348 footnote). Although Wade may have said this, he didn't suggest anything like this in his Warren Commission testimony, and Alexander, in an interview with author Larry A. Sneed, doesn't say this. Alexander told Sneed that someone from the White House called Wade and said, "What are you trying to do, start World War Three?" But Wade, in his Commission testimony, never indicated he spoke to anyone in Washington about the matter. (Sneed, *No More Silence*, p.551)
- 179 **On the back of one he had written:** Marguerite Oswald testified that on the back of the photo were the words "To my daughter June," written in English (1 H 146).
- 179 **she finds Lee's wedding ring:** Testimony varies on exactly when Marina discovered that Lee had left his ring behind that morning. James H. Martin, the manager of the Inn of the Six Flags who first met Marina on November 24, 1963, and became her "personal manager" for a while, testified that Marina told him she found her husband's wedding ring when she got up that morning (2 H 18). And in a November 30, 1963, Secret Service interview, Marina reportedly stated that she found the ring when she got up on November 22 (CE 1787, 23 H 399).^{*} However, on January 15, 1964, Marina told FBI agents that she did not find the ring when she got up on the morning of November 22, and had not seen it until the police came to her house to search it (CE 1820, 23 H 477-478). On February 5, 1964, Marina told the Warren Commission that she found it "after the police had already come." When pressed for a specific time, she said "about two o'clock," then said she didn't remember, that all time got "mixed up" (1 H 72, 75).
- Whenever Marina found the ring on the day of the assassination, she did not move it from its place in the cup. A few days later, Marina, now being in protective custody of the Secret Service, told FBI agents she wanted them to go to the Paine residence to retrieve her husband's ring for her. Either she forgot to tell them where it was, or they forgot what she told them, because when FBI agent Bardwell D. Odum and another agent showed up at Ruth Paine's door, their only message was that Marina wanted her husband's ring, and asked Ruth if she had any idea where to look for it. Ruth, who hadn't been told by Marina that Lee had left his ring behind, told the Warren Commission, "I said [to the agents] I'll look first in the little tea cup that is from her [Marina's] grandmother, and [which was] on top of the chest of drawers in the bedroom where [Marina] had stayed. I looked and it was there." Ruth gave the ring to Agent Odum. (3 H 111-112, WCT Ruth Hyde Paine)
- 180 **It all looks pretty good:** It should have. Despite the great investigation of the assassination conducted by the FBI, the fact remains that within no more than ten hours after the murders of Kennedy and Tippit, the unheralded Dallas Police Department had gathered up most of the hard evidence that would be the backbone, to this very day, of the case against Oswald on both murders.
- 180 **members of the media [footnote]:** No one knows how many members of the

^{*}But this seems unlikely since Ruth Paine is positive that Marina, who surely would have mentioned it to her, never told her anything during the day about her husband leaving his wedding ring behind (3 H 111-112, WCT Ruth Paine).

media converged on Dallas, although one estimate, almost assuredly far, far too low, was that within twenty-four hours (to Saturday around noon) “more than 300 representatives” of the media from around “the world” (referring only to the international press?) had arrived in Dallas. It should be noted that more than 70 Washington, D. C., correspondents and Texas newsmen were already in Dallas to cover the president’s trip to the city. (CE 1359, 22 H 610)

- 180 **just after midnight:** Dr. James Humes testified that the autopsy ended at “approximately 11:00 p.m.” (2 H 349, 374; HSCA Record 180-10097-10151, January 26, 1967, p.1). However, the consensus of opinion of those in attendance is that the autopsy ended at about midnight. Humes himself indicated that the autopsy may have extended to midnight when he told the Warren Commission that three bone fragments arrived “later on that evening or very early the next morning while we were all *still engaged in continuing our examination*” (2 H 354).
- 181 **the Britannia casket damaged in Dallas:** For more than a year, O’Neal’s Funeral Home in Dallas tried to collect the \$3,995 bill for the Britannia casket and services rendered. The government’s General Services Administration (GSA) questioned the amount, though it finally paid on February 26, 1965, after O’Neal knocked \$500 off the bill. O’Neal’s tenacity in seeking the payment was costly, however. The funeral home’s business in Dallas fell off 50 percent in the wake of the adverse publicity. (“Dallas Mortician for JFK Paid \$3495,” *Washington Post*, February 27, 1965; ARRB MD 133)
- 183 **fly the evidence to Washington:** All the evidence ended up at the FBI laboratory in FBI headquarters located in the Justice Building (Department of Justice) in Washington, D.C. Years later the lab was transferred to the FBI’s new headquarters in the J. Edgar Hoover Building in Washington. The lab is currently at the FBI’s longtime training facility in Quantico, Virginia, about forty-five miles south of the capital. (Telephone interview of FBI spokesman Rex Tomb by author on September 22, 2005)

In a 1987 interview, FBI agent Vince Drain stated that very late in the morning he made arrangements for the flight to Washington with the commanding general at Carswell Air Force Base after learning that there were no commercial flights out of Dallas after midnight (Sneed, *No More Silence*, p.249). A conflicting internal FBI memorandum dated November 22, 1963, indicates that these arrangements were made by 8:18 p.m. CST (FBI Record 124-10018-10310).

- 183 **sign for and receive the items:** Additional items that were sent to Washington, D.C., included the shipping paper and tape samples taken from the shipping department of the Book Depository (4 H 269, WCT J. C. Day; CE 677, 17 H 334; CE 2003, item K2, 24 H 262); the .38 caliber Smith & Wesson revolver, serial number V510210, taken from Oswald at the time of his arrest (CE 143, 16 H 513; CE 2003, Item K3, 24 H 262); a .38 caliber bullet and uniform button removed from Officer Tippit (CE 602, 17 H 270; CE 2003, item Q13, 24 H 262); the shirt Oswald was wearing when he was arrested (CE 150, 16 H 515; CE 2003, item Q11, 24 H 262); the blanket used to store Oswald’s rifle in the Paine garage (CE 140, 16 H 512; CE 2003, item Q12, 24 H 262); metal fragments removed from the right arm of Governor Connally (CE 842, 17 H 841; CE 2003, item Q9, 24 H 262); two photographs of the Mannlicher-Carcano rifle trigger guard (4 H 21, WCT Sebastian F. Latona); and Oswald’s fingerprints (4 H 5–6, WCT Sebastian F. Latona; CE

- 627, 17 H 282; CE 2003, 24 H 262) and palm prints (4 H 5–6, WCT Sebastian F. Latona; (CE 628, 629, 17 H 283–284; CE 2003, 24 H 262).
- 186 **with a loaded revolver:** The day after he killed Oswald, Jack Ruby told FBI agents C. Ray Hall and Manning Clements that he had been armed with a revolver outside of Fritz’s office (Hall [C. Ray] Exhibit No. 3, 20 H 52). Coupled with the fact that Ruby frequently carried his revolver with him, it doesn’t sound improbable at all. But in his testimony before the Warren Commission, Ruby said, “I lied” about this. “I didn’t have a gun. But in order to make my defense more accurate [?], to save your life, that is the reason that statement was made” (5 H 205). Ruby’s Warren Commission testimony makes little sense. The sophisticated argument (if this is what Ruby was referring to) that if he didn’t shoot Oswald on Friday this would indicate that what he did on Sunday was unpremeditated, and hence, he shouldn’t get the death penalty, is certainly not the type of thing he would have been thinking about (with his flat intellect, perhaps at any time—here’s someone who just testified his defense would be more *accurate* if he lied) just one day after he killed Oswald and after only a four-minute meeting with attorney Tom Howard, who wasn’t even Ruby’s attorney at that point. However, his lawyers may have come up with this at a later date, and Ruby, who went with it, had to decide which story was a lie, and he chose to say his first story was. Nonetheless, Ruby was asked at his polygraph examination on July 18, 1964, if he had a gun on his person on Friday night, and he answered no, and the polygrapher apparently found no deception* (14 H 553, 584). But the important point is that even if he didn’t have his revolver with him, if he had intended to silence Oswald for the mob, he *would* have taken a gun with him when he went to the police station Friday evening.
- 189 **booked:** There is a conflict as to when Oswald was brought to the fourth-floor jail (12:05 a.m.: 4 H 219, WCT John Will Fritz; 12:20 a.m.: Sims Exhibit A, 21 H 516–517; 12:23 a.m.: CE 2003, 24 H 321).
- 189 **taken to his fifth-floor jail cell:** On Oswald’s jail card, made at the time he was booked, under “Telephone Record,” after “Time” it says, “12:23 A” for a.m. The date is listed as November 23, 1963, and the initials “GRH” for Dallas police officer Garnet R. Hill appear (CE 2187, 24 H 860). This jail card entry of 12:23 a.m. is an apparent error, or at best misleading. In Hill’s August 21, 1964, affidavit to the State of Texas, County of Dallas, he says that he made this card out “when Oswald was booked . . . on November 23, 1963, at 12:23 a.m.” He says nothing about Oswald making a phone call at or around that time. (CD 1444, August 25, 1964, unnumbered p.22) Also, in the letter from Dallas police chief Jesse Curry to Warren Commission general counsel J. Lee Rankin on August 25, 1964, he says Oswald made his telephone calls from the jail, all three of which “are noted on the bottom of the jail card” (CD 1444, p.1). And when we look at the aforementioned jail card, the times for the three phone calls (all made on November 23, 1963) at

*Ruby was hopelessly inconsistent on this matter. Prior to the trial as well as after the trial but before a motion for a new trial he made on April 29, 1964 (which in either event is substantially before his polygraph examination), Ruby handwrote, on three-by-five-inch cards, his version of the events surrounding the shooting of Oswald. In an entry he apparently made after the trial in response to the accusation during the trial that he had planned to kill Oswald before he did on Sunday, Ruby wrote, “Had I wanted to get him I could have reached in and shot [him] when either Fritz [or] Curry brought him out in the hall, when they told the press that they would bring him down in the basement.” (*New York Times*, April 26, 1964, p.59)

the bottom of the card (the same card that indicated higher up on the card that Oswald made a telephone call at 12:23 a.m.), are listed as 1:40 p.m., 4:22 p.m., and 8:00 p.m. 12:23 a.m. is not listed. (CE 2187, 24 H 860) See also CE 2003, p.288, where there is no reference to a call being made by Oswald after he was brought up to the fifth floor.

- 191 **The search of Molina’s house:** Joe Molina doesn’t recall whether or not there was a search warrant but believes the search started at 1:30 a.m. and only lasted a half hour (6 H 368, WCT Joe R. Molina; CE 2036, 24 H 447).
- 193 **so he waits, with Sheba, for Knight:** There is hopeless confusion as to whether Jack Ruby or Russ Knight got to the station first. Ruby says he did, and had to wait for Knight, but Knight, even though he admits having to walk while Ruby had a car, says he got there before Ruby arrived (15 H 256, WCT Russell Lee Moore [Russ Knight]), and Glenn Duncan says Ruby and Knight arrived at the same time (15 H 486).
- 194 **escort him:** There is no record of Oswald being checked out of jail for this arraignment. Dallas crime-lab officer R. W. “Rusty” Livingston stated that Oswald was escorted to and from the fourth-floor arraignment by the jailers, and therefore, technically, was still in their custody (Savage, *JFK First Day Evidence*, p.75). Police Chief Jesse Curry also testified that when a prisoner remained in the custody of jailers, either to see a visitor or to be taken to the Identification Bureau, which is part of the jail, no record was made (15 H 130).
- 195 **the flyer, a script called “Heroism”:** Russ Knight told the Warren Commission that “it seemed to me like too much of a coincidence that [Jack Ruby] should be carrying a speech called ‘Heroism’ and then for him to shoot Oswald on Sunday morning.” Maybe, he speculates, Ruby thought he was the kind of hero Scudder was talking about. It is telling that Ruby was very upset about the flyer when he first read it, but when he gave his copy to Knight a couple of weeks later, Knight, when asked by Warren Commission counsel whether Ruby had indicated to him “any opinion as to his approval or disapproval as to the contents of [the flyer],” answered, “No, no . . . He seemed to have no opinion, and I couldn’t figure why he gave me the copy.” Knight said the flyer “was rather soiled” and looked like “it had been folded and unfolded and folded and unfolded and read.” (15 H 259–260, 265)

We do know, of course, that Ruby thought he would be viewed as a hero for killing Oswald, and, indeed, many in America viewed him that way after his act. (See conspiracy section of book.) The language from the Heroism flyer did seem to be tailor-made for inciting an already fervently patriotic person who also happened to love Kennedy. A few excerpts: “Personal heroism is a vital part of the American character . . . The building of this nation . . . required the leadership and achievement of heroes. Without heroes, the America we know today would not exist . . . All down through history men have from time to time attained it—often men never suspected of heroic qualities until some great crisis . . . Heroism is not confined to battle and war . . . Every man comes to moments in his life when heroism is called for. Whether he answers the call depends on his character, his values, and the strength of his will. In any case, the decision to act heroically is a decision each man must make for himself, in the innermost recesses of his own mind . . . The hero, or the man who aspires to heroism, is first and last an individualist” (CE 2285, 25 H 211).

- 197 **Jack climbs into the car with Harry and Kay:** Both Harry and Kay Olsen put the start of their long conversation with Ruby much earlier than it could have been, Harry around 1:30 a.m. (CE 2318, 25 H 279) and Kay around 1:00 a.m. (14 H 647). But it had to at least be after the 2:00 a.m. newscast at KLIF, which several witnesses place Ruby at, and all indications are that it would have been after at least 2:30 a.m. (see 15 H 259, WCT Russell Lee Moore [Russ Knight]).
- 202 **Southland Hotel:** The Southland Hotel (102 South Murphy) was located at the corner of Murphy and Commerce. Webb's Waffle Shop, though in the hotel, was located farther down the street at 110 South Murphy, thus explaining why Crafard told the Warren Commission it was located a "half block off Commerce" (13 H 466). The hotel and waffle shop have since been demolished (Telephone interview of assassination researcher Bill Drenas by author on April 11, 2005).
- 202 **Jack wants to go to the post office:** George Senator puts the time that Ruby woke him up at around three in the morning, but the testimony of too many witnesses—Knight, Gadash, Crawford, et cetera—would easily put the time after four. Senator also says Crafard went to the post office with Jack and him, but Crafard doesn't indicate he did, only that Jack said he wanted to go there and that after the three left Webb's, Jack and Senator dropped him off at the Carousel, the two presumably on their way to the post office. While Crafard's memory is clear on the sequence of what took place that night, Senator admits his memory was not. (14 H 218–219, WCT George Senator)

Conspiracy author Mark Lane tells the readers of his book that Crafard told the FBI that he had served Bernard Weissman drinks at the Carousel and even identified photos of him (Lane, *Rush to Judgment*, p.250). Lane didn't have the space in his book to add for his readers that in this same FBI interview, Crafard said the Weissman he served drinks to was a Dallas Police Department detective who was around thirty-eight to forty-three years old, about six feet tall, and weighed 180 to 185 pounds (CE 2430, 25 H 530–531). Nor that the real Weissman (who testified to the Warren Commission that he did not know Ruby and had never been to the Carousel Club [5 H 514] and angrily berated Lane over the telephone for suggesting that he did [CE 2475-C, 25 H 665–667]) was a twenty-six-year-old salesman who, though around six feet, was thin and slightly built (5 H 488–489, WCT Bernard Weissman; CE 1812, 23 H 467). The Dallas Personnel Assignments roster in November 1963 did not list a Weissman on the force (Batchelor Exhibit No. 5002, 19 H 117–148).

- 203 **around 6:30 in the morning:** As with so much else in this case, there's some confusion as to when Ruby and Senator got back home. Senator said he guesses it was "somewhere between 5 and 6" (14 H 224). But Ruby told the FBI he and Senator dropped Crafard off at the Carousel Club at around 6:00 a.m. (Hall [C. Ray] Exhibit No. 3, 20 H 54), and this presumably was *before* they went to the post office, although in addition to Senator saying they had already been to the post office (14 H 219–220), in FBI agent C. Ray Hall's report of his interview with Ruby, he writes that "they" (presumably Ruby, Senator, and Crafard) went to the "Southland Hotel Coffee Shop" (Webb's Waffle Shop) after they had gone to the post office (Hall [C. Ray] Exhibit No. 3, 20 H 53–54). Crafard said Ruby and Senator dropped him off at the Carousel Club "between 5 and 5:30" a.m. (13 H 466). But Roland Webb, the owner of Webb's Waffle Shop, told the FBI that Ruby, who had been a cus-

tomers for about ten years, “and two unidentified male companions” were at the Waffle Shop when he arrived “at approximately 5:30 a.m.” and they stayed “until about 6:00 a.m.” (FBI interview of Roland C. Webb by SA Harold R. Dobson on December 31, 1963, FBI File DL 44-1639). Assuming Webb is correct since he may have arrived at his shop around the same time every day, what time Ruby and Senator returned to their apartment in large part is dependent on whether they went to the post office after leaving the shop, or had already been to the post office. If the latter, it’s curious that Crafard wouldn’t remember being at the post office, though he may have waited in the car.

204 **“you can’t show that photo”**: Bardwell Odum did eventually try to show the photograph to Marina Oswald at the Executive Inn on Sunday morning, but Marguerite Oswald did not allow him to see her, claiming that Marina was “totally exhausted.” Marguerite later saw the photo and told the Warren Commission that the photograph was of Jack Ruby (1 H 153), but the man in the photo resembles Ruby as little as he does Oswald. (Odum Exhibit No. 1, 20 H 691)

205 **she expects to return**: One of the somewhat surprising consequences of the assassination aftermath is the permanent estrangement between Ruth Paine and Marina Oswald. After the Secret Service took protective custody of Marina, Ruth lost track of her for several weeks, and mail coming to her house for Marina from around the country, including donations, was sent by Ruth to the Irving police for forwarding to Marina. Since the assassination weekend, other than one phone call from Marina to Ruth expressing her gratitude to Ruth for everything, Marina was making herself very scarce. Included in the mail that Ruth would forward to the Irving police were letters from Ruth herself to Marina, eventually taking on the tone of near beseechment to Marina to contact her. “I am afraid,” Ruth wrote in one of her letters, “that you never want to see me again. It is true, we have horrible memories . . . But we are sisters, whether we want to be or not. Sisters in misfortune. I want to see you sometime.” But Marina did not respond except for a Christmas card that Ruth said had “zero content,” telling Marina in a follow-up letter that “you wrote me as if I were an old grandmother and not a friend. Have I offended you? If so, . . . forgive me, please.” (Mallon, *Mrs. Paine’s Garage*, pp.77–80)

Finally, Ruth tracked Marina down to the home of James Martin in Dallas, the manager of the inn that the Secret Service had taken Marina to on November 24 whose subsequent invitation to Marina to live in his home with his wife and children she had accepted. On the morning of December 21, 1963, Ruth knocked on the door of the Martin residence, laden with mail and packages for Marina and, more importantly, wanting to see her. But Marina went to the back of the house and remained out of sight, Martin telling Ruth that he had been asked by Marina not to reveal her whereabouts to anyone, the implication being that Marina was not in the house, which, as indicated, she was, and which Ruth suspected. (Memorandum from Dallas police detective T. T. Wardlaw to Captain W. P. Gannaway, December 23, 1963, p.1. Note: Wardlaw had been assigned, along with the Secret Service, to provide protection for Marina while she was at the Martin residence.)

After months of separation, Ruth met briefly with Marina one evening at the home of Mrs. Declan Ford, a mutual friend in the Russian emigrant community in Dallas. Ruth had suspected that Marina was not being given Ruth’s letters to her, but Marina said she had, and said she hadn’t responded because Martin, who

had become her personal manager, had urged her not to. Though Marina was friendly, the two did not have a really substantive discussion, and Ruth wasn't particularly encouraged. The next and final time they saw each other was when Marina, Ruth felt, wanted to show off her new home just north of Dallas in Richardson. "We took a picture and we talked for a little bit, and I saw her children, and she saw mine, and so on." But the handwriting was on the wall. "I was very sad," Ruth said. The two never saw each other again. (Mallon, *Mrs. Paine's Garage*, pp.88–89; 9 H 355, WCT Ruth Hyde Paine)

Ruth remained perplexed as to why Marina had grown cold to her, choosing to believe that if Marina had been "left uninfluenced, she would have certainly remained friendly to me" (9 H 354, WCT Ruth Hyde Paine; 2 H 429, WCT Michael R. Paine). Marina, justified or not in her sentiments, has been quite explicit as to why she rejected Ruth. "She is trying very hard to come to see me," Marina told the Warren Commission on February 3, 1964, right in the midst of the estrangement, "but I have no desire to meet with her. I think that she is trying to do that for herself, rather than for me." When Warren Commission counsel asked Marina, "Will you tell us what you [mean] by that?" Marina said, "I think that she wants to see me in her own selfish interests. She likes to be well known, popular, and I think that anything that I should write her, for example, would wind up in the press. The reason that I think so is that the first time that we were in jail to see Lee, she was with me and with her children, and she was trying to get in front of the cameras, and . . . instructed her children to look this way and look that way. And the first photographs that appeared were of me and her children" (1 H 60–61).

"I have never understood [it] to this day," Ruth told author Thomas Mallon for his 2002 book, *Mrs. Paine's Garage and the Murder of John F. Kennedy*, Mallon going on to say, "though she now realizes how, within hours of the assassination, the Russian woman had begun accumulating grievances with the imaginative energy of her mother-in-law, Marguerite" (Mallon, *Ruth Paine's Garage*, p.82). But was this a rationalization on Marina's part to justify her separating herself from Ruth? Her biographer, Priscilla McMillan, raises this possibility, at least for consideration. McMillan writes that after Oswald's funeral, "Marina expected to go on living at Ruth Paine's. (Certainly, Ruth expected it [3 H 83].) But Robert Oswald was firmly against it." Incredibly, per McMillan, when Robert Oswald met the Paines at Dallas police headquarters, he decided that "these tall Eastern stringbeans [Ruth and her husband, Michael], whom he had never heard of as being friends of his brother, must be behind it somehow." Additionally, the Secret Service agents who were protecting Marina seconded Robert's advice to Marina not to live with Ruth. Their thoughts weren't as goofy as Robert's, but they were uncomfortable with the fact that the Paines were active members of the ACLU, considered left wing by most Americans, and Michael Paine was under some undisclosed cloud with the police, perhaps because of the fact that his father had once been a follower of Leon Trotsky. In any event, "Marina was allowed to understand that if she wished to remain in the United States, she had better put distance between herself and the Paines. Thus, in one of the first acts of her widowhood Marina did what she had sworn she would never do—she had turned her back on Ruth Paine."

McMillan goes on to say that when Ruth sent Marina two books after the assassination, in one of which the Secret Service found the note of instructions Lee had

left for her on the night he went out to murder General Walker, thereby implicating Oswald for the first time in the attempt on Walker's life, Marina "blamed Ruth for the fact that she [Marina] had been compelled against her wishes to go into the Walker affair,* and she used this as a rationalization for having severed their communications. But it would not wash, and Marina came to feel overpoweringly guilty about two things: her failure to go to the police 'after Walker,' and turning her back on Ruth. The barrier of guilt became so high that Marina was unable to take steps to mend the breach between them, although it would have eased her conscience to do so." (McMillan, *Marina and Lee*, pp.559–600)

- 205 *Life*: Even before *Life* magazine's purchase of the rights, its publishers in New York had stopped the presses on Friday with some 300,000 copies out of a scheduled seven million copies of the next week's edition, November 29, already printed on presses in Chicago (where its main printing plant was located), Los Angeles, and Philadelphia. The editor-in-chief of *Time-Life*, Henry R. Luce, estimated a loss of close to a million dollars in discarding the previously completed November 29 edition, but would later say it was the best million dollars he had ever spent. The previous edition (the cover story had featured U.S. Naval Academy All-American football quarterback Roger Staubach) now ripped apart, *Life*'s editorial team, in a round-the-clock effort in which "everyone in the *Life* family pitched in," managed to put out its completely new assassination special edition on November 29. The edition had a four-page spread of many Zapruder frames, but Z313, the gruesome frame showing the president's head exploding in blood and brain tissue, was not shown to *Life*'s readers. (Trask, *National Nightmare*, pp.151–152, 155)

For the twelve years it owned the Zapruder film, *Life* was extraordinarily possessive of it, perhaps unusually so, not allowing—despite pressure and clamoring from many sources who felt an important piece of evidence dealing with the *public* interest should not be *hoarded* by a *private* corporation—the film to be shown on public television or anywhere else, and electing to show only selected frames to its readers.

- 206 **FBI already has a microfilmed copy of the money order**: Dallas postal inspector Harry Holmes, in his testimony before the Warren Commission (7 H 294–295) and in a 1998 interview (Sneed, *No More Silence*, pp.357–358), seems to have taken credit for helping the FBI determine the date and amount of the money order used to pay for the murder weapon so that Oswald could be identified as the purchaser. But there's nothing in the official record to support this claim. Other than claiming to tell a local Dallas FBI agent where the FBI could find the original money order (Washington, D.C.),† since the FBI already had all the informa-

*McMillan writes that in Marina's mind, Walker was still alive and her husband's attempt had come to nothing. Coupled with the fact that she felt "Lee had too many murders on his soul already," she had kept the fact of her husband's attempt on Walker from the authorities.

Apart from the scholarship of McMillan's book and her fine journalistic reputation, we can know that unlike so many biographies where the biographed person questions its essential accuracy, McMillan's *Marina and Lee*, which took ten years to write, does not suffer from this problem. Indeed, when it was published in 1977, Marina made a number of joint television appearances with McMillan to promote the book.

†We don't even know that Holmes did this. In an interview for Larry Sneed's 1998 book (remarkably, Sneed gives no dates for his interviews throughout his important book of interviews, and it has been established from the sources that some of his interviews were conducted as much as ten years before the publication of his book), Holmes relates a verbatim conversation with an FBI agent who he says was waiting in his office when

tion it needed about the entire transaction (7 H 364–367; WR, pp.118–119), it is difficult to see what else Holmes did. He and his staff in Dallas *mere* involved in a flurry of activity to locate the stub (retained after a money order is ripped off and given to the customer) of the money order used to buy the weapon, and in the original search looking for a March 20, 1963, stub for \$21.95, they were understandably unable to locate it. (The correct amount was \$21.45 and the purchase date was March 12.) Whether the Dallas FBI gave Holmes this misinformation, or whether Holmes got it confused, is not known. (Holmes himself eventually got the information as to the correct cost of the weapon with postage—something the FBI in Chicago already had—by having some members of his staff get copies on the newsstands of the *American Rifleman* magazine, where the Carcano was still being advertised for \$21.45.) In any event, once the FBI learned that Washington, D.C., had the records, the original money order purchased by A. Hidell (Oswald) in Dallas on March 12 was recovered. (WR, p.120; CE 1799, 23 H 419)

- 206 **Humes telephones Parkland Hospital:** The exact time of the call placed to Dr. Malcolm Perry is not clear. In 1977, Dr. Humes told the HSCA that he returned to Bethesda Saturday morning and met with Drs. Boswell and Finck between 10:30 a.m. and 12:00 p.m. (EST) and that it was during this time that the call was placed to Dr. Perry (7 HSCA 257). A 1992 account by Humes places the time of the call at 7:30 a.m. (Breo, “JFK’s Death—The Plain Truth from the MDs Who Did the Autopsy,” p.2799), while in 1996 Humes reported placing the call between 8:00 and 9:00 a.m. (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, p.53). It is likely that the call was placed later in the morning (10:30 a.m. to 12:00 p.m. EST) considering that Humes first went to church and the fact that he couldn’t have been certain that Dr. Perry would have been at Parkland so early in the morning (remember, Dallas was on Central Standard Time [CST], one hour behind Washington). It is also unlikely that Humes met with Finck on Saturday morning (Finck, who worked at Walter Reed Army Hospital, didn’t mention a Saturday meeting in any of his reports or testimony), although it’s conceivable that he met with Boswell, since Boswell, like Humes, had his office at Bethesda. It may be, however, that in his testimony before the HSCA Humes was confusing his *Sunday*-morning meeting with Boswell and Finck, which was held at approximately the same time as the reported Saturday meeting.
- 208 **compound of the Kennedy family in Hyannis Port:** The compound at Hyannis Port was the heart and soul of the hard-working, fun-loving Kennedy family, members always returning to it for emotional sustenance through the years. It was at Hyannis Port that John Kennedy spent the night of the election in 1960 and received the news he had been elected president.

The characteristics of the Kennedy clan were well captured in a “Rules for Vis-

Holmes arrived for work on the morning following the assassination, wherein the agent asked Holmes where the FBI could find the original money order, and Holmes told him that up until two months ago the post office’s record center was in Kansas City, but now it was in Washington, D.C. (actually, in nearby Alexandria, Virginia). But many years earlier, when Holmes testified before the Warren Commission just over four months after the assassination, his story was that when he arrived for work that Saturday morning, the postal inspector on duty told him that an FBI agent had phoned and inquired how to get the original money order and the inspector told Holmes he had told the agent. In Holmes’s version many years later, the inspector told Holmes the FBI agent was up in his office waiting to talk to him. (Sneed, *No More Silence*, pp.356–357; Alexandria, Virginia: CE 1799; 23 H 419)

iting the Kennedys” at Hyannis Port drafted by a close friend, Dave Hackett. Here is what Hackett advised: “Prepare yourself by reading *The Congressional Record*, *U.S. News & World Report*, *Time*, *Newsweek*, *Fortune*, *The Nation*, *The Democratic Digest*, *The Ensign*, and the manual *How to Play Sneaky Tennis*. Memorize Page 2 of *Jokes Guaranteed to Lay Them in the Aisles*. Anticipate that each Kennedy will ask you what you think of another Kennedy’s (a) dress, (b) hairdo, (c) backhand, (d) latest achievement. You will find that ‘Terrific!’ is a satisfactory answer. They won’t listen to much detail.” What about the Kennedys’ very famous touch football? Predictably, this is the matter about which Hackett has the most serious advice: “It’s touch football but it’s murder. The only way I know of to get out of playing is not to come at all, or to come with a broken leg. If you don’t have a broken leg and if you come, you will play; that is, you will if you don’t want to take your supper in the kitchen, or if you don’t want to talk to anyone for the rest of the weekend. Make a lot of noise and make out that you never had a better time in your life. Things will go smoother if you do. Don’t overdo this, though. Don’t make out that you’re having altogether too much fun. If you do, you’ll be accused of not taking the game seriously enough. Look glum if your team doesn’t score a touchdown, and become gleeful when your team does. Don’t sacrifice your teammates (it’s a team game). And for goodness sake don’t harp on any error of the enemy, because the enemy will be made up of Kennedys, too, and the Kennedys don’t like that sort of thing.” (*New York Times*, November 23, 1963, p.13)

- 210 **“The FBI is extremely desirous that you retract your statement”:** Police Chief Jesse Curry never disclosed Gordon Shanklin’s request until late 1975 when the *New York Times* broke the story. Curry revealed that he had sent a letter to Earl Warren in 1964 detailing Shanklin’s request. (*New York Times*, September 2, 1975, p.12)
- 222 **another interview:** There is no record of this interrogation in the jailer’s records. According to jail records, on November 23, 1963, Oswald was checked out of jail at 12:35 a.m., back in at 1:10 a.m.; checked out again at 10:25 a.m., back in at 11:33 a.m.; checked out a third time at 6:00 p.m., back in at 7:15 p.m. On November 24, Oswald was checked out of jail for the last time at 9:30 a.m. (CE 2003, 24 H 272–273) Despite the lack of a jail record, the 12:35 to 1:10 p.m. interrogation is mentioned in reports by the Dallas police and Secret Service (Kelley Exhibit A, 20 H 442; CE 2003, 24 H 268).
- 225 **the Oswalds’ effects that they missed in their first search:** A brief listing of the property seized during this search (CE 2003, 24 H 348; Stovall Exhibit B, 21 H 598) does not list the backyard photographs specifically. Stovall testified (7 H 194) that the line item “Miscellaneous photographs and maps” represented these items as well as others uncovered. The Klein’s Sporting Goods advertisement appears in a separate inventory—No. 11413G (CE 2003, 24 H 346). An itemized list of articles found in Oswald’s blue suitcase appear under inventory Nos. 11177G–11186G (CE 2003, 24 H 332–337).
- 226 **cabdrivers William Whaley and William Scoggins into the show-up room to view Oswald in a lineup:** As indicated in an earlier endnote, critics have questioned the value of the police lineups involving Oswald. The Saturday lineup with William Whaley and William Scoggins is often cited in particular. Indeed, Whaley testified, “You could have picked [Oswald] out without identifying him by just lis-

tening to him because he was bawling out the policeman . . . Anybody who wasn't sure could have picked out the right one just [from] that." However, when asked, "Did that aid you in the identification of the man?" Whaley said, "It didn't aid me because I knew he was the right one as soon as I saw him." (2 H 261, WCT William Wayne Whaley; see also 3 H 334–335, WCT William W. Scoggins)

- 231 **a piece of paper to write on:** A letter from FBI Director J. Edgar Hoover to the Warren Commission's general counsel, J. Lee Rankin, dated February 4, 1964, details an investigation into four telephone numbers found on a slip of paper found in Oswald's trouser pocket after his murder. (Oswald had requested the slip of paper and a pencil the previous day from jailer J. L. Popplewell, who had removed Oswald from his cell and brought him to the phone booth on the fifth floor [CD 1444, Affidavit of Dallas police officer J. L. Popplewell on August 20, 1964].) The four numbers were (1) CO 7-3110, the New York office of attorney John J. Abt; (2) AC 2-4611, the home number of attorney John J. Abt; (3) OR 9-9450, the New York office of the *Worker*; and (4) RI 8-9711, the general telephone number for the City of Dallas that appeared on the dial of the jail telephone. The FBI investigation found that when Oswald asked to telephone John Abt in New York, Captain Fritz told him to call collect and that he could get the number he wanted from the operator, who would also need the number from which he was calling. Attorney John J. Abt later testified that he and his wife had gone to a little cabin in the Connecticut woods the weekend of November 22–24, 1963. Several friends had telephoned him, saying they had heard on the radio that Oswald was requesting his representation. However, Abt said that at no time did Oswald, or anyone claiming to represent Oswald, actually talk to him that weekend. (CE 2073, 24 H 505–506, Letter from Hoover to Rankin on February 4, 1964; 10 H 116–117, WCT John J. Abt)

A slip of paper with two telephone numbers on it that was apparently written by a Dallas Police Department switchboard operator and allegedly discarded in a trash can was recovered and for several years stirred the hearts of conspiracy theorists everywhere, since the operator believed that one of the numbers was a number that Oswald had supposedly called on Saturday night (however, no one was ever 100 percent sure whether the call was an incoming or outgoing call), belonging to a John David Hurt in Raleigh, North Carolina. When it was later learned that Hurt served in U.S. Military Intelligence during World War II, the theorists felt that finally they had solid evidence linking Oswald and the assassination to U.S. intelligence. (Summers, *Conspiracy*, pp.145–146)

As late as April 11, 1978, three investigators for the HSCA interviewed Hurt in Raleigh. They showed Hurt the telephone slip with the two numbers on it and Hurt, who was in declining health and on government disability, acknowledged that one of them, 919-834-7430, was his number and had been so for the last twenty years. (He did not know to whom the other number on the paper, 919-833-1253, belonged.) Hurt, who told the investigators that he had served in the Army Counterintelligence Corps in Europe and Japan from 1942 to 1946, and had no connection with the military since, said that people from the news media had called him about this, but that he had never received a telephone call from Oswald and had never even heard of Oswald prior to the assassination. It was a "complete mystery" to him how his phone number had turned up on the slip of paper. (HSCA Record 180-10071-10162, April 11, 1978, pp.1–4)

The “mystery” of John Hurt was cleared up, ironically, by another Hurt three years later. A few months after John Hurt died in 1981, his widow told author Henry Hurt that her husband had admitted the truth to her before he died—that on the day of the assassination he was so upset that he got extremely drunk, a habitual problem he had, and tried to get in touch with Oswald at the city jail. When he couldn’t get connected to Oswald, he left his phone number, and had been too embarrassed about it ever since to tell anyone about it. (Hurt, *Reasonable Doubt*, pp.244–245)

- 231 **he places a local call:** In Popplewell’s affidavit, he says that Oswald was “unable to get his call through at this time.” That may have been true as far as Oswald’s call to Abt was concerned, but Ruth Paine clearly remembers receiving a telephone call from Oswald at the jail “about 3:30 or 4” on Saturday afternoon asking her “to call Mr. John Abt in New York for him after 6 p.m.,” and giving her two phone numbers to reach Abt (3 H 85). And there is a notation on Oswald’s jail card that he made a call at 4:22 p.m., the implication being—though not necessarily—that he spoke to the person he called (CE 2187, 24 H 860). On the other hand, it’s entirely possible that Popplewell was not wrong, and although Ruth Paine spoke to Oswald on the afternoon of November 23, it wasn’t between 3:30 and 4:00 p.m. as she recalled in her Warren Commission testimony on March 19, 1964, four months after the event, but earlier in the afternoon, around 1:40 p.m., after Oswald first tried, again unsuccessfully, to contact Abt in New York City. Supportive of this possibility is that Dallas police officer Arthur Eaves, an assistant jailer, said that at the time of the 1:40 p.m. call, “I heard Oswald talking to someone after the call was placed.” Since we know Oswald never spoke to Abt (10 H 116–117, WCT John J. Abt), it may have been Ruth Paine he was speaking to. The other assistant jailer who was present at the time, Dallas police officer Buel T. Beddingfield, said that “I heard Oswald place a call to New York. After this call, he made a local call.” That local call could have been to Ruth Paine. (CE 1999, 24 H 34, Affidavit of Arthur E. Eaves on August 14, 1964; CE 1999, 24 H 35, Affidavit of Buel T. Beddingfield on August 17, 1964) There is no way to know where the truth lies on this point.
- 234 **6:24 p.m.:** The jail card shows Oswald was checked out of his cell at 6:00 p.m. (CE 2003, 24 H 272). Detectives may have held him on the fifth floor until word was received that Dallas Bar Association president H. Louis Nichols had concluded his television interview with reporters, which was being conducted just outside the jail elevator door on the third floor. Videotapes show detectives bringing Oswald through this same door at 6:24 p.m., shortly after the Nichols interview had concluded. His interrogation started at 6:35 p.m., per Captain Fritz’s handwritten notes.
- 234 **Three homicide detectives:** The three detectives are M. G. Hall, C. N. Dhority, and L. D. Montgomery (CE 2003, 24 H 306). After bringing Oswald down from the jail, Detectives Sims and Graves leave and are replaced by Dhority and Montgomery. Graves obtains an affidavit from Mary E. Bledsoe, Oswald’s former landlady who saw him on McWatters’s bus shortly after the assassination (CE 2003, 24 H 301).
- 237 **7:10 p.m.:** Captain Fritz wrote in his report that these questions were asked at the 12:35–1:10 p.m. interrogation session (WR, p.607). However, the search of the

- Paine residence, during which the backyard photos were discovered, did not occur until after 1:00 p.m. Secret Service inspector Thomas Kelley correctly reported (Kelley Exhibit A, 20 H 442) that these questions were asked during the 6:00–7:15 p.m. interrogation session, after Oswald had been confronted with the pictures.
- 242 **The caller:** Captain Fritz later testified, “I have always felt that [it] was [Jack] Ruby who made that call. I may be wrong, but he was out late that night and I have always felt he might have made that call” (4 H 233).
- 243 **McCoy telephones the Dallas Police Department:** According to his April 1964 testimony, Sheriff Decker talked directly to Dallas police captain W. B. Frazier and “somebody in Fritz’s office—I don’t remember whether it was [Lieutenant] Baker or Wells, I talked to one of those persons” (12 H 49). Decker also testified that the conversation occurred at 12:30 a.m. (12 H 49). However, contemporary reports written within days of the event show this testimony to be in error. The threatening calls were received between 2:30 and 3:00 a.m. (CE 2013, 24 H 429; CE 2018, 24 H 434), and the conversation between the sheriff’s office and the Dallas Police Department occurred between 5:30 and 5:45 a.m. Police Captain Frazier reported that Deputy Sheriff McCoy called and “stated Sheriff Decker had instructed him to call the Dallas Police Department.” (Frazier Exhibit No. 5086, 19 H 770)
- 247 **Putnam assigns Officer A. R. Brock:** Officer Brock testified that around 10:45 a.m., Sergeant Putnam reassigned him to a traffic intersection, and he tended to think that a reservist, whom he saw in the general area, would cover these elevators and the door (12 H 175–176; 9 HSCA 144; Brock [Alvin R.] Exhibit No. 5113, 19 H 177). Since the reservist, per the location Brock gave Warren Commission counsel for him (Encircled words “Position of Reserve Officer, as testified to by A. R. Brock” in Brock [Alvin R.] Exhibit No. 5113, 19 H 177), wasn’t that close to the door next to the two adjacent elevators (not the third, service elevator), the HSCA said it was “troubled” by “the removal of security guards [there had only been one, Officer Brock] from the area” watching the door “shortly before the shooting” and felt, though it had no evidence to support it, that it was through this door that Ruby was more likely to have entered the basement garage than by way of the Main Street ramp (HSCA Report, p. 157; 9 HSCA 144). The HSCA said that entrance through this door would have been along an easy and relatively direct path for Ruby. Walking down Main Street from the Western Union office, Ruby, the HSCA said, would have passed an alley that had a door leading to “the first floor of the municipal building [as indicated earlier, the Dallas Municipal Building contained both City Hall and the Police and Municipal Courts Building] . . . Once inside . . . a person would . . . be able to reach the DPD [Dallas Police Department] basement parking lot by . . . a fire escape stairway” that had a door “at the basement” (9 HSCA 143). That is the door just north of the two adjacent elevators.
- Would that door have been open for Ruby? According to Sergeant Dean, no. He said he checked it and it was locked. He said he was told by an unidentified maintenance man at the time he was securing the basement that it was locked on both sides and could only be opened with a key. (12 H 423) But the HSCA said this contradicts the testimony of two maintenance men that the subject door *into* the basement from the staircase was always open (9 HSCA 143–144; 13 H 176, 179–182, WCT John Otridge Servance; 13 H 148–150, WCT Louis McKinzie).

Sergeant Dean testified there was yet another door in the basement, but “that was locked.” “Where is that?” Warren Commission counsel asked. When Dean answered unresponsively—“I had the maintenance man open this door for me”—counsel, like so many other times in Commission testimony, simply let the witness take him into a new direction without returning to try to get an answer to his original question. Dean said the door (wherever it was) was “used as a—oh, I think they sometimes throw materials—it’s not even an elevator. It appears to be an elevator door. If you open it up, it’s a straight drop into the subbasement.” (12 H 421)

- 247 **begins hitchhiking to Michigan:** Conspiracy theorists throughout the years have suggested that Larry Crafard’s sudden departure may have been connected, in some way, to the assassination. “Crafard left Dallas suddenly and *mysteriously*,” conspiracy author Mark Lane says (Lane, *Rush to Judgment*, p.270). A “*fleeing* Larry Crafard” is the way author David Scheim put it (Scheim, *Contract on America*, p.148). But they haven’t been able to come up with the smallest speck of evidence that his departure had anything to do with the murders of Kennedy and Oswald. The Warren Commission, taking cognizance of Crafard’s nomadic existence, including his hitchhiking one time with his wife and their two infant children from Dallas to Bakersfield, California, concluded that his departure “does not appear to have been uncommon for him” and saw no connection between it and the events in Dallas. The Commission accepted Crafard’s reasons for leaving, including Ruby’s having berated him for waking him up early on Sunday morning (November 24), his never considering the job anything but temporary anyway, and his not being fond of his work. In fact, he had given notice to Ruby on November 17 that he intended to quit working the next day, but Ruby talked him out of leaving. Crafard also said he wanted to visit his sister in Michigan, whom he was worried about because she hadn’t, as was her custom, answered “right away” a letter he had written to her. (WR, p.358; 13 H 469 and 14 H 37–38, WCT Curtis LaVerne Crafard; Crafard Exhibit No. 5226, 19 H 355, 358; see also CE 2429, 25 H 527–528)

It should be added that the FBI was able to locate the driver who gave the hitchhiking Crafard his first ride, a very short one, on Highway 77 out of Dallas, and it turned out to be someone who recognized Crafard because he had once bumped into Crafard at the Dallas fairgrounds. When he asked Crafard why he was leaving town, Crafard merely said he could not find work and was tired of carnival jobs. He mentioned nothing about Jack Ruby and the Carousel. What is noteworthy is that the driver did not notice any unusual or troubled behavior on Crafard’s part. (CE 2792, 26 H 181–182, FBI interview by SAs Manning C. Clements and Robert J. Anderson of Clarence Aubry Summers on June 6, 1964)

- 248 **Ruby drives over to Dealey Plaza:** There is a possibility that while Ruby was downtown, he stopped in at police headquarters. Indeed, someone heard Ruby talking to a newsman over the phone on Saturday afternoon saying he had been to City Hall (he didn’t say when) and had information Oswald was going to be transferred that afternoon (15 H 491, WCT Garnett Claud Hallmark), but it cannot be certain that Ruby had picked up this information on a visit that day to Dallas police headquarters, or whether he had learned of it the previous night. However, several witnesses claimed they saw Ruby that Saturday at the police department and their description of his conduct sounds just like Ruby. For instance, Frederic Rhein-stein, an NBC veteran from Los Angeles, said he was working in his mobile unit

parked between the front entrance to City Hall and the ramp leading down to the basement, while network newsman Tom Pettit handled the reporting from the third floor.

The first time Rheinstein said he saw the funny-looking guy in the fedora and horn-rimmed glasses was just before lunch, when the fellow pushed aside the window curtain keeping the inside of the van dark and stared in at the bank of monitors in front of the technicians. Rheinstein shooed him away, but saw him a couple more times on the sidewalk outside. Eventually they picked him up on the monitors of the cameras they had stationed up on the third floor, and one of the WBAP engineers thought he was the guy who swiped one of the chicken dinners brought in for the crew's lunch. None of them knew who he was, but every time they picked him up on the monitors, they referred to him as "the creep who was down at the truck."

Rheinstein knows the type, one of those who will do anything to get himself into what he considers high places. They are nuisances, but so omnipresent and indefatigable that they come to be not only tolerated but often almost invisible.

Some time later Rheinstein was told by a WBAP engineer that he had seen this "creep" disappear into the office on the third floor where they knew Henry Wade was and to which they themselves couldn't gain admission.

Also around noon, Philippe Labro, the correspondent of *France-Soir*, a Parisian newspaper, bumped into Ruby, who asked him who he was and what he did for a living. Labro told him, and Ruby responded, "*Oooh la la, Folies Bergères!*" That, Labro saw, just about exhausted Ruby's acquaintance with the French language. Ruby gave him a card for the Carousel and invited him to come up for a drink, and Labro noticed, as Ruby went off, that he addressed several of the police officers by their first names. A few minutes later he was back with some encouragement for the French reporter: "You fellows are having a tough time of it, but you are doing a great job—keep up the good work."

Fort Worth Star-Telegram reporter Thayer Waldo said that around four on Saturday afternoon on the third floor of Dallas police headquarters, he saw Ruby plucking on the sleeves of reporters to turn them around or slapping on their arms and handing out his cards. Ruby eventually handed Waldo a card with the names of his clubs on it, telling him, "Everybody around here knows me. Ask anybody who Jack Ruby is. As soon as you get a chance, I want all of you boys to come over to my place, the one downtown here is more convenient, and have a drink on me. I'll be seeing you." UPI photographer Frank Johnson also said he saw Ruby at City Hall "during the day" on Saturday, and French journalist Francois Pelou recalled Ruby "passing out sandwiches to members of the press" at City Hall on Saturday afternoon. (Scripps-Howard reporter Seth Kantz said beef sandwiches had shown up in the pressroom at the police department late Saturday afternoon and he was told that Jack Ruby had brought them.) (15 H 355–357, WCT Frederic Rheinstein; CE 2276, 25 H 200–201, Interview of Philippe Labro at American embassy in Paris on March 15, 1964; 15 H 586–589, WCT Thayer Waldo; CE 2326, 25 H 286 [Frank Johnson]; CE 2327, 25 H 287 [Francois Pelou], 15 H 82, WCT Seth Kantor)

This all sounds like vintage Ruby, although the Warren Commission wasn't so sure because none of the witnesses had known Ruby previously. Also, Ruby, who

had no hesitation admitting being at City Hall on Friday night, never mentioned going to City Hall on Saturday afternoon,* and no police officer, among the many who knew him, ever said they saw him at City Hall on Saturday (WR, p.347). It's certainly possible that the above-described incidents did take place Saturday afternoon, when Ruby, already downtown, would have been likely to drop in where he knew the action was. Of course, all of the witnesses, looking back several months later, could be wrong as to the day, and time of day, the incidents took place.

- 249 **“Who is Earl Warren?”**: Eva Grant, in her testimony before the Warren Commission, assumed her brother would most likely know who Warren was (15 H 337).
- 249 **going to Officer Tippit’s funeral**: In the alternative view of Ruby’s whereabouts on Saturday afternoon, Ruby told the FBI on December 21, 1963, in a brief condensed version of the afternoon, that he got up around 11:00 or 11:30 and after getting dressed (as well, presumably, as showering and having breakfast) drove downtown to see the wreaths, and he referred to his contact with James Chaney and Wes Wise in Dealey Plaza (Hall [C. Ray] Exhibit No. 3, 20 H 54). (The fact that he didn’t mention stopping at Nichols garage en route is not consequential since, as indicated, that was just a brief stop and this was a capsulized version.) The problem so far is that under this version, Ruby would have been arriving in Dealey Plaza in the early afternoon, yet Chaney said he first saw Oswald around 3:30 p.m. (CE 2324, 25 H 284), and Wise said it was around 3:00 p.m. (CE 2413, 25 H 498). Where the biggest conflict comes in is that Ruby said he went home after this and then drove back downtown to Sol’s Turf Bar, where he had the conversation with Bellocchio (Hall [C. Ray] Exhibit No. 3, 20 H 54). Though Ruby gave no time for his arrival at Sol’s Turf Bar, if Chaney and Wise were correct, it would have to be around 4:00 p.m. or later, whereas in the view set forth in the main text, he went to Sol’s Turf Bar around 2:00 p.m., which, again, if Chaney and Wise were right on their times, would have had to be *before* Ruby went to Dealey Plaza and saw them, not after, as Ruby told the FBI.

And there is support for Ruby showing up at Sol’s Turf Bar around 4:00 p.m. Although Bellocchio, in his first statement on the incident to the FBI on December 5, 1963, placed the time he saw Ruby at Sol’s “between 1:00 and 2:00 p.m.” (Bellocchio Exhibit No. 1, 19 H 161), in Bellocchio’s testimony before the Warren Commission seven months later, on June 27, 1964, he changed the time to around “4 or 4:30” because he said a friend had subsequently pointed out to him that he, the friend, had a dental appointment at 2:00 p.m. that Saturday, and didn’t get to Sol’s until around 4:00 p.m., when he said he saw Bellocchio with Ruby (15 H 468–469). Adding corroboration for this is the fact that Ruby told the FBI that he called his attorney, Kaufman, *from* Sol’s Turf Bar (Hall [C. Ray] Exhibit No. 3, 20 H 54),[†] and Ruby’s lawyer, Kaufman, testified that the call from Ruby to his home

*Even in a first-person account that he gave his lawyers before his trial of all his recollected activities from Friday morning, November 22, 1963, up to the time he shot Oswald on Sunday morning, where we can assume that at least one of his four lawyers (Belli, Howard, Tonahill, and Burleson) surely must have told him that anything he said to them was protected by the attorney-client privilege *and* that they could only effectively represent him if they knew all the facts, Ruby told them about his activities and where he went all day Saturday, including Saturday afternoon, and he said nothing about going to the police department. (Gertz, *Moment of Madness*, pp.110–112)

[†]The FBI agent’s notes may have been incorrect on where Ruby said he called his attorney from, because not only did Eva Grant clearly remember that her brother called Kaufman from her apartment, but she remem-

that afternoon “was somewhere between 3:45 and 4 o’clock” (15 H 519), and Ruby told the FBI he was at Sol’s for around forty-five minutes and left between 3:00 and 4:00 p.m. (Hall [C. Ray] Exhibit No. 3, 20 H 54).

At this point, it certainly starts to look like the 4:00 p.m. time at Sol’s was correct. But to accept this, you have to reject Bellocchio’s original recollection that Ruby was at Sol’s around 1:00 or 2:00 p.m. and reject the statement of Chaney and testimony of Wise that the Dealey Plaza incident with Ruby took place around 3:00 to 3:30 p.m. (after which Ruby himself says he went home before *later* going to Sol’s). And if that’s not bad enough, Ruby’s accountant, Abraham Kleinman, told the Warren Commission that he was also the accountant for Sol’s Turf Bar, and after getting a haircut until 2:30 or 2:45 that Saturday afternoon, he went directly to Sol’s and saw Ruby, who left a few minutes later (15 H 385–387).

It’s impossible to know how the next point affects any of what’s set forth in the text or this endnote on the matter, but Garnett Hallmark, the manager of Nichols parking garage who was present when Ruby stopped by to make his call that Saturday afternoon, said that Ruby came by the garage around 2:50 p.m. and he last saw Ruby shortly after 3:00 p.m. We know this is the same incident that his assistant Tom Brown was talking about because neither Brown nor Hallmark indicated they saw Ruby more than once that afternoon, and Brown said Hallmark was present during the phone call Ruby made, and Hallmark said that Brown “was in and out of the office while Ruby was making his telephone calls.” Yet Brown said the incident took place between 1:30 and 2:00 p.m. (CE 2341, 25 H 315), and Hallmark said the incident took place around 3:00 p.m. (Hallmark Exhibit No. 1, 20 H 68–69; 15 H 490–492, WCT Garnett Claud Hallmark). Hallmark indicated Ruby made two phone calls, saying to Hallmark, “Claud [Hallmark’s middle name], I am acting like a reporter.” Hallmark heard Ruby ask for Wes Wise, the KFLD newsman, on the phone. (This fact would indicate that Ruby had stopped by the garage earlier in the afternoon, not when Hallmark said, since it is somewhat unlikely, though not improbable, that Ruby would be calling Wise if he had just spoken to him in Dealey Plaza.) Wise wasn’t in. Hallmark then heard Ruby talking to a “Ken” about having heard that Oswald was going to be transferred to the county jail that afternoon, and heard Ruby say, “You know I’ll be there” (Hallmark Exhibit No. 1, 20 H 69). This almost undoubtedly was the telephone conversation Ruby had with Kenneth Dowe at KLIF (though Hallmark was under the impression that Ruby spoke to Ken on the same call to Wise, which would not have been possible since Wise and Dowe were at separate radio stations) where Ruby offered to be a *de facto* reporter for KLIF and Dowe agreed. (See main text.) But there’s a timing problem here too, since Dowe thinks he spoke to Ruby around 4:00 or 5:00 p.m., which is *after* the transfer was scheduled to take place (15 H 433). Oswald, as indicated, was scheduled to be transferred to the county jail that day at 4:00 p.m., so obviously Ruby wouldn’t be talking to Dowe between 4:00 and 5:00 p.m., as Dowe says, about whether Dowe was agreeable to having Ruby cover the

bered, in her statement to the FBI and her testimony before the Warren Commission, what her brother’s conversation with Kaufman was all about. She told the FBI that in her brother’s “conversation with Kaufman, he told Kaufman, ‘I don’t know why I want to connect that sign and the mail box with Oswald, but I do,’” as well as remembering other details of the conversation (Grant Exhibit No. 1, 20 H 13; 15 H 337–338, WCT Eva Grant).

transfer for him. Just before 4:00 p.m. that day, Ruby was, indeed, seen among a large crowd that had gathered in front of the county jail entrance on Houston Street between Elm and Main, but the transfer didn't take place. (6 H 314, WCT D. V. Harkness; CE 2407, 25 H 402–403)

For whatever it's worth, the Warren Commission mostly ignored the hopelessly conflicting nature of the statements and testimony of witnesses on this issue, and stated in its chronology of Ruby's activities on Saturday afternoon that Ruby first went to Dealey Plaza after leaving home, then to Nichols garage, and then to Sol's Turf Bar. At least the Commission had an opinion as to what the sequence was. My view is that the existing evidence doesn't even lend itself to any kind of informed opinion. Fortunately, the resolution of this matter is not important to any issue in the assassination.

- 249 **Around 9:30 he receives a call:** In what is almost certainly erroneous testimony, John Branch, the manager of the Empire Room (a Negro nightclub in Dallas, not the Empire Room in the Adolphus hotel) and a licensed agent for musicians, told the Warren Commission that on Saturday evening around 9:05 p.m., Ruby showed up at his club, passed out a few five-dollar bills, as he frequently did, and told Branch he wanted him to get his sister a new piano player for the Vegas Club, which Branch agreed to do. Branch said Ruby stayed about thirty to forty minutes, never spoke about the assassination, then left. Not only would this behavior by Ruby be out of character for the mental grief he was going through, as witnessed by a considerable number of people, but Ruby's schedule that night, as attested to by many people, would not allow the time it would take for his alleged visit to the Empire Room. Branch's testimony was on June 26, 1964, seven months after the assassination, and although he claims Ruby came to his club on the Saturday night after the assassination, he obviously was confusing the date of the visit. In addition to the above reasons for not believing the accuracy of his testimony, one telltale sign that he was wrong was his telling the Commission that on the night of his visit, Ruby was "in a hurry" to leave around 10:00 p.m. because he said Ruby told him he wanted to "go down to the Carousel Club" to catch a "new act" of his. Of course, we know the Carousel Club was closed that Saturday evening. (15 H 474–477; CE 2336, 25 H 303)

Before his Warren Commission testimony, Branch also told the FBI on December 9, 1963, that he saw Ruby on Saturday evening, November 23, but in this earlier statement he said he saw Ruby out on the street in front of the Hall Diner, spoke to him for about ten minutes concerning getting a piano player for the Vegas Club, and Ruby appeared perfectly normal. The December 9 interview was the result of one Mrs. John Mandell calling the FBI on November 27 to report that her maid, Eleanor Branch, Branch's wife, said her husband told her Ruby had been in the Empire Room on the evening of November 23, was in "high spirits and was passing out \$5.00 bills." But the FBI report of the December 9 interview of Branch reads that "Branch said that he did not see or hear of Ruby being in the Empire Room Dancehall or any other Negro nightclub passing out \$5 bills on November 23, 1963, or on any other occasion." (Branch Exhibit No. 1, 19 H 171–172) Before he testified in front of the Warren Commission, Branch told Commission assistant counsel that his earlier statement to the FBI was correct, but once he started testifying, he changed his mind and said Ruby was at his club that Saturday evening passing out five-dollar bills (15 H 477).

- 250 **Ruby talks of:** This was Lawrence Meyers's original testimony before the Warren Commission, telling the Commission that Ruby's competitors remaining open was what he "assumed [Jack] was talking about" when he said he was "going to do something about it," because that was the context in which Ruby made his statement. But later in his testimony, after repeating that "my assumption through my conversations with him and through knowing him is that he was talking about the Weinstens," he said, "I have since begun to believe that he was not talking about the Weinstens" when he made his remark, but about "the Kennedy family," that is, that he wanted to do something (presumably kill Oswald) for them. Meyers acknowledged that his new conclusion "I would assume . . . is based on the fact that Sunday morning he shot Lee Oswald." (15 H 634) See also an earlier FBI interview of Meyers where he said he was unsure of what Ruby was referring to by his remark (CE 2267, 25 H 191, FBI interview of Lawrence Meyers on December 3, 1963).
- 250 **Ruby caps his evening:** If sorting out the chronology of Ruby's activities on Saturday afternoon, November 23, is a nightmare, things don't improve too much for Saturday evening. Although Ruby's sister Eva put Ruby at her apartment from between around 4:00 to 8:00 p.m., and Ruby, in a statement to his lawyers before his trial, suggested essentially the same time (Gertz, *Moment of Madness*, pp.111–112), Ruby employee Andy Armstrong told the Warren Commission that Ruby was at the Carousel Club between 6:00 and 7:00 p.m. (13 H 339). But Armstrong's story doesn't stand up for several reasons. Although Eva was on pain medication from her abdominal surgery, her credibility on this issue is enhanced by the fact that time and time again she candidly acknowledged to the Warren Commission that she could not remember the exact sequence of events over that hectic weekend or their precise times. So when she said she *knows* her brother was at her apartment from around 4:00 to 8:00 p.m., it's entitled to more weight than usual. Not only did she tell the Warren Commission this very explicitly on two separate occasions (14 H 434–435, 15 H 334), but on Monday, November 25, 1963, *just two days* after Saturday, the day in question, she told the FBI that her brother was very definitely at her apartment from around 4:00 to 8:00 p.m. on Saturday (Grant Exhibit No. 1, 20 H 13). Moreover, Armstrong's testimony doesn't make too much sense. He told the Commission that Ruby had come into the Carousel shortly after Kennedy had died on Friday and told him to call everyone and tell them "the club was going to be closed until Monday," and he said he started to make the calls (13 H 333). So when he later testified that Ruby came into the Carousel around 6:00 to 7:00 p.m. on Saturday and told him "the club was going to be closed and immediately I got on the phone and started to making phone calls . . . to all the people" (13 H 333, 340), Armstrong was obviously confused, and the documentary evidence substantiates this. After Ruby told him to call the employees in the early afternoon of Friday, he said that, among others, he "tried" to get in touch with Karen "Little Lynn" Carlin by phone but "I couldn't get a hold of her" (13 H 333). And the Carousel phone records show that a call was made from the club to Carlin's residence in Fort Worth at 1:45 p.m. on Friday for one minute (CE 2303, 25 H 245–246). Armstrong also testified that when Ruby came to the club on Saturday evening and said the club would be closed and he started making calls, one was to Karen Carlin but he "couldn't reach her." But the Carousel phone records don't show any call to the Carlin residence on Saturday (CE 2307, 25 H 251).

Later Saturday night also has its problems. The evidence is strong and clear that Ruby showed up at the Carousel sometime late Saturday evening. There's the two statements of the Nichols garage attendant, Huey Reeves (CE 2287, 25 H 214; CE 2334, 25 H 297); Dallas police officer Harry Olsen and his girlfriend, Kay, saw Ruby standing outside of the Carousel around "ten or eleven at night" (14 H 635, WCT Harry N. Olsen; Kay Olsen testified it was around 9 p.m. [4 H 649]); and most importantly, the Carousel telephone records show Ruby made calls from the Carousel Club on Saturday evening and had short conversations with Ralph Paul at his residence* in Arlington, Texas, at 11:18, 11:36, and 11:47 p.m. (the last call for only one minute. Paul testified, "I told him I was sick and I was going to bed and not to call me" [15 H 672]), and called Breck Wall for two minutes in Galveston at 11:44 p.m. (CE 2307, 25 H 251). But there's the inevitable fly in the ointment. At 10:44 p.m., Ruby called Paul at Paul's restaurant for nine minutes from phone number LA 6-6258. The problem is that number is his sister Eva's phone number, which Ruby had registered under his name. (CE 2300, 25 H 235; 14 H 429, WCT Eva Grant) Eva never indicated in her testimony (though no one specifically asked her) that after Jack left at 8:00 p.m., he returned later in the evening, but she could have forgotten it if he stayed very briefly, and Ruby never mentioned going back to Eva's apartment to his lawyers. However, Ralph Paul remembers very clearly that during one of the late Saturday-night phone calls he had with Ruby (he wasn't sure exactly when it was but it had to be 10:44 p.m. or later), "he [Ruby] told me he was over at his sister's house and his sister was crying and he was crying with her" (14 H 153, 16 H 670, WCT Ralph Paul). Paul believes this conversation was the last he had with Ruby that night, but he almost has to be wrong. The last telephone call Ruby made to Paul, at 11:47 that Saturday night (as well as the previous two, at 11:36 and 11:18), was from the Carousel Club. So the crying conversation had to have taken place during the nine-minute conversation at 10:44 p.m. This makes sense since it is a little more likely that such a conversation took place during the nine-minute call at 10:44 p.m. than during any of the three later calls, which lasted one, two, and three minutes.

Since it is clear that Ruby called Paul from Eva's apartment at 10:44 p.m., it is also clear that Eva either forgot her brother had returned to her apartment for the night or didn't mention it because no one asked. But Ruby's calling Paul from Eva's apartment at 10:45 a.m. creates somewhat of a time problem for Ruby. The nine-minute call at 10:44 p.m. would have ended at 10:53. Eva's apartment was approximately three and a half miles, nine to ten minutes in traffic, from the Carousel (Telephone interview of assassination researcher Bill Drenas by author on December 31, 2004). Even if he left her apartment immediately (unlikely), that would have given him only twenty-five minutes to drive downtown to his club, park and pay the attendant the five dollars the latter had advanced Little Lynn, then walk next door and up a flight of steps to his office to make his first call to Paul from the Carousel Club at 11:18 p.m. Certainly very doable, but somehow it seems

*Ruby's first call, at 11:18 p.m., was to Paul's Bullpen Drive-In restaurant in Arlington, but Paul isn't in, so Ruby immediately hangs up and calls, within the same minute, Paul's private residence in Arlington, where he reaches Paul (CE 2307, 25 H 251).

unlikely. But again, these problems and conflicts in the chronology have no relevance to the murder of President Kennedy.

- 251 **Ruby seethes:** Some of Ruby's extreme agitation on Sunday morning is due to the Preludin he's been taking, a diet pill he believed to be harmless, but, like most prescription appetite suppressants, is basically speed, a synthetic form of Dexedrine which makes some users not only alert, but confused, anxious, and even paranoid. Ruby would later conjecture to the Warren Commission that the Preludin was an added stimulus to his emotions at the time (5 H 199). And Ruby took the witness stand at a hearing in Dallas on May 24, 1965, to determine if his attorney, Joe Tonahill, should remain on the case for Ruby's appeal and, per the *New York Times*, "said that after getting up the day he killed Oswald he took 30 antibiotic pills and some other pills that 'stimulate you and make you want to do positive things'" (*New York Times*, May 25, 1965, p.21).
- 251 **Mrs. Kennedy won't have to come back for the trial:** At the time he took a polygraph examination, Ruby said to Warren Commission counsel Arlen Specter that George Senator "was reading the [Sunday] papers and I doubt if he even recalled me saying it . . . But I was so carried away emotionally that I said—I don't know how I said it—I didn't say it in any vulgar manner—I said, 'If something happened to this person, that then Mrs. Kennedy won't have to come back for the trial.' That's all I said. Now, would you mind asking me on that particular point? That happened Sunday morning. That's the *only* time any thought ever came to my mind, because that morning I read some articles in the newspapers that she would have to come back to trial." A polygraph question was prepared on this point and Ruby passed it. (14 H 532, 584, WCT Jack Ruby)
- 253 **bring Oswald into the office:** There is a conflict as to when this last interrogation of Oswald began. Captain Fritz's notes say 10:00 a.m., but Lieutenant T. L. Baker's report says that Fritz ordered Detectives Leavelle, Graves, and Dhurity to bring Oswald down for questioning at 9:30 a.m. (CE 2003, 24 H 289). If this is accurate, surely it wouldn't have taken them a half hour to do so. And Inspector Holmes testified the interrogation began at 9:30 a.m. (7 H 296), and he wrote a memorandum to the FBI on December 19, 1963, that it started at 9:25 a.m. (CE 2064, 24 H 488). Since Holmes's estimate is tied into the time he normally went to church, it is likely to be correct.
- 257 **It will take some time to type up the final draft:** The final changes in the report were finished and the report was about to be typed up when the pathologists heard that Oswald had been shot (2 H 374, WCT Dr. James J. Humes; 7 HSCA 258; AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.4; see also ARRB MD 28).
- 257 **he can deliver it:** Dr. Humes delivered the autopsy report to Admiral George G. Burkley at 6:30 p.m. EST (DOJCD Record 186-10001-10237, January 26, 1967, p.1). Burkley issued a receipt at 6:45 p.m. (EST) for the original and six copies of the report (ARRB MD 53, Handwritten Receipt for Autopsy Report, November 24, 1963, 6:45 p.m. (EST), George G. Burkley, ARRB MD 221 attachment). A 1992 *JAMA* article erroneously reported that the autopsy report was delivered at "1700 hrs" (5:00 p.m.) (Breo, "JFK's Death—The Plain Truth from the MDs Who Did the Autopsy," p.2800). (It was 5 p.m. when Humes turned over the autopsy notes and handwritten draft of the autopsy report to Captain Stover, the com-

manding officer at the national naval medical center [CE 397, 17 H 47].) The autopsy report is assigned number A63-272, the 272nd autopsy performed that year at the Bethesda hospital.

- 257 **10:19 a.m.:** Perhaps this is not worthy of mention, but three Dallas WBAP-TV television technicians told the Warren Commission they believed they saw Ruby near City Hall from their TV truck parked on Commerce Street at various times between eight and eleven o'clock Sunday morning. The Commission concluded they were wrong for a couple of reasons. None of them knew Jack Ruby, none looked at him for any extended period of time, and "all were occupied with their duties and had no reason to remember the appearance of the man they saw" until they saw Ruby's picture on television. Also, two of the three gave descriptions that don't match Ruby at all, one describing him as an "unkempt person that possibly slept with his clothes on," whereas we know, as the Commission said, that Ruby was characteristically clean and well groomed. Another said the man was wearing a "grayish topcoat" (Ruby was not on this Sunday, and per the Commission's investigation, didn't even own one), and this witness also said the man "didn't look very neatly dressed." (WR, pp.352-353; 13 H 256-257, WCT Warren E. Richey; 13 H 279-282, WCT John Allison Smith; 13 H 292-294, WCT Ira N. Walker Jr.)

But there's a better reason for knowing the three technicians were mistaken. Telephone records show that at 10:19 a.m., Ruby was at his apartment, 4.1 miles and an estimated "15½ minutes" away (at a legal speed in normal traffic [CE 2068, 24 H 495]), talking on the phone to "Little Lynn" (CE 2019, 24 H 434). And at 11:17 a.m. he was at the Western Union office (13 H 221-226, WCT Doyle E. Lane).

- 258 **Icarus "Ike" Pappas set up a test race:** When Ike Pappas testified before the Warren Commission in July of 1964, he said he didn't recall this test race and thought that Jerry O'Leary was thinking of someone else (15 H 362, WCT Icarus M. Pappas). However, during a 1993 conference in which reporters recalled their experiences, Pappas said, "I was going to be a sharp guy, get a big scoop and interview [Oswald] upstairs. And I was with [Jeremiah] O'Leary who had the same idea . . . O'Leary practiced running up and down with me . . . [So] out comes Oswald at the appointed hour . . . [I] flew down the steps, and I was glad that I did because I had practiced it, I knew what the pitfalls were" (Hlavach and Payne, *Reporting the Kennedy Assassination*, p.123).
- 262 **a posse of detectives:** The group includes Lieutenant George Butler and Detectives Roy L. Lowrey, Charles Goolsby, L. D. Miller, Wilbur J. Cutchshaw, and William J. "Blackie" Harrison.
- 267 **"Do you want something to put over your T-shirt?":** The recollections of those present are in conflict as to whether Oswald was asked if he wanted to put something on over his T-shirt or whether Oswald himself made the request (e.g., see 7 H 357, WCT Forrest V. Sorrels; 13 H 5, WCT L. C. Graves).
- 267 **No more than a minute later:** Detective James Leavelle has thrown into question one of the arguments made by those who do not believe in a conspiracy in the assassination that if Oswald had not gotten a change of clothing, Ruby would not have made it to the basement of City Hall in time to kill Oswald. For instance, author Gerald Posner, without citation, says that without the changing of clothes, Oswald "would have left the jail almost *five minutes* earlier, while Ruby was still

inside the Western Union office” (Posner, *Case Closed*, p.395). The reason for this inference is the belief that Oswald’s clothing must have been some distance away, most likely on the fifth floor, where his jail cell was. But Leavelle said that in those days, inmates were not given jail garb to wear. “They wore the clothes on their back when they were arrested and brought in. We had no place on the fifth floor or anywhere else to store inmates’ clothing. Oswald’s extra clothing was in a small room within the homicide office no more than twenty to twenty-five steps from Fritz’s private office, where we temporarily kept odds and ends. I forget who got the clothing, but it wouldn’t have taken him more than a minute to get them” (Telephone interview of James Leavelle by author on April 24, 2004). Of course we know it took a few additional seconds to discuss which item of clothing Oswald would wear. Whether this one-minute-or-so delay was sufficiently long to make a difference in what ultimately happened will never be known.

- 270 **telephone in the jail office rings:** There is some confusion over whether Lieutenant Woodrow Wiggins was called before or after Oswald left the third-floor homicide office. On November 27, 1963, Wiggins reported that he “*had hung up the phone* when he noticed the elevator was en route to the basement” (Wiggins Exhibit No. 5074, 21 H 729). During a December 2, 1963, FBI interview, Wiggins stated that “*before*” he could hang up the phone, he noticed the elevator was en route (Wiggins Exhibit No. 5075, 21 H 731). In March 1964, Wiggins reverted to his early recollection and testified, “When I hung the phone up I looked in and could tell by the elevator lights it was on the way down” (12 H 391). Lieutenant Baker disputes that he made the call after Oswald left the homicide office, claiming he placed the call before Captain Fritz left with Oswald. After Wiggins told him all was clear, Baker reportedly told Fritz, “Everything is all set.” Fritz then left for the basement. (CE 2182, 24 H 855) And Fritz says he had someone call down to find out if everything was all right *before* he left his office with Oswald (15 H 150). In an earlier report, however, Baker wrote that “prior to leaving the office, Capt. Fritz told Det. Baker to notify the jail office they were leaving with Oswald and to have the cars ready,” leaving the impression that the call was placed *simultaneously* with Fritz’s departure, and Fritz did not ask if everything was all right before leaving the office (CE 2003, 24 H 289).
- 271 **Ruby turns left toward the ramp:** The Warren Commission concluded that Ruby entered the basement the way he said he did, by way of the Main Street ramp, which provided the most direct route to the basement from the Western Union office (WR, pp.221, 357). But for years, conspiracy theorists have maintained that Ruby did not, as he claimed, get into the basement by way of the Main Street ramp, relying on the testimony of Lieutenant Pierce, Sergeants Putnam and Maxey, and Officer Vaughn that they did not see Ruby enter the building (12 H 40, WCT Rio Sam Pierce; 12 H 346, WCT James A. Putnam; 12 H 287, WCT Billy Joe Maxey; 12 H 363, WCT Roy Eugene Vaughn). From that they conclude, “If Ruby . . . did not go down that ramp, then he had help getting in” (Brown, *Treachery in Dallas*, p.171), ergo, a conspiracy in the assassination of Kennedy (whose killer Ruby supposedly “silenced”) involving the Dallas Police Department. Indeed, without any evidence to support its conclusion other than the denial of seeing Ruby by the aforementioned four police officers, and the friendly relationship Ruby had with many members of the police department, the HSCA, though not necessarily embracing

the conspiracy theory, concluded that “it was less likely that Ruby entered the police basement without assistance, even though the assistance may have been provided with no knowledge of Ruby’s intentions.” And again, without any evidence to support its conclusion, the HSCA concluded Ruby’s “most likely route [into the basement] was an alleyway located next to the Dallas Municipal Building and a stairway leading to the basement garage,” adding that it was “troubled by the apparently unlocked doors along the stairway route and the removal of security guards from the area of the garage nearest the stairway shortly before the shooting” (HSCA Report, pp.156–157).*

But just how much can we rely on the testimony of four officers (that they didn’t see Ruby) as a basis to conclude that he wasn’t there? Of the four, only Vaughn seemed to be very confident that Ruby didn’t enter through the Main Street ramp. I’m certainly not accusing Vaughn of lying (in fact, he passed a polygraph test that he was not lying [CE 2002, 24 H 180]), but his extremely consequential blunder in not spotting and stopping Ruby from entering the basement (if Ruby did in fact do so) would give him far more reason than anyone else to state, as he did, that he was satisfied “beyond a *reasonable* doubt” (not *all* doubt) that Ruby did not do so. And we also know that Vaughn was very distracted at the time of the incident—walking out of the ramp, clearing away the small group of people who had congregated at the top of the ramp, and making sure eastbound traffic on Main was clear for Pierce’s car to enter Main Street. (12 H 361, 363–364, WCT Roy Eugene Vaughn)

And the other officers weren’t confident at all. Maxey simply said he did not see Ruby at the ramp, without saying, like Vaughn, that Ruby wasn’t there (12 H 287). When Putnam was asked, “Can you specifically say that Ruby was not there?” he answered, “No, sir,” unable to say anything other than that he didn’t see him (12 H 346). And Pierce went further, testifying, “I’m saying the possibilities are very great that had he [Ruby] been there I might *not* have seen him. I mean, due to the time element, and more or less concerned with getting across the sidewalk and into the street . . . I am saying the possibilities are very good that I might not have seen him had he been there” (12 H 340).

Napoleon J. Daniels, a former Dallas police officer who was positioned on the sidewalk on the Western Union side (eastside) of the ramp has some credibility problems with the stories he has told. Officer Vaughn had seen Daniels, whom he knew, standing on the sidewalk to his right, so he naturally called Daniels at his home the next day (November 25) and asked him if he recalled seeing Rio Pierce’s car coming out of the basement. “Yes, sure,” Daniels said. “Well, did you see anybody go down that basement *while* that car was coming out?” “No, definitely not. There was nobody,” Daniels said. Vaughn told Daniels, “That’s the way Ruby said

*The HSCA may have been partly influenced in its conclusion by the fact that Dallas police sergeant Patrick Dean, who was in charge of basement security at the time Ruby shot Oswald, told the HSCA that he requested of Dallas police chief Jesse Curry that he be given a polygraph, was given one, and “failed” the test. The HSCA was unable to find the test or any report of it and concluded that the Dallas Police Department may have withheld this information from the Warren Commission. (9 HSCA 139; HSCA Report, p.158) Dean said that on the particular day of the lie detector test in May of 1964, he “was nervous and hypersensitive so I flunked it, or *rather it was inconclusive.*” Dallas police officer P. L. Bentley was the polygrapher who gave Dean the test but told the *Dallas Morning News* that “I just don’t recall how Dean’s [test] came out” (Earl Golz, “Ex-Officer Fears ‘Set-Up,’” *Dallas Morning News*, March 25, 1979, p.34A).

he got in,” thanked Daniels, and said good-bye. (12 H 361–362, 369, WCT Roy Eugene Vaughn) But four days later, he said he did see a man come from the Western Union side of the ramp and enter it after Rio Pierce’s car had left the ramp. He gave an affidavit to the State of Texas, County of Dallas, on November 29, 1963, that “I did not see Officer Vaughn challenge this person *nor did he show any signs of recognizing him, nor even being aware that he was passing*, but I know that he saw him. It struck me odd at the time that Officer Vaughn did not say something to this man” (Daniels Exhibit No. 5325, 19 H 420). Just short of a week later, on December 4, 1963, Daniels told the FBI that the man he saw looked vaguely familiar to him, as someone he had seen around the police station, and was partly bald. When shown photographs of Ruby he said the man looked “similar” to Ruby, but could not say it was he. He said the man had an intent look on his face and was walking fairly fast. (Daniels Exhibit No. 5326, 19 H 422–423) By the time Daniels testified before the Warren Commission on April 16, 1964, he gave testimony that was encouraging to those who feel the Dallas Police Department was in on the assassination, saying that not only did Vaughn see the man enter, but Daniels got “the impression . . . that Vaughn knew him and maybe he had let him . . . go on down” (12 H 232). The problem is that his “impression” came over four and a half months after he had the opposite impression.

The Dallas Police Department gave Daniels a polygraph test on his Ruby allegation, and according to Vaughn and fellow officer Donald Flusche, he failed the test (Sneed, *No More Silence*, pp.452, 460). Daniels may have had a motive for trying to make the Dallas Police Department look bad. When he was with the department, Daniels, who was black, was found to be working (trying to collect rent for someone whose real estate he was managing) while on duty, and he was fired from the force. Dallas police captain W. R. Westbrook told Larry Sneed that Daniels failed a polygraph, and the inference is that the polygraph pertained to the matter for which he was fired. However, Westbrook indicates Daniels also took a polygraph on the Ruby matter, but unlike Vaughn and Flusche, he did not say what the result was. (Sneed, *No More Silence*, pp.321–322)

Though Daniels’s stories can easily be dismissed, the statement of another witness, Dallas police officer Donald Flusche, cannot. In 1978, Flusche told the HSCA as well as Dallas police captain Jack Revill that on the subject Sunday morning, he had parked his patrol car on Main Street across the street from the police and courts building. While standing outside his car with the door open, he was monitoring his police radio, just watching what was happening, and hoping to see Lee Harvey Oswald being moved to the sheriff’s office. Flusche said he knew Jack Ruby and he did not see Ruby walk down Main Street (which would have been right across the street from where Flusche was) and enter the ramp from Main Street leading down into the police basement. Neither Revill nor the HSCA questioned Flusche’s credibility, which is not the same thing as saying they believed that Flusche’s word conclusively proves that Ruby did not enter the Main Street ramp. Revill did say that Flusche’s statement “tends to dispute the findings of the investigative team [Dallas Police Department investigation of the issue of how Ruby got into the basement—see later discussion] I was assigned to. I don’t know.” (4 HSCA 588, 590; 9 HSCA 134; JFK Document 009689, HSCA staff interview of Donald Flusche on June 7, 1978; 4 HSCA 593–596; Sneed, *No More Silence*, pp.459–461)

One big problem with Flusche's statement is why it first surfaced in 1978, fifteen years after the event. Flusche claims he didn't wait, that he told his superior, Lieutenant Earl Knox, about it verbally the following day and also told Knox about it in a "handwritten account on one of those legal-size tablets." (Sneed, *No More Silence*, p.460; 4 HSCA 595) But that only increases, not decreases, the problem of Flusche's credibility. The Dallas Police Department conducted a very thorough three-week investigation of how Ruby got into the police basement, interviewing many Dallas police officers. If, for some reason, Flusche never knew about this investigation (one I would expect every member of the force to know about by word of mouth), it is inconceivable that Lieutenant Knox would not have known about it. Yet we know that not only Flusche but also Knox never came forward with this important information, which they would have had to know the police department's investigative team would have wanted.*

So are we just left with conjecture to reach a conclusion on the issue of how Ruby entered the police basement? No, there is evidence, common sense, and Ruby's knowledge of events that prove he entered through the Main Street ramp. The evidence is that Jimmy Turner, the TV director at WBAP-TV in Fort Worth who was on assignment for NBC on November 24, testified that he saw Ruby coming down the Main Street ramp no more than a half minute before Ruby shot Oswald. When Warren Commission counsel asked Turner, "Is there any doubt in your mind that the man you saw [come down the ramp] was the man that you later saw step forward and shoot Oswald?" Turner answered, "No, sir, and without a doubt in my mind, sir." (13 H 130-131, 136, 141; Turner [Jimmy] Exhibit No. 5080, 21 H 680).† The common sense here is that if Ruby entered the basement the way the HSCA said he probably did, why wouldn't he admit it? He certainly could assume that an officer or officers would be at the entrance to the two ramps, most likely along with other people. Why say he entered at the Main Street ramp if he knew he didn't and witnesses would say they never saw him?

The virtual proof that Ruby came down the Main Street ramp is that within a half hour of his arrest, and right after he was taken from the basement to the jail on the fifth floor (which was long *before* Pierce, Putnam, Vaughn, and Maxey had been interviewed and given their statements), Ruby told Dallas police detective Barnard Clardy and other detectives that he had entered through the Main Street

* Another witness who claimed that Ruby did not enter the basement from Main Street was Harry Tasker, a Dallas cabdriver who testified that he was parked on the opposite side of the Main Street ramp for about an hour prior to the shooting, having been retained by a reporter to wait for him until he came out of City Hall through the Main Street ramp. From his position across the street he said he could see the Main Street entrance to the ramp and anyone walking on Main Street, if such were the case, from the Western Union office toward the ramp. He said he saw no one do so. (15 H 679-683, WCT Harry T. Tasker) Tasker's testimony was on August 24, 1964. But way back on December 6 and 9, 1963, which was shortly after the shooting, he told the FBI a different story, saying that for about five minutes before the shooting he had left his cab and was standing near the Main Street ramp with the people congregated there. The focus of his statements at that time is that he saw no one enter the ramp, not that he saw no one walking on Main toward the ramp. (CE 2035, 24 H 447; CE 2063, 24 H 488) Since Tasker, per his earlier, more reliable statements, was standing among the crowd of people (he estimated around fifty on each side of the ramp) at the ramp, he was in no better position than anyone else in the crowd to see Ruby walking along Main, and if he was on the Western Union side of the ramp, he would almost assuredly have had his back to Ruby.

† Terrance McGarry, a UPI reporter who was on the Main Street ramp at the time, said he did not see anyone come down the ramp, though he acknowledged he did not know Ruby and that most of the time he was concentrating on Oswald's imminent departure from the basement jail office (CE 2050, 24 H 465).

ramp and had seen Lieutenant Pierce driving out of the ramp (12 H 412, WCT Barnard S. Clardy; 12 H 437, WCT Patrick Trevore Dean). How could Ruby possibly have known this if he hadn't, in fact, been at the entrance to the Main Street ramp? I mean, Pierce himself didn't even receive instructions to drive out of the Main Street ramp until around 11:15 a.m., just six minutes before Ruby shot Oswald (12 H 339, WCT Rio Sam Pierce).

Indeed, although Ruby probably also told the authorities additional details in this very first interview (though Clardy, in his brief summary of the interview during his Warren Commission testimony, never mentioned it), the next day, November 25, Ruby added details that he could never have known if he hadn't seen them with his own eyes. He said that when "Lieutenant Pierce came out of the basement ramp, the officer on duty at the entrance [Vaughn] stepped back and walked toward the curb next to the street with his back toward me" (Hall [C. Ray] Exhibit No. 3, 20 H 56). And this is precisely what Vaughn did, as the statements and testimony of the four officers attest. For example, Vaughn admits that as Pierce's car started to come up the ramp, he was a few feet "inside the ramp" and was not on the sidewalk, necessitating, of course, his having to walk backward as the car approached the top of the ramp. And he says he "stepped out on the sidewalk somewhere between the sidewalk and the curb," and his back was facing "towards the east," which, of course, is where Ruby, coming from the Western Union, was walking from. (12 H 360–361) And Pierce says Vaughn moved "toward the street . . . to let us out," that is, he was moving backward. Pierce adds that Vaughn "was facing me," meaning Vaughn's back had to be facing Ruby. (12 H 339–340) Putnam said that Vaughn "stepped to the right and . . . to the curb" and was "facing us," meaning he stepped backward and his back was facing Ruby (12 H 345). Ruby also said that the car stopped on the sidewalk for a moment (Hall [C. Ray] Exhibit No. 3, 20 H 56), and Sergeant Maxey confirmed that it did (12 H 287).

On November 29, 1963, Dallas police chief Jesse Curry appointed an investigative team to determine the "operational security involving the transfer of Lee Harvey Oswald on November 24, 1963," that is, how Ruby got into the basement and was able to kill Oswald. On December 19, the team, headed by Inspector of Police J. H. Sawyer and Police Captains W. R. Westbrook and O. A. Jones, submitted its comprehensive 145-page report, for which it interrogated 123 persons, including police officers, members of the media, and civilians. The report concluded, "This investigative team believes that Jack Ruby entered the Main Street ramp as the car driven by Lieutenant Rio Pierce was leaving the basement. Patrolman R. E. Vaughn was the only officer guarding the Main Street ramp at this time, and he had stepped into Main Street to halt traffic in order that Lieutenant Pierce could make a left turn onto Main Street" (CE 2002, 24 H 48, 53–54). Note that if the Dallas Police Department investigative team had any reason to lie, it would not have been to place full blame for Oswald's death on the negligence of its own department, as it did.

Chief Curry would later tell author Seth Kantor that he never criticized Vaughn, or called the patrolman into his office, or put any reprimand of Vaughn into the record. "For years," he said, "I didn't even mention it to anybody. I just didn't want them to think I was trying to shift the blame onto him. But actually, when it comes down to it, that's what happened. He let Ruby get by him there. All

he had was eight feet to look after, and he didn't look after it." (Interview of Jesse Curry by Seth Kantor on July 27, 1976; Kantor, *Ruby Cover-Up*, pp.142, 151)

It should be noted in passing that if any member or members of the Dallas Police Department let Ruby into the basement innocently, as the HSCA speculates may have happened, then this whole discussion and the issue are moot. If they let him in to silence Oswald, this would necessarily mean that members of the Dallas Police Department (or the leadership itself, as some conspiracy theorists have alleged) were part of the conspiracy to murder Kennedy, which no rational person would want to conclude, at least in the absence of evidence, of which there is none.

- 272 **His swift and accurate reporting [footnote]:** One gaffe by Dan Rather was his reporting over CBS radio and TV on the Monday following the assassination that Kennedy's head "went forward with considerable violence" (radio) and "violently forward" (TV) instead of its actual direction of backwards when struck by the fatal shot to the head (Trask, *Pictures of the Pain*, pp.86–87, 89).
- 273 **"Is it okay?":** Leavelle told the Warren Commission that when he asked if the way was clear, Captain Fritz answered, "Everything is all set." If this is what happened, Oswald's murder was due to Fritz's considerable negligence. If so, it would be a terrible cap to a sterling law enforcement career. Indeed, Leavelle said, "The captain [Fritz] should have known that the car was not in the position it should be . . . If the car had been sitting where we were told it was going to be, see, it would have been sitting directly upon the spot where Ruby was standing when he fired the shot." Although Leavelle's version may, of course, be correct, I have rejected it for the narrative here because the weight of the evidence is that it is not. Detective Wilbur Cutchshaw says that when Leavelle asked, "Is it okay?" it was he, Cutchshaw, who answered Leavelle, saying, "Okay, come on out, Jim," and Cutchshaw, who would have had every reason to put the blame for the disaster on Fritz's shoulders rather than his own, doesn't mention Fritz as being a part of this exchange in any way. Moreover, if Leavelle asked Fritz, why would Cutchshaw answer for Fritz? For his own part, Fritz told the Warren Commission, "We thought we had clearance," telling the Commission that when he emerged from the jail office, he asked if the way was clear and "two officers," a detective whom he didn't identify and Lieutenant Woodrow Wiggins, answered that everything was clear. And Wiggins, understandably not wanting to admit his negligence, for all intents and purposes did. He told the Commission, "As they came off the elevator, Captain Fritz was the first man off, and he said, 'Are they ready?' . . . I don't recall whether I ever answered him or not . . . [but] if I . . . would have answered him, I am sure I would have told him that it was ready, but I don't recall whether I did or didn't because I *presumed* they were ready, as everyone else did." (13 H 17, WCT James R. Leavelle; Cutchshaw Exhibit No. 5042, 19 H 411; 15 H 151, WCT John Will Fritz; 12 H 392, WCT Woodrow Wiggins) Woodrow, you may not know whether or not you answered Fritz, but I do, even though I wasn't there. When your boss, the head of detectives for thirty-one years at the time, asked you a simple, but extremely important question, you didn't just stare at him. You answered him.
- 273 **Oswald turns slightly:** A French newspaper journalist, Francois Pelou, reported that when Oswald turned to his left, Pelou followed his gaze and caught sight of Jack Ruby as he lunged from the crowd. Pelou later surmised, from his *own* observation, that Oswald probably saw Ruby too, and reported "that Oswald saw his

killer before anyone else” (CE 2002, 24 H 152). Pelou’s story eventually evolved into a rumor that Oswald recognized Ruby as he lunged from the crowd. Conspiracy theorists later used this as a basis to claim that Oswald and Ruby knew each other (e.g., Letter from Mark Grossman to author, December 22, 1988, p.3, alleging that a CBS film clip “shows Oswald look toward Ruby”).

- 273 **“Jack, you son of a bitch, don’t”:** In an interview with the AP on the afternoon of the shooting, Detective Billy H. Combest said his words were “Jack, you son of a bitch” (*Pittsburgh Post-Gazette*, November 25, 1963, p.3). Although he would later say he said the name Ruby after Jack (Combest Exhibit No. 5101, 19 H 350), others only recall hearing the Jack (e.g., 15 H 381, WCT John G. McCullough; 12 H 20, WCT Charles Batchelor; Sneed, *No More Silence*, p.415).

Detectives Don Ray Archer and Thomas McMillon thought Jack Ruby was the one who made some sort of statement as he fired the shot. All Archer could make out was “son of a bitch” (12 H 399), while McMillon thought Ruby had said, “You rat son of a bitch, you shot the president!” (McMillon Exhibit No. 5017, 20 H 557; CE 2409, 25 H 410, Testimony of Thomas McMillon at Ruby’s trial) Ruby himself told the Warren Commission that he said, “You killed my president, you rat” (5 H 200). And Officer Combest said that Ruby appeared to be “cursing Oswald,” but couldn’t make out his words (12 H 179). However, as noted in the text, the FBI conducted an analysis of Ike Pappas’s audio recording of the shooting and was unable to hear any words uttered by Ruby around the time he fired the shot (FBI Record 124-10072-10368, Letter from J. Edgar Hoover to J. Lee Rankin on July 17, 1964; see also CD 1314, Letter from Hoover to Rankin, July 29, 1964; CD1314a, Ike Pappas recording, available at National Archives; CD 1260, FBI interview of Ike Pappas on June 30, 1964).

- 275 **Sorrels and Kelley are standing just outside:** Agent Kelley wrote that he and Agent Sorrels were talking with Chief Curry when they heard Oswald had been shot (Kelley Exhibit A, 20 H 444).
- 281 **11:25 a.m.:** The ambulance call sheet records the arrival time as 11:24 a.m., three minutes after the shooting (CE 5126, 20 H 81); however, KRLD-TV videotape coverage shows four minutes and twenty-six seconds elapsing between the shooting and the arrival of the ambulance (KRLD-TV, Collection, November 24, 1963, 11:25 a.m., reel 14, Sixth Floor Museum at Dealey Plaza).
- 281 **he may already be dead:** Shortly before arriving at Parkland, Oswald stretched out and groaned, “Ohhhhh!” He then went limp, and both Detectives Leavelle and Graves believed Oswald died at that point. (Sneed, *No More Silence*, pp.379, 397–398) We know, of course, that Oswald did not in fact die at this moment, an audible heartbeat being detectable on the operating table in the emergency room at Parkland (6 H 112, WCT Dr. George T. Shires; 3 H 384, WCT Dr. Malcolm O. Perry).
- 281 **Oswald suddenly starts thrashing about:** Detective Dhority testified that Oswald started a “muscle reaction” just as they approached the hospital (7 H 158).
- 281 **sacrilege to treat Oswald in Trauma Room One:** In a November 27, 1963, memorandum, Dallas County Hospital administrator Charles Jack Price wrote that when it was learned that Oswald was being brought to the hospital, Dr. Charles Crenshaw asked him, “You’re not going to put [Oswald] in the same room the president was in, are you?” Price told Crenshaw he was glad he had thought of it and agreed that Oswald shouldn’t be treated in the same room where the president died.

- (Price Exhibit No. 34, 21 H 265) In his 1992 book, Dr. Crenshaw wrote that when he noticed two nurses preparing Trauma Room One, he told one of them, “In deference to President Kennedy, we will not treat this patient in Trauma Room One. When Oswald arrives, put him in Trauma Room Two” (Crenshaw with Hansen and Shaw, *JFK: Conspiracy of Silence*, p.180). Triage nurse (a nurse whose job it is to screen or sort patients based on what service is initially required) Bertha L. Lozano reported that when she “noticed a doctor in Trauma One waiting for [Oswald], I screamed at him that we would not take care of Mr. Oswald in number one, but had already set up number two” (Price Exhibit No. 20, 21 H 215).
- 285 **Sam Pierce:** Sergeant Dean testified that Lieutenant Rio Sam Pierce often went by both first names, Rio or Sam (12 H 432–433).
- 285 **“I just walked in”:** Contrary to this March 1964 testimony of his, Sergeant Dean told the FBI on December 2, 1963, that Ruby claimed to have been in the basement “two or three minutes” before Oswald appeared (Dean Exhibit No. 5008, 19 H 436–437).
- 290 **without taking anything with them:** Though Detectives Rose, Moore, and Adamcik took no photographs when they searched Ruby’s apartment, Rose identified a photograph of Ruby’s bedroom taken later in the afternoon by a photographer from the *Dallas Times Herald* as depicting about what the bedroom looked like when he and his fellow detectives entered it. Rose said he and his searching party tried to put everything they looked at in Ruby’s apartment “back in exactly the same place” they found it. (CD 1317, FBI SA Raymond P. Yelchak’s interview of Guy Rose on July 23, 1964)
- 293 **failing to protect Oswald:** But was it the fault of the Dallas Police Department? Partially (in Ruby sneaking past a Dallas police officer at the top of the ramp), for sure. Whether the department was fully responsible is a question that is more difficult to answer. That the Dallas Police Department has been blamed completely for what happened is well known and is accepted by virtually everyone—everyone, that is, except many members of the Dallas police force who feel positive the force is not to blame. We should start the brief inquiry by acknowledging that when Warren Commission counsel asked Dallas police chief Jesse E. Curry, “Was there any kind of influence of any sort whatsoever or suggestions exercised upon you or made to you concerning the transfer of Oswald by either Mayor Cabell or City Manager Crull?” he answered, “No, sir, they left it up to me . . . We were trying in the police department to let the press have an opportunity to observe the proceedings as they were. This is an event that had not been . . . seen or heard, I think, in this century” (12 H 39). Most believed that Curry felt (accurately) the reputation of the Dallas Police Department in the eyes of the national and international media was at stake, and so he took every opportunity to accommodate the media and demonstrate to them that Oswald was physically okay and had not been beaten or mistreated (15 H 142, WCT Elgin Crull; see also 4 H 219, WCT John Will Fritz). He also promised them that they would be allowed to take pictures during Oswald’s transfer from the police department to the sheriff’s office (see 4 H 219, WCT John Will Fritz; 13 H 17, WCT James R. Leavelle).

Where the question of culpability comes in is that under the Dallas city charter, the most powerful man in city government is the city manager, not the mayor, who is mostly a ceremonial figurehead. The city manager had supervisory control

over virtually all city departments, including the police department. In fact, the city manager at the time, Elgin Crull, had personally hired Chief Curry and had the power to fire him. Former Dallas sheriff Jim Bowles, who spent thirty years with the Dallas Police Department, told me, “Crull was the *only* one who could have fired Curry, and he could have done it on his own.” And when Warren Commission counsel asked Crull, “You would have the authority to direct the chief [of police] to do or not to do any action that you thought,” Crull answered, “That’s right, any department head.” (15 H 139–140; Telephone interview of Jim Bowles by author on January 23, 2006) When Warren Commission counsel asked, “As you know, there has been at least one statement to the effect that Chief Curry was ‘taking the rap for higher-ups who insisted that Oswald be transferred in daylight hours in order to accommodate the press and other news media,’” Crull answered, “So far as I am concerned, Chief Curry was given no instructions whatsoever as to the transfer, and I feel quite confident that Mayor Cabell didn’t.” Crull added that not only did Cabell say he didn’t, but it was Crull who had responsibility over the police department, not the mayor. Crull said, “I think the statement is completely untrue.” (13 H 143–145) And as we’ve seen, Curry supports what Crull said. But was he doing it to save his job?

Since Curry has died, no one will ever know the answer to that question. But one thing is clear. The members of the Dallas Police Department who were there, and therefore in a much better position to hear and know what was going on, have no question in their minds that it was Crull who made the decision to transfer Oswald right out in the open. Here are some of their remarks: Dallas police sergeant Gerald Hill said, “I want to defend Chief Curry because the idea of transferring Oswald the way he was, was not Curry’s idea. He objected to it. But in Dallas city government, the chief of police has a boss . . . the city manager . . . Elgin Crull. His attitude was ‘because of the black eye the city of Dallas already had because of Kennedy being killed here,’ [he] wanted to cooperate with the press . . . Crull gave the chief of police a direct order” (Sneed, *No More Silence*, p.302). Dallas police captain W. R. Westbrook said, “I don’t know whether Curry had a sense of guilt that he just didn’t disregard the city manager’s orders, which is what I think he should have done. I think he would have ridden the storm by doing it and moved [Oswald] that night about 10:30 or 11:00 by car to the county jail. Then, the next morning, he could have apologized to the media claiming that he had misunderstood, and I think he could have gotten away with it” (Sneed, *No More Silence*, p.324). Dallas police detective L. C. Graves, who, along with Jim Leavelle, was Oswald’s escort into the police basement, in discussing why Oswald was transferred the way he was, said, “I lay the blame where it belongs, and that was with Elgin Crull, the city manager . . . The city manager had control . . . over just about everything that happened in the city, including the police department. And Elgin Crull was an ex-newspaperman, so I think that accounted for his leniency towards the press and why he let them have the run of City Hall when the influx of newsmen flooded us . . . It was under his orders and instructions, not those of Jesse Curry, that the situation developed as it did and was carried out as it was, yet I never heard him take any of the blame for it after it was done” (Sneed, *No More Silence*, pp.383–384).

I think it is noteworthy that these members of the Dallas Police Department

spoke with certainty about the subject, as if they knew what happened, as opposed to merely having their own ideas about what happened.

Even someone outside the Dallas Police Department, but in Dallas law enforcement, Dallas deputy sheriff Jack Faulkner, said, “I think the reason the city handled the transfer [as opposed to the sheriff’s office, which normally would have handled the transfer] was because Elgin Crull, the city manager, who was an ex-newspaperman with the *Dallas Morning News*, had promised all these newsmen their pictures” (Sneed, *No More Silence*, p.218).

- 296 **Several Dallas police officers are standing nearby:** Homicide detectives Charles Dhority and Charles Brown are two of the police officers who accompanied Oswald’s body from the second-floor operating room to the X-ray Department on the first floor. They were present when Marina and Marguerite viewed the body, as was Sergeant Patrick T. Dean. After the women left, Brown and Dhority accompanied the body to the morgue at Parkland Hospital and witnessed the postmortem photos being taken by Dr. Earl F. Rose. Brown and Dhority left for City Hall as Dr. Rose began the autopsy. (CE 2003, 24 H 290, 298; 12 H 434, WCT Patrick Trevore Dean)
- 298 **“Did you use a press badge?”:** This was one of the early rumors circulating among the press in the City Hall basement. Investigation revealed that Ruby did not have a press card or badge in his possession after his arrest (CE 2417, 25 H 516, 519 [No.11109G]).
- 298 **“Did you help bring in a camera or press equipment?”:** Another early rumor circulated that Ruby had helped two television men push a camera into the basement garage. This rumor was based on the observations of Detective Wilbur J. Cutchshaw, who saw three men pushing a WBAP-TV camera into the basement two to three minutes before the shooting. Immediately after the shooting, Cutchshaw stopped and questioned the television crew when he noticed only two of the men pushing the camera out of the basement. (12 H 210, 212, 215–217, 220–223, WCT Wilbur Jay Cutchshaw) Later investigation showed that a third WBAP-TV crew member, Jimmie L. Turner, had been the one who helped get the camera into the basement (CE 2002, 24 H 178, Letter from Lieutenant C. C. Wallace to J. E. Curry, December 18, 1963).
- 298 **a scene eerily reminiscent:** Captain Fritz testified that the interrogation began at 3:05 p.m. (4 H 244).
- 299 **Ruby doesn’t say any more about how he got into the basement:** FBI agent C. Ray Hall testified that Ruby’s refusal to say how he got in occurred before his meeting with attorney Tom Howard. Agent Hall added that “a majority of the interview had been conducted before then.” (15 H 67)
- 301 **“The case is cleared”:** On his own, Captain Fritz may not have said that the case was “cleared” (i.e., closed), and should not have said it even in response to a reporter’s leading question, and Fritz was criticized for saying what he did. But Dallas police captain W. R. “Pinky” Westbrook, talking about Fritz’s statement, probably wasn’t too far off when he observed that “later investigations were conducted by the FBI, the Secret Service, the [state] attorney general’s office, and other agencies, plus the Warren Commission. After all that, there was not one relevant piece of evidence which proved Oswald guilty or not guilty that Fritz didn’t have by 6:00 that evening” (Sneed, *No More Silence*, p.324). It’s easy to forget that, not

depreciating the excellent job of investigation done by the FBI in this case, the Dallas Police Department, within forty-eight hours of the assassination, had accumulated most of the hard evidence against Oswald that would prove his guilt beyond all doubt. This is why Fritz, a very experienced homicide detective, said “there is *no doubt* in my mind about Oswald being the man.”

302 **the perfect spot to keep the Oswalds:** The Secret Service decision to temporarily house the Oswalds at the Inn of the Six Flags would prove to have considerable consequences for Marina and the motel manager, James Martin. He had greeted and situated Marina and the other Oswalds in rooms when they arrived at the inn, and when he learned in a few days that the Secret Service was concerned about where Marina would stay after the brief period at the motel, Martin, who had had Marina, her children, and Robert over to his home for Thanksgiving dinner, volunteered to let Marina and her two children move into his home with his wife and three children. When the suggestion met with everyone’s approval, including that of the Secret Service, Marina moved into the Martins’ Dallas home shortly after Thanksgiving and stayed for two and a half months. There were two Secret Service agents and a Dallas police officer at the home twenty-four hours a day, so the house was crowded. (HSCA Record 180-10083-10193, July 28, 1978, p.29) During that time, monetary offers were coming in to Marina for newspaper and magazine interviews, as well as for TV and movie rights to her story. Martin quit his job at the inn and became Marina’s personal manager, signing a ten-year contract on December 6, 1963, that guaranteed him 15 percent of her earnings. This did not include any share of the thousands of dollars Marina was receiving in donations from the American public, the amount eventually reaching \$65,795, which, together with \$5,000 from the sale of one of the backyard photos to *Life* magazine, was enough to allow Marina to buy a modest home in Richardson, a town near Dallas. (CE 276, 16 H 770–773; \$65,795: *New York Times*, May 20, 1964, p.35; see also 5 H 604, WCT Marina N. Oswald, and McMillan, *Marina and Lee*, pp.561–562) Martin also got a lawyer for Marina, John Thorne, to handle all of her legal affairs for 10 percent of her earnings (CE 279, 16 H 785), and Marina insisted on wanting Robert Oswald to share in her earnings, even though how he would earn his share was not clear—the contract she signed with him merely containing language like “he will devote as much time as is necessary to my affairs” (CE 277, 16 H 778). Martin told the Warren Commission that he took Marina into his home because “I felt sorry for her.” He felt his job was to try “to keep the news media away from her and at the same time . . . sell her story.” (1 H 471–477, 497) But apparently he had other interests too, mainly Marina herself.

As early as December 29, 1963, while visiting Robert Oswald and his wife, Vada, Marina confided to Vada that Martin had professed his love for her. Marina told Vada she liked Martin as a friend and as her business manager, but was not in love with him. Vada cautioned Marina to make it very clear to Martin what their relationship was and was not, and did not tell Robert what she had learned from Marina. Martin and Thorne thereafter accompanied Marina to Washington, D.C., for her testimony before the Warren Commission starting on February 3, 1964. On February 9, after Marina had returned from Washington, Robert (whom Vada had finally told a few days earlier about Martin’s love for Marina) and Vada drove

to the Martin residence and persuaded Marina to stop staying there and to come stay with them at their home in Denton. Marina left the Martin residence that same day. The following day at Robert and Vada's home, Marina confided to Vada that she had consented to having sexual relations with Martin on one of the nights she was in Washington after Martin insisted that he loved her and assured her he would leave his wife. Though Martin stayed in her room on two of the nights, this was the sole time she had been intimate with him.

The following day, February 11, when Marina returned to the Martin residence to pick up her clothes, Mrs. Martin confronted her about "the talk" concerning Marina's relationship with her husband, but Marina made no comment. However, after returning to Robert and Vada's home that day, she called Martin and when she found out Mrs. Martin was listening on an extension phone, she proceeded to tell her of the relationship she had had with her husband. (FBI Record 124-10041-10041, FBI interview of Vada Oswald on February 24, 1964, pp.1-4)*

Marina stayed at the Oswalds' for only a few nights, moving in on February 12 to the residence in Dallas of Declan and Katya Ford, Vada believing that Marina felt she was inconveniencing the Oswalds. She also thought that Marina enjoyed talking to her friend Katya in Russian. (FBI Record 124-10041-10041, p.3)

On February 18, William McKenzie, a lawyer retained by Robert to represent Marina in the future, wrote Martin a letter notifying him that Marina no longer wanted him to represent her, and asking for an accounting of all monies earned by Marina up to that point. (1 H 491-492, WCT James Herbert Martin; McKenzie letter: CE 274, 16 H 766)†

But Martin and Thorne didn't go away quietly into the night. Having already negotiated several contracts for Marina for film, book, magazine, and newspaper rights that would give her \$132,000 in advance monies alone, some of which had already been paid (1 H 492, 2 H 24, WCT James Herbert Martin; CE 325, 16 H 917), they refused to accede to Marina's attempt to discharge them, saying their contracts with her were irrevocable (*New York Times*, February 23, 1964, p.38). They sued Marina for breach of contract but eventually settled out of court for \$12,500 (Aynsworth with Michaud, *JFK: Breaking the News*, p.145; HSCA Record 180-10083-10193, July 28, 1978, pp.31-32).

The reader will see in the Oswald biography section of this book that some of Marina's relatives in Leningrad believed her to be a woman of loose morals, though there seemed to be no confirmation of this. But during the year after the assassination, emotionally traumatized and very lonely, she drifted into this type of life. FBI agents, wiretapping her phone conversations and monitoring her activities, gave her the nickname "hot pants" (Interview of FBI agent Thomas Trettis by Church Com-

* Apparently, even before this admission to Mrs. Martin, Marina assumed that Mrs. Martin at least knew of her husband's attraction for her. In a March 3, 1964, FBI wiretap of a conversation between Marina and Katya Ford, a friend of hers in the Dallas Russian emigrant community whom she apparently had also told about the night in Washington, Mrs. Ford said to Marina that Martin's wife must have noticed "something was going on," but because of the money involved, thought she "would let him play." Marina agreed, telling Mrs. Ford that one would have had "to be a fool not to notice something." (FBI Record 124-10035-10152, March 4, 1964, p.1)

† Marina told the FBI that she had discontinued her association with Martin and Thorne because she believed they were being dishonest with her about her money (FBI Record 124-10015-10417, FBI interview of Marina Oswald on February 17, 1964).

mittee on January 7, 1976; fact of wiretapping of Marina: FBI Record 124-10035-10152, March 4, 1964, p.1). And Marina herself admits to going out many nights to a singles club.* During this period, she believed that some of the men she had relationships with were FBI agents watching her closely, so that if she ever changed her testimony about her husband they would discredit her. (Of course, if that were true, the FBI would be discrediting itself far more than Marina.) “J. Edgar Hoover knew everything,” she said. “He knew when I was getting my next period and when to send me my next boyfriend.” But Marina quickly settled down, and her marriage the following year (1965) to Kenneth Porter, a Dallas carpenter, brought stability into her life. Within a year, she gave birth to her third child, Mark. (Blyth and Farrell, “Marina Oswald, Twenty-five Years Later,” p.236)

- 302 **Oswald’s scrawled threat and the memorandum Hosty filed on it:** Remarkably, in his appearance before the House Judiciary Subcommittee on FBI Oversight on December 11, 1975, Shanklin testified that the first time he ever heard about Oswald leaving a note at FBI headquarters was when Tom Johnson, the publisher of the *Dallas Times Herald*, told him about it on July 5, 1975 (*FBI Oversight*, pp.61–62, 64).† When he was specifically asked if prior to that time in 1975 he had any “knowledge of the note or its destruction,” he answered, “None whatsoever” (*FBI Oversight*, p.64). However, the evidence is very substantial that Gordon Shanklin lied under oath not only at the FBI oversight committee hearings, but before. On July 29, 1975, J. Edgar Hoover wrote a memorandum to the U.S. attorney general stating that on July 3, 1975, he and Deputy Associate Director James B. Adams met in his office with a reliable informant who requested that his identity not be revealed to third parties. Hoover purportedly learned for the first time from the informant that Oswald had left a threatening note at the Dallas FBI office prior to the assassination, and the visit and note were not properly reported to FBI headquarters following the assassination.

Hoover proceeded to tell the attorney general about the extensive investigation he personally oversaw into the charges. Affidavits under penalty of perjury were taken from nine FBI employees of the Dallas office at the time of the assassination, including five agents and four clerical personnel. In a July 17, 1975, affidavit, James Hosty told of showing the note to Shanklin and to being “instructed by SAC Shanklin to disregard and destroy this letter.” Hosty’s affidavit that Shanklin knew

*One wonders how much a revelation about Lee contributed to her dissipation. In June of 1964, the *Dallas Morning News* published Lee’s “Historic Diary.” Marina had seen him make entries into it in Minsk, frequently as he was singing the theme song to *High Noon*, but she knew nothing of its contents, and although Lee had told her of proposing marriage to another woman in Minsk, Ella German, she was shocked to learn that Lee had married her to get even with Ella. (CE 24, 16 H 103) “It caused her,” her biographer Priscilla McMillan wrote, “to call into question the validity of every one of her private memories—above all, the memory that Lee had loved her the best he knew how” (McMillan, *Marina and Lee*, pp.503, 560, 564–566, 608 note 23).

Another contributing factor to her loose conduct may have been the debased view she had of herself, denouncing herself for not going to the police after Lee’s attempt on General Walker’s life. If he had been prosecuted and convicted of attempting to murder Walker, Kennedy would still be alive, and she could not forgive herself for this moral lapse on her part. She put her failure to agree to go back to Lee on the night before the assassination, which she strongly believed would also have prevented the assassination, into a completely different category, since she had no idea (and wouldn’t have had any reason to know) that he intended to kill Kennedy the next day if she didn’t come back to him. (McMillan, *Marina and Lee*, pp.560, 566)

†The first article ever published on the note was Johnson’s “Oswald Threat Revealed” in the August 31, 1975, edition of the *Dallas Times Herald*.

of the note was corroborated by FBI special agent Kenneth C. Howe, who said in a July 21, 1975, affidavit that after he found the note in Hosty's workbox, "I did immediately and personally deliver the letter [note] to then Special Agent-in-Charge Gordon Shanklin," who, he said, expressed some consternation. Yet Shanklin, in his July 21, 1975, affidavit, under penalty of perjury, said, "I can state categorically that I have no knowledge" of Howe bringing the note to him, and "have no independent knowledge of Hosty ever discussing Oswald being at the office, leaving a note for him, or certainly I was never shown any note by Hosty or Howe or anyone else. I can state unequivocally that I never told Hosty or anyone to destroy any note."^{*}

William Sullivan, the assistant director of the FBI in 1963, stated that he discussed the Oswald case many times with Shanklin, and that Shanklin stated "he had an internal problem involving one of his agents who had received a threatening message from Oswald because the agent was investigating Oswald." Sullivan recalled that Shanklin seemed unwilling to discuss the matter other than to say he was handling it as a personal problem with assistant to the director, John P. Mohr, a close friend and mentor. (Affidavit of Sullivan to FBI on September 24, 1975; Church Committee Report, p.97) Sullivan told *Time* magazine that actually it was Mohr who ordered the destruction of the note, and that at least ten top officials at FBI headquarters in Washington knew about the note ("FBI: Shaken by a Cover-Up That Failed," pp.9-10). Mohr subsequently denied under oath any knowledge of the note or its destruction (Affidavit of John Mohr to FBI on September 13, 1975; Church Committee Report, p.97).

In October of 1975, and pursuant to Hoover's inquiry, the U.S. attorney general's office noted from a review of all the affidavits that "former SAC Shanklin was vulnerable to prosecution for perjury (18 USC 1621) and obstruction of justice (18 USC 1505) based on his sworn statement that he had no knowledge prior to July, 1975, of the Oswald visit to his office or the note left there for Special Agent Hosty. The July 1975 statements of Special Agents Hosty, Howe and Ural Horton are supportive of the proposition that SAC Shanklin did know of the Oswald visit and note prior to [his affidavit of] July, 1975." Feeling that "a prosecutable case could be assembled" against Shanklin, the Criminal Division of the attorney general's office recommended "bringing this matter before a special grand jury sitting in Washington, D.C." (Memorandum from Alfred L. Hantman, Deputy Chief, General Crimes Section, Criminal Division, to Richard L. Thornburgh, Assistant Attorney General, Criminal Division, October 15, 1975, pp.1-2, 5, 7)

However, the attorney general's office, in the exercise of its discretion, decided not to pursue the matter criminally because there were "no substantive offenses ["substantive" meaning the underlying offenses that gave rise to the whole issue, such as Shanklin ordering the destruction of the note] committed [by Shanklin] within the Statute of Limitations. The only possible theory of prosecution would be by way of a perjury indictment for . . . false testimony relating to events that took

^{*}FBI agent Ural E. Horton Jr. gave an affidavit during the Hoover inquiry that on an automobile trip to Abilene with Shanklin in January of 1974, he told Shanklin he thought Hosty was a "damn fool" for not checking further into Oswald when he got the note from him, and Shanklin acted astonished about what Horton told him about the note, but Horton doesn't recall Shanklin's specific words (DOJCD Record 186-10006-10077, Memo from Director, FBI, to Attorney General, July 29, 1975, pp.1-12).

place some 12 years ago” (DOJCD Record 186-10003-10017, Memorandum from Harold R. Tyler, Jr., Deputy Attorney General, to Clarence M. Kelley, Director, Federal Bureau of Investigation, October 20, 1975; see also DOJCD Record 186-10001-10291, November 2, 1976, and DOJCD Record 186-10006-10251). In 2003, the new FBI building in Dallas was named the J. Gordon Shanklin Building.

305 **hodge-podge of fact and misinformation:** One piece of almost certain misinformation furnished to the reporters by District Attorney Wade, not at the Sunday-night news conference but the next morning, is his saying that a Dallas city map with “X” marks and a line similar to the trajectory of the bullets that killed Kennedy was found in Oswald’s apartment. Wade’s statement resulted in an article in that afternoon’s *Dallas Times Herald* captioned, “Marked Map Discovered among Oswald’s Effects” (*Dallas Times Herald*, November 25, 1963, p.A-31; CE 2178, 24 H 850). And the *Dallas Morning News* of November 25, 1963, quoted a “reliable source” as saying that “Oswald had placed marks at all major intersections along the motorcade route—three or four as I recall. There was also a line from the Texas School Book Depository Building to Elm Street. This was the trajectory of the bullets which struck the President and Governor Connally” (“Oswald’s Room Yields Map of Bullets’ Path,” *Dallas Morning News*, November 25, 1963, sect.4, p.1).

But Captain Fritz, in his report to the Warren Commission, indicated that no such parade route and no such trajectory line were found on the map, although it did have markings on it, one of which was about where the president was shot (WR, p.609). More specifically, the Enco map of the Dallas–Fort Worth area had eight markings on it in Dallas. They do not set forth the parade route and there is no trajectory of fire on it. One of the eight marks is at the intersection of Elm and Houston, where the Book Depository Building is located. (CD 1, December 9, 1963, Exhibit No. 30) As we’ve seen, Oswald told Fritz that the marks on the map represented places where he was looking for a job and went for interviews, which would include, of course, the Book Depository Building (CE 2064, 24 H 490). We learned from Oswald’s aunt, Lillian Murret, that he had a habit of marking maps like this in New Orleans, and the Warren Commission seemed to accept Oswald’s explanation (WR, p.235).

Despite this, on December 8, 1993, former Dallas police lieutenant Elmo Cunningham, who participated in the search of Oswald’s room and saw the map, told author Gus Russo in an interview, “The map definitely had the president’s route on it. It was in pencil, very faint—but it was definitely there. It extended all the way from Love Field to the Trade Mart.” Russo writes that “the original Oswald map, stored in the National Archives, is too faded to be of any use. In addition, the map, after the fact, was laminated, which obliterated the faint pencil markings on it. Prior to the lamination, Dallas-based Kennedy archivist Mary Ferrell made a photocopy which retains some of the markings. At least twelve Oswald markings are still visible. Dealey Plaza is prominently marked. Eight of the marked sites provide a direct line of site to the motorcade route” (Russo, *Live by the Sword*, pp.269–270; Sneed, *No More Silence*, pp.266–267, interview of Elmo Cunningham).

To summarize my view of this in as few words as possible, we know from Captain Fritz and from CD 1, Exhibit No. 30, a photograph of the map taken by the FBI, that the map story is not true. But even without this, it’s obvious it isn’t true

because if it were, it would be very powerful circumstantial evidence against Oswald, and I find it almost impossible to believe that it not only escaped the attention of the Warren Commission (which included in its report a great number of things far less incriminating to Oswald), but that the officers who allegedly saw it, like Cunningham, did not make sure it was written up in a report or otherwise brought to the attention of the FBI and Warren Commission. One also wonders why Oswald would even need to trace the route of the motorcade when it was already in the *Dallas Morning News*.

Whatever is on any alleged copy of the map today would have had to have been superimposed after Fritz looked at the map and the FBI photographed it. To believe otherwise is to believe that Cunningham (who apparently kept this information a secret for many years, unless he was the anonymous source for the *Dallas Morning News* story, but if he were, why would he tell the *Morning News* but not write up a report on it for his department's investigation of the assassination?) and Mary Ferrell saw things on the map that Captain Fritz, the FBI, and the Warren Commission did not. Nonsense.

- 313 **television images:** As indicated earlier, starting on Friday afternoon and for the three days following the assassination, all three networks devoted *every minute* of their airtime to coverage of the assassination and its related events. "Would they do that today for *anything*?" Tom Wicker asks. Before the assassination, television was mostly an entertainment medium. For the first time in its young history, television not only received the respect of the print media as partners in conveying the news, but also, partly because events in Dallas were unfolding too fast to print, became an integral part of a historical event, and we know this precedent would continue and be expanded upon in the ensuing years. Though television can never approach print journalism in depth, nuance, and perspective, it provides two obvious elements that its print counterpart could likewise never do: furnish the audience with the breaking news, and visually capture the human emotions of those who are making the news. Both are beyond the power of the written word. Wicker observes that the television coverage of the assassination "unquestionably held the nation together, as a wise friend might support a bereaved family at the funeral of a brother." (Semple, *Four Days in November*, pp.2–3; breaking the news and capturing emotions: observation of Hugh Sidey, in Newseum with Trost and Bennett, *President Kennedy Has Been Shot*, p.270; "too fast to print": Huffaker, Mercer, Phenix, and Wise, *When the News Went Live*, p.xiii)
- 317 **They enter the chapel and find it completely empty:** *Life* reporter Tommy Thompson reported that the coffin had been in the chapel for three hours prior to the burial, guarded by a cordon of police (Thompson, "In Texas a Policeman and an Assassin Are Laid to Rest Too," pp.52B, 52C).

- 322 **FBI to conduct “a prompt and thorough investigation”:** The FBI divided its investigation of the assassination between two main divisions, the General Investigative Division, which traditionally handled FBI murder investigations, and the Domestic Intelligence Division, which was responsible for the bureau’s investigation of Oswald’s activities, associations, and motivations, including the question of conspiracy, domestic as well as foreign, in the assassination. Because Oswald was a Marxist who had defected to Russia, agents from the division’s Soviet section were assigned to work on the case. (HSCA Report, pp.242–243)
- 328 **Hoover was afraid the Commission would criticize the FBI’s investigation:** One dramatic departure from all of this was a highly significant action by J. Edgar Hoover that would seem to indicate strongly that although he would do *almost* anything to avoid being criticized and blamed for the assassination, to his credit that “almost” did not apparently include violating what he felt was the proper administration of his office. Hoover ordered, the day after the assassination, an internal probe by the bureau’s Inspection Division to determine if his office was negligent in its pre-assassination investigation of Oswald. On December 10, 1963, James Gale, assistant director in charge of the Inspection Division, reported back to Clyde Tolson, the assistant director of the bureau, that there were “a number of investigative and reporting delinquencies in the handling of the Oswald case,” including the fact that “Oswald should have been on the [FBI’s] Security Index [to be turned over to the Secret Service], his wife should have been interviewed before the assassination, and investigation intensified—not held in abeyance—after Oswald contacted Soviet Embassy in Mexico.” Gale recommended that disciplinary action be taken against seventeen members of the bureau. Although, in an addendum to the report, Assistant Director Alan Belmont wrote that “all of the supervisors and officials who came into contact with this case . . . as well as agents in the field are unanimous in the opinion that Oswald did not meet the criteria for the Security Index,” Gale’s recommendation for censure, probation, and so on, was approved by Hoover.

However, Deputy Director Cartha “Deke” DeLoach, in another addendum to Gale’s memorandum, recommended “that the suggested disciplinary action be held in abeyance until the findings of the presidential commission [Warren Commission] have been made public” because “the FBI taking disciplinary action against its personnel . . . would be [construed] as a direct admission that we are responsible for negligence which might have resulted in the assassination of the president” (HSCA Record 180-10099-10282, December 10, 1963, pp.1, 6, 11).^{*} Sounds like Hoover, right? But we know it was DeLoach. How did Hoover feel? He wrote a notation to DeLoach’s addendum to Gale’s memorandum that “I do not concur.” In another annotation to Gale’s memorandum, Hoover wrote, “Such gross incompetency cannot be overlooked nor administrative action (discipline) postponed,” and most of the agents received their discipline within days thereafter. The HSCA said that “a former assistant director [of the FBI] stated

^{*}Gale, whose Inspection Division found all the “delinquencies,” testified before the HSCA in 1978 that “even if the investigative shortcomings . . . which I had found had been carried out, it would not have made any difference in Dallas. That is my conclusion” (3 HSCA 553–554).

that [the disciplinary] action was taken in strict secrecy so that the Warren Commission would not become aware of the deficiencies” (HSCA Report, p.245). Although, as it turned out, no discipline of the agents leaked out until an article in the October 13, 1964, *Dallas Herald* (three weeks after the Warren Commission issued its report) stated that two agents had been disciplined, Hoover certainly would have had no reason to be sanguine about the disciplinary actions not being leaked shortly after they were imposed. (JFK Exhibit F-460, 3 HSCA 514–526, Memorandum from J. H. Gale to Mr. Tolson, December 10, 1963; Church Committee Report, pp.50–51, 53; HSCA Report, p.245; Hosty with Hosty, *Assignment: Oswald*, pp.101, 168)

Though Hoover, on an internal FBI memorandum, wrote that he agreed that members of the bureau were guilty of “gross incompetency” in not placing Oswald on the FBI Security Index and notifying the Secret Service of Oswald’s presence in Dallas, and as indicated, disciplined seventeen of his men in December of 1963 for their pre-assassination failures with respect to Oswald, on April 6, 1964, he wrote a letter to J. Lee Rankin, the general counsel for the Warren Commission, in which he stated, “I wish to emphasize that the facts available to the FBI concerning Lee Harvey Oswald prior to the assassination did not indicate in any way that he was, or would be, a threat to President Kennedy; nor were they such to suggest that the FBI should inform the Secret Service of his presence in Dallas or his employment at the Texas School Book Depository” (CE 833, 17 H 787). Although Hoover, to save himself from public embarrassment, was willing to lie to the Warren Commission and the outside world about what he thought was the incompetence of some of his agents, as we have seen, he apparently was unwilling to compromise the effective management of his office by not disciplining the agents.

In any event, the Warren Commission concluded that the FBI had more than enough information in its possession about Oswald (e.g., his defection, his hostility to the United States, his pro-Castro activities, his contact with the Soviet embassy in Mexico) “to list Oswald [in its Security Index] as a potential threat to the safety of the president” and refer the Oswald case to the Secret Service.* Though the Commission did not go on to say that if the FBI had done this, the assassination would not have occurred, it clearly was a serious indictment by the Commission of the FBI’s pre-assassination investigation of Oswald. When Hoover read this in the Warren Report on September 24, 1963, he wrote an annotation on an internal FBI memorandum of that same day that the failure of his office to include Oswald on the Security Index “could not have been more stupid . . . and

*The only record of the FBI notifying the Secret Service of anything pertaining to Kennedy’s visit to Dallas was on October 30, 1963, when it furnished background information and a photo to the Service of a man named Norman Lee Elkins, who allegedly stated that if Kennedy made a trip to Texas he was planning a “reception” for him; and on November 21, 1963, when the FBI advised the Service of anti-Kennedy leaflets being distributed in Dallas and picket signs being printed up (CE 836, 17 H 820–821).

Although the FBI is not charged with the responsibility of assisting the Secret Service in the on-site physical protection of the president, “it does have an assignment, as do other Government agencies, in the field of preventive investigation in regard to the president’s security.” Indeed, since 1910, in the appropriations budget of the FBI there has annually been an item for the “protection of the person of the President of the United States.” The bureau has attempted to meet this responsibility by “spelling out in its Handbook the procedures which its agents are to follow in connection with information received ‘indicating the possibility of an attempt against the person or safety of the President.’” Over the years, the FBI’s contribution to presidential protection has been “confined chiefly to the referral to the Secret Service of the names of people who might be potentially dangerous to the President.” (WR, pp.457–458, 514)

now that the Bureau has been debunked publicly, I intend to take *additional* administrative action.” Four days later (September 28), eight of the bureau agents against whom disciplinary action had already been taken in December of 1963 were again disciplined for reasons identical to those that led to action being taken against them previously, and three agents who had not been previously disciplined were disciplined by formal censure. (WR, p.443; FBI memorandum from W. C. Sullivan to A. H. Belmont on September 24, 1964; Church Committee Report, pp.52–53) The HSCA did not agree with Hoover or the Warren Commission, concluding that the disciplinary action against the FBI agents “went beyond what was justified, and that the Bureau’s pre-assassination security investigation of Lee Harvey Oswald had been adequate . . . The actions of the agents involved were appropriate under the circumstances as they knew them. That Oswald turned out to be an assassin should not have been used to fault the agents, since they had no reason to [believe] that would be the case when they were dealing with him. If the agents were to be faulted in Oswald’s case, they would have to have been faulted in all similar cases, and the Bureau’s conduct in security matters would have to have been radically altered” (HSCA Report, p.245 footnote 3).

- 329 **FBI’s eyes and ears:** In an internal FBI memo to Deputy Director Cartha DeLoach on July 3, 1964, Assistant Director Alex Rosen wrote that a “fourth and final draft of the [Warren Commission’s report will be] made available [to the bureau] through a source by July 23, 1964, which will contain the final conclusions and recommendations of the Commission” (FBI File 62-109090-185, Memo from Rosen to De Loach, July 3, 1964). Conspiracy author Gerald D. McKnight, believing that Ford was the subject “source,” said that “only a Commission insider like Ford would have been privy to this kind of information” (McKnight, *Breach of Trust*, p.44). Though McKnight may be correct, there must have been several people who would have qualified as “Commission insiders.”
- 329 **scope of the Warren Commission’s investigation:** William Sullivan’s findings certainly weren’t hurting Hoover in the latter’s supposed effort to limit the investigation. Sullivan was in charge of the Intelligence Division at the FBI, and he perceived his responsibility to be to “resolve questions of international involvement in [any] conspiracy” in the assassination (HSCA staff interview of Sullivan on April 21, 1976). As early as December 4, 1963, Sullivan wrote to Al Belmont, the assistant director of the FBI who headed up the FBI’s investigation of the assassination, “No evidence has been developed which would indicate Oswald’s assassination of the President was inspired or directed by . . . [pro-Castro] organizations or by any foreign country” (Memorandum from Sullivan to Belmont, December 4, 1963; Church Committee Report, p.35).
- 331 **Allen Dulles:** Given the fact that Dulles, being the former head of the CIA and the Commission’s unofficial liaison to the agency, was knowledgeable about many CIA secrets, the charge has been made by many that if the CIA were involved in the assassination, Dulles had a conflict of interest in being a member of the Commission. But of course Dulles left the CIA almost two years before the assassination, and even if the CIA was behind the assassination, it would be unlikely that those who hatched the idea would apprise him of it once he left the agency. Dulles’s biographer, Peter Grose, writes that Dulles had a dual role—to help the Commission as one of its members, and to deflect “lines of inquiry that might expose CIA operations, even though they had nothing to do with the Dallas shooting . . . The

open question is which master, the Warren Commission or the CIA, claimed [Dulles's] first allegiance?" (Grose, *Gentleman Spy*, p.544). In any event, no evidence has ever emerged that Dulles, while a member of the Commission, interfered in any meaningful way with the Commission's attempt to resolve the issues of who killed Kennedy and was there a conspiracy.

337 yet another example [footnote]:

March 26, 1964

Mr. J. Edgar Hoover
 Director
 Federal Bureau of Investigation
 Department of Justice
 Washington, D.C. 20535

Dear Mr. Hoover:

By letter of March 18, we asked that the Bureau make certain inquiries for the Commission as to the hour of the day when Lee Harvey Oswald's check from the Texas Unemployment Commission might have been delivered by the postal authorities in New Orleans, Louisiana, on or about September 24, or 25, 1963. Since that letter was forwarded to you some new evidence has come to light which relates to the same problem, and we believe that the investigation in connection with this new evidence might conveniently be carried on as part of the previously requested investigation.

Federal Bureau of Investigation Exhibit No. D-22 includes, among other things, a notice of change of mailing address signed by Lee Harvey Oswald. The notice bears a stamped mark of 11:00 a.m., September 25, 1963, on the reverse side, and on the front side there is a stamped mark of September 26, 1963. The Commission is interested in ascertaining the earliest and latest times at which this card could have been deposited in a mail box in the City of New Orleans, bearing the marks as indicated, and we are also interested in the significance, if any, of the fact that there are two marks indicating different times on the same card.

FBI Exhibit No. D-22 also includes a perforated card, which has been torn along the perforated edge, for use in assigning and terminating a post office box. This card bears two postal marks, one dated June 11, 1963, and the other apparently dated October 3, 1963, although it is scarcely legible. The Commission would like to know the significance of the latter postmark, especially its significance as to when Lee Harvey Oswald could have deposited the card in the mail or handed it in personally at the post office, and where this probably occurred.

Pertinent to this same problem are pages 212-213 of the report of Special Agent Gemberling, dated November 30, 1963. This portion of the report states that Lee Harvey Oswald appeared at the Louisiana Employment Commission regularly, at weekly intervals, throughout August and September 1963, and that the last such appearance was on September 24, 1963. It does not appear exactly what Oswald did during these appearances. If he picked up the checks which were being sent to him from the Texas Unemployment Commission at the Louisiana Employment Commission, then there seems to be a conflict between this fact and the facts established by the Report of Special Agent Callender of December 12, 1963, pages 14-16, and the Report of Special Agent Kemmy of December 12, 1963, pages 24-25. These two reports seem to establish that Oswald's last check did not even arrive in the

New Orleans railway station until 5:30 p.m. on September 24, presumably too late for delivery to the Employment Commission that same day. The Commission would appreciate the Bureau's looking further into the whole matter of what Oswald did on his weekly appearances at the Louisiana Employment Commission, and if discrepancies appear between this evidence and the evidence in connection with the timing of the mailing of Oswald's check from Texas, we would like the Bureau to attempt to resolve such discrepancies.

The purpose of the questions posed in this letter and in the aforementioned letter of March 18, 1964, is to determine the earliest and latest times at which Lee Harvey Oswald could have left New Orleans for Mexico. We would therefore like the Bureau to carry on any investigation that it may deem useful for this purpose, based upon any additional facts that might come to light in connection with the investigation requested in this letter.

Sincerely,
 [Rankin's signature]
 J. Lee Rankin
 General Counsel

For additional examples, among so many, of the Warren Commission directing the FBI investigation of the assassination, see FBI Record 124-10104-10000, March 7, 1964, pp.1-6.

- 343 **January 1964:** Rankin prepared a six-page "memorandum to the staff" on January 13, 1964, which he wrote "constitutes my official welcome to each of you." It set forth such matters as personnel available to assist the staff, terms of employment, and the outline and organization of their work (the six basic areas), and asked each team of lawyers to "prepare as soon as possible a comprehensive memorandum," which was to include a "summary of the facts already developed by the [federal] agencies in the area" the team was assigned to, together with "recommendations as to further investigation to be conducted by the agencies" as well as "recommendations as to the taking of testimony by the Commission" in their subject area. He said a "showing of films related to the assassination" was scheduled for January 16 in the Treasury Building and hoped "that all members of the staff will be able to attend." (HSCA Record 180-10107-10208, January 13, 1964)
- 345 **the explosive allegation:** Henry Wade almost parenthetically added another rumor, which he apparently never sourced (though the impression was that it was part of the same story), and which did not receive any attention, that Oswald was also an informant for the CIA and was assigned number 110669 (Memorandum for the File by J. Lee Rankin, undated, p.4).
- 349 **thought Marina was lying:** *U.S. News & World Report*, in a 1992 story on the Warren Commission, reported that "Commission lawyers took [Marina's] incomplete answers as a sign of untruthfulness, not just nervousness." Apart from the fact that no commission lawyer is named as having said this, and there is no quote to this effect, whoever told the magazine this was not a believable witness for the simple reason that the published transcript of Marina's testimony itself proves the fact that Marina did not give incomplete answers—at least no more than normal for someone asked hundreds upon hundreds of questions. The story also says that Commissioner John McCloy complained openly about Warren's "kid gloves" treatment of Marina. (But as the magazine notes, Warren assigned Commission

general counsel Lee Rankin to conduct the questioning of Marina before the Commission, and again, the magazine did not identify its source for the alleged statement by McCloy.) (Gest, Shapiro, Bowermaster, and Geier, “JFK: The Untold Story of the Warren Report,” p.41) Though Rankin, indeed, was very civil with Marina, the vast majority of Commission witnesses were treated in the same way. The heated cross-examination of witnesses seen in actual criminal trials (which the Warren Commission hearings were not) was not the modus operandi of the Commission lawyers.

351 **all the examples she could muster of the contradictions in Marina’s testimony:** Sylvia Meagher’s biggest example of a contradiction is Marina’s lie to the FBI about her having no knowledge of Oswald’s trip to Mexico (CE 1781, 23 H 388). She also points out that Marina told the FBI that she was not aware of her husband having ammunition for the Carcano (CE 1403, 22 H 778), but testified before the Warren Commission that she had seen ammunition in a box in New Orleans and at their apartment on Neely Street in Dallas (1 H 94). Also, Meagher noted that Marina had made contradictory statements to the FBI as to whether she was aware that her husband had practiced with the Carcano (e.g., CE 1785, 23 H 393; CE 2694, 26 H 59). It’s hard to cite Meagher’s other examples because either they are not contradictions, clearly appearing to be simple errors of memory, or they don’t even pertain to Marina’s statements about the case (e.g., Marina supposedly denying to the American embassy in Moscow that she had ever been a member of a Communist youth organization, which might have disqualified her for a visa), or Meagher herself was so confused about where Oswald might have kept the rifle in his home on Neely Street in Dallas that she didn’t know if Marina, or George de Mohrenschildt and his wife, was telling a lie. Maybe, since they were human beings, one of them simply was wrong, making an innocent mistake. (Meagher, *Accessories after the Fact*, pp.113, 130–133, 238–239, 328)

351 **fairly and objectively:** Only four or five staff meetings were held after February, largely because it was thought unnecessary for all the lawyers to discuss all aspects of every problem, and General Counsel Rankin believed the staff meetings were generating “more heat than light.” At one of these meetings, a dispute arose over whether or not witnesses should be “prepared,” a usual practice in which trial lawyers interview witnesses prior to their testifying to find out what they’re capable of testifying to, as well as question inconsistencies and reduce irrelevancies. Originally, a compromise was reached in which lawyers were to submit a memorandum of their off-the-record interviews with witnesses, but eventually Rankin simply told the attorneys to use their own discretion in preparing witnesses.* (Epstein, *Inquest*, pp.18–19)

It wasn’t until March 16, 1964, when the Commission had already heard from witnesses whose testimony comprised about one and a half out of the fifteen volumes of testimony and affidavits the Commission would ultimately take, that the Commission formally prescribed, by a resolution, some of the basic procedures for

*One staff lawyer, Burt Griffin, was reprimanded for using too much discretion while questioning Dallas police sergeant Patrick Dean about Ruby’s entry into the police basement. Finding Dean’s statements contradictory, Griffin went off the record, cleared the room, bluntly told Dean he was lying, and offered to help him keep his job if he told the truth. Dean complained to the Commission. Chief Justice Warren stated that “no member of our staff has a right to tell any witness that he is lying or that he is testifying falsely. That is not his business.” (5 H 255–258, WCT Patrick Trevore Dean)

taking testimony, among which were that the members of the Commission staff, like the commissioners themselves, had the authority to administer oaths to witnesses before their testimony; that all witnesses had the right to be accompanied by counsel of their choosing, who had the right to advise the witness of his or her rights under the law and constitution, to make objections to questions, and at the end of the witness's testimony, to clarify that testimony by questioning the witness (very few witnesses availed themselves of all of this); and that copies of the stenographic verbatim transcript of all sworn testimony would be made available to the witnesses or their counsels for inspection before the transcript was published in the Commission volumes. (Transcript of Executive Session of the Warren Commission, March 16, 1964, pp.2733–2735)

357 **the completion of its hearings:** At a Warren Commission executive session on June 23, 1964, the Commission attempted to determine how to handle a KGB defector, Yuriy Nosenko (see conspiracy section for details of Nosenko matter), who was claiming to U.S. intelligence that he had information about Oswald's presence in Russia, and that Oswald was not connected to the KGB in any way. The commissioners had been receiving drafts from their staff on many sections to be included in the Commission's final report, and one titled "Lee Harvey Oswald's Life in Russia" had ten references to Nosenko in it.

Earl Warren: "Lee [Rankin], you will remember, I talked to you about [Nosenko] some time ago—that we should not rely on this man in any way, certainly not unless the State Department and the CIA vouch for him, which they will not do . . . I just think we shouldn't put our trust in any defector unless it is known absolutely and positively that he is telling the truth—unless he can be corroborated in every respect. And we cannot corroborate this man at all. And it would be a tragic thing if we were to rely on him to any extent, and then it should later come out that he was a plant or was not a true defector."

Gerald Ford agreed, saying, "It would be a very easy thing for the Soviet Union to plant him here for a dual purpose—one for other reasons, and one to extricate themselves from any implication in the assassination . . . We should not start out at this point possibly using what we are using of his comments, when in the final analysis it might be completely unreliable and undesirable."

John Dulles added that he had spoken to his former colleagues in the CIA about Nosenko over the weekend, "and they are not yet in a position to determine his bona fides. And I gathered from what they said that it might be some time [it turned out to be years] before they would reach any conclusions, if they ever can reach conclusions." Dulles urged that "we ought not to rely" on what Nosenko said, "and I doubt whether we should let the name of Nosenko get into the printed report."

Lee Rankin interjected that if Nosenko and his views did not appear in the report of the Commission, some record should be placed in the archives that the Commission knew of Nosenko and his claims "so that the record will be complete." (The transcript of the Warren Commission executive session in which Rankin was speaking these words would end up having to satisfy his concerns.) Rankin added to Warren's earlier remark that Warren and he had discussed a few months earlier whether to take Nosenko's testimony before the Commission, and said they had agreed it was contingent on his bona fides being established, which had not occurred.

At this point Ford observed that to not rely on Nosenko because he might be a

plant and they couldn't resolve whether he was or not was one thing, but to ignore Nosenko was something else. "We perhaps shouldn't ignore the fact that there is some information that the Commission is familiar with," Ford said. "I don't know quite how you would phrase it in the report, but to ignore it, I think, would be unfortunate."

Warren: "Yes."

Rankin: "The staff was very much worried about just treating it as though we never heard anything about it, and having something develop later on that would cause everybody to know that there was such information and that we didn't do anything about it."

Ford's and Rankin's observations seemed to carry the day, and when Warren recessed the session, the sense from the transcript was that Nosenko, and his allegations, *would* be mentioned in the report. (Transcript of Executive Session of the Warren Commission, June 23, 1964, pp.7641–7645, 7648–7651) But Ford's and Rankin's rationale was ultimately rejected, though the record is silent as to why, and the Warren Commission deleted all reference to Nosenko in its report.

Assistant Counsel David Slawson was the author of the draft (Assistant Counsel William Coleman reviewed it) on Oswald in Russia that was the subject of the executive session. He said that in late February or early March he had met alone with a CIA representative at Warren Commission headquarters and was told about Nosenko and about the effort the CIA was making to establish his bona fides. Slawson said he hadn't even heard of Nosenko at the time and although he would later learn that Nosenko's defection had been reported in the media,^{*} there seemed to be little, if any, follow-up on it, and he was of the opinion that the public did not know that the CIA had taken physical custody of Nosenko to determine if he was bona fide. The CIA representative told Slawson that his agency wanted him to keep the entire Nosenko matter quiet and under wraps, even at the Commission, until after the CIA was through with Nosenko. Slawson only shared the information about Nosenko that was furnished to him by the CIA, which included an FBI interview, with Coleman, who worked on foreign conspiracies with him, and General Counsel Rankin. Since at the time the Warren Report was published in September the CIA hadn't even come close to resolving the question of Nosenko's bona fides, Slawson believes, without knowing, that the Commission yielded to CIA pressure not to even mention Nosenko in its report. (Telephone interviews of David Slawson by author on November 23 and December 1, 2004)

357 **report would not be released until:** I am assuming that the various drafts leading up to the Commission's final report, which was released to the public, were not to be seen by anyone outside the Warren Commission and its staff. But we know that someone on the Commission or its staff (it would be far less likely to have been the typist) was furnishing the FBI with a copy of the drafts. In an internal FBI report to Assistant Director Al Belmont on July 3, 1964, Assistant Director Alex Rosen summarizes the contents of "the third draft of the President's Commission

^{*}In fact, on February 10, 1964, a State Department press officer announced at a press conference in Washington, D.C., that Nosenko had defected from the Soviet Union and had requested political asylum in this country. The news warranted a front-page article (not the headline) in the *New York Times* ("Soviet Secret Police Aide Requests Asylum in U.S.," *New York Times*, February 11, 1964, pp.1, 4).

report” and goes on to say that “there will be a fourth and final draft made available through a source by July 23, 1964.”

362 **the position of Edward Jay Epstein:** In a more scholarly, less strident, and not as blatantly wrong way, and without accusing the Commission of being dishonest, Warren Commission historian Max Holland, surprisingly, agrees with the essence of Epstein’s position. Writing in 1995, Holland says that the Commission “was not a fiendish cover-up,” and it had “achieved its main goal: to determine what happened in Dealey Plaza on November 22, 1963 . . . And the accuracy of the [Warren] report’s essential finding, holding up after three decades, is testimony to the Commission’s basic integrity.” But then Holland proceeds to tell his readers that actually, the Warren Commission *had* concealed “some of the truth” from the American people because its inquiry had taken place at “the height of the Cold War,” and, hence, the concealment “must be judged in that context”—that is, certain revelations might be inimical to the national interest. Moreover, he says, the concealed truths would not have changed the ultimate conclusions. So, in effect, to use a basketball analogy, no harm, no foul. What were these concealed truths? Holland only mentions one, but the support for his position crumbles when he admits that really, the Warren Commission never concealed it, the CIA concealed it from the Warren Commission—namely, the CIA’s Operation Mongoose, the enormous U.S. government-sponsored plan to overthrow Castro following the Bay of Pigs invasion and the CIA’s plots to kill Castro. But the Warren Commission, of course, cannot be vilified for the CIA’s concealment. * Where is the Warren Commission’s cover-up? Though as noted, Holland clearly says that the CIA kept certain things from the Warren Commission, in loose writing for such a fine writer, he seems to impute the CIA’s guilt to the Warren Commission. He doesn’t expressly do this but it’s implicit in his writing when he uses the words *CIA* and *Warren Commission* interchangeably in a discussion of the cover-up issue.

When Holland, in the last three paragraphs of his article, finally gets around to providing evidence of what he believes the *Warren Commission* (not the CIA) covered up, he fails to meet his burden. He starts by saying that what “the Warren Commission” did “reflects a view common during the Cold War, one [that] Gerald Ford explained in general terms during his vice-presidential confirmation hearings in 1973, that government officials have the right, if not the duty, to tell the truth but not necessarily the whole truth when an issue involves national security.” What evidence does Holland cite to support his conclusion that this happened here? He says that “Earl Warren told the press shortly after the report’s publication that there were ‘things that will not be revealed in our lifetime.’” But Warren didn’t say this “shortly after the report’s publication.” He said it many months earlier—in fact, following the testimony of Marina Oswald on the very first day of the Warren Commission hearings on February 3, 1964. And Warren never said, as Holland quotes him as saying, that there definitely were things that “will not be revealed in our lifetime.” He told newsmen that as Marina Oswald continued with her testi-

* Parenthetically, the agency may not have mentioned Mongoose to the Commission, but everyone already knew about it, so there was nothing to conceal. With literally thousands of U.S. government and anti-Castro Cuban exiles working on the project, Mongoose was a very well-known secret. What wasn’t well known at the time and the main thing the CIA kept from the Warren Commission was the CIA plots to assassinate Castro. (See later text.)

mony, which went on for three additional days, it was possible some national security matters might arise since, he said, Oswald “was over in Russia and down in Mexico and *me don't know yet* what that will involve,” adding, “Yes, there will come a time—but it might not be in your lifetime. I am not referring to anything especially—but there *may* be some things that would involve security. This would be preserved but not made public.” (*Los Angeles Times*, February 4, 1964, p.2; *New York Times*, February 5, 1964, p.19)

No one can cite the above for the proposition that the Warren Commission *did, in fact*, conceal truths from the American public.

Holland's second support for his conclusion is equally weak. He writes, “As former President Ford now acknowledges, ‘Judgments were made back then that seemed rational and reasonable. Today with the totally different atmosphere those judgments might seem improper.’” How does that statement suggest an acknowledgment by Ford, as Holland suggests, that the Warren Commission concealed truths from the American public bearing on national security? Since the Warren Commission did not, in fact, know about the plots to kill Castro, what concealed truths could Ford be referring to? Indeed, Ford's using the words “today with the totally different atmosphere those judgments might seem improper” would strongly suggest that he was *not* referring to national security matters, since even today nothing has changed, certainly with the government, or even the American people, about the accepted wisdom of keeping matters dealing with national security secret. What Ford most likely was referring to were things like the Commission's acceding to the wishes of the Kennedy family that autopsy photos of the president not be furnished to the Commission for fear they might get into the hands of the public and be exploited commercially.

Holland concludes his article by saying, “The Warren Commission's investigation cut across the entire national-security apparatus during the height of the Cold War, when even a national trauma [Kennedy's assassination] could not be allowed to disturb the inner workings and unalterable logic of that struggle. Was this instance of holding back some of the truth one of the great misjudgments in American history? Enduring, perhaps ineradicable controversy over the assassination has helped foster deep alienation and cynicism and a loss of respect among the American people for their government and the citizens who serve in it. That is perhaps the most lasting and grievous wound inflicted by Lee Harvey Oswald.” (Holland, “Key to the Warren Report,” pp.52, 54, 58, 64)

Max Holland is bright and writes very well. But at least as far as I know, what he says on this particular issue has no applicability to what happened in this case.

364 **assistant counsel Burt Griffin:** Although Assistant Counsel Burt Griffin has never said he believed there was a conspiracy, he did tell author Gerald Posner that there was “plenty of evidence in the testimony and the documents that could lead a reasonable person to *pursue* a conspiracy theory, . . . to *speculate* about a conspiracy theory” (Posner, *Case Closed*, p.412). Griffin, now a judge, confirmed to me the essence of what he told Posner in a telephone conversation I had with him on December 6, 2004. When I asked David Slawson if Griffin was any kind of an exception to his assertion that “at no time can I remember when anyone on the staff was saying they found any evidence of a conspiracy,” Slawson replied, “No. I like Burt, but his rumblings about conspiracy speculations, et cetera, started *after*

his service on the Warren Commission” (Telephone interview of David Slawson by author on November 5, 2003).

369 **panel of four medical experts:** The Clark Panel, named after then attorney general Ramsay Clark, resulted from a January 26, 1968, letter from autopsy surgeon J. Thornton Boswell to Clark in which he said that because the autopsy findings had been “the subject of continuing controversy and speculation,” he and his fellow autopsy surgeons recommended “that an impartial board of experts” should reexamine the findings (Weisberg, *Post Mortem*, p.574). Clark agreed and appointed three pathologists and one radiologist, who then examined autopsy photographs and X-rays, as well as documents and other evidence, such as the president’s clothing, “pertaining to the death of President Kennedy,” on February 26–27, 1968, in Washington, D.C. (ARRB MD 59, Clark Panel Report, p.1–2). Dr. Boswell, in a February 26, 1996, deposition before the ARRB, acknowledged that Carl Eardley, a deputy attorney general in Ramsay Clark’s office at the time, asked him to write the aforementioned letter. This, naturally, has caused some members of the conspiracy community to suggest that the fix was in with the presumably independent Clark Panel, particularly since it was Eardley who sent Boswell to New Orleans in February of 1969 presumably to clarify or to rebut the testimony of fellow autopsy surgeon Pierre Finck during the Clay Shaw trial that some construed as meaning that army generals, not the autopsy surgeons, were in control of the autopsy. (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.10, 209–211) Boswell never ended up testifying at the Shaw trial.

369 **Rockefeller Commission:** Unlike the Clark Panel, the Rockefeller Commission (named after its chairman, Vice President Nelson A. Rockefeller, and formally called the Commission on CIA Activities within the United States) was established on January 4, 1975, not to review President Kennedy’s autopsy, but to determine whether the CIA had conducted illegal activities in the United States that violated the rights of private American citizens. However, during the commission’s work, and only as an incidental part of it, the commission found itself examining certain aspects of the autopsy findings.

Dr. Cyril Wecht was interviewed by the commission staff but would later claim that the commission’s report was a “flagrant” misrepresentation of what he had said when it claimed he had taken the position that Kennedy was hit by two bullets from the rear and there was no available support for shots from any other direction (*New York Times*, June 12, 1975, p.23). However, although he raised the possibilities in his interview of a shot from the right front, he in fact did conclude that “the evidence which I have had the opportunity to examine gives me no scientific data upon which to base a conclusion or substantiate a hypothesis that a shot was fired from the right front” (HSCA Record 180-10107-10237, Transcript of Rockefeller Commission staff interview of Dr. Cyril Wecht on May 7, 1975, pp.38–42, 47, 79).

374 **allegations that had weakened Mr. Sprague:** Richard E. Sprague (not related to Richard A. Sprague, though he served as a photographic consultant to the latter during the latter’s brief tenure as HSCA chief counsel) was convinced the CIA murdered Kennedy and had “controlled” the Warren Commission to keep this fact from the public. He maintained that Chief Counsel Sprague, his chief assistant, Robert Tanenbaum, and Chief Investigator Cliff Fenton, suspected the CIA killed Kennedy and were out to prove it, so the CIA decided it had to get rid of Sprague.

The agency did so, he alleges, by generating the fight between Gonzalez and Sprague and by getting the media it also controlled to attack Sprague. (Richard E. Sprague, “Final Cover Up, How the CIA Controlled the House Select Committee on Assassinations,” self-published article, 1985, pp.4, 6–10)

- 375 **credibility of the American government was at stake:** The committee realized that some information in the hands of the security agencies was kept from the Warren Commission on the grounds that it was classified, so it took the precaution of arranging top-secret security clearance for every member of its staff. The background investigations were carried out by the FBI and their results were reviewed by the CIA. After consultation with the two agencies, the committee made its own determination on each clearance. At the same time, the committee made sure that its own procedures for handling classified documents respected the integrity of the security system, and committee members signed memoranda of understanding with each of the agencies to establish procedures on how sensitive documents were to be handled. The committee wanted to ensure that its members and staff would have access to all classified information completely unsanitized, with no “sources or methods” information removed from the material. Per the HSCA, “access [to the files of the FBI and CIA] on such a basis was unprecedented” by any congressional committee, but anything less would not have served to dispel the widespread suspicion of the role of federal agencies in the original investigation by the Warren Commission. (HSCA Report, pp.18–19)
- 378 **who, specifically, wrote the HSCA Report:** In handwritten annotations to my letters to him of February 2 and 3, 2005, Robert Blakey affirmed my speculation that as far as the individual volumes were concerned, the experts in the various fields (e.g., photography, firearms, pathology, organized crime, etc.) wrote the original drafts, with staff help, and he and Billings put the finishing touches on them for publication. “That is correct,” Blakey wrote, adding, “as to substance, Blakey, as to form, Billings.” With respect to the pathology report, he indicated that the statement in 7 HSCA 75 that Dr. Loquvam prepared the initial draft and it was redrafted and edited by Dr. Weston was “true,” but the “final report was not prepared by Dr. Weston,” and the “final draft” was also not by Weston, but by “[Dr. Michael] Baden, [Donald] Purdy, and [Mark] Flanagan.”
- 379 **all about the ARRB [footnote]:** Very few things have convinced the American public that there was a conspiracy in the Kennedy assassination more than the federal government allegedly “sealing” literally several-million pages of assassination-related documents until the year 2039, that is, for seventy-five years after the Warren Commission completed its investigation. Human experience tells us that nearly always, one refuses to reveal information sought by others only when one “has something to hide.” If there was no conspiracy in the Kennedy assassination, the thinking has been, why has the federal government refused to release all of these documents?

On September 30, 1992, Congress passed “The President John F. Kennedy Assassination Records Collection Act of 1992”^{*} (hereinafter referred to as the “JFK

^{*}Originally introduced on March 26, 1992, by Senator David Boren (D-Okla.) and Representative John Conyers (D-Mich.) as the “Assassination Materials Disclosure Act of 1992.”

Act”). The Act created the five-member Assassination Records Review Board (ARRB) to implement its provisions, which were intended to ensure the “expeditious public transmission to the [National] Archivist and public disclosure” of assassination-related documents. President George H. W. Bush signed the bill into law (Public Law 102-526; 44 USC § 2107) on October 26, 1992.

Remarkably, the Oliver Stone movie *JFK* was perhaps more responsible than any other single event for the enactment of the JFK Act. Seen and believed by millions of uninformed Americans, the movie created such a groundswell of public controversy about the assassination and the sealing of the documents that, as ARRB board member Anna K. Nelson said, it “proved to be the final catalyst that drove Congress to enact legislation to ensure the release” of these classified documents (Theoharis, *Culture of Secrecy*, p.213). Indeed, the Final Report of the ARRB submitted to Congress on September 30, 1998, formally acknowledges that “frustrated by the lack of access” to the sealed documents, “and disturbed by the conclusions of Oliver Stone’s *JFK*, Congress passed the [JFK Act] mandating the gathering and opening of all records concerned with the death of the president” (Final Report of the ARRB, p.xxiii). The ARRB used the conjunctive “and” perhaps to avoid the embarrassment of acknowledging that a Hollywood movie alone had been responsible for the Act. But most knew there was little shared paternity for the JFK Act. “Congress created the review board in 1992, reacting to Oliver Stone’s movie, ‘JFK,’” the *New York Times* said (*New York Times*, September 8, 1998, p.A17).*

Two almost universally accepted (in the context of the assassination) misconceptions were responsible for the public’s desire to have the assassination records disclosed and for the very enactment of the JFK Act. Absent these two great misconceptions, virtually the entire, immense issue of secrecy would never have arisen. One misconception can be refuted by the facts, the other by the dictates of common sense. With respect to the first misconception, the entire genesis of the American public’s conclusion that the federal government has been withholding many of the facts about the assassination is their belief that “the Warren Commission sealed the records” for seventy-five years—and for those with a little more knowledge (but not enough), that it was Chief Justice Earl Warren who was specifically responsible for this. Even someone as knowledgeable and savvy about the Warren Commission as Max Holland wrote that “Chief Justice Earl Warren told the press *shortly after publication of the Report bearing his name* that there were things that will not be revealed in our lifetime” (*Washington Spectator*, November 15, 1994, p.3). No one is more of a conscientious and fair critic of the Warren Commission than attorney and assassinologist Mark Zaid. Yet he too, in a scholarly law review article he coauthored, wrote that “Earl Warren reportedly warned a group of journalists *after* the release of the Commission Report that the full body of facts concerning the assassination could not be disclosed in our lifetime” (Saunders and Zaid, “Declassification of Dealey Plaza,” p.423). Zaid even cited the date of the

*In 1983 and 1985, Representative Stewart McKinney (R-Conn.) introduced resolutions to make all the HSCA records pertaining to the assassination public, but the full House never voted on the resolutions because of opposition from Representative Louis Stokes (D-Ohio), former chairman of the HSCA. But in 1992, after Stone’s movie, Stokes was a key sponsor of the JFK Act, whose mandate included all of the HSCA records on the case.

New York Times article (February 5, 1964) that first quoted Warren saying these words, apparently not realizing that the date itself refuted what he had written about Warren, the Commission Report not being released until *September* of 1964.

Conspiracy author Anthony Summers took this myth to an even higher level when he actually retitled the new edition of his 1980 book, *Conspiracy*, now calling it *Not in Your Lifetime*. Though he discusses Warren's remark in the very first two paragraphs of his book, he intentionally or inadvertently buries the date of the remark in his "Sources and Notes" section at the back of the book (Summers, *Not in Your Lifetime*, pp.xi, 390). Of course, even if he put the date of Warren's remark in the opening paragraph of his book, it would still have required the reader to put two and two together, something most people don't always do. A major premise of Summers's book is that Warren and his Commission decided not to tell the American people, for seventy-five years, what he and his Commission had learned. Hence, "Not in Your Lifetime."

The reality is that Warren has been quoted completely out of context, and because of it, millions of Americans and people the world over have been misled for over four decades. Indeed, the myth that the Warren Commission sealed much of its records is so widely believed that, remarkably, even the ARRB said that "the Warren Commission . . . sealed many of its records" (Final Report of ARRB, p.1).^{*} But nothing could be further from the truth. There is no evidence whatsoever that the Warren Commission sealed any part of its records, documents, or findings. To the contrary, the exact opposite is true, and the origin of this myth and misconception is one single remark Warren made that, as indicated, has been taken completely out of context.

As alluded to in a previous endnote, after Marina Oswald testified on February 3, 1964, which was the very first day of the Warren Commission hearings,[†] Warren told newsmen outside the hearing chambers in Washington, D.C., that as Mrs. Oswald continued with her testimony (it went on for three more days) it was possible some national security matters might come up because Oswald "was over in Russia and down in Mexico and *we don't know yet* what that will involve." Warren went on to say that in view of this, "Yes, there will come a time—but it might not be in your lifetime. I am not referring to anything especially—but there *may* be some things that would involve security. This would be preserved but not made public." Warren said that so far nothing like this had come up in Mrs. Oswald's testimony. (*Los Angeles Times*, February 4, 1964, p.2; *New York Times*, February 5, 1964, p.19) So Warren did not make his remark, as the general belief is, *after* the conclusion of all the testimony taken by the Warren Commission, or after the report was published on September 24, but *after the very first day of testimony of the first witness*. And he spoke only hypothetically of the possibility of the records being sealed; he did not state that they actually would be sealed. This one remark, always

^{*}Ironically, one of the very few people who did not think that the Warren Commission sealed the records was New Orleans district attorney Jim Garrison. He thought, just as erroneously, that LBJ was responsible. "The president of the United States has by executive order taken all of this critical evidence and ordered that it be kept secret for 75 years. This has got to be the first time in history that the man who profited most from the murder has announced the evidence is going to be kept secret" (Transcript of interview of Jim Garrison by Dutch TV, February 22, 1968, p.11).

[†]September 15, 1964, was the last day the Warren Commission took testimony in one of its hearings.

quoted out of context, is the source of the belief that Earl Warren, *knowing* all the testimony and evidence that had been heard and gathered by the Warren Commission during its ten months of existence, had come to the conclusion that certain evidence should not be revealed to the American public for seventy-five years, and that he therefore ordered the sealing of the records for the subject period. Like virtually everything else Warren Commission critics have alleged about this case, this contention has no basis in fact.

Actually, if Warren *had* clearly said, on February 3, that he did intend to seal the records, even that would have been irrelevant if he ended up not doing so. And here, he only spoke of the possibility.

Did Warren subsequently order the sealing of great numbers of Warren Commission documents? Not only didn't he do so, but instead he and his Commission encouraged the release of all the records to the American people.

One of the very, very few students of the Kennedy assassination who knows the truth about this matter is Jim Lesar, the soft-spoken lawyer who heads up the privately funded Assassination Archives and Research Center in Washington, D.C. Whenever I would read the assertion in the many conspiracy books that Warren and his Commission had sealed the records for seventy-five years, I would look for the source or citation, but it was never there. The critics of the Warren Commission have simply continued to repeat the canard, yet have never offered any evidence to support it for the simple reason that no such evidence exists. Fortunately, while talking to Lesar on another issue, I raised the matter with him. Though a conspiracy theorist who believes "there's physical, medical and ballistics evidence that leads you to conclude that one person could not have fired all of the shots," Lesar told me there was no question the Warren Commission did not seal its records. "So Warren and the Warren Commission have gotten a bum rap on this prodigious myth throughout the years?" I asked Lesar. "Yes, definitely," he responded. Lesar said he had researched the matter years ago and could not, at the moment, locate the documentary evidence, but he told me that the National Archives had a rule, which applied across the board to all historical records that federal agencies and commissions turned over to them, that the records would not be released to the public for seventy-five years. "It had nothing to do with the Warren Commission," Lesar said. (Telephone interview of Jim Lesar by author on December 28, 2000)

When I contacted Steven Tilley, at the time the chief of the Special Access/Freedom of Information Act staff, the unit responsible for the administration of the JFK Assassination Records Collection at the National Archives and Records Administration (hereinafter "NARA"),* he confirmed the old seventy-five-year policy at the archives and said, "I have no evidence that the Warren Commission asked to have the documents sealed. This belief somehow got started in the [conspiracy] research community, and it took on a life of its own" (Telephone inter-

*The NARA began its existence as an independent federal agency called the National Archives Establishment in 1934 under President Franklin D. Roosevelt. It was incorporated into the General Services Administration (GSA), answerable to the administrator of the GSA, in 1949. In 1984, it was separated from the GSA and currently is once again an independent federal agency operating in the executive branch of the U.S. government. The JFK Assassination Records Collection was established by the NARA on December 28, 1992.

view of Steven Tilley by author on January 23, 2001). Tilley did not have immediate access to the documentary evidence detailing how the records ended up being sealed, but he was extraordinarily cooperative in sending to me every document on the matter he could find. In abbreviated form, the following is the chronology of events leading up to the sealing of the records.

The Warren Commission said that when it completed its work on September 24, 1964, it committed “all of its reports and working papers to the National Archives, where they can be permanently preserved under the rules and regulations of the National Archives and applicable Federal laws” (WR, p.xv). Indeed, to clearly show the intent of Warren and his Commission members not to seal the records, when the Commission met for the final time on Friday, September 18, 1964, in Washington, D.C., with all Commission members, including General Counsel J. Lee Rankin, present, the official notes of the meeting state “a motion was made, seconded and carried that as soon as all of the exhibits and other records of the Commission which are to be published have been printed and made available to the public, *all of the remaining materials and records of the Commission shall be delivered to the National Archives to be held in perpetuity for the use and benefit of the people of the United States in accordance with federal laws and regulations*” (Transcript of Executive Session of the Warren Commission, September 18, 1964, p.7655).

The actual physical transfer of the records from the Commission to the archives took place on November 23, 1964, and per the “Accession Inventory” of the GSA, the records were classified as Record Group (RG) 220 at the archives (since transferred to RG 272) and consisted of 302 cubic feet of records (transcripts of testimony, depositions, affidavits of witnesses, etc.) and 58 cubic feet of physical exhibits (tapes and film, autopsy X-rays and photographs, Oswald’s rifle, bullets, clothing, etc.), for a total of 360 cubic feet.

After the records were transferred to the National Archives, they remained undisturbed and not the subject of any demonstrable interest to anyone until a December 18, 1964, interview in the *New York Herald Tribune* of deputy archivist Dr. Robert Bahmer (who later became the archivist), in which Bahmer said that “the National Archives will follow *its* policy of keeping the [Warren Commission] material classified for 75 years.” This, he observed, was “the policy concerning all historic investigations.”* The “policy” was actually a printed regulation of the archives. In a document titled “General Restrictions on the Use of Records in the National Archives,” Restriction 5, which was “imposed by the Archivist of the United States,” reads that the public is restricted from seeing “records less than 75 years old of the investigation of persons or groups of persons by investigative authorities of the executive branch.” The Warren Commission, of course, resulted from President Lyndon Johnson (head of this nation’s executive branch) signing Executive Order 11130 on November 29, 1963.

So contrary to the belief of virtually all conspiracy theorists and most Americans, no special handling of Warren Commission documents was invoked to keep

*In a February 25, 1965, letter to Assistant Attorney General Nicholas deB. Katzenbach, Wayne C. Grover, then archivist of the United States, said “the general policy” of the National Archives at the time was that “no access is permitted to *unpublished* [one mustn’t forget that in addition to the Warren Report, there were twenty-six volumes of the Warren Commission that *were* published, including all of the testimony and depositions of all the witnesses] investigatory reports for 75 years, unless authorized by the originating agency.”

the truth about the assassination from the public. The records were sealed under a general policy that applied to all federal investigations by the executive branch of government.

Bahmer went on to say that seventy-five years was chosen by the archives as the declassification figure “because it is considered to be the life span of an individual” and that said period was “intended to serve as protection for innocent persons who could otherwise be damaged because of their relationship with participants in the case” (*New York Herald Tribune*, December 18, 1964, p.24; see also “Seventy-five-Year Secrecy for Exhibits in JFK Killing,” p.12).

Robert Johnson, the mayor of Cedar Rapids, Iowa, read the Bahmer interview in the *New York Herald Tribune* and wrote a letter to President Lyndon Johnson on January 6, 1965, objecting very strongly to the seventy-five-year sealing period. “As one who read and believed the Warren Report,” he wrote President Johnson, “I am disturbed and chagrined that you would permit a government agency” to seal the records. “The decision of the National Archives to withhold from the public off-the-record testimony [actually the testimony of all witnesses was on the record and released to the public in the fifteen volumes of the Warren Commission] and exhibits of the Warren Commission is inexplicable and inexcusable and gives cause to doubt the veracity of the published Warren Commission Report.” Johnson told the president that if there was any “justification for withholding from the public” the records, it was “incumbent” upon the president “to make it clear why. Franklin D. Roosevelt said: ‘The only thing we have to fear is fear itself.’ Secrecy creates fear.” The Cedar Rapids mayor sent copies of his letter to Vice President-elect Hubert Humphrey, Chief Justice Warren, two senators, a congressman, and, perhaps more importantly, many members of the media, including the Associated Press and American Society of News Editors.

President Johnson, moved by the letter, immediately referred the matter to McGeorge Bundy, his special assistant, who in turn asked the National Archives for a background memo on the subject. In a January 18, 1965, memo to Acting Attorney General Nicholas Katzenbach, Bundy reported that the archives had replied to his request for a memo and had “recommended that Warren Commission records be treated on the same basis as other investigative records” and that “they not be made available to the public for a period of 75 years.” Bundy wrote that the National Archives’s position had “some merit,” but “in view of the very special nature of the Warren Commission investigation and the desirability of the fullest possible disclosure of all the findings,” the Johnson administration’s position was that the Department of Justice should conduct a study into “the feasibility and advisability of making an exception, in this particular case, to the normal 75-year disclosure procedure.” The study should include, he wrote, asking Chief Justice Warren what his position was on the matter.

In a letter to Attorney General Katzenbach on April 5, 1965, Chief Justice Warren left no ambiguity as to his state of mind. Because Warren has been unjustifiably maligned by millions of people for decades due to their misapprehension that he wanted Warren Commission records sealed for seventy-five years, and because this misconception has arguably been one of the main reasons for the same millions believing that the Warren Commission suppressed the truth from the American people, I have decided to quote the bulk of Warren’s letter:

Dear Mr. Attorney General:

The President's Commission on the assassination of President John F. Kennedy gave careful consideration to the proper disposition of its records before it delivered them to the National Archives. *It wished them to be held there for the benefit of the American people. At that time, it decided that it was in the best interests of all concerned that the policy relating to the Commission's records provide for the fullest possible disclosure.*

At the same time, the Commission recognized that its records contained investigative materials which were classified by the originating agencies . . . The Commission, after full consideration, concluded that it did not have either the authority or the necessary information to determine the technical questions as to when the classified materials should be released without injury to the security of the country. It decided that the responsibility for that decision must of necessity be left with the originating agencies and the Attorney General, as the chief legal officer, in accordance with established law and policies of the government.

In arriving at the foregoing conclusions, however, the Commission assumed that all of the determinations by the agencies and the Attorney General *would be made in recognition of the overriding consideration of the fullest possible disclosure.*

We hope that this report of the attitude and conclusions of the Commission concerning the *full disclosure* of its records will be helpful to you in the formulation of your proposal for making the materials of the Commission now in the National Archives *available to the public.*

Sincerely,
Earl Warren

Sounds like Warren and his Commission really wanted to seal all of their unpublished records for seventy-five years, doesn't it? Ironically, Warren, in all likelihood, had never even heard of the seventy-five-year rule at the archives.*

The attorney general's office eventually recommended a series of guidelines (approved by the White House on April 19, 1965) for the National Archives to follow (called "the Johnson Plan" or "The Department of Justice Guidelines") with

*The seventy-five-year rule of the archives no longer exists, being originally supplanted by the rules of access to records set forth in the Freedom of Information Act of 1966 (Letter from Steven Tilley of the National Archives to author dated November 14, 2001, p.2). When it was in existence, as previously indicated, the seventy-five-year rule only applied to records of the executive branch of government, and hence, the Warren Commission records, but not to the records of the HSCA investigation of the assassination. And as we shall see, the Freedom of Information Act never covered *congressional* records. However, the House of Representatives, back in 1953, passed House Resolution 288 (never enacted into law) providing that records of the House in the custody of the archives for *more than fifty years* could be made available for research by the public. But Tilley told me in his November 14, 2001, letter that House rules state that a simple resolution not enacted into permanent law expires at the end of the Congress that passed it. However, he said, the Clerk of the House "continued to enforce the 50-year rule absent any specific order of the House to the contrary." And indeed, in a March 26, 1979, letter from Edmond L. Henshaw Jr., Clerk of the United States Representatives, to James Rhoads, then archivist of the United States, Henshaw said that the HSCA assassination records turned over to the archives that year were being "transferred to the [archives] for preservation *subject to the order of the House.*" Finally, in 1989, the fifty-year rule became official when Rule XXXVI of the House, passed in 1979 (but silent as to any number of years), was amended by the House to provide that investigative records of the House transferred to the archives shall be sealed for fifty years and all other House records for thirty years. (The Senate rules provide nondisclosure for fifty years for investigative records and twenty years, not thirty, for noninvestigative records [Senate Resolution 474, 1979].)

respect to disclosure, and the archives, in fact, followed them until the Freedom of Information Act of 1966, which superseded the guidelines.* A few of the guidelines follow: All documents furnished to the Warren Commission by the Dallas Police Department† should immediately be made available to the public since the Dallas police “authorized full disclosure.” With respect to documents furnished to the Commission by federal agencies (which had been instructed to review all their assassination files and documents to see which could be declassified and released, with additional reviews “five and ten years after the initial examination” and “similar reviews . . . at ten year intervals during the remainder of the 75-year period of non-disclosure”), “security classifications should be respected, but the agency responsible for the classification should consider whether the classification can be eliminated or graded down consistent with national security,” and unclassified material “should be made available to the public on a regular basis” unless, among other reasons, disclosure would be “detrimental to the . . . enforcement of the laws . . . of the United States, reveal the identity of confidential sources of information . . . [or] be a source of embarrassment to innocent persons.” Reasons for nondisclosure should be weighed against the “overriding consideration of the fullest possible disclosure.”

As a result of the application of those guidelines, as far back as July 19, 1966, “approximately 80%” of the records from federal agencies (FBI, CIA, etc.) that the Warren Commission had turned over to the archives had been released (i.e., made available for inspection) by the archives to the public (Letter from Charles F. Simms, a member of the staff of the Department of Justice’s Office of Legal Counsel, to Assistant Attorney General Frank M. Wozencraft, head of the Office of Legal Counsel, July 19, 1966, p.1).

The second great misconception responsible for the desire of conspiracy theorists and the public to have all Warren Commission records disclosed is the notion that we can learn the truth about the assassination only if the records are unsealed. As Jim Garrison told a New Orleans jury in his prosecution of Clay Shaw, Americans would have to wait until “the year 2039 to see the evidence *about what happened to John F. Kennedy*.” In other words, we’ll know the truth about the assassination only in 2039. Such a silly notion can be easily demolished since its premise is illogical and contravenes human experience. Indeed, I’ve always been amused by the belief propounded by the conspiracy theorists and accepted by millions of Americans that hidden deep in the files of the Warren Commission (and/or HSCA) is a document (or documents) that will refute the official finding of the Warren Commission that Oswald killed Kennedy and acted alone.‡ And this is why “they” (i.e., our federal

*On April 20, 1965, Robert Johnson, the Cedar Rapids mayor who had served as the catalyst for the relaxation of the National Archives’s seventy-five-year policy, was rewarded by a letter from Bundy on White House stationery, thanking him for his “patience” and informing him that pursuant to his request the government had investigated the matter and indeed concluded that the “standard regulations of the National Archives” were to be modified “in view of the special nature of the investigation conducted” by the Warren Commission.

†The Dallas Police Department did not turn over many of its JFK documents to the Warren Commission, though it furnished all those requested by the Commission.

‡*New York Times* columnist Anthony Lewis writes, “The thirst for some deeper, darker truth [in the Kennedy assassination] is unquenchable in America . . . We want to open some file and find the conspiracy. But we never shall” (*New York Times*, January 9, 1992, p.A23).

government, or people or groups who have influence over it) have suppressed this document (or documents) from the American people for decades.

In the first place, the belief that any alleged conspirators who plotted Kennedy's assassination would commit to paper anything that expressly, obliquely, or in any other way referred to the murderous plot is ridiculous on its face.

Moreover, even if we make the assumption that one or more of these documents did exist, the only reason why anyone would want to suppress their existence would be if they were involved in the conspiracy to murder Kennedy (which would make them guilty of the crime of murder) or were actively involved in covering up for those responsible for Kennedy's murder (which would automatically make them guilty of the crime of accessory after the fact to Kennedy's murder). But you see, if that were the case, these people would simply destroy these documents, not leave them in any file. If they were immoral enough to murder Kennedy, or do whatever they could to cover up for those who did, surely they would eliminate an incriminating document. To suggest otherwise is to say that they would have, in effect, the following state of mind: "It's one thing for me to be a part of the conspiracy to murder President Kennedy or to be an accessory after the fact to his murder, but don't expect me to throw away any incriminating document. That's just going too far. You have to draw a line in the sand somewhere. How immoral do you think I am?" Laughable? Yes, but that's what the whole notion fueling the disclosure movement has been.

An equally ridiculous alternative proposition is that JFK's alleged conspirators actually *chose* to leave some smoking-gun document in the files rather than destroying it: "We'll leave it in the files and hope they'll never find it." Again, laughable? Yes. But one or the other of these two states of mind, or some close variation thereof, would necessarily have to have governed the actions of any alleged criminals for there to be any viability to the disclosure movement.

To summarize, if there were any documents (which, I repeat, there wouldn't be) that pointed to a different gunman or the existence of a conspiracy, these documents would have been destroyed years ago. Therefore, if the purpose of the JFK Act and ARRB were to find out if such documentary evidence existed among the previously unreleased Warren Commission and HSCA records, the JFK Act and ARRB were almost,* by definition, an exercise in futility. However, despite this inherent futility, inasmuch as the JFK Act and ARRB have become an important part of the historical record of the assassination, a brief discussion of them is called for.

The whole debate the last several decades over the wisdom, or lack thereof, in releasing to the public the unpublished Warren Commission and HSCA records

*However, the situation perhaps isn't quite as black and white as I have painted it here. Though a smoking-gun incriminating document would never be found in the archives, it is undeniably true that whenever anyone attempts to destroy much incriminating material, here and there hints of conspiracy and complicity somehow continue to survive, if in no other way than that gaps in documentary evidence may be discovered, in which case the effort to cover up leaves its own trail, and therefore inferences—perhaps tentative—can be drawn. And there is the situation where a surviving document, by itself, would appear to be benign, and hence wasn't destroyed, but in the hands of a good researcher this document may contain information that, in conjunction with other information or documents, becomes a part of the mosaic pointing toward wrongdoing. So if there was a conspiracy to murder Kennedy, the diligent search for an examination of documents that are part of the assassination record is not, per se, an automatically fruitless undertaking.

and files is but a manifestation (albeit, the most famous one in this nation's history) of the eternal conflict between the public's natural desire to want to know all it can about the affairs of state, and the government's instinctive reluctance not to disclose its innermost workings, even if entirely innocent—the argument used by the government essentially being that such disclosure will ultimately redound, ironically, to the detriment of the very public who want the information disclosed (i.e., it is to the nation's benefit to keep certain things secret). This fight over secrecy reached its zenith in America during the paranoia of the cold war (which encompassed the Kennedy assassination) and continued, almost unabated, until the collapse of the Soviet Union helped to shift, at least somewhat, the free world's emphasis from secrecy to openness.

Prior to 1946 in America, short of a subpoena in an ongoing lawsuit, there was no federal statute entitling any citizen to secure the records of any federal agency. In that year, Congress passed a law (5 USC § 1002) providing that unless “secrecy in the public interest” was involved, every federal agency had to publish or “make available to public inspection all final *opinions* or *orders*” resulting from *administrative* proceedings of the agency. The section, being so very limited, in no way enabled any American citizen to procure such things as investigative documents and reports of agencies like the FBI and the CIA.

Apart from the Department of Justice guidelines for access to Warren Commission records heretofore referred to, which were never codified into statutory law, the first major breakthrough and crack in the federal secrecy armor came in the landmark Freedom of Information Act (FOIA) of 1966 (5 USC § 552), which went into effect on July 4, 1967. The Act required, among other things, every federal agency to “make available for public inspection and copying” all of its “records [and] documents” except those “specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy” or “specifically exempted from disclosure by statute” (e.g., 50 USC § 403-3 (c) (5), and § 403 (g) exempt CIA records from disclosure). Also exempted from disclosure were law enforcement records that “could reasonably be expected to interfere with enforcement proceedings” or “would deprive a person of a . . . fair trial” or “could reasonably be expected to constitute an unwarranted invasion of personal privacy” or “could reasonably be expected to disclose the identity of a confidential source” or “would disclose techniques and procedures [of] law enforcement investigations or prosecutions” or “could reasonably be expected to endanger the life or physical safety of any individual.” (5 USC § 552 (b) (1) (A) (3) (7))

Obviously, the exemptions of FOIA are so numerous (nine) that they threaten to eviscerate the right of a citizen's access to the records. Moreover, if any federal agency resists an applicant's request* for any document or record on the ground that a particular exemption applies, and the applicant sues, there is a presumption *against* disclosure, and the plaintive applicant has the burden of proving that the

*It should be noted that most FOIA requests do not deal with the Kennedy assassination, indicating Americans' appetite for government information of all kinds. For instance, in 1990, federal agencies received 491,000 FOIA requests and spent \$83 million responding to them. The Defense Department received 118,000 requests; the Justice Department, 62,000; the Immigration and Naturalization Service, 45,000; the Environmental Protection Agency, 39,000; the FBI, 11,000; and the CIA, 4,000. (Theoharis, *Culture of Secrecy*, pp.84–85)

alleged exemption does not apply. Despite these onerous impediments, literally hundreds of thousands of pages of Warren Commission documents have been released to the public by federal agencies such as the CIA and FBI as a result of court orders resulting from an applicant's successful lawsuit, and FOIA, together with the Johnson Plan, "resulted in the release of 98% of the Warren Commission records by 1992" (Final Report of the ARRB, p.2).

Jim Lesar is considered by many to be the leading FOIA private lawyer in the country. His entire practice is devoted to FOIA cases, and in approximately 170 FOIA lawsuits over the past thirty years he has secured more documents under FOIA (60 percent of them assassination-related) than any other private lawyer. And Lesar has no hesitancy in declaring that "FOIA has done an enormous amount of good. It is perhaps the most important innovation in democratic theory and practice since the U.S. Constitution." (Telephone interview of Jim Lesar by author on December 28, 2000)*

But quite apart from its many express exceptions, there are enormous holes in FOIA, the most important of which (at least in terms of the Kennedy assassination) is that it applies only to records of the executive branch, that is, agencies of the federal government. Therefore, under FOIA, the vast records of all congressional investigations that dealt either exclusively or partially with the Kennedy assassination, such as the HSCA, the Church Committee, and the Rockefeller Commission, are off-limits.

As indicated, the JFK Act, enacted by Congress and signed into law on October 26, 1992, created the five-member ARRB. President Bush left the appointment of the board members to his successor, President Bill Clinton, and they were sworn in on April 11, 1994. It wasn't until October 1, 1994, however, that Congress appropriated funds for the Review Board's operation, and because of the belated start, Congress twice extended its life, the ARRB finally turning off the lights to its operation on September 30, 1998. The five-member board was weighted heavily toward academe, with four (Henry F. Graff, William L. Joyce, Kermit L. Hall, and Anna K. Nelson) of the five being historians, though the

*The gentlemanly lawyer doesn't speak quite as highly of the federal agencies, mostly the FBI and CIA, whose obstructionism in releasing records to Lesar's clients (most of whom he represents pro bono, providing for his family by the attorney-fee provision of FOIA that allows him, on the discretion of the court, to receive compensation from the government for his legal services if he prevails in the lawsuit against the agency) under FOIA caused them to seek redress in the courts through a lawsuit seeking the forced disclosure of the record or records. "I've been in litigation for a couple decades," he says, "trying to get them to provide records and they have fought every step of the way. They throw up many threshold defenses," he says, some of the defenses bringing an infrequent laugh to Lesar. For example, the FBI, for awhile, was alleging that FOIA only applies to "agency records," and all the records the FBI had provided the HSCA "ceased to be FBI records because Congress had seen and reviewed them." When he stopped chuckling at that argument, he addressed himself to the issue of why the FBI, CIA, and other federal agencies try to prevent the release of documents whose contents won't even hurt them. There are several reasons for this, he said, proceeding to mention a few. "What underlies their resistance to releasing documents is that they want to control the information that gets out about them and their conduct. In many cases, they don't know for certain whether information in a document is harmful, but they consider there's always a possibility it might be in some way they don't even know about. They view requesters as subversives, a class of people who are looking for information to hurt them. There's also the notion that government officials somehow come to believe that they are the owners of the information that they obtain. But in getting this information they were working on the taxpayer payroll, using taxpayer-owned equipment, even paper, so the taxpayers own the product. At most, the agency is only a trustee, but they don't see it that way." (Telephone interview of Jim Lesar by author on November 23, 2004)

chairman of the board, John R. Tunheim, now a federal judge, was at the time the chief deputy attorney general for the state of Minnesota. The board members met two full days every three weeks, although its paid staff of twenty-six (including two investigators with law enforcement backgrounds) worked full-time.

Previous assassination-related commissions and committees were established for the purpose of drawing conclusions about the assassination. Congress did not, however, commission the ARRB to draw any conclusions about the assassination, only to release all records of the assassination “so that the [American] public could draw its own conclusions” (Final Report of ARRB, p.xxi).

The law the ARRB was seeking to implement, the JFK Act, eliminated many of the defective areas of FOIA.* For instance, under the JFK Act, *all* congressional records on the assassination, including, most importantly, the records of the HSCA that had not been published in its twelve volumes were now subject to release to the American public. Also, by its language, FOIA in effect allowed exemptions from disclosure *in perpetuity* (i.e., even beyond the original seventy-five-year sealing period of the National Archives), whereas under Section 2 (a) (2) of the JFK Act, “*all* government records concerning the assassination of John F. Kennedy carry a presumption of immediate disclosure, and *all* records should be eventually disclosed to enable the public to become fully informed about the history surrounding the assassination.” In other words, under FOIA, nondisclosure could be permanent under many situations, but under Section 6 of the JFK Act, only a “postponement” was possible.

However, even the “postponements” have a virtual limit under the JFK Act. Section 5 (D) provides that *all* assassination records should be disclosed in full “no later than the date that is 25 years after the date of enactment of this Act, October 26, 1992 [i.e., all assassination-related documents must be opened to the public no later than October 26, 2017], *unless* the president certifies that continued postponement is made necessary by an *identifiable harm* to the military defense, intelligence operations, law enforcement, or conduct of foreign relations, *and* the identifiable harm is of such gravity that it outweighs the public interest in disclosure.” (Both phrases “identifiable harm” and “outweighs the public interest in disclosure” are absent in FOIA.) This, obviously, places a much higher burden for a resisting federal agency to meet to prevent disclosure than anything under FOIA. So under the JFK Act, after October 26, 2017, only the president, not the courts, can prevent a document from being made available to the public under FOIA.

Another improvement in the JFK Act over FOIA is that under Section 552 (b) (1) (A) of FOIA, the legitimacy of requests by a federal agency for security exemptions from disclosure was determined by criteria established in existing presidential executive orders. But Section 11 of the JFK Act provides that the Act “takes

*However, the JFK Act did not supersede FOIA. And since the Act allowed only the ARRB, not private citizens, to procure assassination records under it, the courts have held that throughout the period of the JFK Act, private citizens and the general public still had to continue to seek assassination records under FOIA with its limitations. For instance, in 1993, the Assassination Archives and Research Center sought some FBI records under FOIA relating to assassination figure Marita Lorenz, which the FBI denied. When the center sued and argued that under the JFK Act the records would have to be released to them, the U.S. District Court for the District of Columbia ruled that “the JFK Act does not affect the existing law applicable to FOIA requests,” and that the provisions of said Act were not available “to the public” (*Assassination Archives and Research Center v. U.S. Department of Justice*, 828 F. Supp., 102–103 [1993]; affirmed on appeal, 43 F.3d 1542 [D.C. Cir. 1995]).

precedence over any other law” and, hence, is independent of conflicting executive orders. Moreover, although most of the same litany of grounds (in addition to national security) for nondisclosure exists under the JFK Act as under FOIA (e.g., under Section 6 of the JFK Act, where disclosure would reveal the identity of an intelligence agent, or intelligence source or method of operation, etc.), the courts, in interpreting FOIA, held that even if the source or method of operation were not currently being utilized—indeed, even if the agent or source were dead—an exemption could still be sustained. But under the JFK Act, there’s a requirement that the agent’s identity “*currently* requires protection” and that the “intelligence source or method [be] *currently* utilized.” The “current” requirement was an obvious compromise between the public’s right to know and the traditional and understandable concern of law enforcement and intelligence agencies like the FBI and the CIA to protect, above all else, their sources and methods of operation, which was particularly acute during the period of the cold war.

An initial problem the Review Board faced was what, exactly, constituted an “assassination record.” The JFK Act defines it as a record “*related* to the assassination” that “came into the possession of” a list of commissions and committees, such as the Warren Commission, HSCA, and Church Committee, et cetera.* The problem with that definition, the Review Board concluded, was that it was too restrictive and wouldn’t satisfy the conspiracy community, which had already established a reputation for seizing on a far-out tidbit of information that no one but them would conclude was relevant to the assassination inquiry. Although Section 7 (n) of the JFK Act (authorizing the Review Board to issue “interpretive regulations”) and Section 7 (i) (2) (A) (authorizing the Review Board to determine “whether a record constitutes an assassination record”) don’t authorize the ARRB to further define what an assassination record is, only to determine whether a document is an assassination record as *already* defined by the JFK Act, Judge John Tunheim told me that “it was always the understanding of our board that the legislative intent behind the JFK Act was that the board would further define the term ‘assassination record’” (Telephone interview of Judge John Tunheim by author on October 30, 2001). And, indeed, the 1992 Senate Report on the JFK Act does say that “the term ‘assassination record’ was not more specifically defined by the committee because to do so before more is known about the universe of records would have been premature” (*Report to Accompany S. 3006, The President John F. Kennedy Assassination Records Collection Act of 1992*, Governmental Affairs Committee, 102d Congress, 2d session, 1992, Senate Report 102-328 [hereafter “1992 Senate Report”], p.21; see also Final Report of the ARRB, p.17). With this in mind, the Review Board, after conducting two public hearings on the matter† and much deliberation, expanded the definition of an assassination record to include “*all* records,

*Under Section 3(2) (L), the JFK Act also compelled the release of assassination records of “any State or local law enforcement office that provided support or assistance” in the investigation of the assassination. But on January 27, 1992, months before the JFK Act was even enacted (in October of 1992), the Dallas Police Department, after a unanimous vote by the Dallas City Council, released all of its documents on the case for inspection by the public.

†Overall, the ARRB held a total of seven public hearings, one each in Dallas, Boston, New Orleans, and Los Angeles, and three in Washington, D.C.

public and private” that were “reasonably related” to the assassination (Final Report of the ARRB, p.18).*

The expanded definition enabled the Review Board to significantly increase its collection of documents for the historical record by including, for instance, the private files of Jim Garrison, the desk diaries of former president and Warren Commission member Gerald Ford, the diary of Clay Shaw, and notes taken by Dallas police captain Will Fritz and FBI agent James Hosty during their interrogations of Oswald, all of which never “came into the possession of” the Warren Commission and the HSCA, and hence, under the earlier, restrictive definition of an assassination record, would not have constituted an “assassination record” available for disclosure to the American public.

The ARRB, with broad powers, including the power to subpoena witnesses and documents and grant witnesses immunity from prosecution (JFK Act, § 7 (j and k)), began to implement the JFK Act on April 11, 1994. However, inasmuch as the date the JFK Act went into effect was October 26, 1992, and it set forth its objective of releasing JFK assassination-related documents to the public, by April of 1994, federal agencies, on their own, had voluntarily declassified thousands upon thousands of documents. In fact, once the Review Board started its work, it was only dealing with (i.e., potentially had to vote on) about sixty-two-thousand assassination-related documents whose release was being opposed by one of the twenty-three agencies or entities (e.g., FBI, CIA, National Security Council, Department of State, Lyndon Baines Johnson Library, Church Committee, etc.) that possessed them. Of these, 33,176 were eventually released by the agencies without a ruling by the Review Board. This was so because once the ARRB started to establish its voting patterns, the agencies or entities began to recognize that the Review Board would not grant postponements for certain types of information, so they voluntarily withdrew their request for postponement before the ARRB ruled on them. The subsequent release of these documents was called “Consent Releases.” This left only 29,420 documents that the Review Board had to review and vote on, 49 percent of which were CIA documents and 34 percent FBI documents. (Final Report of the ARRB, pp.203–204) Judge Tunheim told me that these approximately twenty-nine thousand documents contained redacted (blacked-out) material, and most of them had not been released by the agencies involved. “We released all of these twenty-nine thousand documents,” Tunheim said, “although a relatively few still contained redactions. And even with those, we put some information in as a substitute that would identify in a general way what was being redacted to eliminate some of the wild guessing by the researchers, and frequently substituted the CIA pseudonym for an actual name of the CIA agent. We also put

*One set of records that the JFK Act specifically excluded from falling within the rubric of an assassination record open to the public is the “autopsy records [actually, mostly autopsy *materials* (not records) which were supposed to, but did not, include the president’s brain] donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those records” (JFK Act, § 3 (2)). During the 1992 Senate hearings on the JFK Act, it was the consensus that there was a “compelling justification for protecting the privacy of the Kennedy family from the unwarranted intrusion that would be raised by public disclosure of the autopsy records” (1992 Senate Report, footnote 2, pp.21–22). The materials were legally transferred by the Kennedy family to the archives on October 29, 1966.

One other set of records exempted from the JFK Act is income tax returns under Section 6103 of the Internal Revenue Code (JFK Act, § 11 (a)).

an ultimate release date on all the documents, 96 to 97 percent of which was way before 2017. I believe all of these release dates have passed by the time we are now talking. I don't recall ever protecting an entire document that fell within the definition we used of being assassination related." (Telephone interview of Judge John Tunheim by author on November 3, 2006)

By the time the ARRB closed its doors on September 30, 1998, at a cost to the public of \$8 million, Judge Tunheim told me that "99.9 percent of all assassination-related documents had been released to the public," meaning that approximately 4.5 million pages of previously classified documents have been declassified and made available to the American public. Only redacted material in some of the documents continues to be withheld to this day, and this redacted material, he said, constitutes a "tiny fraction of 1 percent of the information in all the documents collectively." (Telephone interview of Judge John Tunheim by author on October 30, 2001)

Steven Tilley at the National Archives essentially agrees with everything that Judge Tunheim says. In a letter to me in November of 2001, he too said that "99.9 percent" of all JFK assassination documents are currently "available to the public in full or in part." In answer to my question as to whether *any* assassination documents are currently withheld in full, he answered that although "there may be a few withheld in full, I have discussed this matter with my staff, and we cannot think of any document that has been withheld in full." Tilley reconfirmed that the archives, located in College Park, Maryland, has "about 360 cubic feet of records and related material" from the Warren Commission and about "337" cubic feet of HSCA records and related material, bringing the total cubic feet of Warren Commission and HSCA records and related material close to 700 cubic feet. Stored in special vaults at the archives, the JFK collection of all assassination documents prior to the ARRB was "more than four and a half million pages. The addition of the records of the ARRB . . . may have pushed the figure to over five million pages." (Letter from Steven Tilley to author dated November 14, 2001)

Most important to the suspicious and cynical, however, Judge Tunheim said that either he or another member of the Review Board has personally examined *all* of the redacted material, and there was "nothing in any of the documents that was central to the assassination. There's no smoking gun, and no *substantive* information was protected and not released by way of redaction."* What they did protect and redact, he said, were such things as the names of intelligence agents, "who proved to us that there could be some harm to them by the release of their name," methods of intelligence gathering back then that are still used today and not generally known, matters pertaining to presidential security, "and a very few cases involving personal privacy." (Telephone interview of Judge John Tunheim by author on December 10, 1999)

Right near the time of my submission of final proofs for this book to my publisher in November 2006, I called Steve Tilley to get a wrap-up to date on some facts and figures. In two telephone conversations with Tilley, who is now the direc-

*Indeed, Robert Blakey, former chief counsel for the HSCA, told me that way back in 1978 "I personally looked at everything that was classified by the FBI and CIA, and therefore not made public, and I found nothing in them to indicate a conspiracy" (Telephone interview of Robert Blakey by author on February 23, 2003).

tor of the Textual Archives Services Division at the National Archives (a division that has jurisdiction over the JFK Assassination Records Collection), Tilley told me that there are presently “around five million pages” in the JFK Assassination Records Collection, and they are contained within “a very conservative estimate of 350,000 documents.” He said the forty official volumes of the Warren Commission and HSCA, although back at the archives, and “considered by us to be a part of the JFK Assassination Records Collection,” are not part of the five-million-page estimate.

Tilley said the total number of cubic feet of the JFK Assassination Records Collection is “about 2,000.” This estimate is reached, he said, because even though the Warren Commission and HSCA collections are by far the largest and add up to only around 700 cubic feet, “most of the FBI and CIA documents turned over to us under the JFK Act were not included in these two collections. When you combine these additional FBI and CIA documents with records and materials from the variety of other local, state, and federal agencies as well as from private collections and deeds of trust, the overall collection comes to around 2,000 cubic feet.”

Tilley estimated that “approximately five thousand full pages [not documents] have not been released as of this date, but are scheduled for release under the law in 2017.” These pages are unreleased, he said, “because the agencies involved said they contained information pertaining to national security and, in much fewer cases, personal privacy, and they recommended and requested that the release date for these pages or this information be postponed until 2017, and the ARRB agreed with the recommendation and so voted.” (Telephone interviews with Steve Tilley by author on November 6 and 7, 2006) But in a telephone call I made back to Judge Tunheim, he made the all-important point that “the board [ARRB] protected nothing, not one document or page, that was centrally related to the facts of the assassination itself” (Telephone interview with Judge John Tunheim by author on November 7, 2006).

Hundreds upon hundreds of conspiracy theorists, as well as others, have spent considerable money and time throughout the years to get one or more assassination documents released from the archives, and without exception, when successful, they found there was nothing of any value in them. They found that their assumption that the government’s fighting so tenaciously with them to withhold the document meant it was hiding something of relevance to the assassination was, in the case of assassination documents, a non sequitur. Over and over they found, to their consternation, that a federal agency was only withholding the identity of an intelligence source or methods of operation. In those cases where it wasn’t, it was just plain bureaucratic obstinacy.

There’s been a similar letdown for researchers who had the maddening experience throughout the years of receiving documents from the archives that were so heavily redacted that they were literally useless. Later, when the ARRB released the same document unredacted, they learned the redacted material was of no evidentiary value to them.

Although the conspiracy community had been salivating over what the release of the assassination-related records would reveal, they naturally were bitterly disappointed when nothing was found to contravene the findings of the Warren Commission and support their various theories of conspiracy.

Jeremy Gunn, former general counsel for the ARRB, told the *Chicago Tribune's* Jason Krause that at least a dozen times the Review Board thought it had found a critical document, but nothing ever panned out. Either the title or description of a document was provocative and the document itself was banal, or upon close inspection, a seemingly significant line of inquiry turned out to mean something completely different than initially thought. (Jason Krause, "The Grassy Knoll Society," *Chicago Tribune*, November 16, 2003, p.20)

Judge Tunheim told me that every federal agency was cooperative in *showing* the ARRB all of its documents and nearly all were cooperative in *releasing* all of the information in their documents to the archives for public disclosure. "In some cases the CIA felt their judgment was better than ours as to what should be released, but eventually they always deferred to our judgment and were quite cooperative." He said the agency that "was the least cooperative was the Secret Service," believing the agency "just didn't get it." But eventually the ARRB got everything from the Secret Service it asked for, with the exception of a document containing the names of all known people who had threatened Kennedy within six months of the assassination. The Secret Service said that since many of these people had been institutionalized, to release their names, even though many are now dead, would compromise the Secret Service's relationship in the future with mental health providers for the mentally ill. The Secret Service appealed the Review Board's demand for the document to the president (under the JFK Act, the only person or entity an agency can appeal to, not the courts), but President Clinton denied the Secret Service's appeal before his term expired in January of 2001.

The other agency that wasn't completely cooperative was President Clinton's Foreign Intelligence Advisory Board, a White House agency. It appealed to the president the ARRB's demand for minutes of the board during meetings in 1962–1963 regarding Cuba and Russia. Again, just before his second term expired in January of 2001, President Clinton also rejected the appeal of the Foreign Intelligence Advisory Board. (Telephone interviews of Judge John Tunheim by author on December 10 and 28, 1999)

Though Jim Lesar views the JFK Act as "a stunning piece of legislation, unprecedented in the scope of its disclosure provisions," and it "accomplished a lot," he said that problems remain. Number one, the JFK Act conferred no jurisdiction to the federal courts to enforce the Act, thereby in effect limiting those who could avail themselves of the Act to the ARRB. Therefore, when the ARRB discontinued its operations on September 30, 1998, no future requests could be made under the Act. "Private citizens cannot bring suit under the JFK Act," Lesar told me, "so we're back to square one, to where we were before the JFK Act was enacted. We're back to FOIA." (In a November 14, 2001, letter to me, Steven Tilley of the National Archives confirmed that "NARA access [to JFK assassination records] now follows the provisions of FOIA.") Lesar said he wrote to the ARRB on July 6, 1998, asking it to recommend to Congress, upon the termination of the Review Board's operations, that Congress enact new legislation that would enable private citizens and assassination researchers "to bring suit in federal court to have records declared to be Kennedy assassination records subject to disclosure under JFK Act standards," but the ARRB declined to do so. Lesar has brought several lawsuits for assassination documents after the ARRB finished its work, and they have all

been under FOIA. A few of them have been unsuccessful. When I mentioned that the documents he was seeking *would* be disclosed at least in 2017 because of the JFK mandate, he said not necessarily so. “There are still records which researchers believe may shed light on the assassination which were not identified by the ARRB as ‘reasonably related’ to the assassination, and therefore will not be released in 2017.” When I asked for an example, he said that in 1962 the CIA’s Office of Biographic Registry compiled a five-volume set of profiles on Cuban leaders. Lesar sued for the volumes in the year 2000 under FOIA, but on October 24, 2001, the U.S. District Court in Washington, D.C., upheld the CIA’s claim that the records were exempt under FOIA. (Telephone interview of Jim Lesar by author on October 31, 2001)

Three things are very clear: First, after an unprecedented and historic four-year scavenger hunt by the ARRB for all documents “reasonably related” to the assassination, no smoking gun or even a smoldering ember of conspiracy was found. The reason is that no such smoking gun or ember ever existed. Second, if it did exist, it would never have been left in any file for discovery. And finally, assassination researchers and conspiracy theorists will never be satisfied, not even when the cows come home.*

Virtually all researchers know all about the National Archives and the JFK-related documents housed therein. But there are two other official repositories of assassination documents that are not nearly as well known, those of the Dallas Police Department housed at the Dallas Municipal Archives, and those of the Dallas Sheriff Department pertaining to Parkland Hospital and the department’s custody of Jack Ruby following his shooting of Oswald. In early 2006, I asked John Slate, the city archivist at the Dallas Municipal Archives, to furnish me with the history of the JFK assassination records of the Dallas Police Department at the archives. I am grateful to Slate for writing me back on July 10, 2006, with the history I requested. The following, with minor prefatory and closing deletions, is his report to me, a report that is valuable for the historical record because it sheds light on a heretofore relatively ignored piece of the documentary history of the assassination:

The John F. Kennedy/Dallas Police Department Collection contains 11,406 documents and photographs, including homicide reports, affidavits, witness statements, newspaper clippings and correspondence. The Dallas Municipal Archives, a division of the City Secretary’s Office, possesses all of these original files except those that have been transferred permanently to the federal investigation collection held at the National Archives.

A first set of documents related to the Kennedy assassination were discovered by the city’s records management officer during a records inventory of the Dallas Police Department [DPD] in 1989. The documents, housed between 1963 and 1989 in a filing cabinet with other historical materials, were appraised as no longer administratively needed by the police department. However, since

*Indeed, they’re already suggesting a cover-up by the ARRB. As leading conspiracy theorist Walt Brown wrote, “The ARRB releases are being pored through, but as yet, no smoking guns have emerged—perhaps not surprisingly, because for all their righteous indignation and promises, the Review Board proved to be a bitter disappointment, and to some, no better than the Warren Commission” (*JFK/Deep Politics Quarterly*, April 1999, p.28).

they possessed historical and permanent value they were transferred to the Dallas Municipal Archives (then known as the Dallas Municipal Archives and Records Center) that same year. Little fanfare accompanied the transfer, but much more notice was taken after the addition of several more feet of documents in 1992, largely in response to the late 1991 release of Oliver Stone's film *JFK*, parts of which were shot in Dallas. On January 27, 1992, the Dallas City Council passed Resolution 92-0438, ordering the release of "all files, documents, papers, films, audio, or any other evidence held by the Dallas Police Department or any City department or agency regarding the John F. Kennedy assassination, the murder of Lee Harvey Oswald, and Jack Ruby to the public and media immediately . . . That the Dallas Police Department and other city departments transfer all John F. Kennedy assassination documents and related materials to the Dallas Municipal Archives and Records Center for preservation and release to the public." Like many city departments, the Dallas Police Department was not well equipped to accommodate researchers' requests and simply mothballed the Kennedy materials after the assassination. In the absence of meaningful local or federal open records laws until the 1970s, the Kennedy records were more forgotten than actually restricted and were open to public inspection, through few made specific written requests to the department or the police chief. Most citizens' requests to the DPD for information were of a general nature and they were directed to the Warren Commission volumes or to the National Archives.

While it appeared the records were closed, in truth they were never meant to be restricted. A little-known press release from Dallas police chief Jesse Curry on November 25, 1963, stated, "When the investigation in the case of Lee Harvey Oswald is completed insofar as the Dallas Police Department is concerned, we intend to make the entire file public unless federal authorities specifically request that some part be withheld and turned over to them. Unless we are specifically instructed otherwise from Washington, we believe it can and should become public information. At this time, we cannot designate when the release will be made." Nearly thirty years later the chief's forgotten utterance finally became reality.

The Dallas Police Department records are primarily investigative documents associated with the initial investigation of the assassination, as well as separate investigations regarding the murder of Lee Harvey Oswald and the murder of DPD patrolman J. D. Tippit. The six series in the collection are organized according to the organizational functions of the police department and kept in the same order as they were physically stored at the department. For example, materials on J. D. Tippit are not found in one single series, but within the Records Division series ("Murder File on Officer J. D. Tippit") and the Identification Division series ("Offense Reports" and "Personnel File—Officer J. D. Tippit"). During the processing of the collection a subject and name index was generated to create further access points.

Additions to the records had been made on several specific occasions. In 1967 through 1969, photocopied newspaper and magazine articles relating to New Orleans district attorney Jim Garrison's investigation were added to document that case. In 1988 and 1992 materials relating to the Roscoe White/Ricky White hoax were added, and in 1992 copies of citizens' letters to Jack Ruby during

incarceration and other items were added. In 2005, several original but duplicate photographic prints and documents (concerning Oswald's murder and the sending of his clothing to the National Archives) stolen from DPD at an undetermined time were discovered and seized during a 2004 drug raid.

Several items of correspondence in the collection are requests for access written during the 1960s connected with the official federal investigation of the incident. The first key exchange was Dallas County district attorney Henry Wade's request to Chief Curry on behalf of the federal government on November 26, 1963, to "turn over all of the evidence obtained in the investigation of the president to the FBI for mailing to Washington." An early transfer of material to the FBI is documented in a December 3, 1963, letter from Chief Curry to FBI field agent J. Gordon Shanklin. Curry confirmed that files on Lee Harvey Oswald's murder were microfilmed by the FBI upon receipt and the bureau returned a roll to DPD while the originals were sent to Washington.

Subsequent piecemeal requests for information on various aspects of the larger investigation were made by the FBI or other federal agencies over a number of months, and there is a reasonably consistent paper trail of what was sent to Washington. Perhaps the most significant letter came in 1964 from J. Lee Rankin, general counsel for the Warren Commission, through Texas attorney general Waggoner Carr, requesting the police department to provide everything they had relating to Lee Harvey Oswald to the Commission. Many original items were never returned and retained permanently by the Warren Commission or the FBI, explaining why approximately 30% of the DPD Kennedy records in the Dallas Municipal Archives are second-generation carbon copies or photocopies from originals. The real strength of the collection, however, lies in its intrinsic value: the signed and hand-annotated witness affidavits from everyone from Marina Oswald to William Whaley and dozens of Dealey Plaza witnesses.

Outside of general factual queries, few researchers sought access to the collection while at the DPD between 1963 and 1989 though there are several notable exceptions. Author William Manchester contacted Chief Curry in June 1964 as he was conducting research for *Death of a President*. Presumably his letter was not only a request to visit Curry, but also to review police records.

Many of the records did not draw attention until the late 1970s, when momentum grew surrounding further releases of Kennedy-related materials by the House Select Committee on Assassinations (HSCA) and the demands of the Kennedy researchers. In July 1976 then-chief counsel for the HSCA Richard A. Sprague contacted Dallas police chief D. A. Byrd to request a thorough review of all DPD Kennedy records, in conjunction with a subpoena from HSCA vice chair Henry B. Gonzalez for Byrd to appear before the committee. There is no further correspondence with Byrd, nor did Byrd appear at the hearings, as far as is known. Also in 1976, David Martin, legal counsel to the U.S. Secret Service, received approval to release DPD documents in possession of the federal agency to early Warren Commission critic and activist Mark Lane, including a police radio transcript, DPD's investigation of the attempted murder of Major General Edwin Walker, and Lee Harvey Oswald's fingerprints.

Between 1989 and 1992 the records were processed by the Municipal

Archives for public use; textual and photographic materials were transferred from their original folders into preservation-quality folders and boxes, photographic prints and negatives were duplicated, and a master set of 4 × 5 inch copy negatives was created.

Because of the fragile nature of the majority of original materials the complete collection was microfilmed and photocopied for public access, and a pioneering digitalization project funded by Wang Laboratories in 1992 created a virtual collection for use at a public computer terminal. Text and photographic images were scanned in two-bit depth at 300 dots per inch and left uncropped and often in duplicate to assure researchers of the completeness and original order of the entire collection. While the original project was a significant achievement, improvements in digital scanning technology will necessitate the re-scanning of portions of the collection. The collection is available to all citizens free of charge through the Dallas Municipal Archives' portion of the City Secretary's Office website at <http://jfk.ci.dallas.tx.us/>. Researchers may continue to use the photocopy and microfilm sets by appointment. (Letter from John H. Slate to author dated July 10, 2006)

In June of 2006 I also asked Gary Mack, curator at the Sixth Floor Museum, to provide me with a similar history of the Dallas Sheriff Department's assassination-related documents at the museum, and on June 26, 2006, he was kind enough to furnish me with the information I requested. Following is his report to me:

The Sixth Floor Museum at Dealey Plaza received the Dallas County Sheriff's Department known files and records pertaining to the Kennedy assassination on February 3, 2005. Ownership of the records was officially transferred to the Museum by Sheriff Lupe Valdez on April 4, 2005.

This action was prompted by two events. First, on June 21, 1994, the Dallas County Commissioners Court ordered all county records pertaining to the Kennedy assassination be located and transferred to the Dallas County Historical Foundation, which operates the Museum. At that time, the Museum received numerous original and photocopied Parkland Hospital records related to the assassination. The order also encouraged county elected officials, which includes the sheriff, to also round up Kennedy files and transfer them to the Dallas County Historical Foundation.

Late in 2004, Sheriff's Department personnel located two boxes of files that contained medical and other records of Jack Ruby obtained during his incarceration for the murder of Lee Harvey Oswald. These files were brought to the attention of the Museum at that time and arrangements were made to receive them early the following year.

During my tenure as the Museum's archivist and curator, I continued a personal friendship with former Dallas County sheriff Jim Bowles. Bowles remembered packing up two or more boxes of Kennedy assassination-related records and sending them out to county storage. My phone calls to that department, however, led to a finding that the county had no assassination files in storage from either the sheriff or anyone else.

The files that surfaced in 2004 came from a locked storage room at the Sheriff Department's main facility in the Frank Crowley Criminal Courts Build-

ing in Dallas. There was no record of where they had been since Ruby's death in 1967.

The files have not yet been formally indexed, but I have examined every one of them and they include jail medical records, visitor records, correspondence to and from Ruby, and photographs of Ruby and the Texas School Book Depository. (Letter from Gary Mack to author dated June 26, 2006)

381 **this entire acoustics issue:** It is remarkable and very telling that in the forty-four-year history of the assassination controversy, only one piece of scientific and physical evidence has been offered in support of a conspiracy—an eight-second segment of the Dallas police radio transmissions recorded at the time of the motorcade (8 HSCA 11; see also CE 705, 17 H 395; CE 1974, 23 H 840; Sawyer Exhibit A, 21 H 391). According to some acoustic experts, the static-filled recording contains evidence of *four* gunshots—three fired from the Texas School Book Depository Building and, yes, *one from the infamous grassy knoll*. On the basis of this recording, the HSCA ultimately concluded that there was a “high probability that two gunmen fired at President John F. Kennedy,” and hence, Kennedy was “probably assassinated as a result of a conspiracy” (HSCA Report, p.1). The HSCA's eleventh-hour finding left the committee scrambling to rewrite its already written draft of its final report, which had concluded, like the Warren Commission before it, that Oswald was the lone gunman. Four of the twelve committee members—House Representatives Harold S. Sawyer (R-Mich.), Robert W. Edgar (D-Penn.), Samuel L. Devine (R-Ohio), and Charles Thone (R-Neb.)—vigorously disagreed with the HSCA's conclusions, contending that the panel rushed to judgment in concluding that a conspiracy existed. They felt that the last-minute acoustic evidence should have been studied more closely before drawing such a history-changing conclusion (see dissent of Edgar and Devine, HSCA Report, pp.491–498). Representative Edgar said, “We found no evidence to suggest a conspiracy. We found no gunmen or evidence of a gunman. We found no gun, no shells, no impact of shots from the grassy knoll. We found no entry wounds from the front into any person, including President John Kennedy and Gov. John Connally. We found no bullets or fragments of bullets that did not belong to the Oswald weapon. And we found little, if any, evidence of partnership with Lee Harvey Oswald. Few credible ear-witness accounts back up the marginal findings of our acoustics experts” (HSCA Report, p.496).

In the following pages, let's take a look at the facts and controversy surrounding this acoustic “proof” of conspiracy and show how it has been thoroughly discredited.

In December 1976, Gary Mack, then program director for KFJZ-FM in Fort Worth, Texas, who had developed an interest in the assassination after seeing the Zapruder film on Geraldo Rivera's ABC national television show the year before, met with conspiracy theorist Penn Jones Jr., former editor of the *Midlothian Mirror*, a small Texas newspaper. Their conversation turned to the Dallas police tapes, a series of recordings of the police radio transmissions made on November 22, 1963. The recordings, which Jones had obtained and was selling to interested researchers, consisted of two channels of police communication: channel 1, which normally carried routine police radio traffic, and channel 2, which was reserved for special events, in this case, radio traffic from the presidential motorcade. Jones told a surprised Mack that the recordings showed that channel 1 radio communications were jammed by an

“open” microphone (apparently mounted on a police motorcycle,* since the sound of a motorcycle engine can be heard) for “five straight minutes beginning just a few seconds before the shots were fired.” (The open microphone sequence is for 5½ minutes but actually begins around two minutes before the assassination [5½ minutes: 2 HSCA 27; two minutes before the assassination: 8 HSCA 11, 62]. Because of the open or stuck microphone, the tape recording on the Dictaphone ran continuously during the period of interest in this case.) Jones felt that the communications were jammed on purpose, and even though the open microphone was on channel 1, which was *not* being used for motorcade communications, Jones believed the open microphone was on a motorcycle that was part of the motorcade.

Intrigued by Jones’s speculation, Mack alertly suggested that perhaps the open microphone, if it were truly part of the motorcade, picked up the sound of the shots fired at the president and transmitted them back to Dallas police headquarters, where they were recorded on the very tapes Jones now had. “For some incredible reason, no one had ever thought of that fact before,” Mack later recalled. “Not once did anyone connected with the Warren Commission, the FBI, CIA or Dallas police ever think to check the tape for the gunshots.”†

Whether pro-conspiracy or anti-conspiracy, we can all agree that acoustically

*For readers who are not motorcyclists, the operation of the microphone on the cycle should be explained in simple terms to make what follows more understandable. The Dallas Police Department had two radio channels to communicate with policemen (channels 1 and 2), each on a different frequency. The cyclist, by clicking a switch, could go from one channel to another but could never be on two channels at the same time, although the dispatcher, at police headquarters, had the ability to transmit simultaneously (“simulcast”) on both channels. To transmit, the cyclist had to pick up the microphone, depress the transmitter button (“push-to-talk button”) on the microphone, and keep it depressed (requiring him to steer with one hand) while talking. Once depressed, the microphone, in police jargon, is in the “on” or “open” or “live” or “active” or “talk” position, or “transmit mode.” (In this position, the cyclist could not hear any response from the dispatcher’s office. To hear a response through the receiver he would have to remove his finger or thumb from the push-to-talk button.) To illustrate how people can get confused with the jargon, HSCA deputy chief counsel Gary Cornwell correctly asked Dallas police motorcyclist H. B. McLain if it would be possible for the microphone button “to have been stuck in the *open* position,” and McLain said yes. But in the next breath Cornwell (who wasn’t even corrected by McLain) asked whether it was possible for “the button, once depressed, not to return to the *open* position.” (5 HSCA 637) But the open position *is* the depressed position. When the microphone button is not depressed (and the normal position of the button is for it not to be depressed), then the police radio is in the “receiving” or “monitoring” position or mode in which the cyclist can hear transmissions from the police dispatcher. Occasionally, the microphone button will stick when pressed down, leaving the radio in transmission mode even after the officer has finished speaking and released the button.

Two other points: Once the motorcyclist depresses the microphone button to transmit (i.e., talk), this does not preclude all other cyclists from talking to the police dispatcher at that time. They can still transmit on that channel, but if two or more cyclists are talking at the same time, you’d normally have almost incomprehensible voice-overs. Second, the term *cross talk* refers to a conversation being broadcast on one radio channel that is picked up by a nearby police microphone that is on a different radio channel and becomes a part of the record of this other channel when the conversation is retransmitted, by this other microphone, back to the dispatcher’s Dictabelt at police headquarters. (Telephone interviews of Jim Bowles by author on December 8, 2005, and January 14, 2006)

†The Warren Commission did investigate another recording thought to have been an on-the-scene account of the shooting. Made by Dallas radio reporter Sam Pate, it later appeared on the Colpix Inc. record album *Four Days That Shocked the World*. A 1964 FBI examination of the recording, however, “failed to indicate the presence of any sounds which could be interpreted as gunshots.” Pate admitted, during an FBI interview, that most of the tape had not even been recorded in Dealey Plaza, but in a studio after the assassination. The Commission nonetheless arranged for a scientific analysis of the tape by Dr. Lawrence Kersta of Bell Telephone Acoustics & Speech Research Laboratory. Kersta found some “spikes” of noise on a key eight-second part of the tape, but did not say anything about them being gunshots. His tests weren’t even mentioned in the Warren Report. On May 11, 1978, the HSCA sent the tape to Dr. James E. Barger of Bolt, Beranek and Newman Inc., who found that parts of the tape had been recorded near Dealey Plaza on November 22, 1963, but not during the shooting. (HSCA Report, pp.65–66; 2 HSCA 2; HSCA Record 180-10085-10482, Outside Contact Report, May 30, 1978, pp.1–2; HSCA Record 180-10105-10336, Memorandum, John W. Hornbeck to Gary Cornwell, June 13, 1978, pp.1–3)

examining the sounds on the Dallas police tapes not only is a valid area of inquiry but should have been considered automatic and necessary. Mack feels his background in broadcasting helped predispose him to his thought. But certainly, someone in law enforcement should have thought of this before Mack did so many years after the assassination. Jones subsequently gave Mack a multigeneration copy of the tapes of the two channels, which Mack took back to the radio station. After filtering them through a graphic equalizer, Mack thought he could hear gunshots on the channel 1 tape, but the “muddy” quality of the recording prevented further study. (“Conspiracy on Tape,” *Radio & Records*, no.267, February 2, 1979)

In January 1977, Mack obtained clearer copies of the two Dallas police tapes from researcher Mary Ferrell (“Special *Gallery* Report on the JFK Assassination,” *Gallery*, July 1979) and took them to two recording studios (TM Productions and January Sound in Dallas), where he talked some sympathetic sound engineers into working with the tapes. Using audio filters to remove background noise, the technicians found that a segment of the channel 1 recording contained “little pops and crackles” that, according to Mack, “were not repeated anywhere else on the tape.” Mack took the tape home and synchronized it to the Zapruder film at various points to see if he could match it to the movements seen in the film. (“Conspiracy on Tape,” *Radio & Records*, no.267, February 2, 1979) By July, using “headphones and loudspeakers,” Mack came to believe that the channel 1 tape* contained a total of

Author Gerald Posner tells of yet another alleged audiotape of the assassination, and cites it as confirmation for his conclusion that only three shots were fired in Dealey Plaza. Posner said that he had heard a rumor in Dallas that a former reporter for Dallas radio WFAA, Travis Linn, had an audio recording of the shooting in Dealey Plaza. Posner contacted Linn in 1992 and Linn told him the following story. He said that since he was covering the Trade Mart that day, he asked an associate of his to take a small portable tape recorder to Dealey Plaza and set it down on top of a column near the reflective pool close to the corner of Houston and Elm to pick up the sound of the motorcade going by. Since the associate was going to be there anyway, why Linn wouldn't just have him hold it in his hand, and closer to the street, is not known. Also, why wouldn't Linn want his associate to try to pick up the sound of the motorcade on Main, where the crowds were much larger? In any event, after the shooting, Linn went to Dealey Plaza and found that his associate had left, but the recorder was still there. He played the tape back at the station and heard three shots on it, but while he was starting to duplicate it, his news director sent him out to Oswald's apartment. He yelled out to his colleagues, “Don't erase that tape,” but said when he got back “the tape had been erased.” (Posner, *Case Closed*, pp.243–245) Apart from telling his story for the first time almost thirty years later, and the absence of any corroborative evidence that what Linn said took place, the story, on its face, seemed somewhat unlikely to me.

I later found out that Sixth Floor Museum curator Gary Mack, who has no visceral opposition to far-out stories as long as they're not fraudulent, had proved the story was false. When Linn told Mack the story around 1989, Mack told me he interviewed Walter Evans, Linn's news director at the time of the assassination and Evans just laughed, saying it never happened and he hadn't even heard about it before. Mack also spoke to Pierce Allman, the station's program director at the time, who told Mack he had never heard it either. “Nor,” Mack wrote, “did any other reporter working in Dallas at the time at WFAA or elsewhere that I have been able to learn about. Something like that would have been known by others in the newsroom who would long remember the great story that got away.” Mack then interviewed the son of A. J. L'Hoste, the WFAA-TV photographer Linn supposedly asked to record the motorcade. He told Mack his late father filmed the motorcade on Main Street, not Dealey Plaza, and had never heard of Linn's story. Indeed, L'Hoste's film, shot about nine blocks east of Dealey Plaza, appears without sound in the WFAA-TV videotapes recorded on November 22, 1963. Finally, Mack looked at the Elsie Dorman film, which picks up the area where the tape recorder was supposedly left, and saw no such recorder. (Posting to the Internet by Gary Mack, August 8, 1998; Telephone interview of Gary Mack by author on August 18, 2005)

*This channel 1 tape is a tape of the Dictaphone belt (hereafter “Dictabelt”). The belt has been loosely referred to as a tape, but it is not. A stylus makes an impression on a thin celluloid belt, just like the stylus cutting a groove on the channel 2 Gray Audograph disk. Tapes were made of the belt and disk, some relatively clear, some multigenerational and of very poor quality. The terms *Dictabelt* and *channel 1 tape* are used interchangeably in this section. To preserve the Dictabelt, the HSCA worked, for the most part, from a magnetic-tape copy of the Dictabelt, and the HSCA itself tended to use the two terms interchangeably.

seven noises that he was convinced were gunshots. (Gary Mack, "The Dallas Police Radio: Assassination on Tape!" *Continuing Inquiry*, August 22, 1977, pp.2-4; "Conspiracy on Tape," *Radio & Records*, February 2, 1979; "Special Gallery Report on the JFK Assassination," *Gallery*, July 1979, pp.65-69) Although acoustic experts later determined that the "gunshots" on the police tape are inaudible to the human ear, Mack wrote a 1977 article for the *Continuing Inquiry*, the first one ever written on the subject, in which he stated that "despite the crude, low-fidelity recording quality," after eliminating the motorcycle engine noise on the tape at a Dallas studio, it was "easy" for him and his technicians not only to hear the "gunshots" but also to determine the precise location of the gunshots. "Without any further processing we heard the first shot: a very loud, sharp crack," Mack wrote. He synchronized the "shots" with the Zapruder film and came up with the following timing: "The first shot corresponded to frame 161, indicating a very early diversionary or signaling shot to set up the ensuing crossfire . . . Then, 2.7 seconds later, shots two and three struck Kennedy almost simultaneously, . . . probably at [Zapruder frames] 208 and 210 . . . Gunshot number four, just 4.9 seconds after the first . . . had a hollow, metallic sound . . . [and] more or less corresponds to frame 250 of Zapruder's film . . . Frame 289 . . . is precisely where the fifth shot is heard, 7 seconds after the first one . . . [Shots six and seven strike] almost simultaneously at frames 313 and 315 . . . The entire seven-shot sequence took 8.4 seconds" (Gary Mack, "The Dallas Police Radio: Assassination on Tape!" *Continuing Inquiry*, August 22, 1977, pp.2-4; headphones and loudspeakers: Telephone interview of Gary Mack by author on September 20, 2005).*

On the morning of September 17, 1977, a Saturday, the HSCA started a two-day conference of leading Warren Commission critics (Josiah Thompson, Paul Hoch, Peter Dale Scott, J. Gary Shaw, Mary Ferrell, Jim Kostman, Kathy Kinsella, and Sylvia Meagher) in Washington, D.C. (HSCA Record 180-10117-10024, HSCA Critics Conference, September 17, 1977). HSCA chief counsel G. Robert Blakey had substantial misgivings about the benefits of such a conference. In his book *The Plot to Kill the President*, Blakey wrote that while some critics were motivated by honest doubts, the rest were only interested in "playing on the emotions of a dispirited American public, writing books and articles for profit, with scant regard for the truth, and we were reluctant to dignify that kind of conduct, even by implication" (Blakey and Billings, *Plot to Kill the President*, p.91). As indicated, in attendance at the meeting was Dallas resident Mary Ferrell, the grand dame of assassination researchers who had amassed an immense personal collec-

Both the Dictabelt and the Audograph were sound-activated. Hence, not just radio transmissions by the police, but any noise close enough to the motorcycle microphone to be picked up, would activate the recording machine back at police headquarters. The machine belt and disk would also continue rotating if the transmitter button were stuck in the "on" position. After a noise or transmission ended, the Dictabelt or Audograph would continue to rotate and operate in the recording mode for an additional four seconds, then stop. The Dictabelt was relatively new and operated well. The Audograph was "very old, worn, and erratic." (Telephone interview of Jim Bowles by author on April 20, 2006)

*Mack would later acknowledge that his analysis of what he heard on the Dallas Police Department tapes was a mistake. The segment of the tape in which he thought he heard seven gunshots was "two minutes too early" (Gary Mack, "Acoustics as Easy as 1-2-3 . . . 4," *Continuing Inquiry*, March 22, 1980, pp.1-5), that is, "two minutes *before* the shooting in Dealey Plaza." However, Mack says that after the HSCA's finding of a fourth shot on the tape at around the time of the shooting, he went back to his copy of the channel 1 tape and "heard what the HSCA people decided were gunshots," Mack firmly believing in the HSCA's conclusion. (Telephone interview of Gary Mack by author on September 20, 2005)

tion of assassination materials and had provided the tape for Mack's study. At the end of the first day, as the conference was about to break up, Ferrell spoke up, saying, "I wanted to drop one thing in." She told Blakey about Mack's study and how he had found evidence of seven gunshots. "You've got seven shots?" Blakey asks. "Uh-huh," conspiracist Gary Shaw piped in. By the end of the month, Ferrell had turned over her taped copies of the channel 1 and 2 police recordings to the HSCA for analysis. Blakey later wrote that "Mary Ferrell's offhand remark was the beginning of a process that would reverse the verdict of history." (HSCA Record 180-10117-10024, HSCA Critics Conference Transcript, September 17, 1977, pp.211-213; Blakey and Billings, *Plot to Kill the President*, pp.91-92)

Upon receipt of the Ferrell tapes, the committee immediately contacted the Acoustical Society of America, a professional organization of acoustic engineers and scientists, to get recommendations on who could analyze the recordings. At the top of a list of five firms was Bolt, Beranek and Newman Inc. (BBN) of Cambridge, Massachusetts, one of whose founders, Dr. Richard Bolt, had been the chairman of a panel appointed by Judge John J. Sirica to investigate the mysterious eighteen-minute gap in the Watergate tapes. BBN had pioneered a technique that used sound recordings made during the 1970 shooting of Kent State University students by the Ohio National Guard to determine the timing and direction of the gunfire. During the subsequent criminal trial of members of the National Guard, prosecutors from the Justice Department used BBN's analysis of the tape, combined with photographs taken at the time of the shootings, to establish which guardsmen were the first to fire shots. (HSCA Report, pp.66-67)

In early October, HSCA senior staff attorney John Hornbeck met with BBN scientists who told him that *if* the Dallas police tapes actually did contain gunshots, and they had "a good enough" copy to work from, they could probably resolve a number of questions about the assassination, including how many gunshots there were, the intervals between them, and the direction of fire. A few days later, BBN scientists met with HSCA officials in Washington to pick up the copies of the police recordings that the committee had obtained from Mary Ferrell, and to outline steps for the acoustic project. First, it was decided that a copy of the police tapes would be electronically "cleaned up" and converted into a graph showing duration and volume. Second, test shots fired in Dealey Plaza would be recorded and compared to the sounds on the police transmissions in an effort to see if any of the "shapes of sound" on the channel 1 tape matched the test shots—a process similar to matching fingerprints. (Blakey and Billings, *Plot to Kill the President*, p.92)

However, the plan ground to a halt on November 17, 1977, when BBN reported that the recordings provided by Ferrell had "a very scratchy overlay of needle noise, indicating that it was a very poor or multiple-generation dub of [the original] recording." Due to the poor quality, BBN was unable to determine whether a portion of the channel 1 recording (the same segment examined by Gary Mack) did or did not contain the sounds of gunfire. (HSCA Report, p.67 footnote; 8 HSCA 34-35, 62) In order to explore the issue further, BBN said it would need the original Dallas police tapes. (HSCA Outside Contact Report, November 17, 1977, p.1, HSCA Record 180-10113-10396).*

*BBN's report to the HSCA erroneously states that the first tapes it examined (i.e., the Mary Ferrell tapes) were received on May 12, 1978 (8 HSCA 62); however, it is clear from documents housed at the National Archives (see HSCA Record 180-10085-10482, Outside Contact Report, May 30, 1978, pp.1-2; HSCA

On March 10, 1978, the HSCA learned from Paul McCaghren, a former Dallas assistant chief of police, that he had possession of the original Dallas police Dictabelt (channel 1) and Audograph (channel 2) recordings* of the radio transmissions made on November 22, along with magnetic taped copies of the originals (HSCA Record 180-10115-10094, HSCA staff interview of Paul McCaghren, March 10, 1978, pp.1-2).† These original Dallas police radio recordings were retrieved, and on May 12, 1978, the HSCA asked BBN to conduct a preliminary review of them,‡ as well as of earwitness accounts gathered from 1963, to determine if any of the materials constituted evidence of gunshots (8 HSCA 34, 62).

The BBN team immediately made its own magnetic taped copy of the original, plastic channel 1 Dictabelt loop thought to contain gunshots (HSCA Record 180-10124-10038, Executive Session Business Meeting, August 3, 1978; 8 HSCA 62). Upon inspection, Dr. James E. Barger, the chief scientist at BBN, learned what all subsequent investigators have come to accept: to the human ear, the Dictabelt (and all taped copies of the Dictabelt) contains no discernible sounds of gunfire (HSCA Report, p.67). This fact alone, as you'll see, is strongly suggestive, though not conclusive, that the motorcycle with the open microphone was not in Dealey Plaza. (After all, shouldn't we expect to *hear* the very loud gunshots on the recording if, in fact, the open microphone were in Dealey Plaza at the time of the shooting?) Barger initially told the HSCA that "he was not hopeful about the prospects of recovering anything from the tape." Nevertheless, he agreed to clean up the tape electronically and conduct a series of tests designed to prove that there were no gunshots on the record-

Records 180-10078-10222, 180-10078-10223, 180-10078-10224, 180-10078-10225, 180-10078-10226, and 180-10078-10227; see also 8 HSCA 34) that the recordings submitted on May 12 were the original police recordings and one first-generation dub, not the Ferrell submissions obtained by the HSCA in late September 1977.

*The Dallas police communications system was routinely recorded onto thin, plastic belts and disks by two separate duplex recording units. Channel 1 (the one for routine radio traffic) was recorded on a Dictaphone A2TC, Model 5, belt (or loop) recorder purchased by the department in 1957. Channel 2 (the one for special-event radio traffic) was recorded on a Gray Corporation "Audograph" flat disk recorder that was bought in the early 1950s. Both duplex devices consisted of one unit set to record and a second unit set to standby mode, ready to take over as soon as the first unit contained a full recording. (James C. Bowles, "The Kennedy Assassination Tapes: A Rebuttal to the Acoustical Evidence Theory," in Savage, *JFK First Day Evidence*, p.319; CE 1974, 23 H 832) The Dictabelt "operated well," but the Audograph was "very old, worn, and erratic" (Telephone interview with Jim Bowles by author on April 20, 2006).

†McCaghren had taken custody of a number of assassination-related materials in 1969 under orders from Police Chief Charles Batchelor, who feared that his predecessor, Jesse E. Curry, had pilfered the files to get material for his 1969 book, *Retired Dallas Chief Jesse Curry Reveals His Personal JFK Assassination File* (2 HSCA 109, Testimony of Paul McCaghren before HSCA on September 11, 1978). McCaghren moved the files to his office in the Intelligence Division, where they were stored until late 1971. At that time, McCaghren took the files home. (2 HSCA 109-110) They included what was believed to be the original plastic Dictabelt and Audograph recordings made on November 22, along with magnetic taped copies of the originals. These recordings remained in McCaghren's possession until they were turned over to HSCA staff investigator John (Jack) Moriarty Jr. on March 11, 1978. (HSCA Record 180-10115-10117, March 11, 1978, p.6; see also HSCA Record 180-10115-10095, p.1; HSCA Report, p.67; 2 HSCA 107-110; Blakey and Billings, *Plot to Kill the President*, pp.92-93)

‡Page 67 of the HSCA Report says that the HSCA received (and forwarded on to BBN) the original Dictabelt recordings of transmissions over channel 1 and a tape recording of the channel 1 Dictabelt recordings. It then says it also received "a tape recording of transmissions over channel 2," the implication, by omission, being that unlike the original Dictabelt, the committee did not get the original Audograph channel 2 recording. When I called Robert Blakey about this, he said, "This was just sloppy drafting. We had the original channel 1 *and* channel 2 recordings" (Telephone interview of Robert Blakey by author on March 6, 2006).

ing. If that turned out to be the case, he reasoned, there would be no need to go to Dallas to do additional acoustic tests. In short, the committee would save time and money. The HSCA agreed, committing \$40,000 to the project, with \$20,000 held in reserve just in case Barger turned something up. (HSCA Record 180-10096-10396, Outside Contact Report, June 27, 1978, p.1; Blakey and Billings, *Plot to Kill the President*, p.93)

At BBN's Cambridge, Massachusetts, headquarters, Barger subjected what he called the "impulse sounds" on the tape to "five simple but necessary" test questions. If the sounds failed to pass any one of the test questions, he could safely assume that they were not caused by gunfire and the study could end. If they passed the test questions, expensive acoustic tests would have to be conducted at the scene of the assassination. The five questions were as follows: Do the sounds occur at the time of the assassination? Are the sounds unique, occurring only at one time and nowhere else on the tape? Do the time intervals between the sounds match other known evidence (chiefly, the Zapruder film)? Does the "shape" of the sounds, as seen in a waveform, resemble the shapes of known gunfire? Is the volume of the sounds similar to that of known gunfire? In all cases, Barger found the answers to be yes.

On July 13, 1978, Dr. Barger called from BBN headquarters and reported that there might be evidence of more than three shots on the police recordings. Therefore, an even more rigorous test—a sophisticated reconstruction in Dealey Plaza in which test shots would be fired from the sniper's nest and grassy knoll, recorded, and compared with the impulse sounds on the Dallas police Dictabelt—was required to determine which, if any, of the impulse sounds was actually gunfire. A match of any of these "acoustical fingerprints" would be further evidence that the impulse sounds were gunfire, and the BBN team would then be able to determine the timing of the shots on the Dictabelt as well as the location of the weapon and the target for each shot discovered. (8 HSCA 70-80, "Analysis of Recorded Sounds Relating to the Assassination of President John F. Kennedy," prepared for the HSCA by James Barger, Scott Robinson, Edward Schmidt, and Jared Wolf of Bolt, Beranek and Newman [BBN], January 1979; HSCA Record 180-10077-10242, Outside Contact Report, July 13, 1978, pp. 1-2; Blakey and Billings, *Plot to Kill the President*, p.94) Arrangements were made to bring Barger to Washington to brief the committee on his potentially explosive findings (Blakey and Billings, *Plot to Kill the President*, pp.94-95).

House Select Committee chairman Louis Stokes, sensitive to the feelings of the Kennedy family, asked that Senator Edward M. Kennedy, the late president's brother, be briefed immediately about the proposed Dallas test firings. On August 2, 1978, several committee members met with Senator Kennedy in his Capitol office. According to Blakey, Kennedy was visibly shaken, saying, "That brings it all up again." He wanted to know if the HSCA had gotten a second opinion? He was assured that steps were being taken to do so. (Blakey and Billings, *Plot to Kill the President*, p.95) It wasn't until August 10 that the committee contacted Mark Weiss and Ernest Aschkenasy of Queens College, City University of New York, second on its list of recommended acoustic experts, and asked them to review BBN's preliminary work (HSCA Record 180-10077-10132, Letter from Gary Cornwell to Mark Weiss, August 10, 1978, p.1).

Testifying before the HSCA in an executive session the following day, August 3, 1978, Barger explained to the committee that the recording of interest was on channel 1, that at about 12:28 p.m., two minutes before the assassination, a motorcycle microphone on a mobile unit apparently became stuck in the on or open position and began to transmit a continuous noise that is believed to be the “sound of a motorcycle,” and that the sound continued “for about five minutes,” right through the time of the assassination.*

Barger told the committee that “about 12:31, that the motorcycle seems to slow down and the noise level diminishes.” Also at 12:31 (about 5 seconds after the decrease in the sound), he said he heard on the channel 1 tape “four groups” or “patterns” of “impulse sounds” that his BBN team thought might be gunshots. *The four groups of impulse sounds last for about 8 seconds.*

Congressman Harold Sawyer asked Barger the question on everyone’s mind: “Is it possible, just listening with your ear to this recording, that you can detect a shot sound at all?” “No,” Barger answered. “One does not have that sensation.” He gave two reasons. The first was that the “sound impulses only last two or three milliseconds [a millisecond is one-thousandth of a second], and the human ear can barely hear anything that lasts two or three milliseconds unless it is as loud as a gunshot.” But even with a gunshot, he explained, there was a problem because the Dallas police radio system had a “limiter” built into it that takes an extra loud sound and reduces it down to an acceptable level for transmission through the radio, and the limiter has made these sounds, if indeed they were gunshot sounds, “quiet. So it is so distorted that you don’t have the impression of hearing gunshot. Just to listen to this filtered tape you hear this ch-tch-tch and it does not sound like gunfire.”†

*The volume of this motorcycle sound is fairly constant for the first two minutes, during which time occasional clicks and chirplike sounds, called heterodyne tones (tones created when two or more transmitters attempt to use the same broadcast frequency simultaneously, the interference between the two competing transmitters creating a brief, high-pitched squeal or chirp), can be heard through the noise as police officers switch their transmitter microphones on and off in an effort to broadcast messages (8 HSCA 11). The ability of an officer to transmit a message from his cycle when a microphone from another cycle is stuck in the open position was based largely on its proximity to a number of relay towers located throughout the city, which routed radio signals back to the central dispatch room via voice-grade telephone lines. An officer whose radio was close enough to a relay tower might be able to override the signal from the stuck mike and transmit a message, though distorted, whereas others, in more distant locations, might only be able to produce brief heterodyne tones. Still others might not be able to transmit or produce any sounds at all. The closest relay tower to Dealey Plaza, less than a mile away, was atop the Adolphus hotel, Jim Bowles, a Dallas Police Department radio dispatcher supervisor at the time, recalls. Bowles had worked in the dispatcher’s office for ten years and is probably the leading authority on the channel 1 tape. In Bowles’s transcription of the channel 1 tape for the Warren Commission, his annotation at 12:34 p.m. reads, “Transmitter stuck, can’t read [police jargon for the word *hear*] anything for some time after 38’s [unit 38] last transmission,” which from the tapes is somewhere around 12:27 to 12:28 (CE 705, 17 H 395). Bowles said that at the time he did the transcription, it was “just a little narrative because we weren’t looking for anything in particular.” But when Bowles prepared a rebuttal to the HSCA’s fourth-shot conclusion in 1979, he listened to the same magnetic copy of the original Dictabelt he had used in 1964 and put on earphones. “This time the focus was different,” he said, and with the aid of earphones he was able to hear some short transmissions during the subject period. (Telephone interview of Jim Bowles by author on November 1, 2004; transmissions heard: Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, pp.386–387) Two minutes and thirteen seconds after the start of the transmission from the stuck microphone, the level of noise drops six decibels (about one-fourth its previous volume) and a voice can be heard, communicating a brief but unintelligible message. Three seconds later, “a series of randomly spaced, loud clicks and pops” can be heard, lasting around ten seconds. (8 HSCA 11)

†Horsefeathers, says Bowles. The reason, he maintains, you hear only “tch-tch-tch” on the channel 1 tape is because “where the open mike was, which was not in Dealey Plaza, there weren’t any gunshots for the tape to pick up.” Bowles told me in November of 2004 that several times before and after the assassination he personally has heard the sound of gunshots on channel 1 tapes. He acknowledges that the Dallas police radio sys-

Barger failed to tell the committee that while the impulse sounds might be gunshots, they could just as easily be caused in other ways. For instance, they could be the result of the motorcycle engine misfiring, or noises generated by the motorcycle's ignition system, or the microphone itself becoming unstuck, turning off, then back on again. The impulse sounds could also be due to scratches on the surface of the Dictabelt. (8 HSCA 15; 8 seconds: 8 HSCA 11)* Barger recommended "an acoustical reconstruction" in Dealey Plaza, saying that at that time he would be able to say "with a good deal of certainty" whether the sounds on the police tapes "were or were not shots" (HSCA Record 180-10116-10331, August 3, 1978, pp.62-65, 67, 79, 84, 92-94, 101; see also 8 HSCA 4-15).

On August 8 and 9, Blakey briefed the House Administration Committee on the acoustic evidence during its supplemental budget hearing, telling the committee that BBN had discovered four sounds that could be gunshots and that the timing of the sounds suggested a second gunman may have been firing at the president at the same time as Oswald. The committee postponed its decision on whether to provide additional funds for the proposed acoustic tests in Dallas, but Blakey committed his cash reserve of \$20,888. (Blakey and Billings, *Plot to Kill the President*, pp.95-96)

Serious history was possibly about to be made.

The next morning the *Dallas Morning News* ran the headline "JFK Report Backs 2-Gun Theory, Source Says." To Blakey's horror, someone had leaked a story to *Dallas Morning News* correspondent Earl Golz, a frequent writer of assassination-related stories, that the BBN's preliminary acoustic analysis had found that not only had the "impulse sounds" on the Dallas police Dictabelt *already* been determined to be gunshots, but there had been more than Oswald's three shots, hence, a conspiracy. (Earl Golz, "JFK Report Backs 2-Gun Theory, Source Says," *Dallas Morning News*, August 10, 1978; Blakey and Billings, *Plot to Kill the President*, p.96) A *Dallas Times Herald* article the next day corrected the report, stating that "no determination has been made of the origin of noises that indicate additional gunfire . . . [The] reports that additional shots had been definitely established by the technical investigation were premature and the reason for continued testing is the uncertainty of the analysis so far" (Roy E. Bode and Bob Dudney, "Tapes of JFK Shooting Inconclusive on Shots," *Dallas Times Herald*, August 11, 1978).

Early on Sunday, August 20, 1978, a crowd began to gather in Dealey Plaza to witness the historic test firings, which began just after dawn. Although the two hundred or so people who showed up were mostly members of the media, part of

tem had a limiter, but he said it only "cut off the extreme highs and lows" of a loud sound. By analogy, he said if a rifle shot was fired in the background of where he was at the time I was talking to him, I "wouldn't hear the supersonic sound" of the bullet being fired, but I would hear a sound approximating the loudness of his voice that sounded like a gunshot and would say to him, 'What was that?'" (Telephone interview of Jim Bowles by author on November 17, 2004) Indeed, I had been told over a decade earlier by Johann Rush, a former New Orleans TV cameraman, that he "knew enough about sound recordings to know that had there been an open police microphone in Dealey Plaza at the time of the assassination, the recorded gunshots would have been loud and fairly clear" (Letter from Johann Rush to author dated October 15, 1993).

*Per a 1964 Dallas Police Department report, the Dictabelt and Audograph disk that contained the channel 1 and channel 2 police radio transmissions on November 22, 1963, were "badly worn" from being played over and over (CE 1974, 23 H 832). Even the components of the communication system might have been responsible for creating electrical or mechanical distortions that were recorded as clicks (8 HSCA 15).

the crowd included assassination buffs, amateur photographers, and tourists. The investigative team that had been assembled consisted of four HSCA staff members, seven acoustic experts, a photographic consultant, and thirty-three Dallas police officers. (Blakey and Billings, *Plot to Kill the President*, p.97; Associated Press, August 21, 1978) Although the layout of Dealey Plaza had remained largely the same since the events of November 1963, a few changes had occurred in the general area by the time of the test firings, including the building of a new Hyatt Regency hotel, located a few blocks away; the demolition of a building previously located at the southeast corner of Commerce and Houston streets; and the addition of several overhead signs on Elm, near Houston. Acoustic experts from BBN decided that none of the changes would significantly alter the acoustic fingerprints of the test shots they planned to fire. (8 HSCA 99)

Early on, the BBN team realized the impracticality of firing test shots from *every* conceivable location in Dealey Plaza, and so it limited the tests to the two locations most prominent in assassination literature: the sniper's nest window at the Texas School Book Depository and behind the stockade fence on the grassy knoll. To ensure that the speed and loudness of the test shots would cause shock and muzzle blast waves comparable to what would have occurred on the day of the assassination, Dallas police sharpshooter Jerry Compton was instructed to fire, from the sniper's nest, a Mannlicher-Carcano rifle similar to the one found on the sixth floor in 1963, and Clint L. Metcalf, the Dallas police marksman stationed behind the stockade fence atop the grassy knoll, was handed both a Mannlicher-Carcano rifle and a .38 caliber pistol to fire. Since the type of weapon allegedly fired from the grassy knoll was unknown, acoustic scientists wanted to make sure they had examples of test shots fired from both supersonic (the rifle) and subsonic (the pistol) weapons. Neither marksman used the telescopic sights of their weapons, preferring the safety of the iron sights, which allowed them to see the immediate area around the targets. (8 HSCA 98; Blakey and Billings, *Plot to Kill the President*, p.98; Eric Miller, "Nov. 22 Re-enacted: Police Fire Rifles, Pistol in Dealey Plaza," *Dallas Morning News*, August 21, 1978 [Note: For details about the test firing, see HSCA Record 180-10101-10225, "Events Pertinent to Test Shooting in Dealey Plaza, August 20, 1978," Margo E. Jackson, August 22, 1978, pp.1-7])

Four target locations were chosen and marked with target boxes filled with sandbags. Three were based on the preliminary examination of the Dallas police tape, which showed "pops and clicks" at intervals that matched the position of the limousine at Zapruder frames 160, 200, and 313.* A fourth target was placed at the south curb of Main Street, near the Triple Underpass, where the 1963 investigation showed that a bullet had ricocheted. (HSCA Record 180-10082-10125, J. E. Barger, "Test Plan for Acoustical Reconstruction of Gunfire Events in Dealey Plaza," August 14, 1978, pp.1-4; 8 HSCA 98-99) (It is not known why Barger chose to place a target at this location when all of the evidence surrounding the Main Street ricochet indicated that the mark on the curb was due to a bullet *fragment* and not a direct bullet strike.)

The biggest problem for the acoustic team was finding a method of determin-

*The HSCA ultimately concluded that the Z200 shot was fired a few frames earlier (Z190) than believed at the time of the test firing.

ing where, within the motorcade, the motorcycle with the open microphone was at the time of the shooting, assuming it was there at all. The BBN experts decided that the motorcycle had to have been somewhere within Dealey Plaza to pick up the sound of the gunfire. That meant that it could have been anywhere along the 460-foot-long stretch of road between the corner of Main and Houston streets and the position of the president's limousine on Elm Street at the time of the shot to the head. Realizing that the motorcycle was likely to be no more than about 18 feet from the center of the 40-foot-wide street, BBN hit upon the idea of arranging three groups of twelve microphones each (for a total of thirty-six possible positions), spaced at 18-foot intervals along the motorcade route through Dealey Plaza beginning at the turn onto Houston from Main and continuing to the site of the head shot on Elm. Test shots would be fired and recorded for each of the three separate groups of microphone positions. In this way, scientists reasoned that in a worst-case scenario, the actual motorcycle position would be no more than 18 feet from any test microphone location. The combination of microphone positions and multiple test firings would yield 432 sound patterns, which would provide enough blanket coverage of the motorcade route that the BBN experts were confident that *if* the sound impulses on the Dallas police tape were actually gunshots, they could locate the position of the motorcycle with the open microphone to within 18 feet of its actual position. (8 HSCA 80, 96–97; 2 HSCA 49, 70)

The theory behind this rather complicated acoustic test was that a gunshot produces an initial impulse sound (muzzle blast), followed by a series of echoes. Each microphone position would record a sequence of uniquely spaced impulse sounds depending on the location of the shooter, the target, and echo-producing structures surrounding that microphone. “The time of arrival of the echoes” at given microphone locations would be the all-important aspect of the tests since “echo patterns in a complex environment such as Dealey Plaza are unique.” So by the reconstruction, the committee could obtain unique “acoustical fingerprints” of various combinations of shooter, target, and microphone locations. “The fingerprint’s identifying characteristic would be the unique time-spacing between echoes.” If “any of the acoustical fingerprints produced in the 1978 reconstruction matched those on the 1963 Dallas police dispatch tape,” it would be “a strong indication” that the impulse sounds on the police tape were in fact gunshots recorded by an open microphone in the motorcade. (HSCA Report, pp.68–69)

In all, fifty-seven shots were fired over a five-hour period and captured on audio-tape (Blakey and Billings, *Plot to Kill the President*, p.98).^{*} Over the next seventeen days, the BBN experts made 2,592 comparisons between the recorded test shots and the impulse sounds on the Dallas police tape. What they were looking for was a close match (within .006, that is, six-thousandths, of a second) between the police tape impulses and the arrival of echoes at each microphone position as recorded during the test firings. Since the location of the motorcycle’s open microphone was unknown, the .006-second “window” (called a “coincidence window” in the acoustic reports) allowed for the possibility that the stuck-open microphone was

^{*}It was sixty-eight degrees in Dallas on the day of the assassination, while the temperature on the day of the test firing hit nearly ninety degrees. The difference in temperature was figured into the final calculations by the acoustic experts. (8 HSCA 26–27)

near, but not exactly at, one of the test microphone positions. (HSCA Report, p.70) Each potential match also had to have a sufficiently high “correlation coefficient,” a number that describes the quality of the match between a test echo pattern and an impulse sound sequence on the police tape. The higher the correlation coefficient, the better the match. A correlation coefficient of 0.6 or higher (with 1.0 being perfect) was considered sufficient to catch all impulse sound sequences that might actually represent true gunfire. On the other hand, setting the correlation coefficient that high allowed the possibility that “random noise or other factors” would also read as a match. (HSCA Report, pp.70–71; 8 HSCA 94–95)

After comparing all 2,592 combinations of echo patterns recorded during the test firing with the “pops and clicks” on the eight-second sequence of the 1963 Dallas police tape, the BBN acoustic team discovered fifteen test echo patterns that were within the .006-second window and had a correlation coefficient of 0.6 or higher. These fifteen patterns were found to be grouped around four different periods of time on the Dallas police tape, an indication that four shots had been fired. (8 HSCA 100–102) Although all fifteen patterns were deemed “significant,” it was clear to BBN scientists that some of them were invalid; that is, they did not represent true gunfire from the Book Depository or the grassy knoll (HSCA Report, p.71). To determine which of the fifteen “matches” were valid gunshot sounds, if any, and which were false, the BBN team plotted the location of the microphone of each “match” against the time shown on the Dallas police tape. The results showed that the “location of the microphones at which matches were recorded tended to cluster around a line on the graph that was, in fact, consistent with the approximate speed of the motorcade (11 mph), as estimated from the Zapruder film” (HSCA Report, p.71; 8 HSCA 102–104). BBN calculated the probability that this could have occurred at random as less than 1 percent. According to BBN, this fact, in and of itself, tended to confirm that there *was* a motorcycle with an open microphone moving through Dealey Plaza and that it did record gunfire. (8 HSCA 104) The graph also pointed out that at least six of the fifteen matches were false alarms: one indicated a shot fired in “a direction opposite to that of the logical target”; the second indicated a shot fired from the sixth-floor window of the Book Depository just 1.05 seconds after a previous shot from the same location, an impossibility considering that later tests showed that the Mannlicher-Carcano rifle found on the sixth floor shortly after the assassination could not be refired in less than 1.6 seconds; the third indicated that the motorcycle with the stuck microphone traveled 130 feet in 1.6 seconds (55 mph), an unlikely event during the motorcade; the fourth, fifth, and sixth false alarms indicated the motorcycle accelerated to 16 mph and was 70 feet behind the limousine at the time of the head shot, even though the noise level on the police tape shows the motorcycle idling slowly during this period (8 HSCA 105).

Though nine correlations remained, with “no other acoustical evidence that would help to determine which of the remaining nine correlations are false alarms, if any,” BBN scientists said that the expected number of false alarms in an analysis this size was thirteen, but, as indicated, only six had been found. “Therefore,” BBN’s final report noted, “it is not unreasonable to expect that there are seven more [false alarms], although that would be the largest number possible since at least two of the remaining nine are probably detections [of gunshot fire]. The best

that can be safely assumed is that each of the nine remaining correlations is equally likely to represent a detection or a false alarm.” (8 HSCA 95, 106) To put it another way, there was only a fifty-fifty chance that *any* of the nine remaining correlations were actual gunshots, although two, BBN believed, almost certainly were. According to BBN, the nine remaining correlations represented four gunshots: three fired from the Texas School Book Depository (shots 1, 2, and 4 in the sequence) and one fired from the grassy knoll (shot 3). From the channel 1 tape, the time span between the onset of the first impulse pattern and the onset of the fourth impulse pattern was 7.9 seconds. When corrected for the fact that the tape recorder was running about 5 percent too slowly, the real time span, BBN said, was 8.3 seconds. (8 HSCA 75, 104, 106; see also 2 HSCA 65–69, 89, 92; 5 HSCA 650–651)

On August 30, Dr. Barger called to give the committee the news—he had completed his preliminary analysis of the Dallas tests (the final calculations were completed on September 6, 1978) and had found evidence of four shots, one of which, the third shot, came from the grassy knoll. The motorcycle, he believed, was traveling around 11 mph approximately 120 feet behind the presidential limousine. Blakey suggested he come to Washington the day before he was scheduled to testify to discuss his work. (HSCA Record 180–10105–10337, Outside Contact Report, August 30, 1978, p.1; Blakey and Billings, *Plot to Kill the President*, pp.99–100)

On Sunday, September 10, 1978, Dr. Barger met with Blakey, Congressman Floyd J. Fithian of Indiana, and Deputy Chief Counsel Gary Cornwell, and explained his methodology. According to Blakey, the men examined photographs taken at the time of the assassination to see if they could identify the motorcycle with the stuck microphone button, but none of the photographs they studied covered the time and place where they expected the motorcycle to be. Blakey promised to “keep looking.” (Blakey and Billings, *Plot to Kill the President*, p.101)

The next day (September 11), Dr. Barger faced the HSCA in public hearings. For the HSCA’s grassy knoll advocates, such as Blakey, Barger’s testimony was a disaster. Blakey later understated the disaster when he wrote, “Barger turned out to be not very persuasive. All of the virtues that had made him a fine scientist worked against him as a witness. He was too precise. His answers were too qualified. The Committee, the audience, and the press wanted clear-cut answers. When Barger told them the truth, . . . the impact of his testimony was lost” (Blakey and Billings, *Plot to Kill the President*, p.99). Blakey is suggesting that “the truth” Barger told (presumably favorable, by implication, to Blakey’s position) was lost. The problem for the fourth-shot advocates was that it was not lost.

Although Barger, as Blakey said, was poor at explaining himself, everyone who understands the English language easily understood his testimony that he was only confident (“95 percent”) that two of the four impulse sounds were actual gunfire, not false alarms. Since the Warren Commission presented a massive amount of testimony that three shots were fired over the same period of time that Barger and his people analyzed, hearing two of those shots meant nothing. Barger went on to say that there was only a probability of “somewhere between 60 or 70 percent” that three shots were fired. As to the all-important grassy knoll shot, which he said was “the third impulse pattern,” the possibility of the impulse pattern “representing a shot is about even . . . around 50 percent.” In other words, Barger felt that the probability of the third impulse pattern (the grassy knoll, conspiracy shot) being

a shot was considerably less than the probability of the other three impulse patterns being shots. Barger capped his damaging testimony (to Blakey's cause) by saying his findings were only a "potential corroborating force" for a finding of four shots (and hence, a conspiracy), quickly adding that they were also a "potential discrediting force" to such a theory. (2 HSCA 94-95) So it wasn't that Barger's truth was "lost." It was that his truth hurt the cause of the fourth-shot conspiracists.

On the evening of Barger's testimony, the HSCA staff huddled to work out a strategy in the hope of reducing the uncertainty of Barger's analysis. They didn't want to leave the question of a conspiracy in the Kennedy assassination to the flip of a coin. If they could only refine BBN's work and come up with better percentages that might help eliminate some of the doubt. They called on Mark Weiss and Ernest Aschkenasy again and asked if they might be able to take the data further, but initially neither man was optimistic. However, after additional consultations with Barger, Weiss and Aschkenasy came up with a mathematical extension of BBN's approach that they thought could reduce the element of chance in their findings. (Blakey and Billings, *Plot to Kill the President*, p.101)

On October 24, 1978, and in the interests of time (the committee was scheduled to go out of business on January 3, 1979), the HSCA authorized Weiss and Aschkenasy to conduct an independent examination of the impulse sounds associated with only the third shot, the one BBN had identified as being fired from the grassy knoll, since this was the only shot that indicated a conspiracy, all of the others detected by BBN pointing toward the Texas School Book Depository as the source of the gunfire, Oswald's long-suspected firing location. (8 HSCA 4, 114; three from Book Depository Building: HSCA Report, p.80) Weiss and Aschkenasy realized that the reason Barger was unable to say that the grassy knoll shot actually existed with any certainty greater than fifty-fifty was because the position of the alleged motorcycle with the open microphone was unknown at the time of the test firings in Dallas. Consequently, and for practical reasons, Barger's team was forced to place test microphones at 18-foot intervals along the motorcade route and fire from only one of many possible locations behind the stockade fence atop the grassy knoll in the hopes of "catching" the position of the motorcycle and the shooter in a subsequent analytical comparison of the resulting test echo patterns with the impulse sounds on the police tape. As previously noted, because of these practicalities, Barger used a .006-second coincidence window that allowed for the possibility that the open microphone was at least near, if not exactly at, one of the test microphone positions. But the downside of using such a large window was that it increased the possibility of including false alarms in the test results, and therefore, the probability of deducing an actual gunshot was limited to 50 percent.

Weiss and Aschkenasy assumed that they could increase the level of confidence in the result by finding a way to reduce the coincidence window to .001 of a second or less. Theoretically, they reasoned, this was possible because BBN's tests had already narrowed the likely location of the motorcycle with the open microphone at the time of the third (grassy knoll) shot to a small area at the beginning of Elm Street. One way to rework the study would be to go back to Dealey Plaza and place test microphones 1 foot apart (instead of 18 feet apart) and fire from various locations atop the grassy knoll. That way, Weiss and Aschkenasy would have enough test echo patterns to pinpoint the location of the motorcycle and the shooter and thereby increase the level of certainty in any resulting matches with the Dallas

police tape. This approach, however, could not be implemented because of the limited time and funds available to the committee. Weiss and Aschkenasy figured that the only practical way to acquire the necessary test echo patterns was to *predict* them analytically. (8 HSCA 18)

Remarkably, using nothing more than a survey map of Dealey Plaza, a long ruler, a hand calculator, a length of string, and an oscilloscope, as well as some acoustic fundamentals, the kind taught in high school and undergraduate-level college physics classes (5 HSCA 558), Weiss and Aschkenasy computed the time it would take for a muzzle blast and its corresponding echoes to travel from the assumed shooter location atop the grassy knoll to the assumed position of the motorcycle with the open microphone along Elm Street (8 HSCA 16–17, 19–26). These *echo pattern predictions* were then compared with the impulse sounds identified as the third shot (i.e., the grassy knoll shot) to see if a “best-matched” sequence of impulse sounds might exist (8 HSCA 26–29). Weiss and Aschkenasy located one sequence of impulse sounds on the Dallas tape that was “very similar” to the sequence of predicted echoes. A visual inspection showed that “almost all” of the impulse sounds and predicted echoes fell within the .001-second coincidence window they had established.* The match revealed that at the time of the third shot, the motorcycle with the open microphone was moving along Elm Street,† in front of the west corner of the Book Depository, at about 11 mph, and that the shooter was located 8 feet (plus or minus 5 feet) west of the southeast corner of the stockade fence atop the grassy knoll. (8 HSCA 28–29) (Barger testified that at the time of the first shot, the motorcycle was around 120 feet behind the presidential limousine, on Houston about ten feet from Elm [2 HSCA 68, 100].)

Weiss and Aschkenasy noted that the “high degree of correlation” between the impulse sounds and the echo predictions did not preclude the possibility that the impulse sounds on the Dallas police tape, identified as coming from the grassy knoll, were something other than gunshots. However, the probability that the impulse sounds on the tape would match the echo pattern predictions (within .001 of a second) and *not* be gunshots (i.e., the match was by chance) was very small, less than 5 percent. In other words, Weiss and Aschkenasy believed they could show, and were willing to testify, that “the probability is 95 percent or more” (considerably higher than BBN’s 50 percent computation) that the impulse sounds on the Dallas police tape, identified as originating from the grassy knoll, were in fact the result of “a gunshot, or a sound at least as sound as a gunshot.” (8 HSCA 32) The HSCA asked Barger if he would review the work of Weiss and Aschkenasy, and he agreed, reporting back that the new analysis had validated his work and removed much of his own uncertainty.‡ He told Blakey that he would be willing to testify with Weiss and

*The computed correlation coefficient (the number, you recall, that describes the quality of the match) between the impulse sounds on the police tape and the echo predictions was very high—between 0.75 and 0.79, where 1.0 would be considered a perfect match (8 HSCA 31).

†Weiss and Aschkenasy pinpointed the location as “97 feet south of the TSBD and 27 feet east of the southwest corner of the TSBD. The path of the microphone, as it received the muzzle blast and its echoes, extends for about 6 feet along Elm Street. The uncertainty in the initial position is plus or minus 1 foot, which corresponds to the accuracy of measurements made on the topographical survey map” (8 HSCA 28–29).

‡One wonders how Barger could feel that Weiss and Aschkenasy had really validated his work. Though they were in agreement that the head shot was fired at frame 312, Weiss and Aschkenasy disagreed with every other impulse sound that Barger had identified as a gunshot. Based on Barger’s findings, the HSCA had concluded the first shot was fired at frame Z168 (Weiss and Aschkenasy said frames 157–161), the second shot at

Aschkenasy that there was a 95 percent probability that a shot was fired from the grassy knoll. (Blakey and Billings, *Plot to Kill the President*, p.102)

Barger, and particularly Weiss and Aschkenasy, had to know that they were on the cusp of becoming important historical figures, and there was an intoxicating buzz, not only among them but also among Blakey and his closest associates.

On December 11, 1978, Weiss and Aschkenasy, along with Barger, met with committee members in executive session and presented their united position. Although some had seen it coming, many of the committee members were surprised by the finding. They took turns quizzing the experts, struggling to come to terms with what it meant if the experts were right. Nine days later (December 20), one of those in attendance, Congressman Sawyer, broke a no-leak policy and told a Grand Rapids, Michigan, radio audience about the executive session and the finding of a 95 percent certainty that a shot had come from the grassy knoll. "I don't know how in the name of heaven we are going to handle this," he told the listening audience. (Blakey and Billings, *Plot to Kill the President*, pp.102–103; "Tape Supports 'Kennedy Plot,'" *Detroit Free Press*, December 21, 1978) The news spread rapidly. By morning, the *Washington Post* was bannered "JFK Panel Gets Evidence of Conspiracy," while a corresponding editorial in the afternoon *Washington Star* pleaded for an "objective analysis," the editors wondering whether there were "undetected flaws in the esoteric science." Blakey later pointed out that everyone seemed to forget the fact that the evidence wasn't new at all, but rather a refinement of evidence that Barger had discovered in July and presented in public hearings in September. What *was* new was the level of certainty. Of course, Blakey knew there was plenty of work left to do. Chief among the tasks was confirming that there actually was a motorcycle in the position predicted by the scientists, a necessary and key step to validating their conclusions. Blakey later wrote, "From the list of motorcycle assignments, we had determined the most likely candidate to be Officer H. B. McLain . . . Eventually, we found several film clips which, when put together, showed motorcycle 352 [McLain's] going up Main Street and then turning [north on] Houston Street at the right time. McLain was our man" (Blakey and Billings, *Plot to Kill the President*, p.103).

On December 29, 1978, in the eleventh hour of the HSCA's existence, the committee met in the Caucus Room of the Cannon House Office Building for one final day of televised hearings. During his opening remarks, in what was a clear attempt to bolster the forthcoming acoustic evidence of a grassy knoll shot, Blakey introduced into the record the Warren Commission testimony of seven witnesses who "heard shots, saw smoke, or saw the impact of bullets," reportedly indicating a shot from the grassy knoll or some other place in addition to the Book Depository Building. (5 HSCA 503–553) But the inclusion of five of Blakey's seven witnesses is more than questionable. Blakey told how Dallas police motorcycle officer Bobby Hargis had testified, "There wasn't any way in the world I could tell where [the shots] were coming from, but at the time there was something in my head that said that they probably could have been coming from the railroad overpass." Not only

frame 197 (Weiss and Aschkenasy said frames 188–191), and the grassy knoll shot was fired at frame 304 (Weiss and Aschkenasy said frames 295–296). (HSCA Record 180–10110–10234, Draft of HSCA Report, December 13, 1978, p.54; HSCA Report, p.80)

wasn't the railroad overpass the grassy knoll, but the overpass had been ruled out as the source of the shots by both the Warren Commission and Blakey's own HSCA, since it didn't even conform to the results of the HSCA's acoustic evidence, which placed the shooter behind the stockade fence on the grassy knoll, which, looking from the overpass, was to its left front. And Hargis also testified that the shots "might have been from the Texas Book Depository." (6 H 294–295)

Blakey also cited the report of Secret Service agent Paul Landis, who heard two shots—one from over his right shoulder (in the direction of the Book Depository) and a second (which hit the president's head) that appeared to come from "somewhere towards the front, right-hand side of the road." Yet Landis also wrote that he "was not certain" about the origin of the second shot. (CE 1024, 18 H 755) Also included on Blakey's list was the testimony of Abraham Zapruder, who at one point said that he thought the *shots* came "from back of me," which would indicate the area behind the picket or stockade fence, but later, when asked, "Did you form any opinion about the direction from which the shots came?" he answered, "No, there was too much reverberation" for him to form an opinion about their direction (7 H 572). In addition to the earwitnesses, Blakey cited two witnesses who testified to seeing bullets strike the pavement during the shooting. One of them, Royce Skelton, reported what he "guessed" was a bullet hitting the pavement near the president's car late in the shooting sequence, scattering the cement from the pavement toward the southwest, "in direct *line* from the Texas [School Book] Depository"—which, of course, was consistent with the Depository, not the grassy knoll, as the firing source. The other witness Blakey cited, Mrs. Donald Baker, only testified she saw a bullet striking the pavement *behind* the presidential limousine (she later changed her testimony to in front of it), but never indicated she thought the bullet was fired from the grassy knoll (7 H 510, 513; 12 HSCA 20).

Blakey also displayed an exhibit that showed that 21 (11.8 percent) of 178 witnesses who were asked thought shots came from the knoll (5 HSCA 502). But tellingly, he never cited the testimony of even one of these 21, probably because he knew that all of them had said that *all* of the shots came from the grassy knoll, which of course would even negate the acoustic analysis of Blakey's own people, who only concluded that one of the shots came from there.

Finally, Blakey made mention of additional testimony found sprinkled throughout the Warren Commission's record that "may be fairly described as suspicious conduct around the knoll—footprints by the fence, an individual who identified himself as a Secret Service agent when no agent was supposed to be in that area, [and] activity that could be called flight," professionally adding, in honesty, "but the fact remains that *no one gives credible testimony* that he saw anyone with a rifle around the fence at the time of the assassination" (5 HSCA 553).

Following this rather unpersuasive prelude, Blakey called Mark Weiss and Ernest Aschkenasy to testify. In dramatic fashion, under the glare of television lights and the national media, Weiss told the committee, "*It is our conclusion that as a result of very careful analysis, it appears that with a probability of 95 percent or better, there was indeed a shot fired from the grassy knoll.*" The media, to use a cliché, ran to the phones. (5 HSCA 556)

Stated differently, the odds, according to the Queens College experts, were less than 1 in 20 that the impulse sounds on the Dallas police tape were not caused by

a gunshot from the grassy knoll, and at least 20 to 1 that they were (8 HSCA 32). Weiss and Aschkenasy explained the process that led to their conclusions, and after a round of questions from committee members, Blakey called Dallas police officer H. B. McLain to testify. McLain had been assigned to ride a solo motorcycle during the 1963 motorcade and was believed by the committee to be the one responsible for the open microphone on channel 1 (5 HSCA 617). McLain, himself, was less certain. But he had a worthy adversary in HSCA deputy chief counsel Gary Cornwell, who, in questioning McLain, conjured up the image of the lionhearted fighter who, though being clubbed to the canvas over and over again, continues to stagger to his feet for more punishment until miraculously, he ultimately prevails.

"I only remember hearing one [shot]," McLain testified, "[while] I was approximately halfway between Main and Elm streets on Houston." McLain said that at some point after turning the corner from Houston onto Elm, "The chief came on across the radio and said head back for Parkland Hospital." Since Curry gave this command on channel 2, this testimony by McLain seemingly tore the whole mathematically constructed theory of the HSCA asunder. The committee knew that since the shots fired during the assassination were believed to have been recorded over Dallas radio channel 1, if McLain's microphone was switched to channel 2, not 1, then the alleged gunfire transmission could not have come from his motorcycle.*

But Cornwell hung on. When Cornwell suggested that McLain might have heard the channel 2 command from a fellow motorcycle officer's radio instead of his own, assuming it was turned up loud enough, McLain conceded, "It could be possible." (5 HSCA 635, 638)

McLain remembered catching up with the presidential limousine on the Stemmons Freeway as the motorcade crossed Continental Avenue during its race toward the hospital. Asked by Cornwell if he recalled using his radio at all that day, McLain said, "No, sir." Cornwell: "Do you have a distinct memory of what channel your radio was set on?" McLain: "It's normally set on channel 1." Cornwell: "Do you remember anything differently on that day?" McLain: "No, sir." Cornwell: "The answer is no?" McLain: "Nope." Cornwell: "Then it would be fair to state that since you neither have a distinct memory nor, in fact, recall using your radio, we simply can't determine from your memory which of the two channels your radio may have been on at the time of the motorcade; correct?" McLain: "No, sir." Cornwell: "Are you able to tell us with *any certainty* which channel your motorcycle was set to during that motorcade?" McLain: "I don't know *for sure* which way it was set." (5 HSCA 629–630, 636)†

*When an HSCA investigator first interviewed McLain in September of 1977, he wrote that McLain told him that right after the shooting "an order came over his motorcycle radio to proceed to Parkland Hospital" (HSCA Record 180-10107-10184, Interview of H. B. McLain by HSCA investigator Harold A. Rose on September 26, 1977).

†Although Cornwell's carefully crafted questions had managed to elicit from McLain at least a little uncertainty over which channel his radio was set at on the day of the shooting (after all, it had been fifteen years), thereby still being able to hold onto McClain as the cyclist with the radio open to channel 1 whom they needed, House Representative Robert W. Edgar of Pennsylvania asked McLain whether, considering his duties that day as a motorcycle officer, it would have been common for him not to be on channel 2, which Chief Curry was using to handle the motorcade traffic. McLain said it would not because "we need[ed] to listen to [the motorcade traffic on channel 2] to know in case something does happen what alternative route to take." (5 HSCA 639)

Cornwell then cut to the heart of the matter: “Did you, to your memory, have a stuck microphone on that day?” “Not that I know of,” McLain said, staggering Cornwell with yet another answer that knocked the wind out of the HSCA’s late-blooming theory. But Cornwell again held on: “Do you know whether or not it would have been *possible* for your microphone to have been stuck in the open position *without your knowledge*?” McLain: “Yes, sir; it has been before.” Cornwell: “Under how many different circumstances in your particular case?” “I’m scared to say,” McLain replied, the number of occurrences being obviously quite a few. (5 HSCA 637)

During the course of his testimony, McLain identified himself in a series of still frames taken from two amateur films. One sequence, from the Dallas Cinema Associates (DCA) film *President Kennedy’s Final Hour*, shows McLain on Main Street as the motorcade approaches Dealey Plaza, a few blocks ahead (5 HSCA 626, JFK Exhibit F-668). The second sequence, from an amateur film taken by Robert Hughes, shows McLain turning his motorcycle from Main onto Houston, shortly after the president’s car made its turn, 180 feet ahead, onto Elm Street (5 HSCA 626–627, JFK Exhibits F-668–671; 8 HSCA 102).

Despite the fact that McLain’s testimony and the photographs he was shown clearly seemed to place his cycle much farther behind the presidential limousine than the “120 feet” Barger had testified it was at the time of the first shot (2 HSCA 68; 5 HSCA 650) (it was six feet down Elm from the corner of Houston and Elm at the time of the HSCA’s third shot, per Weiss and Aschkenasy [8 HSCA 28–290]), the committee concluded that McLain “would have been in the approximate position of the transmitting microphone, as indicated by the acoustical analysis” (HSCA Report, p.76). But by inference from his testimony, it couldn’t have been clearer that McLain himself did not share the HSCA’s conclusion. As HSCA members Samuel Devine and Robert Edgar wrote in their dissent to the HSCA conclusion, “There is another reason to doubt the open-microphone evidence. Officer H. B. McLain of the Dallas Police Department was identified by the acoustics experts as being the operator of the motorcycle with an open mike to the left and rear of the President’s limousine. But, apparently, the officer himself rejects the assumption, which led to the test and reenactments. He asks a very simple, but important, question: ‘If it was my radio on my motorcycle, why did it not record the revving up at high speed plus my siren when we immediately took off for Parkland Hospital?’” (HSCA Report, pp.492–493)*

Following McLain’s appearance before the HSCA, BBN’s James Barger reappeared to state for the record that he had reviewed Weiss and Aschkenasy’s work and in effect said his earlier calculations were all wet, concurring now with their finding that the probability of a shot from the grassy knoll was 95 percent or better. Barger added that he was “very pleased” to hear that Officer McLain’s memory of where he was relative to the time of the first shot did, in fact, correspond—though it clearly did not (McLain saying he was midway between Main and Elm on Houston, Barger estimating that the motorcycle with the open mike was very

*It should be noted that this quote from McLain is not in McLain’s HSCA’s published testimony. McLain verified to me that he had said the subject words back in Washington, but couldn’t remember whether he testified to this or said it off the record (Telephone interview of H. B. McLain by author on June 1, 2005).

close to Elm)—with the position where BBN predicted a motorcycle was located at the time of the first shot. (5 HSCA 650, 679)

The only challenge to the HSCA's acoustic work at the time, ultimately rejected by Barger and the HSCA, was submitted by Anthony J. Pellicano, president of Voice Interpretation & Analysis Ltd. in Chicago. Pellicano's report concluded that "the motorcycle with the open microphone on channel 1 was not part of the motorcade," and, therefore, "the noise impulses detected . . . were not shots."* Pellicano's conclusions were based largely on the sound of sirens, which appear for the first time on the channel 1 open microphone recording more than two minutes after the presumed time of the shots. Pellicano pointed out that the sirens should have appeared immediately after the shots (not two and a half minutes later) if, in fact, the motorcycle with the open microphone was part of the motorcade, especially since Dallas police chief Jesse Curry said that the sirens were turned on after the shooting (4 H 161, WCT Jesse E. Curry). (And, in fact, sirens can be heard in the background of Curry's first command to "go to the hospital," as recorded on the channel 2 tape.) Pellicano also noted that the sound of multiple sirens "increases [on the tape] in volume and then fades out as would be expected if the motorcade were approaching, passing, and leaving the location of the open microphone."

Pellicano noted that channel 2 dispatcher Gerald D. Henslee thought at the time that the open microphone was on the Stemmons Freeway, telling an officer handling security for the motorcade that there was an "unknown motorcycle officer up on *Stemmons* with his mike button stuck open on channel 1. Could you send someone up there to tell him to shut it off?" In an HSCA interview, Henslee said he assumed the motorcycle with the open microphone was on the freeway based on "the noise of the sirens." (5 HSCA 652–670, "Analysis and Comments, Re: The Dallas Police Tapes et al," submitted by Anthony J. Pellicano, President, Voice Interpretation & Analysis Ltd., December 13, 1978, pp.9–10; HSCA Report, p.77; Henslee transmission: CE 705; 17 H 462)

In response to Pellicano's report, Dr. Barger testified that he disagreed with the claim that McLain's motorcycle would have picked up the sound of Chief Curry's siren immediately after the shooting if McLain had been where Barger said he was. Barger believed McLain was at least 300 feet away from Curry's lead car, which was in front of the presidential limousine, and "with as much background noise as there was in the Plaza at that time," he would have been too far away for his mike to pick up the siren of Curry's car. (5 HSCA 671)

Surely, Barger should have known that this was a sophistic argument. It would require the most unlikely and unreasonable of assumptions—that the presidential limousine itself didn't have its siren on while en route to the hospital. Though neither Secret Service agent William Greer, the driver of the president's limou-

*In 2003, Court TV, in its fortieth anniversary special on the assassination, employed Robert Berkowitz, a forensic audio expert from Boston, to conduct a reexamination of the police recordings. After working on the project for several months, Berkowitz disagreed completely with the HSCA acoustic experts. Seconding Pellicano's conclusion, not only did Berkowitz's research find that the motorcycle that picked up the suspect impulses was parked somewhere outside of the motorcade through Dealey Plaza, but worse yet, he said the impulses weren't even those of gunfire. (*The JFK Assassination: Investigation Reopened*, Court TV, November 19, 2003; see also Trask, *National Nightmare*, pp.254–256)

sine, nor agent Roy Kellerman, in the passenger seat, was asked in their testimony before the Warren Commission if they turned the siren on, if any assumption were to be made, it would have to be that they performed this presumably automatic act. Indeed, a later report (see later in this endnote) said that on the open mike channel 1 recording, the “clear and unambiguous sounds . . . of sirens . . . from a group of at least 3 vehicles” could be heard. (*Report of the Committee on Ballistic Acoustics*, Commission on Physical Sciences, Mathematics, and Resources, National Research Council, Washington, D.C., National Academy Press, 1982, [hereafter “CBA Report”], p.14). And if the presidential limousine siren was on, Barger can’t forget that he concluded McLain was only 120 feet (at another point in his testimony he said 120 to 138 feet) behind the limousine, making his 300-foot observation inapplicable.

Another point has to be made. Even if McLain’s open mike didn’t pick up the siren from Curry’s car or the president’s limousine, how could his microphone possibly fail to pick up the siren of his own motorcycle? Even though McLain told members of the HSCA staff subsequent to his testimony that he believed he had turned his siren on as soon as he heard Curry’s order to proceed to Parkland, the committee said McLain “was in error” and probably didn’t have his siren on because others had theirs on and there “may have been no particular need for McLain to turn his on too” (HSCA Report, p.78). But this is a gross supposition by the HSCA. And as Jim Bowles, who knew McLain well, said, “In an emergency situation an officer doesn’t add up and subtract sirens in an effort to decide what to do. He does what he has been trained to do, and is required by operating rules to do . . . He uses his siren instinctively. McLain has always stated that he used his siren [that day]” (James C. Bowles, “The Kennedy Assassination Tapes: A Rebuttal to the Acoustical Evidence Theory,” in Savage, *JFK First Day Evidence*, p.329).*

At the conclusion of the committee’s final hearing, Blakey had the Zapruder film shown again, this time synchronized to the 1978 test shots fired in Dealey Plaza, which had been edited to match the four sound events described by the acoustic experts. Blakey later wrote, “It was as if we had all been returned to Dealey Plaza to hear, as well as see, the assassination. The effect was awesome” (Blakey and Billings, *Plot to Kill the President*, pp.105–106).

On Sunday, December 31, 1978, the HSCA, in a seventeen-page report from Chairman Stokes to Clerk of the House Edmund L. Henshaw, announced its judgment, reached after six hours of heated discussion behind closed doors, that “scientific acoustical evidence established a high probability that two gunmen fired at President John F. Kennedy” and that the president was “probably assassinated as a result of a conspiracy. The Committee is unable to identify the other gunman or the extent of the conspiracy” (HSCA Report, p.1; Goldman with Shannon, Camper, and Donosky, “Rush to Judgment,” pp.26–27; HSCA Record 180-10105-

*The HSCA expanded on Barger’s answer to Pellicano in its final report, concluding that McLain left Dealey Plaza shortly after the shooting and eventually caught up with the motorcade, accounting for the sound of the sirens “increasing as McLain drew closer to them.” The committee’s report went on to say that a variety of actions could account for the sound appearing to recede: “Officer McLain *might have* fallen back after catching the cars, he *might have* passed by the cars, or he *might have* arrived at the hospital shortly after catching up, at a time when the sirens were being turned down as the cars approached the hospital.” (HSCA Report, pp.77–78) Hardly a weighty and serious response to Pellicano’s well-taken observations.

10358). The HSCA concluded that Kennedy was only struck twice, by two of three bullets fired by Oswald from the Book Depository Building, and that the fourth shot, which they were 95 percent confident they had discovered acoustically, and was supposedly fired from the grassy knoll, did not hit Kennedy or Connally (HSCA Report, pp.1, 81).

Correlating the Zapruder film to the channel 1 Dictabelt, the committee additionally concluded that Oswald fired his first shot at 12:30:47.0 (Z frames 157–161), his second shot 1.6 seconds later at 12:30:48.6 (Z188–191), and his third shot 6.7 seconds later at 12:30:55.3. The grassy knoll shot, the HSCA concluded, was a fourth shot fired between Oswald's second and third shots at 12:30:54.6, correlating to around frames 295 and 296 of the Zapruder film. (HSCA Report, pp.1, 80)

Newsweek summed up what had happened very well: “For two costly years, the House Select Committee on Assassinations had slogged bumpily toward the same judgment reached by the Warren Commission long ago: that a psychopath named Lee Harvey Oswald acting alone had assassinated President John F. Kennedy. But at the very eve of its dissolution last week, the committee,” in a “rush to judgment,” went off in a “diametrically opposite direction. What tipped its verdict with a no-conspiracy report already on paper* was a last-moment scientific analysis purporting to place a second gunman at the scene of the crime in Dallas’ Dealey Plaza . . . The committee’s pell-mell U-turn in the Kennedy case came on the expert testimony of Mark Weiss, 36, and Ernest Aschkenasy, 49, acoustics analysts from Queens College in New York, who appeared in the closing weeks of the inquiry . . . The two experts had barely left the stand when the committee returned to secret session—and, with a scant six hours of debate, reversed the conclusions of two years.” To reach its conclusion, *Newsweek* pointed out, the committee discounted “the evidence that Oswald fired the only shots that hit Kennedy or anything else; the fact that the supposed second gunman, gun, and bullet all evanesced without a sighting or a trace; [and] that only four of 178 known earwitnesses thought they had heard shots from *both* the Depository and the knoll.” (Goldman with Shannon, Camper, and Donosky, “Rush to Judgment,” p.26; HSCA Record 180-10105-10358)

The conspiracy theorists, naturally, felt vindicated in their fifteen-year criticism of the lone-gunman theory. “They [the HSCA] proved, at least to my satisfaction, conspiracy,” Gary Mack told a radio trade newspaper. “I take great personal pride in the part that I was able to play in all this. As it turns out, I stumbled upon the first hard evidence of any conspiracy, and for that reason I think we are getting closer to the full story” (“Conspiracy on Tape,” *Radio & Records*, no.267, February 2,

*When I ordered a copy of the first draft of the HSCA report, the one that was later changed to conclude conspiracy, I was surprised to see it was dated December 13, 1978. This was the draft that said, “There is insufficient scientific evidence to find that there was a conspiracy to assassinate President Kennedy” (HSCA Record 180-10110-10234, December 13, 1978, p.53). *So just two weeks* before the testimony of Weiss and Aschkenasy, and after two years of intensive investigation, the HSCA was prepared to conclude that there was no conspiracy in the assassination. With just a survey map of Dealey Plaza, a ruler, a hand calculator, a length of string, and an oscilloscope, the two young professors from Queens got the HSCA to reject not only the findings of the Warren Commission, but also its own findings after two years of investigation. If the fourth-shot conspiracy conclusion of the professors at least had a little common sense behind it, that would be one thing. But it didn’t.

1979). The Justice Department, whom the HSCA asked to review the acoustic evidence among other things, responded with anger that the committee was asking the department to finish what the committee started. "They had \$5 million dollars," a Justice official said, "and they came up with loose strings that they want us to tie together" ("In Justice Department, JFK Finding Angers Officials," *Detroit News*, January 3, 1979). Editorials berated the committee, calling its conclusion "an ill-founded and sensational effort to justify a useless and unproductive investigation," claiming that it "took a flimsy, postage stamp-sized piece of testimony and reasoned from it a totally unwarranted conclusion" ("Another Blind Alley," *Detroit News*, January 7, 1979, editorial page). HSCA chief counsel Robert Blakey fired back at his critics, telling the press, "I'd have to believe in the tooth fairy" to believe his acoustic experts were wrong (Goldman with Shannon, Camper, and Donosky, "Rush to Judgment," p.27; HSCA Record 180-10105-10358).

The HSCA conclusion, if believed, also was in direct conflict with its own finding that 80 percent of the witnesses in Dealey Plaza heard three shots and 10 percent only two. (Smaller percentages heard a different number of shots, only 3.5 percent claiming to hear a fourth shot.) So 90 percent of the witnesses heard three or fewer shots, *not hearing the fourth shot* the HSCA came up with. Therefore, the acoustic conclusion rejected the on-site hearing of 90 percent of the Dealey Plaza witnesses and accepted the hearing of 3.5 percent.

It didn't take long for the HSCA's questionable acoustic evidence to begin unraveling like a bargain-basement sweater. On January 4, 1979, four days after the HSCA's announcement, former Dallas police motorcycle officer H. B. McLain met with James C. Bowles, who, as previously indicated, was a Dallas police radio dispatch supervisor around the time of the assassination, and Bowles gave him an opportunity to listen to both channels of the police radio transmissions, including the channel 1 recording that allegedly originated from McLain's stuck microphone button. When McLain, listening to the tapes for the first time, emerged from the private room in Dallas, Bowles asked, "Well, Mac?" McLain's response was immediate: "Hell, JC [Bowles], there ain't no way that was my microphone stuck open!" While McLain recalled many of the motorcade instructions heard on channel 2, he didn't recognize any of the sounds on channel 1.

McLain gave his reasons for believing it wasn't his mike. Among them was the fact, he said, that the sound of the motorcycle clearly indicated the cycle was traveling way too fast to have been in the motorcade; though he had turned his siren on, there were no siren sounds from the motorcycle with the stuck microphone; and when the sound of sirens did appear, they seemed to be passing a stationary unit. McLain felt he had been sucker-punched by the committee, coaxed into giving answers in response to counsel's "could this be" questions that fit the committee's acoustic theory. Asked whether he was on channel 1 while listening to another officer's radio set to channel 2, McLain, who believed his radio was set on channel 2, said, "That's not what happened." Asked why he testified as he had in Washington, McLain replied that the committee's counsel had asked him only "*could* that have been my microphone, and I said, 'Yeah, it could have been.' I didn't know whether it was or wasn't. But after I've heard these tapes, I know it wasn't mine. I remember all that conversation just like it was yesterday." (Bowles, "The

Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, pp.272–273, 328; HSCA Report, p.78) When Blakey heard of McLain’s retraction he chalked it up to his “rusty” memory. (Goldman with Shannon, Camper, and Donosky, “Rush to Judgment,” p.27). Yet Blakey’s response doesn’t begin to answer all of the questions that the channel 1 recordings raise.

McLain is one of the important witnesses in the Kennedy assassination saga who has not been interviewed that much, so I decided to contact him, even at this late date, to see if there was anything he could add to his testimony published in the HSCA volumes. In a series of conversations with him over a two-year period, there were a few points. One is that he specifically asked the people from the HSCA who worked with him when he went back to Washington to let him listen to the channel 1 and 2 tapes. “I told them I needed to listen to them and they said, ‘You don’t need to listen to them. It’s not necessary.’”^{*} And he added that when he heard

^{*}This almost sounds too unbelievable to believe. But McLain wouldn’t be likely to make up such a story. Moreover, after he told me this, I looked in the HSCA volumes to see if there was any reference to this matter. The only thing I could find, though not explicit, tends to support what McLain said. The HSCA Report says, “McLain was asked by the committee to come to Washington to testify. He was shown all of the photographic evidence that the committee had assembled, as well as the Dallas police records of the motorcade assignments” (HSCA Report, p.76). The report makes no reference to having him listen to the police Dictabelt transmissions that committee members and experts were claiming came from his open microphone, nor to the channel 2 recordings. Later, in rereading an old *Newsweek* article around the time of McLain’s testimony, I also saw where the reporters wrote that McLain “was *only* permitted to hear the tape *after* he testified” (Goldman with Shannon, Camper, and Donosky, “Rush to Judgment,” p.27). Do we have any evidence that McLain himself expressly said way back then that he didn’t hear the tapes? Yes. McLain testified before the HSCA on December 29, 1978. Just six days later Bowles played the two tapes for McLain in Dallas. The *Los Angeles Times*’s Jerry Cohen, who was present in Dallas when McLain emerged from a room with Bowles after hearing the tapes, wrote in the next day’s *Times*, “McLain said committee members had not played the tape[s] for him [last] Friday in Washington, but instead had shown him three photos of a motorcycle, which he identified as his. He said he did not realize until later that the pictures were taken outside Parkland Hospital . . . long after the gunfire in Dealey Plaza” (Jerry Cohen, “Police Challenge Tape Cited by Kennedy Panel,” *Los Angeles Times*, January 5, 1979, pp.1, 10).

It was even later, when I looked once again at what Jim Bowles had told Larry Sneed for Sneed’s book, *No More Silence*, that I saw something I had missed when Sneed’s book came out in 1998. Bowles told Sneed that after he played the tapes for McLain when McLain returned from Washington, and McLain had told him there was no way it was his mike that was stuck open, and that the HSCA “didn’t let me hear those tapes,” Bowles said McLain added, “They just gave me what they wanted me to hear. *They let me listen to a little of this and a little of that*” (Sneed, *No More Silence*, p.177). When I called McLain and asked him if he had told Bowles he had heard parts of the tapes, he said, “No. I never heard *any* of the tapes.” “No parts at all?” I asked. “Not anything,” he said. “If I had heard *any part* of it, I would have known it wasn’t my cycle. They [HSCA] wouldn’t let me listen to anything.” (Telephone interview of H. B. McLain by author on January 10, 2006) My conclusion is that Bowles, in his July 1990 interview with Sneed, was recounting a conversation with McLain twelve years earlier and simply misquoted McLain on this point. In Bowles’s 1979 essay, he quotes the conversation with McLain but makes no reference to McLain’s saying the HSCA played a little bit of the tapes here and there for him (Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, p.328). When I called Bowles back on this and told him what McLain had said, he said, “I stand corrected” (Telephone interview of Jim Bowles by author on January 11, 2006).

What does the HSCA have to say about this? When I called Professor Blakey, he said, “I can’t think of any reason why, if he [McLain] asked to hear the tapes, that we wouldn’t have played the tapes for him if they were readily available,” saying they may have been with “Barger and his people in Massachusetts.” Blakey said that his chief assistant, Gary Cornwell, “prepped McLain” [prepared McLain for his testimony, which all competent lawyers automatically do] and he would be able to give a definite answer to your question” (Telephone interview of Robert Blakey by author on January 12, 2006). When I called Cornwell, who is now practicing law in Beaumont, Texas, he said, “This happened so long ago I do not have any memory of meeting with McLain in advance of his testimony, although the normal thing for me to have done would have been to do so.” Since he had no memory of meeting with McLain, he couldn’t answer my question of whether he refused to let McLain hear the tapes (he said he “assumed” he and his staff had a copy of the tapes in Washington, D.C., in addition to the original Dictabelt and Audograph that Bolt, Beranek and Newman had in Cambridge, Massachusetts), but reiterated what Blakey said, that “if the guy [McLain] wanted to listen to the tapes, I don’t

the channel 2 tapes later back in Dallas, “I recognized a lot of the transmissions I had heard that day.” Consistent with this, when I asked him if he turned on his siren in Dealey Plaza, he said, “I did.” “When?” I asked. “When the chief [Curry] said to go to the hospital,” which of course was a channel 2 transmission. Already knowing the answer, I asked McLain, “Why were you on channel 2?” “Because I was on special assignment that day for a special event. That meant I was tuned in to channel 2, not 1, which was for routine police business like robbery and other crimes.” “When you say you were on channel 2 since you were a part of the motorcade, I assume you *had* to be on channel 2.” “Well, right. We were *ordered* to be on channel 2. I was on a channel 2 assignment that day.”*

The importance of McLain being ordered to be on channel 2 and remembering many of the channel 2 transmissions during the motorcade cannot be overemphasized. It literally, by itself, destroys the HSCA’s acoustic conclusion of a fourth shot—at least if the committee is basing it on McLain being the cyclist with the open microphone.

The second point McLain wanted to make, after repeating that he was “sure” the stuck mike was not his, was that the sound on the channel 1 cycle was “not the sound” of his cycle, a two-wheeler that day, explaining that he had ridden “both two- and three-wheelers” on the force, and “this was a three-wheeler. It’s all together a different sound. There’s no comparison to the two sounds.”† When I said to him, “I know, at this late date, it’s difficult to remember where you were on Houston at the time you heard the first shot, but what’s your best recollection?” he quickly responded, “I know exactly where I was. I was across the street from the entrance to the old jail, which is about halfway between Main and Elm.” (When I asked him about an interview he had with an HSCA investigator on September 26, 1977, in Dallas [HSCA Record 180-10107-10184] in which the investigator said McLain told him he heard two shots “just as he was completing his turn onto Houston,” McLain said he never, at any time, said that he heard shots when he was that far back, and he only said he heard one, not two shots. “The report of the interview is not correct,” McLain said.) He added, “These people back there [Washington, D.C.] had already made up their minds and they tried to tell us what happened and they weren’t there. They had a specific place where they needed

know why I wouldn’t have let him listen to them, unless there was some obstacle like the tapes not being in my hands, or a recorder not being easily accessible, or we were rushed for time. But if those obstacles were not present and he asked, I definitely would have let him listen to the tapes.” He said he does not recall telling McLain that there was no need for him to hear the tapes. (Telephone interview of Gary Cornwell by author on January 13, 2006)

*Recall that although McLain testified before the HSCA that it would have been uncommon for him to be on channel 1 during the motorcade (5 HSCA 639), he didn’t add that he had been ordered to be on channel 2, and that when he was asked, “Do you have a distinct memory of what channel your radio was set on?” he answered, “It’s normally set on channel 1.” While that, of course, was true, when he was thereafter asked, “And do you remember anything differently on that day?” he answered, “No, sir.” When next asked, “Then . . . we simply can’t determine from your memory which of the two channels your radio may have been on at the time of the motorcade?” he answered that was true (5 HSCA 630). A former Dallas police officer who knows and likes McLain told me that “this was fifteen years later, and H. B. [McLain] simply got rattled in his testimony” (Telephone interview of former Dallas police officer, who spoke to me for nonattribution, on January 20, 2006).

†Dallas Police motorcyclist Bobby Joe Dale, who was a part of the motorcade, told me he has a copy of the subject channel 1 tape and that he and others in his unit (Traffic Division) were all convinced that the sound of the motorcycle engine on the tape “clearly sounded like that of a three-wheeler. It wasn’t a two-wheeler” (Telephone interview of Bobby Joe Dale by author on January 12, 2006).

somebody to be to fit their acoustics, and even though I wasn't there, since I was the closest to it, they decided that it was me."*

By the way, McLain isn't raving on the HSCA's fourth-shot conclusion because of any anti-conspiracy bias, telling me, "I'm inclined to believe what that prosecutor in New Orleans [Jim Garrison] was up to." (Telephone interviews of H. B. McLain by author on April 1, 2004, May 26, 2004, June 1, 2005, and January 11, 2006)

Returning to the all-important matter of McLain recognizing many of the channel 2 transmissions when Bowles had him listen to the tapes in Dallas, I called Bowles and asked him if, assuming for the sake of argument that McLain was on channel 2 and heard Curry's instructions, this would mean, by definition, that he could not have had a stuck mike on channel 1. He said, "You're tracking, counselor." "Why?" "Because to hear Curry, McLain's microphone could not have been stuck on open in the transmit mode. If it had been stuck on open, he would not have been able to hear *any* broadcast. Also, by being on channel 2, he could not have had any activity of any kind in connection with channel 1. With the Dallas police motorcycles, the radio selector switch can be on either channel 1 or 2 but not both."† (Telephone interview of Jim Bowles by author on January 11, 2006)

For confirmation of the fact that all cyclists in the motorcade like McLain literally *had* to be on channel 2 during the motorcade, I called some Dallas police motorcycle escorts in the motorcade. Bobby Joe Dale (who was pulling up the rear on Houston at the time of the shots) said he "was on channel 2" at the time of the shooting. "Why were you on 2?" I asked, not wanting to put words in his mouth. "I had a duty to be on channel 2. I was assigned to the motorcade." "What about the other Dallas police motorcyclists assigned to the motorcade? What channel were they on?" "We were all supposed to be on channel 2. That's all I can tell you. The rest of the force was on channel 1." "Can you think of any reason why a Dal-

*Two related issues have to be discussed. In McLain's testimony before the HSCA, when he was asked, "Would it have then been possible that what you heard [Curry's instructions] was the transmission from the speaker of Officer Courson and not in fact your own?" he answered, "It could be possible." He later added that "it is also possible that Chief Curry put it out on both channels [1 and 2] at the same time." (5 HSCA 635, 638) But we know that didn't happen, not only because no such transmission was ever heard on channel 1 (which could, however, be attributed to the stuck channel 1 microphone [see CE 705, 17 H 395]), but also because Curry didn't have the ability, in his car radio, to issue a simulcast. "Only the on-duty dispatchers for channels 1 and 2 at the dispatcher's office had such simulcast capabilities. Curry did not," former sheriff Jim Bowles said (Telephone interview of Jim Bowles by author on January 20, 2006).

Second, Dr. James E. Barger testified to the HSCA that "listening to the voice communications on channel 2 at times before and after 12:30 [time of shooting], I discovered the presence of the call numbers of several motorcycle policemen in the motorcade that were on channel 1" (2 HSCA 43). But Bowles said, "I don't know what Barger is talking about. There were no communications by motorcade officers on channel 1 during the motorcade or within minutes after the shooting" (Telephone interview of Jim Bowles by author on January 29, 2006).

†The police radio on a motorcycle has two components, the receiver and the transmitter. The transmitter has a single button, a "push-to-talk" button. The receiver has two positions for operation, channels 1 and 2, which the cyclist chooses with the selector switch. "If the receiver is on 2," Bowles said, "channel 1 is completely mute and disconnected, both to receive and transmit." Bowles added that "the transmitter will transmit only on the channel selected on the unit's radio by the selector switch." (Telephone interview of Jim Bowles by author on January 14, 2006)

When I asked Bowles if the HSCA's frequent reference to the "radio transmission *switch*" being "stuck in the 'on' position" (e.g., HSCA Report, p.67) was incorrect or most likely loose language on the committee's part, he said it was loose language. The switch never got stuck. It could be moved from channel 1 to 2 or 2 to 1. It was the "push-to-talk *button*" that would be stuck in the "on" position. (Telephone interview of Jim Bowles by author on January 14, 2006)

las police motorcyclist assigned to the motorcade that day [as McLain was] would have clicked on to channel 1?” “No reason I can think of,” he said. (Telephone interview of Bobby Joe Dale by author on January 12, 2006)

Jimmy Courson, whose cycle was close to and slightly behind McLain’s on Houston at the time of the shooting, told me, “I was on channel 2, the same channel as everyone else in the motorcade escort.” “Were you ordered to be on channel 2?” “Well, yes. That would be the only way we could hear what we needed to hear about the motorcade.” Courson agreed that “if McLain was on channel 2 like everyone else, and as he was supposed to be, it would have been impossible for him to have an open mike on channel 1. There is only one push-to-talk button on the cycle. You’re either on 2 or 1.” (Telephone interview of Jimmy Courson by author on January 13, 2006)

Willie Lumpkin was one of three Dallas police cyclists at the very front of the motorcade. Lumpkin was on the left side of Elm, Leon Gray was in the middle, and Steve Ellis was on the right. When I spoke to Lumpkin, he couldn’t remember the number of the channel he was on, but he said that “I know that all of us in the escort were on the same channel, the motorcade channel,” which is the same as telling me he was on channel 2. (Telephone interview of Willie Lumpkin by author on January 14, 2006)

In a scathing rebuttal to the HSCA’s acoustic conclusions, Jim Bowles blasted the committee for the “preposterous deception” it had foisted on the American public. Bowles, who was probably more familiar than anyone else with the mechanical operation of the Dictaphone machine that created the recordings the committee’s acoustic experts relied on and who knew details about police operations that would have proved meaningful to their investigation, surprisingly was never called to testify before the HSCA during its acoustic hearings. His lengthy 1979 rebuttal, eventually published in 1993 as an appendix to Gary Savage’s *JFK First Day Evidence*, offers such a wealth of information that had the HSCA been privy to his insights, it might have saved itself a great deal of time, money, and embarrassment. When Bowles learned about the HSCA’s investigation of the police Dictabelt, he immediately contacted HSCA investigator Jack Moriarty, whom he knew, and offered to tell the HSCA all he knew about the tapes and the interpretation of them. Indeed, as noted earlier, it was Bowles who converted the tapes into transcript form for the Warren Commission. Moriarty told Bowles he’d get back to him. When a few months went by and he didn’t hear back from Moriarty, Bowles called Moriarty to find out why he wasn’t receiving a subpoena to testify. Moriarty told Bowles, “Blakey has decided not to call you as a witness. They’re going to go with scientific evidence.” (Telephone interview of Jim Bowles by author on May 25, 2004)

Of particular interest is Bowles’s assessment of the sounds that were picked up (and some that were *not* picked up but should have been) by the open microphone that was allegedly mounted on McLain’s motorcycle. Bowles raised several interesting points in his highly perceptive report that contradicted the HSCA’s conclusion that the open microphone was in the motorcade, including the following:

1. When the motorcade was on Main Street, the heart of the downtown canyon of skyscrapers, because of the crush of the huge crowd on both sides of the street,

the motorcade was frequently reduced to walking speed, “barely able to average 3 to 3½ mph, with a top speed of about 5 mph.” Yet, during the same period the speed of the motorcycle with the open microphone was determined to be operating “at 25 to 35 mph, averaging approximately 30 mph.” (Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, pp.323, 342)*

2. None of the characteristics of a motorcycle escort are heard in the channel 1 recording. The motorcycles accompanying the motorcade are known to have stopped periodically to maintain their position alongside the motorcade vehicles; revved their engines in short, attention-gathering bursts to help move crowds back out of the street; and made additional brief stops as the motorcade navigated accordion-like turns at intersections like Main and Houston. None of these sounds are heard on the channel 1 recording. Instead, there is the steady, uninterrupted beat of an engine moving at more than three times the known speed of the motorcade. In addition, Bowles found the recording is conspicuously absent of crowd noise, which he said can clearly be heard “on at least ten channel 2 transmissions” emanating from the motorcade. Yet, the HSCA dismissed the absence of crowd noise by claiming that the Dallas police motorcycle radios “were equipped with a directional microphone† and were designed to transmit only very loud sounds.” According to the HSCA, a “human voice would transmit only if it originated very close to the front of the mike . . . Background noise, such as that of a crowd, would not exceed the noise level from the much closer motorcycle engine” (HSCA Report, pp.78–79). This, of course, contradicts the ability (that the HSCA itself was pushing) of the open microphone, which was mounted on the crossbar between the handlebars of the motorcycle, to pick up other sounds apparent on the recordings (e.g., the sound of transmissions on other nearby police radios). Moreover, it is difficult to imagine that the open microphone was so unreceptive to sound that it could not pick up any part of the sounds of the large, cheering crowd, which were amplified by the canyon-like effect of buildings around them on Main before turning onto Houston, the inevitable very loud noise apparently (if we’re to believe the HSCA experts) being reduced to complete nonexistence on the police microphone. And again, “If the channel 1 tape couldn’t pick up the crowd noise, how come the channel 2 tape did?” (Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, pp.323, 346; Telephone interview of Jim Bowles by author on March 25, 2004)

3. Bowles, who should know, pointed out that the HSCA acoustic experts only concerned themselves with the possible sounds of gunshots on the tape and never analyzed the motor sounds of the cycle. If they had (as he did), he said, they would have found that the “motor sounds in the [channel 1] recording” were those of a “three wheel, flathead engine” rather than the “two wheel, Harley Davidson, high-

*When I asked Bowles how he came to the conclusion that the cycle was operating at a speed much faster (25 to 35 mph) than a motorcycle in the motorcade would be traveling, the colorful Bowles, at the time the sheriff of Dallas County, said, “I guess it’s nontechnical and seat of the britches, but I rode those cycles for years and I have an ear for the sound of the engine indicating the rpm [revolutions per minute] of the engine, and you can judge the speed of the motorcycle fairly well from the sound” (Telephone interview of Jim Bowles by author on February 23, 2004).

†Bowles said this is not true. “It was a so-called dynamic mike, not a directional mike. It would take a sound coming from any direction. If a sound could be heard by the human ear at the location where the mike was, it could be heard by the microphone” (Telephone interview of Jim Bowles by author on March 25, 2004).

performance, over-head-74” cycle that McLain was riding. This fact alone, he said, “conclusively eliminated McLain as the suspect operator” of the open mike cycle. (Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, p.342)*

4. The HSCA, in its attempt to explain away the sound of sirens that first appear approximately two minutes after the shooting, and then appear to rise and recede in intensity,[†] a fact conceded by the HSCA (HSCA Report, p.77; 8 HSCA 112), offered a variety of what Bowles calls “foolish” explanations, none of which hold up under scrutiny. Number one, “you don’t ‘forget’ or decide not to use your siren,” as the HSCA suggested was the case with McLain. Number two, had the motorcade been given a 15- to 20-second head start on McLain (as the committee postulates), because of traffic it would have been physically impossible for him to catch up within two minutes, let alone pass the cars in the motorcade, which were traveling at high speeds. Nor could he have then fallen back (as the committee suggests to explain the sirens fading out) since McLain was one of the first to arrive at the hospital, assisting Mrs. Kennedy from the limousine. More importantly, Bowles pointed out the HSCA’s own internal contradiction that while McLain was allegedly catching up with the rest of the motorcade (which would have required

*Bowles, echoing McLain, told me, “There’s a more precision, shall I say ‘executive’ sound and tone on the two-wheeler than the little flathead engine on the three-wheeler. It’s like listening to the difference between a new Lincoln and a Model-T” (Telephone interview of Jim Bowles by author on February 23, 2004).

†Bowles said that the “siren episode” started at 12:33:01 on the channel 1 tape and continued for some thirty-three seconds to 12:33:34. Within that period, the sirens created a “Doppler effect,” which indicates, he said, “that the sound source was passing the recording source rather than the opposite.” (Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, p.344) When I looked up *Doppler effect* in the dictionary, it said “the apparent change in the frequency of a sound or light wave resulting from a change in the distance between the source of the wave and the receiver,” and that the term was named after C. J. Doppler, an Austrian physicist of the nineteenth century. In a telephone interview and a letter to me, Bowles elaborated on the Doppler effect. It’s more than just a sound rising and then receding in intensity, which anyone could hear and which would not justify attributing the name of an individual (Doppler) to it. It refers, Bowles said, to the “instant” when the change in sound occurs. There’s almost, he said, a pause in the sound. “It is not a full pause. It is an instant, a fraction of a second, where the sharp ear can differentiate between wave shifts when the source and receiver are at their closest point.” In this case here, Bowles said that “at 12:33:01, channel 1 recorded the starting of low siren sounds. The sounds increased in loudness. In approximately sixteen seconds [12:33:17], there is a ‘Doppler effect’ present, followed by continuation of the sirens at a decreasing loudness for some sixteen seconds, at which time the sound of the sirens disappeared.” (Bowles said the “nominal” or “presumed” range of the Dallas police radios to pick up sounds was “300 feet. That’s not a drop-dead distance; it is variable due to conditions, but it is the nominal distance.” So the open microphone would have first picked up the sound of the motorcade at a distance of 300 feet on one end, and lost it at 300 feet at the other end, he said.)

Bowles said, “It is impossible to ignore the Doppler effect which occurred at the time and place where the motorcade was, and where the open microphone had to be as well. That was beside the Trade Mart between 12:33:01 and 12:33:34 p.m. The HSCA acknowledged the Doppler effect [actually, the HSCA didn’t, only acknowledging the sound rising and receding in intensity, an acknowledgment, however, that automatically would give rise to the Doppler effect] and at the correct time, but conveniently ignored it thereafter without an explanation why. If they had addressed themselves to the Doppler effect, they would have removed the open microphone from Dealey Plaza and destroyed their acoustical evidence and their fourth shot.” Bowles added, “I didn’t establish ‘Doppler.’ I’m just applying it where warranted and needed. This was the *only time and place* where the Doppler effect could have and did happen. Ergo, the open microphone could have been nowhere else because Doppler could not have happened ‘nowhere else.’” Bowles said that the HSCA “failed completely to ever place the open microphone in or near Dealey Plaza. It is almost as though the HSCA said, ‘What if the open microphone was in Dealey Plaza, and since it was, what will it reveal?’ That can only be called a quantum, reckless leap of faith, and a big hoax foisted on America.” (Telephone interview of Jim Bowles by author on December 10, 2005; Letter from Jim Bowles to author dated December 16, 2005, p.9)

excessive speed), the recordings relied on by the HSCA show that the motorcycle with the open microphone “had slowed to a moderate speed and to idle.” Bowles found it “beyond belief that competent investigators would fail to recognize that difference.” Bowles concluded that the open mike was most likely among a group of three-wheelers dispatched to a motor pool detail at the Trade Mart* awaiting the president’s arrival for his scheduled luncheon. Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, pp.329–330)†

5. Bowles added that to believe that McLain’s motorcycle carried the open microphone is to believe that a truly incredible thing happened. “Had McLain been on channel 1,” instead of channel 2, Bowles observed, “he would have listened to some 39 minutes [covering the earliest portion of the motorcade, from Love Field to downtown Dallas] of radio traffic totally unrelated to the parade prior to his microphone sticking. In addition, he would have heard absolutely nothing that he had been trained, prepared and expecting to hear—vital motorcade instructions from Chief Curry for the conduct of the motorcade. While it is possible that even the most expert motorcycle officer could make an initial mistake in channel selection, how long would one logically expect it to take even an ordinarily competent officer to realize that he wasn’t tuned in correctly” to the right channel? (Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, pp.327–328) Congressman Harold S. Sawyer, in his dissent to the HSCA’s final report, made the same observation as Bowles—that for McLain to have had a mike stuck open on channel 1, as the HSCA concluded, he “would for some reason have to remain oblivious to the fact that he was *not* receiving the rather continuous talk on the motorcade channel, and also remain oblivious to the fact that he *was* receiving constant and totally extraneous communications which were continuously being sent over channel 1, the regular Dallas police channel” (HSCA Report, p.505).

Bowles said the HSCA “carefully calculated their intended direction, then carefully worded their questions to elicit the desired answers. For example, ‘Is it *possible* that . . .?’ Unless it is wholly *impossible*, the only truthful answer would be ‘yes.’ [McLain] was not asked to relate to probabilities. McLain was carefully coached into giving answers which supported counsel’s preconceived positions. By limiting the range of information available to him, they allowed McLain to consider only that material which they had selected. With this strategy, they duped him into their plot. Being a conscientious officer, he cooperated fully.” (Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, p.328)

On a Sunday afternoon in December of 2005, I got a call from Jim Bowles, now retired. “I’ve got something you’ll want to hear, Counselor,” he said. In his office

*Bowles said that at the time of the sirens, the motorcade had gotten off the Stemmons Freeway onto Industrial Boulevard, which passes directly in front of the Trade Mart (Letter from Jim Bowles to author dated December 10, 2005).

Blakey’s response to the proposed Trade Mart location of the stuck microphone is that “it would be an extraordinary coincidence that the Trade Mart impulses on the Dictabelt correspond in echo structure [patterns] to three of the shots fired in Dealey Plaza as we recorded them in 1978” (Telephone interview of G. Robert Blakey by author on December 8, 2005).

†A 1982 report by the National Academy of Sciences agreed with Bowles’s conclusion that the Trade Mart was a much more likely location for the open mike than the motorcade through Dealey Plaza, though there was no firm evidence for that location (CBA Report, pp.14–15).

at home he had found a taped copy of the Dallas Police Department's Dictabelt recording of the shots fired in Dealey Plaza as part of the reconstruction tests conducted by the HSCA in August of 1978. Although Bowles himself was not present during these tests, he said that the Dallas Police Department had a motorcycle with its engine on in the plaza, and with an open mike picking up the sounds from the tests for transmission back to the Dictabelt at the dispatcher's office. He assumed that the HSCA acoustic experts had used Dallas Police Department radios to conduct their tests. "After all," he said, "it was *our* radio they were testing. That's how I came into possession of this tape, which I had forgotten about." (All I had read in the HSCA volumes is that the HSCA had used thirty-six microphones in Dealey Plaza to pick up the sounds and had never read any reference to their using Dallas police radio.)

Bowles played portions of the tape for me over the phone. You can hear voices on the tape discussing the shots: "Stand by just a second," then, "Give us ten seconds when you're ready" (followed by another voice saying, "Ten-four"), and then, "Ten seconds." After this there are no voices for ten seconds and then you clearly hear the sound of gunshot, even the echo, on the tape. This sequence was repeated on the tape several times, all followed by a clearly audible shot. Bowles said, "The reason you can't hear these shots on the Dallas PD radio tapes on November 22, 1963, is because the open mike was on a cycle at the Trade Center two miles away." (Telephone interview of Jim Bowles by author on December 4, 2005) What Bowles has in his possession is extremely powerful evidence that by itself refutes the HSCA's conclusion of a fourth shot in Dealey Plaza.

When I called Blakey for his response to Bowles's tape, he didn't question the tape's authenticity but reaffirmed that the HSCA used thirty-six microphones to pick up the sounds, not a Dallas police motorcycle with an open mike. He acknowledged that the Dallas Police Department had representatives present during the tests, but that "we were using our microphones and our taping machines to conduct the tests, not the Dallas Police Department's." He added, "Of course, they may have been recording the sound of the shots too, for all I know." When I said that my readers would find it difficult to understand why the HSCA "would not attempt to do everything possible to replicate the exact conditions that existed in Dealey Plaza on November 22, 1963, including using an open microphone on a Dallas police motorcycle, and a Dallas police Dictaphone and Dictabelt to record the sound," I have to say I was surprised when I heard Blakey say, "We did not attempt to replicate or reconstruct what happened in 1963. We went there to scientifically measure sounds in Dealey Plaza from the firing of the rifle and pistol. We did not reconstruct with Dictabelts. We reconstructed with tapes from the microphones we had positioned on Houston and Elm to determine the echo structure in Dealey Plaza."^{*}

"Could you hear the rifle shots on your tapes?" I asked. "Of course we could hear the rifle sounds on our tape," he said. "How do you explain then," I asked,

^{*}Blakey said the word "mimicked" in the sentence in 8 HSCA 45 that reads, "Tape recordings of test shots made with a Mannlicher-Carcano rifle were put through electrical circuits that *mimicked* those through which the 5-minute segment had been recorded" was a "bad word. Mimicked would suggest we tried to replicate. We didn't. We did not use Dallas police radios or Dictabelts. We had tapes picking up the sounds received by our microphones" (Telephone interview of Robert Blakey by author on January 12, 2006).

“the open mike, which you say was in Dealey Plaza in 1963, not picking up the discernible sound of the rifle shots from the Book Depository Building?” Blakey’s answer was, “I feel the recording system was not adequate to pick up the sounds over the motorcycle engine.” (Telephone interview of Robert Blakey by author on December 8, 2005)

When I called Bowles back with Blakey’s answer, Bowles said, “Really? How come you can even hear someone whistling in the background of the [1963] Dictabelt?” “At what point on the Dictabelt?” I asked. “12:31:56. So you *can* hear someone whistling but you can’t hear a rifle shot? Who’s going to believe that? At 12:31:20 you hear the sound of a bell. At 12:33:01 the open mike picked up the sounds of sirens on Industrial Boulevard approaching the open microphone. At 12:33:55 my whistler came back,” the sheriff joked.* When I told Bowles what Blakey said about the HSCA experts not having tried to replicate the conditions of 1963, he said the only reason for this he could think of is that “they didn’t want someone to say, ‘Why is it we can hear it on one tape but not the other?’”

I asked Bowles if there was any significant difference between the Dallas police radio system in 1978 as opposed to 1963 that would allow him to have a tape picking up the sounds in 1978 but not 1963? “No, sir. The only difference is the open mike in 1978 was in Dealey Plaza, and in 1963 it was at the Trade Mart.” “What about the cycle and all the equipment?” “The Harley-Davidson cycle in 1978 was just a later version than the 1963 one. The microphone was mounted in the same place, in the middle of the crossbar that extends between the left and right handlebars. The engine was still about 18 to 20 inches below the mike, separated by the gas tank. We had the same radio system in 1978 as 1963, including the same transmitters and telephone lines, same dispatcher’s office, and very possibly the 1978 shots were recorded on the same Dictaphone.” (Telephone interview of Jim Bowles by author on December 8, 2005; see also 8 HSCA 6 for reference to whistles being heard on the tape of the stuck microphone)

If McLain’s microphone was not the one with the open microphone, is there any evidence as to just whose microphone it was? Yes, but the weight of the evidence is lessened by the fact that it surfaced publicly so very late, even though it was always supposedly available. In my December 8, 2005, telephone interview with Bowles, he casually mentioned to me that it was “Willie Price’s three-wheeler at the Trade Mart” that had the open mike. I had never heard of Price’s name before and was taken aback by the matter-of-fact reference to him, someone who supposedly could clear up the mystery of the open mike and in the process, by himself, demolish the HSCA acoustic conclusion. “Sheriff,” I said, ‘if you knew whose

*When I later told Bowles I couldn’t find the whistling references in the transcript of the Dictabelt he had typed up for the Warren Commission (CE 705, 17 H 390 et seq.), he told me the Warren Commission only put a condensed version of his transcriptions in its volumes. Bowles’s full transcription is in Gary Savage’s book, *JFK First Day Evidence*. At 12:31:56, Bowles transcribed, “Someone whistling a tune in the background of open microphone.” At 12:32:42, the transcription is, “Someone whistling again; the tune is unidentifiable.” At 12:33:55, the transcript reads, “Someone whistling again.” (Bowles, “The Kennedy Assassination Tapes,” in Savage, *JFK First Day Evidence*, pp.386–387)

It is inconceivable that if the stuck mike was on a motorcycle in Dealey Plaza, and the Dallas police officer on that cycle was part of the presidential motorcade, that en route to Parkland Hospital just a minute or so after the shooting of the president, he would be whistling a tune.

cycle it was, why haven't I heard this before? If you're correct, this is explosive information. When did you find this out?" "Back when it happened. It was common knowledge in the traffic division that it was Willie's cycle. Willie admitted it." "To whom?" "To me." "Where is Willie now?" "He died some years ago." "Why didn't you furnish this information a long time ago to the HSCA, and in the long treatise you wrote on this subject in 1979?" Bowles proceeded to tell me that he did tell HSCA investigator Jack Moriarty about Price, but had no way of knowing if Moriarty passed this information on to HSCA chief counsel Blakey. As far as his treatise was concerned, he said the HSCA had already reached its conclusion by then, adding that "Willie was in ill health and very reluctant to get involved in this and he was embarrassed over it, so I didn't mention his name."

When I asked Bowles if his interview with me was the first time he had mentioned Price's name to anyone outside of Moriarty and Dallas law enforcement, he said no, he had told Larry Sneed for his book, *No More Silence*, in a July 11, 1990, taped interview. Bowles sent me the transcription of the portion of the tape that dealt with this matter, and although Bowles doesn't mention Price's name, he alludes to Price in response to Sneed's statement that "obviously, you don't believe the motorcycle [with the open microphone] was present in Dealey Plaza," by saying, "I can't [believe] because I know whose motorcycle it was. He [Bowles says he was referring here to Moriarty] knows whose motorcycle it was. There were several people who knew whose motorcycle had the stuck transmitter. It's just nobody wants to talk about it." Sneed: "Yeah. If this was made known it would be more of an embarrassment more than anything else." Bowles: "And it wouldn't change anything. But the main thing is, the man has had a heart attack, and his wife had a heart attack. They both are in fragile health. The last I heard, they were both still alive. [Both died in the 1990s.] I'll tell, if I outlive them . . . if I outlive both of them." "Yeah." "But there are several of us who know whose motorcycle it was . . . But we're not going to put it on him . . . It won't prove anything. President Kennedy is still dead."

Sneed did not put the above portion of his interview of Bowles in his book. "Sheriff," I said, "I'm not questioning your story, but without more, this is not going to look good to people. Can you give me the names of some third parties to confirm that it was common knowledge on the force that it was Price?" He said he'd get back to me. (Telephone interviews of Jim Bowles by author on December 8, 2005, and January 2 and 12, 2006; Letter by Jim Bowles to author dated January 13, 2006) Most of the old-timers are gone by now, but the sheriff later called and gave me the phone numbers of three former Dallas police officers. The first one I called was in the Traffic Division. He kept telling me he had "no proof" it was Price, despite my telling him more than once I knew he didn't, that I only wanted to know if it was "common knowledge" it was Price. At one point he said he "may have heard it was Price, but this was just hearsay." The officer was so weak that it was clear to me he didn't want me to use his name in the book, and when I told him I wouldn't, he was relieved. (Telephone interview of Dallas police officer by author on December 23, 2005) The second Traffic Division officer I called was Billy Joe Dale, who was a motorcade cyclist. He said he had not heard that the officer with the stuck mike was Price (Telephone interview of Billy Joe Dale by author on January 12, 2006). The third officer I called, John Toney, wasn't in the Traffic

Division but told me, “It was the belief [on the force] that it was Willie Price. That was the word in the department at the time.” When I asked him why it was being talked about back in 1963 when the stuck microphone didn’t become an issue until the HSCA’s investigation in 1978, he said, “It wasn’t a big issue in 1963 but there was talk about it because the channel 2 dispatcher [Gerald Henslee] said there was a stuck mike over the [police] radio that day.” (Telephone interview of John Toney by author on January 2, 2006; Henslee transmission: CE 705, 17 H 462)

I decided to call McLain to get his input on this issue and when I did, he said, “No, it wasn’t Price. When I got back from Washington, J. C. [Bowles] and I tried to figure out who it was and we concluded it was Leslie Beilharz. He was at the Trade Mart that day, and also he was the only one in the Traffic Division who was always whistling on his three-wheeler” (Telephone interview of H. B. McLain by author on January 2, 2006).

When I called Bowles back, he said he always knew that Beilharz “was a possibility,” but that he still thought it was Price because Price had told him and other people his mike was stuck that day and Beilharz had only said his “might” have been. Also, in a sketch with measurements Bowles had prepared (which he sent me a copy of), Price’s location at the Trade Mart in the motorpool area, per Bowles, “lines up perfectly with the Doppler effect,” whereas Beilharz’s position on Industrial Boulevard right next to the Trade Mart did not. Per my suggestion, Bowles called Beilharz and played him the tape over the phone and Beilharz said he was unable to verify that it was his whistling on the tape. (Telephone interviews of Jim Bowles by author on January 2 and 11, 2006)

During our January 6, 2006, telephone interview, Bowles furnished me with the names and phone numbers of two other former Dallas officers to call. One was former Dallas police officer Paul Bentley, who helped take Oswald into custody at the Texas Theater. Bentley told me, “I heard it was Willie Price’s cycle that had the stuck mike.” “When did you hear this for the first time?” “Within a week of the assassination.” (Telephone interview of Paul Bentley by author on January 13, 2006) When I called former Dallas police cyclist Jimmy Courson, who was right behind McLain in the motorcade, he said that shortly after the assassination, he “heard Willie Price’s name mentioned as being the one with the open mike.” However, he said, “I heard other names too,” though he couldn’t recall these other names. (Telephone interview of Jim Courson by author on January 13, 2006)

When I told Professor Blakey about Bowles’s assertion that he told Moriarty about Willie Price having the open mike and asked him if Moriarty told him this, he said, “I don’t remember Moriarty telling me that Bowles thought he knew the identity of the cyclist with the open mike, and the name Willie Price rings no bell for me. Moriarty was a fine investigator, and if anything he always told me more than I needed to know. If Bowles had told Moriarty about this Price fellow, Moriarty would have told me and of course we would have contacted Price.” Blakey suggested I call his former chief deputy for the HSCA, Gary Cornwell. (Telephone interview of Robert Blakey by author on January 12, 2006) When I called Cornwell, he too told me that he had never heard the name Willie Price from Moriarty or anyone else (Telephone interview of Gary Cornwell by author on January 13, 2006).

Sheriff Bowles, a good and honorable man, admits to having a failing memory at his age of seventy-seven. If I were to guess, I’d say that, like his conversation

with Sneed, he never gave Moriarty (who is now deceased) Price's name, only alluding to Price, and today, looking back, he thinks he gave Moriarty Price's name. This conclusion of mine is reinforced by the fact that Bowles admits that Price was embarrassed and didn't want to get involved, and this, together with the ill health of Price and his wife, is why he never mentioned Price's name in his 1979 essay or his 1990 tape-recorded conversation with Sneed. As Bowles told me, police officers "take care of their own." To believe the opposite I'd have to believe that Moriarty didn't give Blakey Price's name, which makes no sense, or that if he did, Blakey did not have his people contact Price, which would be a serious dereliction of duty that I simply do not believe Robert Blakey would engage in. Yet Bowles is insistent he gave Moriarty Price's name, saying he gave "Price's name to Mr. Moriarty because he and the committee were conducting a lawful investigation. It would have been misconduct for me to withhold his name or to misrepresent any fact" (Letter from Jim Bowles to author dated January 13, 2006).

One has to realize that it is no honor to be identified as the officer who had the stuck mike on the day of the assassination, not just because a Dallas police motorcyclist was not supposed to have his mike stuck, and the fact that his was caused problems for the Dallas police dispatcher on the most important day in Dallas Police Department history, but because a U.S. congressional committee (HSCA) spent millions of dollars reinvestigating the assassination and concluded there was a conspiracy only because it believed there was a stuck mike in Dealey Plaza that picked up a fourth shot. (Without that stuck mike, the HSCA draft report stating that there was no conspiracy would have become the HSCA's final report.) So perhaps most people, if it was their mike that was stuck, and they weren't in Dealey Plaza, they wouldn't be too eager or happy to acknowledge this. This is why I'm inclined to give some weight to the statement made to me by former Dallas police officer Leslie Beilharz when I called him on a Saturday afternoon in January of 2006.

Beilharz, today, is seventy-four. He retired from the Dallas police in 1989 after thirty-five years, worked for the Department of Defense for several years, and then as a substitute high school teacher. In recent years right through the present, he has worked four days a week as a security officer at a large Cadillac dealership in Dallas. As an interesting aside in today's more evanescent world, he and his wife not only have been living in the same Dallas home for forty-seven years, but also have had the same telephone number for close to half a century.

Beilharz told me that his assignment on the day of the assassination on his three-wheeler cycle was to go to the Industrial off-ramp of the Stemmons Freeway near the Trade Mart and keep it closed to all traffic until the president was inside the Mart. When he and Vernon Glasgow, the Dallas patrol officer assigned to ride on the back of his three-wheeler, saw the presidential motorcade drive by the Trade Mart at a high rate of speed without stopping and going into the Mart as scheduled, they left their assigned post and followed the motorcade. He said that at that point he did not have any idea that the president had been shot and he said he followed the motorcade "simply out of curiosity." He said the motorcade reached Parkland before he and Glasgow did, so he did not see the president being wheeled into the hospital. When his three-wheeler arrived at Parkland, he walked into the emergency room area and someone (he sensed it was a member of the press) told him it looked like the president was dead. Knowing there was "nothing I could do

to help out at Parkland, I went back to my cycle parked in the emergency area behind Parkland and called in to the police dispatcher '269 [Beilharz's call number] clear.'" "Meaning," I said, "that you were letting the dispatcher know that you were now available for your next assignment?" "Right."

Then Beilharz proceeded to tell me, "When I called in '269 clear,' *at that moment* I started hearing radio transmissions from the police dispatcher. I hadn't heard them since I was at Lemon and Inwood [near Love Field]." "How long ago was that?" "Oh, only ten to fifteen minutes, twenty minutes at the most." "Are you saying, then, that when you depressed the 'push-to-talk' button in the parking area behind Parkland, you may have unstuck your stuck microphone?" "Yes. I say that only because I started hearing these transmissions immediately after I called in." "If a microphone button is stuck in the on position, does depressing the button clear the microphone, unstick it?" "Yes. That's how you clear a stuck mike."* "When you were at Lemon and Inwood, were you on channel 1 or 2?" "I imagine I was on 1. That was the channel we were almost always on. I wasn't a part of the motorcade escort. There wouldn't be any reason for me to be on 2." "You say that when you started hearing transmissions for the first time out at Parkland, you hadn't heard anything for the previous ten to twenty minutes. Didn't that cause you to wonder if you had a stuck mike?" "I really never gave it a thought. I already had my assignment so I wasn't expecting anything further from the dispatcher's office and there was nothing for me to transmit so I just didn't pay any attention to the fact that I wasn't hearing any transmissions." "But even though you had your assignment and you had nothing to transmit, weren't you nevertheless surprised by the fact that you weren't hearing the police dispatcher transmissions over channel 1 that you were accustomed to normally hearing?" "If this had been a normal day, I probably would have been. But this was not a normal day. The president was in town."

I asked, "Is it a fair statement to say that your three-wheeler may have been the cycle with the stuck mike that day?" "Yes," he said evenly.

In addition to the point I made earlier, that having the stuck mike is nothing to be proud of, Beilharz's credibility is further enhanced by the fact that he has never tried to profit from this in any way—monetarily by selling his story, or seeking publicity. For instance, he has only told three people the above story, and in each case they called him. He first told Bowles this in the late 1970s when Bowles asked him to come to his office to listen to the police tapes after the HSCA had completed its investigation. Bowles then had a *Dallas Morning News* reporter call him on the phone about it, and then he received my call some thirty-five years later.

Oh yes, Beilharz confirmed to me that he whistles "all the time. I did back then and I still do." He didn't know if anyone else whistled while riding a three-wheeler. He confirmed that when Bowles played the police tape with the whistling on it, he was unable to confirm one way or the other whether it was he who was doing the

*The only other way a mike can be stuck on the on position is "if there's a short," Jim Bowles told me, "in which case you have to bring the cycle into the shop for repair." Bowles added that if it's not a short but the mike is sticking anyway, you also, of course, have to bring it to the shop. (Telephone interview of Jim Bowles by author on January 23, 2006)

whistling. (Telephone interview of Leslie Beilharz by author on January 14, 2006; Beilharz's transmission: CE 705, 17 H 396)

A very good argument could be made that it was Beilharz's mike that was stuck open. There is much evidence that the stuck mike was on a three-wheeler like Beilharz was on, not a two-wheeler like McLain was operating. We can know from evidence already discussed (and that which will be) that the motorcycle with the open, stuck mike was not in Dealey Plaza, but in a stationary location where the sirens of cars in the motorcade approached and then passed, which Beilharz's location would fit perfectly. And we also know from the Dallas police tapes that "someone was whistling a tune in the background of open microphone." What an incredible coincidence it would be that Beilharz just happens to be the only Dallas motorcyclist that he, Bowles, and McLain apparently knew who whistled all the time while on his cycle.

But there is one piece of evidence that by itself might prove it was not Beilharz's mike. On the channel 1 uncondensed transcript Bowles prepared, after several references to a microphone being stuck open (the first time at 12:28 p.m.), an entry at 12:34:19 reads, "(Microphone closed.)" At 12:35 the transcript reads, "Motorcycle transmitter stuck open again." (So there was a period of forty-one seconds when Beilharz should have been hearing transmissions. Of course, this is a brief period, and he may have forgotten hearing these transmissions.) At 12:35:57 the transcript reads, "260 [a transmission from Dallas police officer David Harkness, on a three-wheeler in Dealey Plaza] . . . came from the 5th floor . . ."; "24 . . . (interrupting) [the police dispatcher calling an officer with that call number]"; "of the Texas Depository . . . Bookstore [Harkness finishing the transmission of his]." This is followed in the transcript by, "[shots] . . . came from the 5th floor . . . 24 . . . of the Texas Depository . . .," followed by an entry at 12:36:04 reading, "(Transmitter closed with this message.)" This means the stuck mike was cleared no later than 12:36:04. (Bowles, "The Kennedy Assassination Tapes," in Savage, *JFK First Day Evidence*, pp.386–388; see also CE 705, 17 H 395; Telephone interview of Jim Bowles by author on November 4, 2006) The last time-check (before Beilharz's transmission) on the transcript Bowles prepared for the Warren Commission is at 12:37 (CE 705, 17 H 395). And Bowles, listening to the transmissions subsequent to this point on the channel 1 tape, *estimated* to me that Beilharz called in (Beilharz's transmission ["269. 269. Will you check with my supervisor and see where he wants me to go? I am through with my second assignment"]) can be heard on the tape) from Parkland somewhere around 12:39. But by this time, the open, stuck mike had already been cleared for three minutes, meaning that Beilharz did not clear any stuck mike at 12:39. The only possibility, which Bowles and Beilharz agree on, is that while Beilharz was inside Parkland (for only, he said, around two minutes or so), the mike could have cleared itself (not uncommon, per Bowles and Beilharz) when, in the crowded, hectic situation in the parking area at Parkland Hospital, someone accidentally moved or jostled Beilharz's three-wheeler. (Telephone interview of Jim Bowles by author on January 29, 2006; Telephone interview of Leslie Beilharz by author on January 14, 2006; Beilharz transmission: CE 705, 17 H 396)

When I asked Beilharz whether he had heard that it may have been Willie Price's three-wheeler that had the stuck mike, he said he hadn't. "The first time I heard

Willie Price's name in connection with this is when Jim [Bowles] called me last week." (Telephone interview of Leslie Beilharz by author on January 14, 2006)

In trying to wrap up this matter I called Bowles back. (In a January 13, 2006, letter to me, Bowles had said, "I don't know exactly when I talked to Willie [Price] personally about the event." When I asked him to try hard to recall, he said, "I believe I first heard about it being Willie's mike by hearsay in the department back in 1963 and 1964. And it was probably in 1978, around the time of the HSCA, that Willie told me personally that it was his mike. It was in 1978 and 1979 that I was trying to confirm who it was.") When I asked him if he could give me the name of any other officer in the department who could personally attest to me that Price had told the officer it was his mike, he said he couldn't. "I've already seen that several officers I spoke to crawfished you when you spoke to them." "Crawfished?" I chuckled. "Yes, crawfished. You ever see a crawfish move, Counselor?" "I can't say I have, Sheriff." "They never go straight on. They move sideways. These men didn't want to go on the public record. They're weary and leery over the assassination and want to move on." Bowles told me that one of the officers I spoke to, in particular, had told him that Price had told him the stuck mike was his, and also that he knew that Price had his cycle into the repair shop after the assassination for some type of repair, the officer assuming it was to fix his microphone. (Telephone interview of Jim Bowles by author on January 21, 2006)

There is no way for anyone to have too much confidence that the officer with the open mike was Price, Beilharz, or some other specific police officer. But we certainly can have much confidence that it wasn't McLain.

To go back to an important issue only touched on earlier, although the mathematics behind acoustic theory and the formulas used by Dr. James Barger, Mark Weiss, and Ernest Aschkenasy to arrive at their conclusions are well over my head (and I dare say, over the heads of most lay persons), it is obvious from their own testimony that for the acoustic evidence they developed to be valid, a motorcycle with an open microphone had to have been present at the precise location predicted by their statistical analysis. In other words, the acoustic evidence *still* cannot stand without verification of the motorcycles' existence where the HSCA acoustic experts placed it, since all of their conclusions stem from this locational premise. According to HSCA chief counsel Blakey, the committee *had* the best evidence possible, photographic evidence that there was a motorcycle where the acoustic evidence had said it was. Yet, from the very beginning it was obvious that the HSCA lacked the photographic support necessary to verify the work of its acoustic experts. In fact, as you'll see, the evidence that the HSCA ultimately relied on *proves* the experts were wrong.

As previously indicated, during his first public appearance before the HSCA on September 11, 1978, Dr. James Barger testified that his statistical analysis of the impulse sounds captured on the Dallas police recordings showed that the motorcycle with the open microphone was "120 feet" (plus or minus 9 feet, i.e., an 18-foot uncertainty) behind the presidential limousine at the time of the first shot and traveling about 11 mph (2 HSCA 65, 68–69, 89, 92). Asked by Chairman Stokes whether he had studied "any available photographs or films in order to try and make a more accurate placement of the motorcycle," Barger replied, "We looked at the

photographs available to us, to see if there were any photographs taken at the time of the shooting of that part of the motorcade about 120 feet back, and we found none. We have seen some photographs taken less than one minute *before* the shooting,* and there are motorcycles back there, but there is so much time elapsed between those pictures and the time of the shooting, it wouldn't help us [place the motorcycle with any more precision]" (2 HSCA 92). Although the search for photographic verification reportedly continued after Barger testified, the HSCA's primary focus was on reducing Barger's uncertainty about a fourth shot from the grassy knoll. As we've seen, to do that they turned to Mark Weiss and Ernest Aschkenasy. Yet, Weiss and Aschkenasy's calculations also *assumed* that Barger's placement of the motorcycle with the open microphone was correct, a point that Barger himself conceded hadn't yet been verified with films and photographs. (HSCA Record 180-10120-10025, HSCA Committee Briefing, December 18, 1978, pp.10, 22)

And there can be little doubt that the HSCA understood the critical importance of verifying that assumption. On December 18, 1978, during an informal briefing eleven days before Weiss and Aschkenasy's public testimony, HSCA committee member Christopher J. Dodd, concerned about the importance of locating the motorcycle with the open microphone with regard to the grassy knoll shot, asked Weiss, "Would you consider that to be an essential ingredient in the ultimate conclusion of your analysis?" Weiss: "It is an essential component of it because if you do not put the motorcycle in the place that it is, [at] the initial point of where it was receiving the [sound of the gunfire], and if you do not move it at the velocity at which it is being moved on paper in this re-creation, you do not get a good, tight pattern that compares very well with the observed impulses on the police tape recording." (HSCA Record 180-10120-10025, HSCA Committee Briefing, December 18, 1978, pp.22-23) Later, Congressman Harold Sawyer asked, "If [the location of the motorcycle] is significantly wrong, then all that proceeds from that is subject to the same fallacy. Is that correct?" Weiss: "If you move that motorcycle by ten, twenty, thirty, *any distance in feet* from where it appears to have actually been at the time it first received the direct sound of the rifle, there is no way of really getting a set of predicted echoes which will agree at all with the echoes observed or the impulses observed on the tape." (HSCA Record 180-10120-10025, HSCA Committee Briefing, December 18, 1978, p.34) Blakey put it more succinctly during his opening narrative remarks at the committee's last public hearing when he said, "If it could be proved that no motorcycle was in the predicted location at the time of the shots, then serious doubt would be raised about the reliability of the acoustics project" (5 HSCA 616). Of course, Blakey was pulling his punch here. He would have been more accurate if he had said that the acoustic evidence would be *destroyed* by such proof.

With so much riding on verifying the HSCA's acoustic evidence, the HSCA was able to come up with an amateur film sequence taken by Robert Hughes as the motorcade proceeded north on Houston Street toward the Book Depository. According to the HSCA, the Hughes film showed Dallas motorcycle officer H. B.

*Barger is referring to an amateur film segment from the Dallas Cinema Associates (DCA) film *President Kennedy's Final Hour* showing the motorcade on Main Street as it approaches Dealey Plaza (JFK Exhibit F-668, 5 HSCA 626).

McLain, the only officer remotely close to the position predicted by the acoustic evidence, riding “several car lengths behind the Presidential limousine as it turned in front of the Texas School Book Depository . . . , the place that the acoustics project suggested [the motorcycle] would be” (5 HSCA 617; JFK Exhibits F-669 through F-671, 5 HSCA 626–627).^{*} Unfortunately, the Hughes film sequence ends before McLain’s motorcycle gets much farther north on Houston than the crosswalk at Main and Houston, which leaves the question of his exact position at the time of the shooting unresolved. Three and a half months later, at the December 29, 1978, public hearings in which Barger, Weiss, and Aschkenasy presented their unified theory of a grassy knoll shot, Barger again testified that the acoustic evidence had placed the motorcycle with the open microphone approximately “120 to 138 feet” behind the presidential limousine at the time of the first shot (Z160). The problem is that even by the HSCA’s calculations, the Main Street crosswalk on Houston, where the Hughes film last shows McLain to be, is approximately 170 feet south of where the acoustic evidence predicted he would later be at the time of the first shot, 10 feet short of the corner of Houston and Elm and 120 feet behind the president (2 HSCA 100; 5 HSCA 641, 650). Since it’s approximately 180 feet from Main and Houston to Houston and Elm (5 H 650), and the HSCA believed McLain was 10 feet short of Houston and Elm at the time of the first shot, McLain had to travel 170 feet to be 120 feet behind the president at the time of the first shot. But using a premise of 120 feet, the main premise the HSCA used (2 HSCA 65 [HSCA diagram], 68–69, 89), why would McLain have reason to suddenly close the gap by 50 feet (170 minus 120)? Just to clairvoyantly accommodate the HSCA’s acoustic people by being where they said he had to be (10 feet south of Main on Houston) at the time of the first shot to validate their theory? No, Barger said McLain would be expected to “gain a bit [50 feet while traveling only 11 mph?] on the presidential limousine as he came [up] Houston.” Question: “That, I assume, should be expected if the limousine was slowing as it went around the turn [from Houston onto Elm]?” “Yes; that would happen,” Barger said. “As the presidential limousine went around” the corner from Houston on to Elm, “he [McLain] would catch up.” (5 HSCA 650–651; 2 HSCA 100)

But Barger’s explanation seems to be wrong. The Hughes film clearly shows that the presidential limousine had *already* turned the corner onto Elm *before* McLain started north on Houston,[†] increasing the distance, by around 20 to 30 feet, that McLain would have had to make up. Indeed, there’s no evidence that McLain closed the gap at all. Other amateur films (by Towner, Bell, and Zapruder) show the president’s car accelerating from 8 to about 10 mph as it completes its turn onto Elm (“Secrets of a Homicide: The JFK Assassination,” © 1995–2004,

^{*}The next closest motorcyclist was Dallas police sergeant Jimmy Wayne Courson, but he was several car lengths behind McLain, and the HSCA never suggested that his cycle had an open microphone that picked up the alleged sounds forming the basis for the fourth shot (HSCA Report, p.75).

[†]In his testimony, McLain was asked, “When you entered Dealey Plaza from Main onto Houston Street, did you look up ahead to see where the presidential and vice presidential limousines were?” “Yes,” he answered, “they were just turning the corner onto Elm Street [from Houston] as I came around the corner off Main Street.” (5 HSCA 641) Since McLain would have no reason to concentrate on what car was “turning the corner,” and he was never asked, the Hughes film indicates he would have had to have seen, not the dark blue presidential limousine, but the black Cadillac Secret Service follow-up car or the steel-gray Lincoln vice presidential car.

Dale K. Myers). And Barger himself unwittingly contradicted his “catch-up” theory when he testified that “the noise level” of the open mike motorcycle (i.e., allegedly McLain’s) “was rather high up until about 2 to 3 seconds *before* the first shot was fired,” at which time it started traveling at a “greatly reduced speed” and “stayed down at this reduced level . . . for about 30 seconds” (5 HSCA 678). Can one say that the reason the cycle slowed down to a “greatly reduced speed” just before the first shot was that it was approaching the intersection of Houston and Elm, exactly where the HSCA said the cycle was at the time of the first shot? In other words, as soon as McLain turned north onto Houston, he sped up to 40 to 50 mph (for no reason at all) going north on Houston, and then slowed down drastically when he approached Elm? No. Barger said that before the cycle slowed down to a greatly reduced speed, it had only been traveling around 11 mph (2 HSCA 68), which, of course, would never have allowed it to pick up the 50 to 70 feet it would have had to in order to get where the HSCA said it was at the time of the first shot.

It clearly appears that McLain didn’t close the gap between his motorcycle and the president’s car at all, which he would have had to do to validate Barger’s conclusion. Although Barger testified that McLain closed the gap, he offered no evidence, only speculation. Indeed, Barger’s own testimony contravenes his conclusion. *And it is very noteworthy that with every opportunity to ask McLain on the witness stand if he, in fact, sped up on Houston (which he would have had to do to get to where the HSCA said he was), HSCA counsel carefully avoided this obvious question.*

Since the HSCA had no photographic evidence to corroborate or verify its acoustic findings of where McLain’s motorcycle was (on Houston, 10 feet short of the corner of Houston and Elm [2 HSCA 100]), the committee solved the problem by either knowingly or negligently distorting the testimony of Officer McLain, actually writing that McLain had testified that “at the time of the assassination he would have been in the approximate position of the open microphone *near* the corner of Houston and Elm indicated by the acoustical analysis” (HSCA Report, p.76). And remarkably, the HSCA cites McLain’s testimony on page 629 of its volume 5 as the source for its assertion. But when we turn to that page we find that McLain testified to no such thing. As he told me thirty-six years later (see earlier text in endnote), when he was asked, “Where were you when you heard” a shot being fired (the only one he said he heard)? he answered, “I was approximately halfway between Main and Elm streets on Houston.” Is this merely pathetic scholarship on the part of the HSCA, or is it something worse than that?

So McLain’s testimony itself destroys the HSCA’s theory of the case. “I don’t care what they say,” McLain said on the Peter Jennings’s ABC special *Beyond Conspiracy*, shown on November 20, 2003. “It [the motorcycle] wasn’t mine.”

On January 30, 1979, a month after the HSCA’s public hearings had ended, and after the committee had voted on its findings and recommendations, ten of the nation’s leading conspiracy theorists* met in New York City as part of a JFK assas-

*Those in attendance included L. Fletcher Prouty, Richard E. Sprague (not Richard A. Sprague, the first chief counsel to the HSCA), Larry Ray Harris, Jerry Policoff, Dr. Cyril H. Wecht, Victor Marchetti, Gary Mack, Jack White, Robert Groden, and Peter Dale Scott (“Special *Gallery* Report on the JFK Assassination,” *Gallery*, July 1979, pp.64–68).

sination symposium sponsored by *Gallery* magazine. At that meeting, three of the critics, Gary Mack, Jack White, and Robert Groden, claimed they had found photographic evidence, beyond the inconclusive Hughes film, that the HSCA had been looking for all along—proof that McLain’s motorcycle was precisely where the acoustic experts had predicted (“Special *Gallery* Report on the JFK Assassination,” *Gallery*, July 1979, pp.64–68; Letter, Gary Mack to Richard E. Sprague, April 1, 1980, pp.3–4, Sprague Collection, National Archives). Shortly thereafter, Chairman Stokes received a letter from Groden along with several photographic exhibits that Groden claimed were “the best evidence to corroborate the analysis by the acoustics panel” (5 HSCA 703).^{*} Among the exhibits were enlargements of several frames from an amateur film taken of the motorcade by Elsie Dorman from a fourth-floor window of the Texas School Book Depository (Groden Exhibits 3-1A through 3-2H, 5 HSCA 706–718). According to Groden, three of the Dorman film frames showed Officer McLain at the corner of Elm and Houston, one of them reportedly showing “Officer McLain actually in the Elm-Houston turn between the time of the first shot and the time of the last shot” (Groden Exhibits 3-2F through 3-2H, 5 HSCA 716–718).[†] Although the HSCA subsequently published the new photographic evidence (5 HSCA 702–720), it emphasized that it had not evaluated “and did not rely upon” Groden’s additional exhibits in reaching its conclusions (5 HSCA 702). Even though it acknowledged it was “not able to evaluate” Groden’s photographs, the HSCA inconsistently and gratuitously noted in its final report that these photographs “supported the committee’s conclusion” (HSCA Report, p.75 footnote 12), an indication that at the very least the committee accepted Groden’s word that the additional evidence was further proof that McLain was indeed where the acoustic evidence predicted, and therefore, the acoustic work was valid and true. The fact that the additional photographic evidence was accepted as valid is reflected in a March 1981 letter to former HSCA chairman Louis Stokes, in which chief acoustic scientist James Barger wrote, “The HSCA did find that both the motorcycle trajectory and the shot sequence we found were consistent with independent photographic evidence” (FBI Record 124-10184-10166, attachment, Memorandum, James E. Barger to Louis Stokes, March 4, 1981, pp.2, 5; see also DOJCD Record 186-10006-10053).

It didn’t take long for Groden’s photographic proofs to be challenged by one of his own colleagues at the New York meeting, Richard E. Sprague, another leading conspiracy theorist[‡] and an early photographic consultant to the HSCA (DOJCD

^{*}Blakey said he “asked everyone, including, of course, my photographic panel and [former photographic consultant] Richard Sprague, to come up with any photographic evidence they could find to support the acoustic findings.” When I asked him if Robert Groden was one of the people he asked, Blakey said, “No, Groden was one person I didn’t ask, but he knew we were looking for these photographs and he’s the one who brought us the photograph of where Officer McLain was at the requisite time.” (Telephone interview of Robert Blakey by author on February 23, 2003)

[†]*Gallery*’s July 1979 issue, which reported on the New York symposium, featured a similar frame from the Elsie Dorman film and a more explicit caption: “Acoustics experts calculated the location of the open police microphone at the Houston-Elm intersection at the moment of the first shot. This frame from the Elsie Dorman film, taken from the fourth floor of the Book Depository, confirms that officer McLain was at that spot at precisely that moment.” (“Special *Gallery* Report on the JFK Assassination,” *Gallery*, July 1979, p.68 et seq.)

[‡]Sprague, himself an ardent conspiracy theorist who believed that Oswald fired no shots at Kennedy, was a pioneer in the field of electronic computers and a leading American authority on electronic funds transfer systems. In 1966, he began an intensive exploration of photographic materials related to the assassination of President Kennedy, serving as photographic adviser to New Orleans district attorney Jim Garrison and

Record 186-10001-10067, attachment, Richard E. Sprague Contract Agreement). After Groden offered up the Dorman film as definitive proof that McLain was exactly where the acoustic experts predicted he was at the time of the first shot, Sprague, who was intimately familiar with the photographic evidence in the assassination, and had been in telephone contact with Barger, wrote to House Representative Harold Sawyer that the “motorcycle location [the acoustic experts] came up with is provably wrong . . . Elsie Dorman’s movie taken from the fourth floor of the [Texas School Book Depository] proves [along with the other films] that there was no motorcycle at all where Weiss, Barger and Aschkenasy say it had to be” (Letter, Richard E. Sprague to Harold S. Sawyer, March 3, 1979, pp.1-2, Sprague Collection, National Archives). According to Sprague, who had first seen the film when he visited Dorman back in 1967, the Dorman film depicted McLain’s motorcycle approaching the corner of Elm and Houston *well after the last shot*, not at the time of the first shot, as Groden claimed. Sprague was equally hard on the Hughes film, pointing out what the HSCA should have already known, that McLain couldn’t have covered the distance necessary to verify the acoustic evidence in the 3.5-second period that Sprague estimated was available to him. Furthermore, Sprague noted that the Hughes film showed that there were no motorcycles between those riding alongside the rear of the presidential limousine and McLain’s motorcycle, and that from photographs he compiled it was clear that McLain’s cycle was actually 250 feet behind the limousine, not 120 to 138 feet as the HSCA claimed. In essence, then, *no* motorcycle (not McLain’s or anyone else’s) was in a position to transmit the sounds of gunfire. (Letter, Richard E. Sprague to Norman Ramsey, April 7, 1982, p.3, Sprague Collection, National Archives; Trask, *Pictures of the Pain*, p.444)

Sprague later saw to it that the proper officials were made aware of his discoveries. In January 1980, Sprague wrote a letter to U.S. Attorney General Benjamin R. Civiletti requesting an opportunity to meet with him personally to discuss information he supplied to the HSCA “concerning the analysis of the acoustical and photographic evidence of the assassination of President Kennedy,” explaining that “a few days before the committee’s final hearings on the acoustical evidence, which eventually led them to a conclusion of conspiracy, I called to their attention some important photographic evidence. This evidence proves that the acoustical analysis by the committee’s outside consultants at Bolt Beranek and Newman, and by Professors Aschkenasy and Weiss, is faulty. I called this faulty analysis to the attention of the outside consultants, the committee’s staff, and the committee’s members, both before the last hearings and during the hearings, as well as during the period when the staff was working on the final report. All of them ignored the evidence and you will find no mention of it in the final report or in volume VI of the appendix to the report covering the photographic evidence” (DOJCD Record 186-10001-10062, Letter from Richard E. Sprague to Benjamin R. Civiletti, January 7, 1980, p.1). On March 11, 1980, Sprague met with two Justice Department lawyers and four members of the FBI’s Technical Services Division (DOJCD Record 186-

cofounding the Committee to Investigate Assassinations in 1968. Best known for his celebrated series of articles on the photographic evidence in the JFK assassination that appeared in *Computers & Automation* magazine beginning in 1970, Sprague also wrote the 1976 conspiracy book *The Taking of America 1-2-3* (Sprague, *Taking of America 1-2-3*; Oswald fired no shots: Letter, Richard E. Sprague to Norman Ramsey, April 7, 1982, p.5, Sprague Collection, National Archives)

10002-10021, Letter from Robert L. Keuch to Richard E. Sprague, March 27, 1980, p.1; FBI Record 124-10164-10158, Letter from Philip H. Heymann to Richard E. Sprague, April 1, 1980, p.1). At that meeting, Sprague used the James Altgens, Elsie Dorman, Robert Hughes, Dave Weigman, and Malcolm Couch photographs and films to demonstrate that McLain was “more than 250 feet behind JFK when the shots were fired” (FBI Record 124-10164-10158, attachment, Letter, Richard E. Sprague to Jeffrey Fogel, March 18, 1980, p.1). Sprague later claimed that by the end of the meeting, the FBI and Justice Department officials were “convinced” that McLain was nowhere near the location necessitated by the acoustic evidence “at any time during the shot sequence” (Letter, Richard E. Sprague to Norman Ramsey, April 7, 1982, pp.1, 3, Sprague Collection, National Archives).

Despite the early rumblings that the HSCA's acoustic evidence was not all it was cracked up to be, the release of the committee's final report in July of 1979 offered nothing to counter the criticism on the acoustic evidence, sticking to the conclusions reached during the eleventh-hour hearings the previous December. In the end, it seemed very few were happy with the HSCA's conclusion. Three members (Representatives Sawyer, Edgar, and Devine) of the twelve-person HSCA panel vigorously dissented from the fourth-shot acoustic conclusion, contending that the evidence was insufficient. A fourth, Christopher J. Dodd of Connecticut, also dissented, but for a different reason, saying he “could not conclude that Oswald fired both the first and second shots.” Dodd cautiously accepted the acoustic conclusion of a shot from the grassy knoll but believed that a further study of the acoustic evidence was “necessary.” (HSCA Report pp.483-499, 503-509; HSCA Record 180-10105-10380, Letter from Harold S. Sawyer to Edmund L. Henshaw, January 24, 1979) One of the two remaining HSCA members, Charles Thone of Nebraska, did not vote. However, he disagreed with the fourth-shot conclusion and later wrote a fourth dissent to the HSCA's acoustic conclusion, but it was submitted too late to be included in the report. (Telephone interview of Robert Blakey by author on November 15, 2002) With respect to another member, Yvonne Brathwaite Burke of California, I was unable to find out if she voted. Neither Blakey (Telephone interview of Robert Blakey by author on November 15, 2002) nor Chairman Stokes (Telephone interview of Louis Stokes by author on March 29, 2005) could recall if Burke voted. Neither, apparently, could Burke. When I wrote her on February 3, 2005, asking how she voted, she gave me this remarkable reply: “I voted in favor of the conclusion of conspiracy. However, I may have been absent and passed on my vote” (Letter from Yvonne Brathwaite Burke to author dated February 7, 2005). A former staff member of the HSCA told me for nonattribution that Burke showed modest interest in her duties on the HSCA, which would tend to go in the direction of her not showing up to vote. But since her apparent state of mind is that she was in favor of the conspiracy conclusion, I'm counting her, without assurance, as a vote for conspiracy based on the acoustic findings.*

The bottom line is that four of the twelve HSCA members dissented to the HSCA's conclusion of conspiracy based on the acoustic findings, and a fifth

*In a roll call vote of the HSCA's conclusion of conspiracy on December 29, 1978, Burke was present but didn't vote. The vote in favor of conspiracy was 5 to 2, Dodd and Edgar being the dissenters. (HSCA Record 180-10065-10309, December 29, 1978)

thought a further study of the acoustic evidence was “necessary.” This means that even counting Burke, only seven of the twelve HSCA members (i.e., only 58 percent) unequivocally accepted the committee’s conclusion of a fourth shot from the grassy knoll, hardly the kind of numbers reflecting a strong and confident endorsement by the HSCA.

The press jumped on the committee for embracing a “conspiracy” on such flimsy evidence. Representative of the mainstream media’s response to the HSCA’s acoustic finding of conspiracy, *Newsweek* said, “The committee’s conclusion appears to have outstripped its evidence . . . Nothing was found to overturn the basic conclusion of the Warren Commission 15 years ago: that Oswald had acted alone. Michigan Congressman Harold Sawyer, a dissenting member of the committee, said that if the acoustics report were offered as prosecution evidence in a criminal case, ‘I’d file it in the circular file,’” that is, the wastepaper basket. (Morgenthau with Shannon, “Tales of Conspiracy,” p.37) Even the critics, who had finally gotten the government to say that a “conspiracy” had killed the president, expressed dissatisfaction with the HSCA’s verdict, griping that the committee didn’t go far enough in describing the forces behind the “conspiracy,” and too readily accepted Oswald as the person who had killed Kennedy (“Special Gallery Report on the JFK Assassination,” *Gallery*, July 1979, pp.60–64). And Robert Groden, who filed a dissenting opinion about nearly everything related to his role as consultant to the committee’s photographic panel, wrote, “It must be noted here that the first acoustical tests done on the Dallas police tape [i.e., the early tests conducted by Gary Mack] found very strong evidence of at least seven shots which is confirmed by the visual and concrete evidence at the time of the assassination” (HSCA Record 180-10120-10156, Dissenting opinion of Robert J. Groden, January 3, 1979, p.9).

Per the HSCA’s recommendation, the Justice Department turned the committee’s acoustics report over to the FBI in December of 1979 for reevaluation (*Echoes of Conspiracy*, 2EOC10.1, November 9, 1980); however, little was accomplished during the next seven months. In July 1980, former HSCA chief counsel Robert Blakey, confident that the Justice Department’s reevaluation would validate the HSCA’s acoustic work, complained that the federal government was dragging its heels. “They are postponing the acoustics analysis as long as possible,” Blakey told newsmen, “because they know how it’s going to come out—that there were two shooters.” (Zodiak News Service, July, 1, 1980)*

*Let’s stop and reflect for a moment. In reaching his conclusion of four shots, Blakey didn’t put his own two and two together. We know he firmly believes that Kennedy was hit *only* twice, both shots coming from the three shots fired by Oswald to Kennedy’s right rear. We also know the learned professor believes organized crime was behind the assassination, no one else. Therefore, the gunman who he believes fired one shot at Kennedy from the grassy knoll had to have been employed by organized crime. (I mean, *no one* claims that Oswald employed him or that Oswald was working with another nut like himself.) So if Blakey is right about a fourth shot being fired from the grassy knoll, this means that even if organized crime employed Oswald to shoot at Kennedy (which he apparently believes), it also, in planning to commit the biggest murder in its history, employed a rifleman to shoot at Kennedy from the grassy knoll. And he turned out to be such a horrendously bad shot that not only didn’t he hit any part of Kennedy’s body, he couldn’t even hit any part of the presidential limousine. That simply is not a believable story.

There’s another reality here. Blakey (and the HSCA) concluded that Oswald killed Kennedy, but the HSCA (though Blakey may not have agreed) said that because of Oswald’s unstable personality, “it is not likely that Oswald was a hired killer” (HSCA Report, p.179). This would seem to imply that the HSCA believed that whatever group, such as the CIA or the mob, put the second gunman up on the grassy knoll to kill Kennedy,

Justice Department spokesman Dean St. Dennis denied that department investigators were stalling but admitted that they had not yet worked out a procedure for the acoustic reevaluation. He refused to speculate as to when the tests would be done. (Zodiak News Service, July 7, 1980; *Echoes of Conspiracy*, 2EOC7.2, August 15, 1980)

On August 14, 1980, before the FBI's report on acoustics had been completed, the Department of Justice contracted with the National Academy of Science (an organization created by Congress during the Civil War to advise the federal government on matters of science and technology) to also conduct an examination of the acoustic evidence in the Kennedy assassination. The Justice Department's St. Dennis said that if the evidence proved that more than one person was involved, the department was prepared to reopen the case. (Zodiak News Service, August 18, 1980; *Echoes of Conspiracy*, 2 EOC8.2, September 18, 1980)

The National Research Council of the National Academy of Science (formed by the Academy in 1916) subsequently established, just for this inquiry, the Committee on Ballistic Acoustics (CBA), a panel of twelve scientists headed by Harvard University professor Norman F. Ramsey, to review the methodology and findings of the HSCA's acoustic experts. The other eleven scientists on the committee were Luis W. Alvarez of the Lawrence Berkeley Laboratory at the University of California; Herman Chernoff, Massachusetts Institute of Technology; Robert H. Dicke, Princeton University; Jerome I. Elkind, Xerox Palo Alto Research Center; John C. Feggeler, Bell Telephone Laboratories; Richard L. Garwin, IBM Corporation and Columbia University; Paul Horowitz, Harvard University; Alfred Johnson, National Laboratory Center; Robert A. Phinney, Princeton University; Charles Rader, Massachusetts Institute of Technology; and F. Williams Sarles, Trisolar Corporation (CBA Report, p.ii, 4).*

it would *not have known Oswald intended to kill Kennedy*. How is it possible then that the conspirators decided to have their gunman (acting completely independently of Oswald) try to kill Kennedy at the same precise time and place that Oswald did? Since, though anything is possible, the likelihood of such a thing happening would be one in a billion, isn't the likelihood that the HSCA's second gunman being on the grassy knoll shooting at Kennedy is likewise one in a billion? This extreme unlikelihood, completely apart from all the evidence, points irresistibly away from the HSCA's second-gunman-on-the-grassy-knoll position.

*The charge by the critics that the Justice Department was stalling continued unabated. In an October 1980 letter to former HSCA chairman Louis Stokes, Robert L. Keuch, special counsel to the attorney general, defended the Justice Department's efforts, writing, "In November, 1979, the FBI was asked to conduct a series of specific . . . investigative tasks" based on information from the HSCA, the public, and earlier FBI investigations. Except for the acoustics and an examination of amateur films shot by Jack Daniel and Charles L. Bronson (the HSCA agreements with Daniel and Bronson wouldn't cover the Justice Department investigation and would have to be renegotiated, according to Keuch), "the FBI has completed all investigative tasks requested and no new information of value has been developed." Keuch wrote that the FBI, CIA, and National Security Agency (NSA) were all asked to help review the acoustic evidence, but the CIA and NSA stated that they didn't have the "specialized equipment or expert personnel" to help. Keuch added that the Law Enforcement Standards Laboratory, a unit of the National Bureau of Standards at the Department of Commerce, said that a study of the acoustic evidence would be "very expensive" and would be unlikely to yield "information of significant value to the field of forensic science." Keuch advised that the Justice Department's final review of the HSCA's acoustic report could be expected "within two months of the completion of the National Academy of Science's (CBA's) report to Congress," concluding, "It would be inadvisable to attempt to formulate any final conclusions or proposals in the John F. Kennedy matter prior to the release of the NAS [National Academy of Science] report, since the only indication of a conspiracy is the HSCA experts' opinion regarding the acoustical evidence." (Letter, Robert L. Keuch, Special Counsel to the Attorney General, to former HSCA chairman Louis Stokes, October 7, 1980; *Echoes of Conspiracy*, 2EOC10.1, November 9, 1980) But on December 1, 1980, *before* the CBA's report, the FBI, the Justice Department's main law enforcement arm, did issue a report attacking the credibility of the HSCA's acoustic findings.

On December 1, 1980, while the CBA was still getting organized, the FBI finally released its report (dated November 19, 1980) prepared by its Technical Services Division, and it denounced the HSCA acoustic findings. The FBI report concluded that the HSCA experts failed to prove either that the recorded sounds were shots or that they came from Dealey Plaza. Like the observations made by Dallas police radio dispatch supervisor Jim Bowles, the FBI found that none of the sounds or designated patterns heard on the recording prove that they “originated from Dealey Plaza, and in fact, reflects contrary information.” (FBI Record 124-10073-10246, “Review Requested by the Department of Justice of the Acoustical Reports Published by the House Select Committee on Assassinations,” Technical Services Division, Federal Bureau of Investigation, November 19, 1980 [hereafter “TSD Report”], p.14) The FBI also concluded that Weiss and Aschkenasy’s claim that the impulse sounds designated as gunshots were unique to Dealey Plaza (proving they originated from the site of the assassination) lacked “any empirical or theoretical data to prove this uniqueness.” In fact, FBI investigators found that using the same correlation method advocated by both BBN and Weiss and Aschkenasy, they could match the recorded sound of a gunshot fired in Greensboro, North Carolina, in 1979 with the impulse sounds on the 1963 Dallas police tapes thought by the HSCA acoustic experts to be a shot fired from the grassy knoll. (TSD Report, p.15)*

Finally, the FBI report pointed out that it was impossible to determine how Weiss and Aschkenasy arrived at the conclusion that the impulse sounds were the result of a gunshot blast and not some other sound. The FBI noted that scientific literature shows that all sounds (not just gunshots) produce echoes off hard surfaces, one of the ways the HSCA acoustic team said they had determined these were gunshots. Second, detecting a shock wave (the other way Weiss and Aschkenasy attempted to distinguish sounds) accurately is very difficult, even under high-quality forensic conditions, since the shock wave itself produces a set of delay echoes which combine and change many characteristics of the muzzle blast sound. Under the rather poor recording conditions of the Dallas police radio system, the FBI felt that any statements concerning a shock wave would be “extremely questionable.” (TSD Report, p.17) Therefore, the FBI concluded, there is no proof that the “four patterns” on the Dallas police recording “represent gunshot blasts and not some other sounds or electrical impulses produced internally” by the Dallas police radio system (TSD Report, p.19). In sum, the FBI’s Technical Services Division concluded that the findings of the HSCA’s three acoustic experts were almost a joke.

Robert Blakey was quick to react to the FBI report, calling it “a cheap shot” that employed “reasoning that even a sophomore in physics wouldn’t engage in” (“Federal Report on JFK Killing Sparks Scorn,” Gannet News Service, December 3, 1980; *Echoes of Conspiracy*, 2EOC1.1, December 23, 1980). Blakey later wrote, “In fact, the authenticity of the Dictabelt obviously can be and was established by the abundance of circumstantial evidence that corroborated the version of the assassination recorded on the Dictabelt” (G. Robert Blakey, “Memorandum on the Analy-

*In November 1979, a violent confrontation occurred between members of the Ku Klux Klan, the Nazi Party, and the Communist Workers Party in a residential area of Greensboro, during which five people were killed. Television cameras captured the moment, including the sounds of gunshots. One of these known gunshots was compared by the FBI to the 1963 Dallas police recordings. (TSD Report, p.15)

sis of the Acoustical Evidence That Shows That Two Shooters Were in Dealey Plaza on November 22, 1963,” February 17, 1981, p.6). Blakey said, “The FBI apparently is still unwilling to admit that it failed to conduct an adequate investigation of the President’s murder in the first place” (George Lardner Jr., “Acoustics Experts Hit FBI on JFK Shooting,” *Washington Post*, July 7, 1981, p.A6; DOJCD Record 186-10001-10038). For Blakey, the FBI’s Technical Services Division report only supported his belief that the Justice Department “wanted this thing to die” (Earl Golz, “Assassinations Panel Chief Blasts Justice Dept.,” *Dallas Morning News*, October 3, 1980; *Echoes of Conspiracy*, 2EOC9.1, October 12, 1980).

The firm of Bolt, Beranek and Newman was equally disdainful, writing a letter to HSCA chairman Louis Stokes on March 27, 1981, stating, “We disagree completely with the conclusions of the FBI . . . We find that the FBI failed to understand either the methods that we used or the nature of the problem that was posed to us. As a result, in their report the FBI asserts premises that are irrelevant, makes deductions from our report that are incorrect, and presents findings that are unsupported” (U.S. Congress, *Congressional Record*, 97th Cong., 1st sess., April 30, 1981, vol.127, p.8045).

Meanwhile, CBA chairman Norman Ramsey began distributing copies of the HSCA acoustic report and the FBI Technical Services Division report to members of the CBA for study prior to their first scheduled meeting, set for late January 1981.

By the end of *their very first meeting* on January 31, 1981, the members of the CBA were already convinced that the methodology employed in the BBN and Weiss and Aschenasy studies was so faulty as to render their conclusions of a grassy knoll shot invalid (CBA Report, pp.4–5, 17). Nevertheless, the CBA agreed to continue its studies, to challenge its own early conclusion, and to search for additional acoustic evidence (CBA Report, p.5). While the HSCA acousticians worked on the project for eight and a half months, the CBA would eventually take more than fifteen months to study all the existing reports and conduct its own independent investigation before issuing its ninety-six-page report. * Of particular interest to Ramsey and other members of the CBA was a letter they had received from a citizen, which ultimately proved to be central to their final report and devastating to the HSCA’s conclusion that there was a second gun in the Kennedy assassination.

In the summer of 1979, Steve Barber, a twenty-four-year-old musician from Shelby, Ohio, who describes himself as a “progressive rock-jazz drummer,” picked up a copy of the July issue of the girlie magazine *Gallery* after learning that as part of the magazine’s special coverage on the JFK assassination it contained a thin, plastic, tear-out, three-minute 33 $\frac{1}{3}$ -rpm recording of excerpts of the transmissions from Dallas police radio channel 1. The excerpts included the segment on which the HSCA had based its conspiratorial finding. Barber said that “the recording was on a piece of laminated cardboard—not plastic as it’s been said—the type like what we used to cut out of the back of cereal boxes.” The tenth generational recording had been put together for the magazine by Gary Mack and included narration by

* Although the CBA started its analysis with first-generation taped copies of the Dictabelt and Gray Audiograph recordings, it eventually gained access to the original Dictabelt and Audiograph recordings (CBA Report, p.28).

Mack. At his home on September 12, 1980, and using, he said, a “beat-up turntable with a cheap Montgomery Ward Airline receiver,” Barber, who at the time believed there was a conspiracy in the assassination, transferred the recording to magnetic audiotape and began to study the sounds picked up by the open microphone. (Telephone interviews of Stephan Barber by author on August 7 and October 6, 2006) Because of the deafening sound of percussive rock music and jazz in his ears for years, Barber could be expected to have damaged eardrums. But he apparently had retained enough of his auditory capacity to make a startling discovery, hearing something that all of the experts had not. That he discovered it from a cheap, multi-generational recording makes his finding even more remarkable. Right at the point where the channel 1 recording was thought to have captured the sound of gunfire, Barber heard a faint transmission that sounded like a portion of something that Dallas sheriff Bill Decker had said over *channel 2* of the police radio shortly *after* the assassination. (CBA Report, p.18; *Gallery*, July 1979; Interview of Stephan N. Barber, “Who Shot President Kennedy?” *Nova*, PBS, November 15, 1988) About a minute after the shooting, Decker instructed the Dallas police radio dispatcher to “have Station Five [the sheriff radio dispatcher] move all men available out of my department back into the railroad yards there in an effort to try to determine just what and where it happened down there, and hold everything secure until the homicide and other investigators can get there” (NAS-CBA DPD Tapes, C2, 12:31 p.m.; CBA Report, p.76). Buried amid the noise and static of the motorcycle’s open microphone, Barber could make out the last few words of Decker’s transmission: “hold everything secure until the homicide and other investigators can get there.” Barber assumed that the channel 1 open microphone must have gotten close enough to a second police radio that was receiving broadcasts from channel 2 (including Decker’s transmission) and that it inadvertently picked up part of Decker’s message and rebroadcast it over channel 1. This phenomenon, known as *cross talk*, is quite common and, in fact, occurs at many points throughout the Dallas police radio transmissions of November 22, 1963. However, Barber noted that this particular instance of cross talk might prove to be the undoing of the HSCA’s conclusion that the tape recording contained the sounds of gunfire in Dealey Plaza. (CBA Report, p.18)*

On October 6, 1980, after having heard on the ABC television show *Speak Up, America* that the National Academy of Sciences was going to reexamine the acoustic evidence, Barber got the Academy’s address from the local library and sent a letter to the Academy informing them of the information he had found together with a transcript of the relevant part of the tape. He pointed out that the complete recording of channel 2, over which Sheriff Decker was broadcasting, showed that he made the “hold everything secure” transmission approximately one minute *after*

*Steve Barber’s discovery of cross talk, per se, during the open microphone segment was nothing new. Dr. James Barger had also noted the presence of cross talk within the channel 1 recording (although apparently not the Decker statement that would prove so devastating). During an executive session meeting in early August of 1978, Barger told HSCA members, “You can also hear very faintly, as I said, the sound of speech near the end of this five minute period when the button was down and we think that may have been from another police radio” (HSCA Record 180-10116-10331, Executive Session Business Meeting, August 3, 1978, p.102). Interestingly, Weiss and Aschkenasy also noted what turned out to be the Decker cross talk segment in their report, though they referred to it as being “a voice” that was “communicating a brief but unintelligible message” (8 HSCA 11).

the shooting ended. That led Barber to the unavoidable conclusion that, if he was right about the identification and timing of the Decker cross talk, the impulse sounds identified by the HSCA acoustic experts as gunfire *could not have been gunshots*, and hence, the HSCA's conclusion that there was a high probability that two gunmen had fired at President Kennedy was invalid. (Telephone interview of Stephan Barber by author on August 7, 2006)

After receiving the Barber information, although several staff members of the CBA thought they too could hear the Decker message in the channel 1 recording, the CBA was well aware of the power of suggestion, that someone could easily be convinced they hear what they've been coached to hear when trying to decipher garbled speech. To resolve the issue scientifically, the CBA turned to the FBI's Technical Services Division and had investigators there use their exceptional sound analysis equipment to produce sound spectrograms,* or "voiceprints," of the Decker transmissions as heard over channels 1 and 2 of the Dallas police radio. (CBA Report, p.20) The CBA scientists then used three radically different methods, in addition to visual inspection, to determine whether the sound spectrograms of channels 1 and 2 contained signals from the same source. They found twenty-seven points of correlation over the course of the three-and-a-half-second transmission, leading them to conclude that what Steve Barber thought he heard was true—Decker's "hold everything secure" transmission on channel 2 was indeed picked up as cross talk on channel 1, and did in fact overlap the impulse sounds identified by the HSCA as gunfire. (CBA Report, pp.20–25) In addition, and most important, the CBA confirmed that the Decker instruction to "hold everything secure" was broadcast about "one minute *after*" the shooting had ended (CBA Report, pp.1, 5, 29, 34), proving "conclusively" that whatever sounds the HSCA had detected, they could not have been gunshots fired at the Kennedy motorcade, and therefore, there was no acoustic support for the HSCA's contention that there had been a second gunman (CBA Report, pp.2, 34).†

In short, the only scientific evidence ever offered in support of a shot fired from the grassy knoll was dead. This is particularly devastating since the HSCA staff

* A spectrogram is a photograph of sound frequencies that plots the elapsed time of sounds along the horizontal axis, the frequency along the vertical axis, and the intensity of the frequency in shades of gray, with the darkest shades representing the loudest portions of the sound (CBA Report, p.20).

† Dr. Barger's report to the HSCA erroneously said that Dallas police radio dispatchers for channels 1 and 2 used two different clocks that were synchronized with each other at the beginning of each month. But there were three dispatchers (two for channel 1 and one for channel 2), and each had their own stamp clock (CE 1974, 23 H 832–833; Telephone interview of Jim Bowles by author on November 1, 2004). Police tapes "read out" the time "in full minutes only," though estimates of the seconds into each minute could be made from the transmissions after each minute. An FBI study concluded that by the end of each month the clocks could differ by as much as one minute. The HSCA's "best estimate" as to the time of the first shot in Dealey Plaza as indicated from transmissions on the channel 2 clock was 12:30:12 p.m., and on the channel 1 clock, 12:30:47 p.m. (8 HSCA 70–73)

It has to be noted that irrespective of the precise time of the shooting in Dealey Plaza, the CBA said that "the President received his mortal shot *at least* 30.9 seconds *before* the impulses" on the channel 1 tapes identified by Barger, Weiss, and Aschkenasy as gunshots. Additionally, as opposed to the channel 1 recorder, which ran continuously through the period in question, the channel 2 recorder operated intermittently and was supposed to stop after 4 seconds of silence. So the CBA said that this "missing time" had to be added to the "at least 30.9 seconds" for the channel 1 tape. Analyzing the "missing time" on the channel 2 recorder around the time of the assassination, the CBA concluded that *one minute* was the approximate time *after* the shooting that the impulse sounds (analyzed by Barger, Weiss, and Aschkenasy as gunshots) took place. (CBA Report, pp.5–6)

had acknowledged that “scientifically, the existence of a second gunman” had been “established” by them “*only* by the acoustical study,” which they felt had been corroborated (HSCA Report, p.84).

The CBA findings were consistent with the conclusion that the stuck mike was not in Dealey Plaza. For instance, the CBA said that “no siren sounds are heard on channel 1 at a time *when they should have been heard* by an open microphone in the motorcade [through Dealey Plaza]; [and] sirens are not heard for approximately two minutes after the impulses attributed by BRSW/WA* to assassination shots, following which clear and unambiguous sounds from a group of sirens occur on channel 1. The sirens seem to come from a group of at least 3 vehicles with the intensity of the sound first increasing and then decreasing. This is consistent with sirens heard at a stationary point if the presidential motorcade had passed close by. It is not the siren sound expected if a motorcycle with a stuck button *had been part* of the presidential motorcade . . . If Officer McLain had the open microphone, it is particularly surprising that he picked up no siren sounds while accompanying the motorcade to the hospital but, at the same time, his microphone was so sensitive that it could pick up the channel 2 crosstalk from a nearby [cycle]” (CBA Report, pp.14, 89).

Translation: Completely apart from all the elegant and esoteric mathematical computations that Barger and his associates used, simple common sense tells us that the open mike was not, as the HSCA concluded, in Dealey Plaza at the time of the assassination. The CBA scientists tried to be magnanimous to their HSCA colleagues in the scientific community by offering a partial excuse for the latter’s terribly erroneous conclusion, noting that “the BRSW/WA studies were seriously limited by funds and by the time schedules with fixed deadlines.” This resulted, the CBA report said, in the omission of a “number of essential tests to confirm” their findings. One test that Weiss and Aschkenasy omitted was so basic that even I, a nonscientist, recognized that it had to be done. Scientists always try to test their hypotheses against known (or at least believed to be known) realities. This is so fundamental that it is even done in such scientifically superficial disciplines as polygraphy. Though I’m not an expert on polygraphy, I know from my days down at the Los Angeles DA’s office that polygraphers always ask “control questions,” questions that are unrelated to the matter the subject is being questioned about, but which the subject will almost assuredly lie about. In fact, sometimes the polygrapher will even tell the subject, when asking his name, to give a false name. The physiological response (as recorded on the graph) to the control question is then used as a basis for comparison with answers the subject gives to questions germane to the matter under investigation. In setting forth several of the faulty methodologies of Barger’s group and Weiss and Aschkenasy, the CBA scientists said that “the Weiss-Aschkenasy studies [utilizing a method to reduce the coincidence window], for example, *were limited to the single conjectural grassy knoll shot* . . . The results of such an analysis,” the CBA said, could “not be considered reliable” unless the method had been “adequately tested on some other cases. In particular, the impulses conjectured to be sounds of gunshots from the Texas School Book

*Short for James Barger, Scott Robinson, Edward Schmidt, and Jared Wolf of the firm Bolt, Beranek and Newman, and Mark Weiss and Ernest Aschkenasy.

Depository should have been analyzed by the same method,” which would have “provided a *control* on the method.” (CBA Report, p.12)

When the CBA scientists released their final report on May 14, 1982, proponents of the HSCA’s acoustic work were quick to react to the news. Blakey, though initially shaken by the scientists’ conclusion, ultimately thought their study was inadequate. “What they did was to make an observation that does not contradict what we did, but shows up an inconsistency, and they’ve simply bought the inconsistency and quit,” Blakey said. “Another way of looking at it is to say that our study is inconsistent with theirs, therefore theirs is wrong. They didn’t say we were wrong, if you look at it carefully. They didn’t say there weren’t four events on that tape” (Summers, *Conspiracy*, p.476). Perhaps not in those words. But they did conclude that the four impulse sounds, *whatever they were*, could not have been gunshots fired at President Kennedy. And since, as assassination researcher Todd Vaughn says, “the acoustical tests were the basis for their conclusion of conspiracy” (Livingstone, *Killing the Truth*, p.348), the HSCA’s legs had been cut out from under them.

In an earlier letter to former HSCA chairman Louis Stokes, Blakey argued that the CBA “totally ignored the eyewitness and earwitness testimony of shots from the knoll” (but of course this was a *scientific* inquiry) and did not consider “how improbable it might be for *all* of our shots to be wrong and yet match the Zapruder film so well” (Letter, G. Robert Blakey to Congressman Louis Stokes, November 24, 1981, pp.1–3).

Yet, even these arguments are hollow. Not a single soul saw a gunman firing from the grassy knoll, nor was any physical evidence ever produced to suggest that shots had been fired from that location. As previously indicated, even Blakey in his prelude to the acoustic testimony in 1978 pointed out that “the fact remains that *no one gives credible testimony* that he saw anyone with a rifle around the fence at the time of the assassination” (5 HSCA 553). As to the earwitness accounts cited by Blakey, his own HSCA concluded that out of 178 earwitnesses reporting, only 21 (just 11.8 percent, a minority opinion) reported a grassy knoll shot (5 HSCA 502; 8 HSCA 140), and more importantly, these 21 earwitnesses thought, as previously pointed out, that *all* of the shots came from the grassy knoll, which of course doesn’t match the HSCA’s acoustic analysis that three shots were fired from the Book Depository Building. Finally, Blakey’s claim that the HSCA acoustic evidence matched the Zapruder film “so well” is incorrect. As we’ve shown in the section on the Zapruder film in the text, only the HSCA’s proposed first and last shots seem to fit the images captured on film. The HSCA acoustic evidence incorrectly pinpointed Zapruder frames 188–191 as the moment of the second shot, whereas the film shows Z210–222 to be the actual time of the second shot. Likewise, there is absolutely no visual evidence on the Zapruder film of a bullet strike coinciding with the HSCA’s supposed third shot at Z295–296, the one allegedly fired from the grassy knoll. Indeed, the HSCA concluded that there “was no evidence that the President or Governor was hit by a bullet fired from the grassy knoll” (HSCA Report, pp.80–81).

Blakey immediately sent a copy of the CBA Report by overnight mail to Barger. The CBA Report must have hit Barger hard because *he took more than eight months* to respond to Blakey, the man whom he had unwittingly led down a road to professional embarrassment. (Certainly, Barger knew that Blakey was eagerly await-

ing to hear from him. Indeed, Blakey had written Barger on May 17, three days after the CBA Report was released, expressing his disappointment with the CBA Report, particularly its tone and close-mindedness, telling Barger he was “particularly interested” in his analysis of the report, saying, “I await your comments.” [Letter from Robert Blakey to James Barger dated May 17, 1982]) In the third paragraph on the first page of Barger’s six-page letter to Blakey, dated February 18, 1983, knowing that Steve Barber’s cross talk revelation was extremely powerful, and probably realizing he couldn’t retain any credibility among his peers, particularly in academe, if he denied it, Barger made the enormous concession he had to make. Barger wrote, “Barber discovered a very weak spoken phrase on the DPD Dictabelt recording that is heard at about the time of the sound impulses we concluded were probably caused by the fourth shot. The NAS Committee [CBA] *has shown to our satisfaction* that this phrase has the *same origin* as the same phrase heard also on the Audograph recording. The Audograph recording was originally made from the Channel 2 radio. *The common phrase is heard on Channel 2 about a minute after the assassination would appear, from the context, to have taken place. Therefore, it would seem . . . that the sounds that we connected with gunfire were made about a minute after the assassination shots were fired.*” Say goodnight, Gracie.*

But no. There was still some life left. Barger did not want to let Blakey and the HSCA drown without at least holding on to one end of the rope they were grasping. Barger, in flat-out, direct contradiction to what he had just written, went on to tell Blakey that the CBA “did not examine the several items of evidence that corroborated our original findings, so that we still agree with the HSCA’s conclusion that our findings were corroborated,” adding that “further analysis is needed to decide whether the Barber hypothesis is correct,” and suggested several ways to test it. Among the suggestions: Determine “if the [Decker cross talk] was recorded originally and simultaneously on both channels, and if both recordings are faithful copies of the originals, then the Barber hypothesis is true. And if true, the recorded sounds that we decided were probably gunfire would not be gunfire.” But if they were not recorded originally and simultaneously, “then the truth must be found as the most likely choice between the Barber hypothesis, our interpretation of the acoustical evidence, *or any other interpretation* that may enjoy corroboration of any kind.” (FBI Record 124-10006-10153, Letter from James E. Barger to G. Robert Blakey, February 18, 1983, pp.1-3)

Barger was clearly floundering. Besides, surely he knew that a December 1982 IBM study (see later in this endnote) had already proved that the Decker cross talk *was* recorded originally and simultaneously on both channels (R. C. Agarwal, R. L. Garwin, and B. L. Lewis, “Signal Processing Analysis of the Kennedy Assassination Tapes,” IBM Research Division, December 27, 1982, pp.23-27, 29). Indeed, hadn’t he read on pages 2 and 30 to 31 of the CBA Report that the CBA, months before the IBM study, had reached the same conclusion?

Meanwhile, conspiracy theorists wasted no time jumping into the fray. They were not about to abandon the only scientific evidence they have ever found which allows them to argue, albeit incorrectly, that multiple gunmen fired on the

*I guess I’m dating myself by reference to this routine sign-off by 1940s radio comedians George Burns and Gracie Allen.

Kennedy motorcade. The conspiracy community, led by Gary Mack, who started the acoustic ball rolling with his personal analysis of the Dallas police tapes way back in 1977, quickly attacked the authenticity of the police recordings in an effort to undermine the CBA's conclusion that the Decker cross talk proved the impulse sounds deemed to be gunshots were recorded a minute after the assassination. Mack suggested that the cross talk was a forgery added after the fact. Trying to keep the acoustic argument alive by throwing a few logs on the fire, Mack charged in his newly founded conspiracy newsletter, *Coverups!*, that one of the flaws in the CBA's debunking of the HSCA acoustic evidence was the CBA's detection of "automatic gain control" within the Decker cross talk transmission.

Automatic gain control, or *AGC*, is a name given to specialized circuitry built into most radio equipment since the 1940s that allows a radio signal to automatically adjust the loud and soft sounds being received into a constant, consistent level. In the case of the Dallas police radio recordings, the CBA detected this automatic audio adjustment every time an officer (including Decker) "keyed" or opened his microphone, proving that the Decker cross talk transmission was part of the original channel 1 recording and not added after the fact. Mack countered the CBA's conclusion by claiming that engineers (whom he did not name) familiar with the 1963 Motorola Sensicon radio system used by the Dallas police "emphatically denied" that AGC was present in the circuitry and, therefore, could not have produced the effect detected by the committee. Although the CBA scientists said they found the presence of AGC on both channel 1 and 2 police tapes, according to Mack the presence of AGC indicated that the Dictabelts in evidence were copies, not originals, and that such copies could easily have been altered (accidentally or on purpose) to include the Decker cross talk transmission. (CBA Report, pp.86–87; Stephan Barber, "Double Decker," self-published, June 14, 1989, pp.3–4; *Coverups!* no.1, July 1982, pp.1–2; *Coverups!* no.2, September 1982, p.1; *Echoes of Conspiracy*, 4EOC5.2, October 5, 1982)*

What Mack and other critics failed to realize is that the presence of AGC in the police recordings was not something discovered by the CBA. The HSCA's Weiss and Aschkenasy not only noted the presence of AGC in the Dallas police radio recordings, but had actually incorporated the effects of AGC into their calculations in order to reach the conclusion that a shot had been fired from the grassy knoll (8 HSCA 30). (Although Barger said he did not believe that the Motorola transmitters used in the Dallas police radio system contained AGC circuitry, he wrote that the AGC effects evident in the Dallas police recordings could have been caused by "the [General Electric] transmitter, by the receiver, or by the recorder" [8 HSCA 125].) Indeed, William B. Sturtevant of the Dictaphone Corporation confirmed that the Dictaphone A2TC, Model 5, the Dictabelt recording device uti-

*Mack suggested that creating a fake channel 2 transmission on channel 1 could easily be accomplished by re-recording the channel 1 Dictabelt (using nothing more than a microphone and a playback speaker) while playing the channel 2 Dictabelt in the background (*Coverups!* no.1, July 1982, pp.1–2). Of course, this explanation doesn't take into account the fact that the channel 2 recording is *time compressed*, requiring anyone interested in faking cross talk on channel 1 to do much more than simply play the channel 2 recording in the background, as Mack suggests. Additionally, Mack's argument flies in the face of an obvious contradiction, one noted in the CBA report: "If one wishes to criticize the [Decker cross talk] evidence on the grounds that the Dictabelt is a copy and not the authentic original Dictabelt, then he must also recognize that all the acoustic evidence interpreted as favoring gunshots also comes from the same unauthentic source" (CBA Report, p.88).

lized by the Dallas police in 1963, *did* have an AGC circuit “in the form of a compressive circuit in the record amp,” and submitted an advertisement with specifications for the A2TC as supportive of his statement. The advertisement lists an “input attenuator” (i.e., an AGC circuit) present in the recording system. (Todd W. Vaughan’s notes of undated conversation between William B. Sturtevant and Todd W. Vaughan; Dictaphone Corporation specifications for the Dictaphone A2TC, Model 5)

In December 1982, questions surrounding the authenticity of the Decker cross talk transmission were resolved with the submission of a forty-four-page report, prepared by IBM acoustic scientists R. C. Agarwal, R. L. Garwin, and B. L. Lewis, to *Science and Society* magazine. The report, which picked up where the CBA left off on the issue of AGC, effectively eliminated the argument that the Decker cross talk was dubbed onto the recording after the fact, as Gary Mack and others alleged. The IBM team demonstrated that the presence of AGC in the police recordings, and in particular the channel 2 Decker transmission heard as cross talk on channel 1, proved that the transmissions were recorded on November 22, 1963, and “could not possibly have been added later to the audio recording,” either acoustically or electronically. (R. C. Agarwal, R. L. Garwin, and B. L. Lewis, “Signal Processing Analysis of the Kennedy Assassination Tapes,” IBM Research Division, December 27, 1982, pp.22, 29) Some critics complained that the IBM report failed to address the question Mack raised over whether the Dallas police radio system contained the AGC circuitry necessary to create the AGC effects evident in the recordings (*Echoes of Conspiracy*, 5EOC1.2, March 28, 1983). Yet, when the IBM team offered Mack an opportunity to present evidence in support of his claim, Mack failed to respond. In a June 1986 letter, IBM scientist R. L. Garwin wrote, “I told Gary Mack that I would be most interested in a written report or letter from [Mack’s unnamed] experts at Motorola, perhaps including test results on FM receivers. I told him also that I would be willing to test such a receiver if they found it for me. I never heard further from Gary Mack” (Letter, Richard L. Garwin to Todd W. Vaughan, June 10, 1986, p.1).

The only means of alteration left for the critics to maintain the Decker cross talk was a forgery is some form of editing, wherein the original Dictabelt sounds might have been copied to magnetic audiotape, altered, then recorded back onto a new Dictabelt to disguise the alteration. (Magnetic audiotapes are traditionally edited by physically cutting the audiotape with a razor blade. Once the objectionable material is excised, the audiotape can be restored by rejoining the two remaining halves with adhesive tape. The resulting taped splice can be “hidden” from anyone physically examining the audiotape by simply making a copy of the recording and presenting the copy as if it were the original. When properly done, edited recordings can be nearly impossible to detect unless one has access to the original edited master recording.) Yet, we know that *couldn’t* have happened in this case because the Decker cross talk actually *overlaps* the impulse sounds the HSCA acousticians thought were gunshots. The only way to achieve this overlapping effect is by taking the channel 1 and 2 recorded transmissions, playing them back simultaneously, and re-recording them onto a third recording medium—a possibility the CBA conclusively and effectively ruled out.

The IBM team also cleared up another acoustic mystery. They determined that

what was thought by both HSCA acoustic teams to be the sound of a “bell” on the channel 1 recording (when there was no bell in Dealey Plaza, the closest being, Anthony Pellicano discovered, in the tower of a church near but not within earshot of Dealey Plaza) was actually an “electrical disturbance” recorded simultaneously on both channels 1 and 2. This verified the relative speed and timing of the two channels, providing another means of synchronizing the two police channels *independent of the Decker cross talk*, again proving that the impulse sounds thought by the HSCA’s acoustic experts to be gunshots were recorded at least one minute after the assassination. (R. C. Agarwal, R. L. Garwin, and B. L. Lewis, “Signal Processing Analysis of the Kennedy Assassination Tapes,” IBM Research Division, December 27, 1982, pp.23–27, 29).*

The HSCA had “concluded that the bell sound on the Channel 1 tape recording must contain sounds from *at least* one transmitter *not* in Dealey Plaza” around the time of the assassination (8 HSCA 112).

In April 1983, Blakey wrote to FBI Director William H. Webster and suggested that the Justice Department spend \$100,000 to run additional acoustic tests on the shots in order to confirm or disprove the HSCA’s findings (FBI Record 124-10006-10153, attachment, Letter, G. Robert Blakey to William H. Webster, April 14, 1983, pp.1–2). The FBI was not persuaded. An August 1983 internal FBI memorandum said that any further analyses of the police radio recordings would be a “waste of time and money.” In regard to establishing the authenticity of the original recordings, the FBI noted, “We possess considerable experience in this type of examination and it is our opinion that the age of the recording, the medium, and the tape’s generally poor acoustic quality would disclose natural phenomena which could not be satisfactorily explained and we would be off and running on a trail with no end.” (FBI Record 124-10006-10153, attachment, Memorandum, R. W. Witzel to Mr. Boyd, August 19, 1983, pp.2–3) Barger had also acknowledged the poor condition of the recordings, confiding to committee members in 1978, “If we had to do [our analysis directly] from the Dictabelt we never would have found anything, I am quite certain. I mean as [the Dictabelt] now exists. It has been played too often” (HSCA Record 180-10116-10331, Executive Session Business Meeting, August 3, 1978, p.106). The FBI director subsequently informed Blakey that “given the limitations on the Bureau’s resources and the uncertainty that any new investigation will further the public’s knowledge of this matter, we cannot now undertake such an investigation” (FBI Record 124-10006-10153, attachment, Letter, William H. Webster to G. Robert Blakey, September 19, 1983, p.1).

In the end, few hard-core conspiracy theorists accepted the conclusive findings of the CBA. Die-hard critics continued to argue the merits of the acoustic evidence in obscure conspiracy publications and over Internet newsgroups as if nothing had been resolved. But they offered nothing new. Several years passed before a new

* Author Gerald Posner writes that Dallas sheriff Jim Bowles “discovered the source of the unusual bell tone on the tape. There was a replica of the Liberty Bell at the Trade Mart, and passersby frequently gave it a rap” (Posner, *Case Closed*, p.241 footnote). Bowles wrote something slightly different: “There is recollection of but no identification of a group which brought a replica of the Liberty Bell, mounted on a trailer, to the Trade Mart” on the day of the assassination. He goes on to say that “at the risk of being too free with assumptions, is it too much to suppose that some passerby yielded to temptation and gave that bell a testing thump?” (Savage, *JFK First Day Evidence*, p.330)

study resurrected the debate over the acoustic evidence, one that promised compelling evidence that the HSCA acoustic proof of a grassy knoll shot was valid after all. This time the attack on the CBA's finding came from a heavyweight, an expert on fruit flies.

On March 26, 2001, the *Washington Post* reported that a study published in the British journal *Science & Justice*, a quarterly from Britain's Forensic Science Society, had validated the HSCA's original conclusion that four shots were fired at President Kennedy, one of which was fired from the grassy knoll. The author of the study, Donald B. Thomas, an entomologist (one who studies insects) working for the U.S. Department of Agriculture's Subtropical Research Laboratory in Weslaco, Texas, and a part-time conspiracy buff, told the *Washington Post* that "the [Committee on Ballistic Acoustics] failed to take into account the words of a Dallas patrolman that show the gunshot-like noises occurred at the exact instant that John F. Kennedy was assassinated," and that the odds were now only 1 in 100,000 that the CBA was correct in concluding that the impulse sounds, described as being gunshots by the HSCA, were recorded one minute after the assassination. Thomas said that in addition to the three shots fired from the Book Depository, he was "more than 96 percent certain" (a slight increase from the HSCA's 95 percent certainty) that there was indeed a shot from the grassy knoll. Blakey declared Thomas's study to be "an honest, careful, scientific examination of everything we did, with all the appropriate statistical checks." (Thomas, "Echo Correlation Analysis and the Acoustic Evidence in the Kennedy Assassination Revisited," p.21; George Lardner Jr., "Study Backs Theory of 'Grassy Knoll,' New Report Says Second Gunman Fired at Kennedy," *Washington Post*, March 26, 2001, p.A3)

Although Thomas's research is extensive, as an entomologist he would seem to be out of his depth in the highly specialized field of acoustic analysis. But in a poor parallel, just as a wise man can say something foolish and a foolish man something wise, Thomas cannot be blithely ignored, despite his background. Thomas became interested in the Kennedy assassination after seeing Oliver Stone's 1991 fictional epic *JFK*, and believed that the shot from the grassy knoll (number three in the HSCA's sequence) was the one that killed the president. (Amanda Onion, "Second Gunman? Study: Shot Was Fired from 'Grassy Knoll,'" *ABC News.com*, March 26, 2001; Transcript of interview of D. B. Thomas, *Fox & Friends*, Fox Television Network, March 31, 2001; George Lardner Jr., "Study Backs Theory of 'Grassy Knoll,' New Report Says Second Gunman Fired at Kennedy," *Washington Post*, March 26, 2001, p.A3)

The heart of Thomas's claim that the HSCA's acoustic evidence was valid, and the CBA was wrong, centers around an instance of cross talk that appears on the channel 1 recording several minutes after the shooting. When this cross talk is used to synchronize the two channels, it shows, he says, that the impulse sounds detected by the HSCA acoustic experts (and believed to be gunfire) correlate exactly with the time of the assassination. According to Thomas, 180 seconds (3 minutes) after Chief Curry's urgent instruction on channel 2 for officers to "go to the hospital," Dallas police sergeant S. Q. Bellah radioed in on channel 2 from his position on the Stemmons Freeway, asking, "You want me to hold this traffic on Stemmons until we find out something, or let it go?" Thomas wrote that Bellah's broadcast also showed up on channel 1 as cross talk 171 seconds after the impulse sounds described by the HSCA as gunfire. After making a 5 percent speed adjust-

ment in the channel 1 recording, Thomas arrived at an elapsed time of 179 seconds (1 second short of 3 minutes) between Curry's order and Bellah's broadcast—very close to the 180-second (3-minute) figure gleaned from the channel 2 recording. Thomas concluded, "Thus, if one uses the Bellah crosstalk to synchronize the transmissions of the two police channels, instead of the Decker calls [used by the CBA], then the . . . gunshots . . . occur at the exact instant that John F. Kennedy was assassinated." (Thomas, "Echo Correlation Analysis and the Acoustic Evidence in the Kennedy Assassination Revisited," p.29)*

But Thomas was wrong. He believed that the channel 2 recording represented a nearly continuous recording during the 3-minute interval following the assassination (at one point going so far as to say, "No time was lost on channel 2 after the shooting"), a fact that is *demonstrably* false. Thomas made this assumption based on BBN's mathematical comparison (called linear regression) of the time annotations given by the dispatcher on channel 2 and a stopwatch check of the actual recording (8 HSCA 71–72). But the BBN experts based their timings on a copy of the channel 2 recordings made by former Dallas police captain Jim Bowles in 1964. These recordings contained several repeats (stylus sometimes jumping back to a previous groove) and skips (the stylus jumping over the grooves) that altered the timings noted by the BBN experts in their linear regression analysis.† The CBA corrected these problems by making a new copy of the channel 2 recording directly from the original Audograph disk, resulting in the most complete and accurate version yet available of the channel 2 transmissions. (CBA Report, pp.28, 61, 67, 69) The new recording showed that, contrary to BBN's linear regression analysis and Thomas's subsequent claim, the channel 2 recorder *did not run continuously* during the 3-minute period after the assassination. The CBA found that although the channel 2 recorder ran continuously for the first 106 seconds after the shooting, it paused five times over the next 100 seconds, and said that "during any of these pauses an indeterminate amount of time could have passed before the recorder restarted." (CBA Report, p.65) Moreover, and even more devastating to Thomas's study, the new recording showed that at least "206 seconds" (not 180 seconds, as postulated by Thomas) elapsed between Curry's instruction to "go to the hospital" and Bellah's "You want me . . . Stemmons" transmission (CBA Report, pp.68–69). In fact, it was on the basis of these new recordings that the CBA scientists reached their conclusion that the impulse sounds deemed to be gunshots by the HSCA acoustic experts were recorded at least a minute after the assassination (CBA Report, p.69). One wonders how *all* of this escaped Thomas's attention, since he obviously must have had a copy of the CBA Report.

Just eight months after Blakey and some in the media had said that Thomas's new study supported the conclusion that a second gunman fired at Kennedy, the

* Although Thomas seems to have been given credit by the conspiracy community for the Bellah cross talk "discovery" to attack the CBA findings, Gary Mack, who started the whole Dictabelt analysis movement back in 1976, was way ahead of Thomas. In 1982 Mack presented the essence of the Bellah issue (though not in the depth Thomas did in his 2001 article) in an article in *Continuing Inquiry* (Gary Mack, "NAS Panel Stuck on Channel 1, Report Delayed," *Continuing Inquiry*, March 22, 1982, pp.1–2). Thomas, in his article, did not acknowledge Mack's earlier discovery, but Mack said this was not intentional on Thomas's part, Mack satisfied that Thomas was "unaware" of his (Mack's) earlier discovery at the time he wrote his article. Thomas, Mack said, has since acknowledged Mack's earlier discovery. (Telephone interview of Gary Mack by author on June 12, 2006)

† Jim Bowles confirmed that "there were repeats and skips on the Audograph" channel 2 recordings, but not on the channel 1 Dictabelt (Telephone interview of Jim Bowles by author on April 20, 2006).

entomologist was in Dallas. At a gathering of assassination researchers there, Thomas sheepishly admitted that his proof of synchronicity between the impulse sounds described as gunfire and the time of the assassination was “largely blown away” by his examination of a more complete recording of the channel 2 radio transmissions, which he had recently gained access to—the same recording used by the CBA to reach its conclusions nineteen years earlier (Donald B. Thomas, “Hear No Evil: The Acoustical Evidence in the Kennedy Assassination,” Paper presented on November 17, 2001, in Dallas, Texas, p.13). Unlike his earlier pronouncement, which garnered a considerable amount of national press, Thomas’s retraction received no publicity. In fact, his retraction was so unknown that even Blakey, one of the principal supporters of the acoustic fourth-bullet theory and someone who had trumpeted Thomas’s original report as corroborating Barger, Weiss, and Aschkenasy, never heard about it. Neither did I until months later, and when I informed Blakey of it by telephone on November 15, 2002, he could hardly believe it, saying he was “stunned” and that he intended to call Thomas immediately.

My guess is that there was no connection between Blakey’s presumed call to Thomas and a speech Thomas gave just eight days later at a JFK Lancer conference in Dallas, since Thomas’s speech was detailed and the transcript of it does not look like it was prepared at the last moment. In his presentation at the conference, Thomas seemed to have all but forgotten what he had said a year earlier, concluding that the CBA’s “reliance on a single instance of crosstalk [the Decker transmission on Channel 2 picked up on Channel 1] does *not* establish a synchrony between the sounds identified [by the HSCA] as gunshots and the time of the assassination. As a consequence, the [HSCA] acoustical identification of the assassination gunfire on the Dallas Police recordings has yet to suffer a substantial challenge.” (Donald B. Thomas, “Crosstalk, Synchronization of Putative Gunshots with Events in Dealey Plaza,” JFK Lancer’s “November in Dallas” Research Conference, November 23, 2002, pp.8–9)

Actually, even Thomas’s earlier remark that his “objection to the National Research Council’s hypothesis is largely blown away” is not quite as much of a retraction as some anti-conspiracy theorists have suggested. Right after these words, Thomas said, “But that doesn’t mean that the hypothesis is correct, only that the hypothesis is now plausible. It is still not strong enough to refute the [HSCA’s] acoustic evidence.”

In Thomas’s November 23, 2002, speech at the JFK Lancer Conference in Dallas, he came up with a second cross talk that he says confirms his position. Thomas stated that “there are five . . . simulcasts during the motorcycle (with the stuck open microphone) segment. The cross talk instance which occurs closest to the time of the assassination, as judged by the context of the broadcasts on CH-2, was a broadcast by Dallas Police Deputy Chief Fisher . . . Part of Fisher’s broadcast on CH-2, the phrase, ‘I’ll check it’ crossed over to CH-1.” Thomas believes that the Fisher transmission “I’ll check it,” on channel 2, can be found as cross talk on channel 1 at a point nearly simultaneous with the purported sound of shots. If Thomas is right, as he believes he is, then the acoustic shots would be in sync with the actual time of the assassination as the HSCA concluded. But is he right? Since no one I know of has demonstrated the auditory ability to hear and decipher sounds on the Dallas police tapes as much as Steve Barber, I asked him to respond to Thomas’s allegation on the alleged Fisher cross talk. Here was his answer to me:

The 1980–82 NAS-CBA believed, and proved, that the acoustic sounds were recorded one minute after the actual assassination, based on the Decker crosstalk which I discovered and the NAS-CBA confirmed. Don Thomas, of course, needs the NAS-CBA to be wrong if the acoustic debate is to survive.

Of the five simulcasts or crosstalk instances mentioned by Don Thomas, four of them occur after the assassination. The first of the *post*-assassination simulcasts is known as the “Decker crosstalk,” which I discovered on channel 1 in September, 1980, and it occurred about a minute after the shooting. The others that follow were made within 2 to 3 minutes of the Decker transmission.

The so-called “crosstalk instance” in dispute—the Fisher transmission—is the first of the five crosstalk instances mentioned by Thomas, though, in reality, it is not crosstalk at all. Thomas relies on the erroneous assumption that it is crosstalk. Thomas says that the channel 2 transmission, made by Dallas police deputy chief N. T. Fisher in the minute *before* the assassination, is being picked up by the open microphone that the acoustic experts, Bolt, Beranek and Newman (BBN), said recorded the gunshots. This transmission is called “crosstalk” by both Thomas and James C. Bowles, the communications supervisor for the Dallas Police Department at the time of the assassination. Thomas and Bowles believe that the suspect transmission heard on channel 1 is identical to a known transmission made by Deputy Chief Fisher on channel 2, and that this “crosstalk” ties channels 1 and 2 together just 2 seconds before the sounds identified as gunshots by BBN begin on the channel 1 recording. However, Thomas and Bowles are in error. Although Fisher did indeed say the words “I’ll check it” on channel 2, I am extremely confident that these words were not picked up by the open microphone as crosstalk, and recorded into channel 1.

Early in my study of the police recordings, I noticed the transmission on channel 1 that Thomas and Bowles believe is Fisher. However, unlike Thomas and Bowles who believe they hear Fisher saying, “I’ll check it,” on channel 1, I hear what sounds like the words “Alright, Chaney.” Regarding this matter, in a letter to me (postdated May 2, 1980), according to Gary Mack, HSCA acoustic expert Mark Weiss (of Weiss and Aschkenasy) told him that the words are “Alright, Jackson.” According to Gary, Weiss specialized in “speech enhancement techniques.” On the famous “GALLERY record” narrated by Mack, Mack says that “the first shot is fired 3 seconds after an officer says, ‘Alright, Jackson.’” In the letter to me, Gary said, “The ‘Alright, Jackson’ statement was identified to me by Mark Weiss. His conclusions came after the BBN report had been written, and was based on the original recording and the first generation tape copy. Weiss’ major government work is for speech enhancement techniques and he was working on new methods to clarify recordings of the human voice at the same time as his acoustic study of the DPD tape.” Gary went on to say, “You’ve made several assumptions about the voice in your letter. First, listening conclusions are almost useless when compared to scientific measurement, and when they come from a 10th generation recording (Gary is referring to the Gallery record) they are useless. I’m not saying you’re wrong—I am saying that while you may be right, the vast weight of the evidence is that the name is Jackson. In a court of law, your belief could only be accepted as opinion, whereas Weiss’ conclusion is demonstrable fact.”

While there is disagreement about the actual words spoken, there is some-

thing else far more important about this transmission. What I find most impressive is the fact that the transmission is accompanied by heterodyne tones, a scientific impossibility if the transmission were actually “crosstalk” as Thomas and Bowles believe. A heterodyne tone is an audible beep-like sound that occurs when a police officer attempts a radio transmission while another police officer is already transmitting over the same frequency. Since the motorcycle with the open microphone was already transmitting sounds over channel 1, the moment the officer who said what sounds like “Alright, Chaney” opened his microphone, a heterodyne tone was produced. The moment that officer stopped transmitting, the heterodyne tone stopped. If one listens carefully to the transmission on channel 1 that Thomas and Bowles believe to be Deputy Chief Fisher, you will hear a heterodyne tone accompanying the transmission. This is indicative of two competing open microphones attempting to share the same frequency simultaneously, not “crosstalk” as Thomas and Bowles surmise. Why?

If the transmission in question was “crosstalk” (i.e., one open microphone was picking up the sounds of a second radio turned to another channel) there would be no accompanying heterodyne tone because two microphones would not be competing for the same frequency. Only one microphone would be open—not two—if the suspect transmission was truly “crosstalk,” as Thomas and Bowles contend.

And if the “Fisher transmission” is not “crosstalk,” and I firmly believe the presence of heterodyne tones proves that it is not, then the “Fisher transmission” cannot be used to tie channels 1 and 2 together as Thomas and Bowles claim.

In addition to this, “I’ll check it” is not the complete transmission made by Fisher on channel 2. His complete transmission made on channel 2 was “That’s alright, I’ll check it.” Neither Bowles nor Thomas have accounted for the words “That’s alright” missing from the transmission they refer to as the Fisher crosstalk on channel 1. I’m confident that anyone listening to the channel 1 crosstalk that Thomas believes is the equivalent of the Fisher transmission on channel 2, will find that the crosstalk is in fact an unknown officer saying, “Alright Chaney,” not Fisher saying, “I’ll check it.”

In addition, a 2005 article published in the British “Scientist and Justice” journal [vol.45, no.4] written by authors Ralph Linsker, Richard L. Garwin, Herman Chernoff, Paul Horowitz, and Norman F. Ramsey—all prominent physics scientists who participated on the 1980–82 NAS-CBA panel—published sound spectrograms (“voiceprints”) establishing beyond question that the Fisher transmission on channel 2 and the crosstalk on channel 1, which Thomas erroneously believes to be identical, are in fact two separate and distinct transmissions—a point that I was able to deduce with my own ears. (Letter from Stephan Barber to author dated October 17, 2006)

Why do otherwise serious and credible people like Donald B. Thomas willingly embrace the notion of a grassy knoll gunman without any credible evidence? During a Fox television appearance, Thomas told interviewers, “I’m hoping that at some point . . . it’ll become accepted that there was a conspiracy, and then professional historians, who up to now won’t touch this [case], will get involved and look at the documents that have been released under the JFK Records Act, and eventually tell us what happened” (Transcript of interview of D. B. Thomas, *Fox & Friends*, Fox

Television Network, March 31, 2001). But someone should inform Mr. Thomas that scholars and historians *have* examined the documents released through the JFK Act and they offer no support for his position.*

Professor Blakey has acknowledged to me that because of the CBA's findings, "I have less confidence in the acoustics conclusion of a fourth shot than I once did. A reasonable person could say, yes, the CBA conclusion of no acoustical evidence of a fourth shot is correct. But *I* still say no to the CBA's conclusion" (Telephone interview of Robert Blakey by author on November 15, 2002).†

It is clear, as Jim Bowles said, that "there is nothing on the [channel 1] recording to suggest the open microphone was in Dealey Plaza other than the imagination or wishful thinking of some [HSCA] Committee staff" (Savage, *JFK First Day Evidence*, p.331).

In Peter Jennings's ABC special on the fortieth anniversary of the assassination, Blakey, now a professor at Notre Dame Law School, made the same statement he has made before, only stronger, one with which his acoustic experts all agreed: "If you can prove to me that there was no police officer in the place where he had to be, you would falsify my theory." This, of course, has already been done, but computer animator and assassination researcher Dale Myers, using a sophisticated three-dimensional computer model of Dealey Plaza (developed by Myers over the course of numerous trips to Dallas to take photographs and measurements), took the proof to a new level with his scale-model, computer-animated reconstruction of the motorcade through Dealey Plaza, for which he won an Emmy for graphic and artistic design in 2004. On the show, Myers, making primary reference to the Hughes film segment (from Hughes's position near the southwest corner of Main and Houston streets) that shows the presidential limousine completing its turn onto Elm Street, pointed out that "moments later, we see H. B. McLain rolling into the shot [camera view]" as he turns onto Houston from Main on the left side of the street and heads north on Houston, placing McLain a block away from where the HSCA acoustic team put him.‡

*For two independent studies supporting the CBA position and finding fault with Thomas's findings, see the analysis by mathematician Michael O'Dell (in which he finds only 28 seconds more on channel 1 than on channel 2) at <http://mcadams.posc.mu.edu/odell>, and an article by R. Linsker, R. L. Garwin, H. Chernoff, P. Horowitz, and N. F. Ramsey (who headed up the CBA, but is now in his nineties and is not believed to have contributed substantially to the article), "Synchronization of the Acoustic Evidence in the Assassination of President Kennedy," published in *Science & Justice*, vol.45, no.4, 2005 (released in February of 2006).

†Gary Mack told me he does not know of any study in support of Thomas's position. Though Mack himself agrees with Thomas, he said, "If there are any studies by others out there that agree with [Thomas], I haven't heard of them." (Telephone interview of Gary Mack by author on April 7, 2006)

‡Years of studies and counterstudies have left most uninformed Americans feeling rather confused about the validity of the acoustic evidence in the Kennedy assassination and whether there really is any hard evidence of a conspiracy in the murder. A 1982 letter to Senator Ted Stevens sums up the general confusion caused by the complicated and often contradictory press releases on the acoustic evidence: "It seems that in the span of four years [1979 to 1982]," Mark E. Webb of Palmer, Arkansas, wrote, "the acoustical evidence for two assassins has gone from valid, to invalid, to valid, to invalid. Could you please clarify for me the current state of the acoustical evidence?" (DOJCD Record 186-10001-10036, Letter from Mark E. Webb to Senator Ted Stevens, June 23, 1982, pp.1-2)

†In 1990, assassination researcher Sim Heninger also concluded, like Myers, that "the Robert Hughes film proves that McLain was barely past the intersection of Houston and Main streets when the shooting began" (Sim Heninger, "No McLain, No Motorcycle, No Microphone: The Assassination Films Disprove the Assassination Tapes," *Third Decade*, July 1990, p.15).

By analyzing all of the relevant films of the motorcade, Myers created a second-by-second time line of the movement of McLain's cycle during the period in question. Myers said that "by comparing common elements," he "tied all of these films together in time, so that now we know beyond any doubt, with absolute certainty, where H. B. McLain was at the time of the first shot." Putting on his screen a computer re-creation of the presidential limousine on Elm Street at a position equivalent to Zapruder frame 160, he said that at that moment, his calculations put McLain way back on Houston Street (Myers has McLain still being in the Main Street crosswalk—at the two lines of the crosswalk, his cycle being in the middle of the northernmost line—which would seem, from all the evidence, to be a bit farther back than he probably was), "about 170 feet" from where the HSCA acousticians put him, which was 10 feet short of Houston and Elm. "So, in fact," Myers says, "H. B. McLain is not where the acoustic evidence predicted he was, and therefore the acoustics evidence is invalid." (*Peter Jennings Reporting: The Kennedy Assassination: Beyond Conspiracy*, ABC News Special, November 20, 2003; "Secrets of a Homicide: The JFK Assassination," ©1995–2004, Dale K. Myers) Indeed, if Myers is correct, McLain is also not where even McLain thought he was, midway between Main and Elm on Houston. But both McLain and Myers agree on the critical point that McLain was nowhere near where the HSCA put him at the time of the assassination.*

Although Myers's demonstration on ABC was, because of time constraints, conclusionary, he told me that one of the key film segments he has always relied on to reach his conclusion as to McLain's location is the aforementioned Elsie Dorman footage (not mentioned in the ABC special) taken from a fourth-floor window of the School Book Depository Building. "There's a very important visual tie point between the Dorman film and the Zapruder film," Myers said. "While filming the crowd across the street from her fourth-floor vantage point, Mrs. Dorman captured amateur photographer Hugh Betzner, standing on the south side of Elm Street, lowering his camera after taking a photograph that we know was taken at the equivalent of Z frame 186 [6 HSCA 51], about a sixth of the way into the shooting. In fact, you can see Betzner lowering his camera in the sprocket area of the Zapruder film in succeeding frames. Yet, according to the frame count, at least *six*

*In a letter to me, Blakey wrote that "putting aside the issue of [Myers's] proof (I can't comment on [his] computer reconstruction, as I have not seen the study to see if [he] did it right)" on the ABC special, the special "did not show a photo of the position at the appointed time with *no* motorcycle in the appointed position. I said that if it could be shown that *no* motorcycle was there, it would falsify my position. I said *we thought* it was H. B. McLain. I did not say that it *was* McLain. If it wasn't him, could it have been another cop? I think so. ABC did not address that point" (Letter from Robert Blakey to author dated January 27, 2005, p.8). But Blakey knows that his acoustic experts built their whole case around Officer McLain. McLain is the only cyclist they specifically and expressly talked about (e.g., "Officer McLain's motorcycle," in Barger's testimony in 5 HSCA 650), and McLain is the only Dallas police motorcyclist they took testimony from on the police Dictabelt issue. Indeed, the HSCA Report that Blakey himself wrote with the help of Richard Billings says that "McLain was on Houston Street heading toward Elm as the Presidential limousine was turning onto Elm . . . At the time of the assassination, therefore, *he* [not some unknown cyclist] would have been in the approximate position of the transmitting microphone" (HSCA Report, pp.75–76). Since the Dorman and Hughes films show *no* motorcyclist in front of McLain on Houston around this general time, and the closest cyclist to his rear was Jimmy Wayne Courson, who Blakey's own HSCA Report says was "several car lengths" behind McLain (HSCA Report, p.75), for Blakey, over twenty-five years later, to raise, I think for the first time, the possibility of an unknown cyclist being where McLain was supposed to be was surprising to me.

more seconds,* worth of film rolled through Dorman's camera before she turned the camera toward the corner of Elm and Houston and captured McLain arriving at the position he allegedly occupied at the time of the first shot" (Interview of Dale Myers by author on September 26, 2002). Clearly, McLain could not have been the one with an open microphone on his motorcycle, nor could anyone else in the motorcade, since both amateur films prove that there were no other motorcycles at the location and time that the acoustic evidence demanded.

The remarkable point is that not only do we know that neither the Hughes nor the Dorman footage "supported," as the HSCA said (HSCA Report, p.75 note), the HSCA's conclusion as to where McLain was, but if the committee read what it wrote in one of its own volumes, the Hughes film, the main film it relied on, clearly disproved its own theory. In a frequently overlooked footnote on page 102 of HSCA volume 8, Barger wrote, "Frames from the film taken by Robert Hughes" show that "with the camera pointed north up Houston Street, the [presidential] limousine is seen just disappearing around the corner after a left turn onto Elm Street. [Zapruder picked the motorcade up at this point at Z133.] *A few frames later* a motorcycle passes through the field of view, moving from right to left [McLain turning from Main onto Houston] proceeding north on Houston Street." Not just the Hughes film but Barger's own words, then, put McLain *more* than 170 feet behind the presidential limousine, and nowhere did Barger or the HSCA offer a speck of evidence to show that McLain rapidly closed the gap as they nakedly speculated he had.

So ironically, the two films that the HSCA says support its position, in reality refute it.†

It is telling that with an audience in the millions to talk to via the Jennings ABC News Special, and knowing Myers was going to attempt to demonstrate the falsity of their conclusions, the three scientists (i.e., Barger, Weiss, and Aschkenasy) who presented the evidence supporting a fourth gunshot declined, Jennings said, "to be interviewed for this program."

Perhaps the whole essence of the state of mind that explains what happened here in the HSCA's desperate attempt to force a square into a round hole is glimpsed by the reaction of Blakey when Barger testified before the HSCA on September 11, 1978, that there was only a fifty-fifty chance there was a shot from the grassy knoll (which greatly deflated Blakey's optimism). Blakey, to his credit, would later candidly write in his book *The Plot to Kill the President* that although Barger had not delivered for him and his people, "By this time we could not help feeling compet-

*The exact amount of time that elapsed, Myers said, is not known because Dorman stopped filming for a brief period during this sequence. "The actual period of time is probably closer to nine seconds, based on a correlation of the Dorman film and news film shot by NBC cameraman Dave Wiegman Jr.," Myers said.

†Not that Hughes's own words can negate what is on his film, and knowing that a human's rough estimate of seconds is inherently unreliable and only a guessing game, but if it's any solace to conspiracy theorists, in a letter he wrote to his parents on the evening of the assassination, Hughes said, "About five seconds after I quit taking pictures [when McLain is seen in the Hughes film in the Houston-Main north crosswalk], we heard the shots" (Thompson, *Six Seconds in Dallas*, pp.181, 195 note 1). According to a friend of mine who is good at mathematics, even if we assume Hughes's estimate of five seconds to be precisely correct, from McLain's position in the Houston-Main north crosswalk, at 11 mph he would have traveled only 80.665 feet in those five seconds, not the 170 feet he would have had to travel to reach where the HSCA placed him. The only way he could have reached that point (170 feet away) in five seconds would have been for him to suddenly increase his speed to 23.1818 mph. (Friend's calculation for author on March 26, 2004) McLain wouldn't have had any reason to do this and there is no evidence he did.

itive and thinking in terms of winning or losing. We had been led by the evidence to date to suspect an event that we had come to want to prove. Using the inevitable football analogy . . . we had reached the goal line, owing to Barger's brilliant effort, but we had not scored" (Blakey and Billings, *Plot to Kill the President*, p.100).

In the final analysis, the validity of the HSCA's acoustic evidence collapses under the weight of its own requirements. The HSCA presented no photographic or testimonial evidence that any police motorcycle with an open microphone was at the point on Houston Street where such a motorcycle would have had to be at the time of the assassination for its hypothesis to be possible. More importantly, the very police Dictabelt recording that the HSCA relied on to conclude that a second gunman fired at the president proves beyond all doubt that the impulse sounds committee members thought were gunfire were recorded at least one minute after Oswald shot Kennedy in the head. In addition, common sense tells us the fourth-shot acoustic evidence *must* be wrong since it is completely incompatible with the overwhelming evidence in this case that only three shots were fired in Dealey Plaza, and those three shots came from the sniper's nest.

That, of course, is not what conspiracy theorists would have you believe. In the best of worlds, they would prefer that the question of conspiracy remain open. How else can they continue the charade that more than one gunman murdered the president? During one of the skirmishes that continue to erupt among assassination researchers, Gary Mack went head-to-head with Steve Barber, the musician who helped the CBA debunk the acoustic evidence. Mack chastised Barber, writing, "There *was* a conspiracy—you know it and I know it. But the public doesn't know it. I hope you can live with that. Your theory may be right, but if it isn't, someone is using it to conceal what really happened to President Kennedy. Think about what you've done" (Letter, Gary Mack to Steve Barber, March 4, 1982, p.1, Sprague Collection, National Archives). But conspiracy theorists should think about what they've done, in this instance, to their own already rickety credibility, by clinging tenaciously to acoustic evidence of a fourth shot that exists only in their minds, not in reality.

Although not itself dispositive of the issue, it bears repeating—if for no other reason than to italicize the utter bankruptcy of the acoustic finding of a fourth shot from the grassy knoll—that when HSCA counsel asked Dallas police officer H. B. McLain, *the very officer whose cycle the HSCA said had an open microphone on it, publicly acknowledging that if it didn't the committee had no case*, "Did you . . . have a stuck microphone on that day?" McLain responded, "Not that I know of" (5 HSCA 637). As any prosecutor will tell you, if you can't even rely on your own star witness, you're in deep trouble.

The HSCA's acoustic evidence has gone beyond being rendered void and invalid. It's been a professional humiliation and a rejection of the presumed expertise of the acousticians who tried to sell their cockamamie conclusions to the American people, professionals whose demonstrated incompetence, at least in this case, exemplified Mark Twain's definition of an expert as being "just some guy from out of town."

In the process, the HSCA's acoustic experts also embarrassed Robert Blakey and the majority of the HSCA's members whom they misled, though I'm sure unintentionally. There may, of course, have been a subliminal self-deception on the

acousticians' part. Human nature being what it is, it's entirely conceivable that in their possible zeal to become famous by discovering a conspiracy in the Kennedy assassination, they stretched here and there to come up with whatever mathematical computations they could find which would provide the desired result. Let's not forget that although science and mathematics are themselves precise and objective, the way they are applied to a given set of circumstances can result in all kinds of mischievous falsehoods, a manifestation of Disraeli's observation that there are three types of lies—lies, damned lies, and statistics.

What we do know is that the HSCA's finding of a fourth shot from the grassy knoll has been so thoroughly discredited that it has become an indelible stain* on its legacy, a very large asterisk to its otherwise excellent reinvestigation of the assassination. Most unfortunately, the committee's "official" but 100 percent incorrect finding has provided, and will continue to provide throughout the ensuing centuries, fodder and oxygen for those who desperately want there to be a conspiracy in the Kennedy assassination.

Today, only those with a self-interest, the uninformed, and the fringe conspiracy community subscribe to the HSCA's acoustic conclusion, the majority of the mainstream conspiracy community, though still strongly believing a shot or shots were fired from the grassy knoll, accepting the reality that the HSCA's acoustic evidence did not stand up to scientific scrutiny. A measure of the extent to which the Barger, Weiss, and Aschkenasy findings have been rejected is that in the London trial, where my opponent, Gerry Spence, used every argument and piece of evidence he and his staff could find to raise a reasonable doubt of Oswald's guilt in the jury's mind, thereby hopefully ensuring a verdict of not guilty, Spence never even raised the HSCA's acoustic finding of the fourth shot, knowing how easy it would be for me to discredit it. Other than the evidence, nothing is more important to a trial lawyer than his credibility with the jury. And Spence, one of the greatest trial lawyers of our time, was not about to do something that he knew could only result in his looking foolish in the eyes of the jury.

*That stain is darkened by the transparent effort the HSCA staff made to change their past findings so they would be compatible with their later and final acoustic-led draft. In the December 13, 1978, draft of their final report (at a time when Dr. Barger had reported his findings, but before Weiss and Aschkenasy testified before the HSCA), the HSCA staff (not the HSCA) said that "*apart* from the acoustical" evidence (which they concluded had some possible merit, but did not convince them of a conspiracy), "the scientific evidence *overwhelmingly negates* any finding of conspiracy in the assassination of the President." (HSCA Record 180-10110-10234, Draft of final report of the HSCA, December 13, 1978, p.64) How could the HSCA staff possibly reconcile their December 13, 1978, position with their March 19, 1979, final draft (which became the HSCA Report) in which they concluded there was a conspiracy in the assassination? Easy. Even though the scientific evidence (scientific evidence other than the acoustic evidence) did not, as far as we know, change one speck between December 13, 1978, and March 29, 1979, and with said scientific evidence being completely *independent* of the acoustic evidence, the staff simply and blithely changed the words "the scientific evidence *overwhelmingly negates* any findings of conspiracy" in its draft to these words for the final report: the "other scientific evidence does not preclude the possibility" of a conspiracy (HSCA Report, p.1). "Overwhelmingly negates" degraded all the way down to "does not preclude." My, my.

The game-playing by the HSCA staff to bolster the new conclusion of conspiracy extended elsewhere, though to a lesser extent. In their December 13, 1978 draft, the staff said they did "not believe" that any anti-Castro group was involved in the assassination (HSCA Record 180-10110-10234, Draft of final report of the HSCA, p.138). But though it is highly unlikely that a stitch of evidence emerged between December 13, 1978, and the March 29, 1979, final draft to warrant it, the HSCA staff gratuitously added in the final draft approved by the HSCA that it "could not preclude the possibility that individual members [of anti-Castro groups] may have been involved" (HSCA Report, p.147).

PRESIDENT KENNEDY'S AUTOPSY AND
THE GUNSHOT WOUNDS TO KENNEDY
AND GOVERNOR CONNALLY

- 383 **critique of the autopsy:** With respect to the entire HSCA's forensic pathology report, which of course would include the critique of the autopsy, one of the members of the forensic pathology panel, Dr. George S. Loquvam, prepared the initial draft, and Dr. James T. Weston redrafted and edited it (7 HSCA 75, 203). But HSCA chief counsel G. Robert Blakey told me that "all of the doctors [on the panel] had input. [Dr.] Baden was the key doctor. [HSCA staff counsel Donald A.] Purdy and [Mark I.] Flanagan did the *real* draft [emphasis by Blakey]." Blakey said that he and Richard N. Billings then fine-tuned the draft for publication, Blakey "as to substance" and Billings "as to form." (Annotations by Robert Blakey on letters from author to Blakey dated February 2 and 3, 2005)
- 384 **neither the HSCA forensic panel nor Dr. Helpern were being completely accurate:** As indicated, Dr. Milton Helpern's observation was silly. But the notions of a very poor autopsy and a complete lack of qualification by the surgeons who conducted it have been perpetuated by those who were in a far better position than Dr. Helpern to make an observation. An example is the book *Unnatural Death: Confessions of a Medical Examiner* by Dr. Michael Baden, the distinguished head of the HSCA's forensic pathology panel, and his coauthor Judith Adler Hennessee, in which a number of errors were made. Baden, one of the top forensic pathologists in the nation, is an extremely busy man, and if I were to wager, he coauthored this book on the run, leaving much of the detail to his coauthor, who is not a doctor. Some of the errors: On page 7, Baden and Adler write, "No forensic pathologist has ever examined the body of the President." This is incorrect. Dr. Pierre A. Finck was a board-certified forensic pathologist (2 H 378, WCT Lt. Col. Pierre A. Finck). On page 9, the authors write, "He [Humes] knew he had never done one [an autopsy from a death by gunshot] like it before. Why not request help?" Humes *did* request help. When he and Dr. Boswell spoke, Boswell suggested Dr. Finck, whom he knew, and Humes called Finck at the latter's home. So, in essence, Finck was there *because* of Humes. On page 10, the authors write, "Colonel Finck, it turned out, had never done an autopsy involving a gunshot wound, either. For almost a decade he had been in charge of reviewing the records of U.S. military personnel who had died of gunshot wounds. Two people who were not professionally trained in what they were doing were watching each other. Finck didn't offer guidance because it never occurred to him that Humes needed any. When Finck didn't speak, Humes thought he was doing the job right." But Finck *had* performed many autopsies involving gunshot wounds (from 1955 to 1958 as pathologist of the U.S. Army Hospital in Frankfurt, Germany). And Finck had been reviewing records of U.S. military personnel for *two* years, not a decade as the authors claim. (2 H 378, WCT Lt. Col. Pierre A. Finck) In addition, Finck certainly did offer guidance (as the record shows) and was there to assist Humes in every specific request of his. In fact, Finck is known to have directed the procedures in the last part of the autopsy. On page 11, Baden and Adler write that an FBI agent said, "We've got our own man taking pictures," although, the authors allege, "he had never taken autopsy pictures before and was untrained in photographing gunshot wounds." However, the FBI did *not* have a

photographer at the autopsy. The only photographer authorized to take autopsy photos was John T. Stringer Jr., the senior medical photographer at Bethesda. Page 11 also notes, “Before the President was buried, no one, either in Dallas or Washington, looked at both sides of the body, front and back, and realized that a bullet had entered the back and exited the throat.” But of course both sides of the president’s body *were* looked at during the autopsy (in fact, the authors later say on page 14 that “Humes saw the entrance wound in the back”). On page 11, Baden and Adler write, “It took Humes about two hours to do the autopsy.” But Humes testified the autopsy began at “approximately 8 p.m.” and ended at “approximately 11 p.m.” (2 H 349, WCT Dr. James J. Humes). Later testimony and affidavits show it actually took at least four hours (8:00 p.m. to 12:00 midnight) to complete the autopsy. Later on page 12, the authors write, “Humes explained that he was in a hurry, that the family was waiting for the body.” This is somewhat misleading. Humes was *asked* to hurry “as much as possible” by Dr. Burkley, the president’s personal physician (Breo, “JFK’s Death—The Plain Truth from the MDs Who Did the Autopsy,” p. 2799), and although Humes admitted he felt pressure to complete the autopsy as quickly as possible, he testified that he “made every effort to put aside [those pressures] and approach this investigation in as scientific manner as we could.” (7 HSCA 261, Interview of Drs. James J. Humes and J. Thornton Boswell by the HSCA forensic pathology panel, September 16, 1977)

- 385 **“Who is in charge here?”**: It was later revealed that prior to Dr. Finck’s arrival, and shortly before the president’s body arrived at the Bethesda morgue, Dr. Humes spotted “a guy with a speed graphic camera in the building and didn’t feel like running after him,” so he went to the loading dock, where the president was to be brought in, and where he saw several military people milling around. Humes asked, “Who’s in charge here?” An army general (later identified as General Wehle, U.S. Army, Commander of Military District of Washington) replied, “I am.” Humes said, “General, sorry to bother you, but there’s some clown in there running around with a speed graphic camera.” General Wehle immediately dispatched someone to corral the photographer. (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.51–52) General Wehle was part of the casket team assigned to meet the president’s body at Andrews Air Force Base and had then flown to Bethesda by helicopter, arriving ahead of the naval ambulance bearing the president’s body. (HSCA Record 180-10105-10405, Interview of Richard A. Lipsey, January 18, 1978, p.2; also ARRB MD 87; ARRB MD 163, “After Action Report, Joint Casket Team—State Funeral, President John Fitzgerald Kennedy,” Samuel R. Bird, December 10, 1963, p.2) Wehle later made arrangements for the president’s body to be transported back to the White House following the autopsy. (ARRB MD 44, FBI Report of O’Neill and Sibert, November 26, 1963, pp.2–3; ARRB MD 189, “Assassination of President John F. Kennedy and Aftermath,” by Francis X. O’Neill, Undated report, p.6)
- 386 **“Burkley was conveying the wishes of the Kennedy family”**: Dr. George Burkley did, in fact, confirm his contacts with the Kennedy family, who were waiting on the seventeenth floor of the naval hospital, in statements made in a 1963 written report and a 1967 oral history report (NARA Record 189-10001-10048, Report of George Burkley, November 27, 1963, pp.7–8; ARRB MD 48; ARRB MD 67, Oral History Interview with Admiral George G. Burkley, for the John Fitzgerald Kennedy Library, October 17, 1967, pp.16–17).

386 “*complete autopsy*”: The reality is that technically speaking, the autopsy was not a “complete” one, since the neck organs were not removed (7 HSCA 191–192). While reviewing the autopsy report the morning of November 24, 1963, Dr. Finck told Dr. Humes that he didn’t think the box next to “complete autopsy” should be checked because their examination was confined to the head and chest, largely owing to the wishes of the Kennedy family. Humes disagreed, saying that the box for “complete autopsy” should be checked because the autopsy had accomplished its objective—to determine the number and direction of the bullets and the cause of death. Finck subsequently conceded and signed the report. (AFIP Record 205-10001-10002, Memorandum, Dr. Finck to Brigadier Gen. J. M. Blumberg, Personal notes on the Assassination of President Kennedy, February 1, 1965, p.4 [hereafter “AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg”]; also ARRB MD 28; ARRB MD 30, Transcript of Dr. Finck’s testimony before the HSCA medical panel, March 11, 1978, p.110)

390 **the HSCA brought in experts:** Dr. Gerald McDonnell, a radiologist with expertise in image enhancement, carefully examined the premortem and postmortem X-rays of the president for the HSCA forensic pathology panel, focusing on four areas that might reveal possible fakery: observable differences in the optical density of the X-rays, discontinuity of the anatomic structures, alteration of the continuity of an abnormal pattern, and the existence of an X-ray that is not anatomically or pathologically possible. Dr. McDonnell concluded that there was no evidence that the X-rays had been altered in any way. (7 HSCA 41, 220) Following an allegation in 1979 by conspiracy theorist Harrison Edward Livingstone, employed at the time by the *Baltimore Sun* as a reporter looking into the autopsy photos, that they were “fake” as opposed to tampered with, the U.S. attorney general’s office had the FBI conduct an investigation, which concluded that the autopsy photographs in the possession of the National Archives are all original (Memorandum from Robert Keuch, special counsel to the attorney general, to Lawrence Lippe, Criminal Division, May 9, 1980).

Conspiracy theorist Dr. David Mantik, who has visited the National Archives on nine occasions to examine JFK autopsy materials, has since argued that the two X-rays (lateral and anterior-posterior) of the president’s skull have been altered, based largely on the presence of what appears to be a bullet fragment (but, per Mantik, was really a “simple piece of cardboard, or whatever you wish to imagine, cut out in the shape of a 6.5mm fragment”) seen embedded in the back of the skull “one centimeter below the entry site.” Mantik, who claims that “this critical posterior area was never examined for authenticity,” says that in 1994 he took optical density readings from the area of the X-rays showing the 6.5-millimeter “fragment,” and that the results of his readings suggest that the cardboard was superimposed onto the X-ray film to create an object looking like a bullet fragment. (Mantik guesses this was accomplished between 1963 and 1968, when the Clark Panel reported seeing the “6.5 mm. metallic fragment” for the first time. The HSCA later referred to it simply as a “bullet fragment,” not giving its size.)* This

*Warren Commission and HSCA ballistic expert Larry Sturdivan and assassination researcher Dr. Chad R. Zimmerman have in later years analyzed the object seen in the X-rays. Sturdivan concluded it was not a bullet fragment but Zimmerman is not sure. However, both concluded it was not a forgery but an artifact of

X-ray forgery was done, per Mantik, with a single purpose: to incriminate Oswald to make it look like “Lee did it.”

How would this “fake . . . 6.5 mm object,” as Mantik calls it, implicate Oswald? Mantik says that since the object has the same diameter as the ammunition used in Oswald’s Mannlicher-Carcano rifle (6.5 millimeter) and it was in the *back* of the skull, this is consistent with a shot from the rear, where Oswald supposedly was located in the sniper’s nest at the sixth-floor window. (David W. Mantik, “The JFK Assassination: Cause for Doubt,” in Fetzer, *Assassination Science*, pp.114–115, 120, 122, 124–135; David W. Mantik, “Paradoxes of the JFK Assassination: The Medical Evidence Decoded,” in Fetzer, *Murder in Dealey Plaza*, pp.264–267; David W. Mantik, *The JFK Autopsy Materials: Twenty Conclusions after Nine Visits*, unpublished, April 2001, p.1; David W. Mantik, “The JFK Autopsy Materials: Twenty Conclusions after Nine Visits,” expanded and revised version of presentation for “Solving the Great American Murder Mystery” symposium at Duquesne University, November 20–23, 2003, published in 2004, at <http://www.assassination-science.com/>, pp.4–8; ARRB MD 59, Clark Panel Report, p.11; also 7 HSCA 108–109)

But if Dr. Mantik’s conspirators were going to commit the forgery he claims they did, instead of using a “simple piece of cardboard” to simulate a bullet fragment (the very use of which enabled him to detect the alleged forgery), why wouldn’t they use an actual bullet fragment? Also, what possible advantage would the conspirators have gained by forging the object onto the X-ray film? The thought that they would risk getting caught doing this to implicate Oswald in a case in which he and his rifle were *already overwhelmingly connected to the assassination* is irrational on its face. One should add that if, indeed, Dr. Mantik’s conspirators were willing to do something so extremely risky and completely unnecessary to frame Oswald, wouldn’t they have found some way to bring it to the attention of the FBI or Warren Commission in 1964? Instead, if Dr. Mantik is correct, we have to learn about the sinister implications of the “cardboard artifact” for the first time thirty-five years later when he published his findings in the book *Assassination Science*? Isn’t this silly, again, on its face?

The HSCA photographic panel likewise determined that the autopsy photographs had not been altered. First, the panel discovered that the emulsion num-

unknown origin. (Sturdivan: E-mail to Stuart Wexler, March 9, 1998, in Mantik, “Paradoxes of the JFK Assassination: The Medical Evidence Decoded,” in Fetzer, *Murder in Dealey Plaza*, p.266; Zimmerman: Letter from Chad Zimmerman to author dated April 30, 2005). In his 2005 book, *The JFK Myths*, Sturdivan writes that it is “probably a bone chip spalled off the outside of the skull as it crashed at that location in the explosion of Kennedy’s head” nearby (Sturdivan, *JFK Myths*, p.194). In a 2006 letter to me, Dr. Zimmerman wrote that “Larry and I both believe that the 6.5 mm fragment on the frontal x-ray is real and was *not* added later, as Mantik posits. Basically, [neither] Larry nor I know what it is because it wasn’t . . . retrieved. Larry does not believe that it is a bullet fragment. However, it *is* metal. Personally, I think it may actually have been a bullet fragment that was stuck in the hair or on the skin and later fell off . . . I feel that it is real because of the lack of film grid lines in the surrounding area, which, in my opinion, are an absolute must . . . in order for it to be a post-autopsy forgery. Since it is not seen on the lateral x-rays, it is by definition an artifact. An artifact may be a real object or a defect in film processing . . . The term does not mean that it is an artificial object” (Letter from Dr. Zimmerman to author dated March 15, 2006).

*Surely Dr. Mantik doesn’t want us to believe the “fragment” was superimposed on the X-rays *after* the Warren Commission had already concluded that Oswald was the lone gunman. Indeed, in his 2001 writing on the subject, Mantik says the forgery was accomplished “shortly after the autopsy,” which would be *before* the Warren Report came out, ten months after the assassination.

bers (i.e., tracking numbers that are embedded in the film at the time of manufacture) on the original black-and-white negatives and color transparencies of photographs taken during the autopsy matched Kodak emulsion batches that were produced in 1963, and in one film type (i.e., film rated for specific exposure settings), they matched an operator number that was discontinued in 1969—both strongly supportive of the conclusion that the images are genuine (7 HSCA 40). But the single most important discovery, and one that establishes with *absolute and irrefutable certainty* that the autopsy photographs have not been altered, is the fact that many of the photographs, when combined in pairs, produce stereoscopic images. How is this possible and why does it settle the issue of alteration?

Stereoscopic images enable us to see a photographic scene in three dimensions, as opposed to the normal two-dimensional (i.e., flat) view we're used to seeing in family snapshots. That's because a pair of stereo images (i.e., two separate photographs, taken from two slightly different vantage points) adds depth to our perception in the same way our two eyes, separated by the space between them, perceive depth.* According to photographic expert and HSCA panel member Frank Scott, the ability to view an image stereoscopically allows the human eye to easily spot the differences between two photographs that make up the stereo pair. Any attempt to alter either image causes the altered portion of the image to appear to "float" or lie either in front of or behind the plane or "space" in which it should actually be lying. The only way a forger can successfully alter a detailed stereoscopic image (such as the images of the Kennedy autopsy) without detection is to alter both images *identically*, which is, Scott said, "essentially impossible." (7 HSCA 40; 6 HSCA 146, 176, 227) (This same technique was used to authenticate the Oswald backyard photographs and the Zapruder film [6 HSCA 18, 146, 176].) Even an artist using sophisticated computer software to alter a detailed photographic image cannot produce an undetectable stereoscopic forgery! In short, a detailed stereoscopic image is *impossible* to alter without detection, and therefore, any pair of images that can be viewed in this manner, without revealing the obvious signs of forgery, have to be authentic.

Fortunately, the autopsy photographer who photographed the president's body took two or more pictures, from approximately the same viewpoint, of each part of the body being photographed. Some of these, because of the slight differences in the position of the camera, can be combined into stereoscopic pairs. Frank Scott found that four views of the president's body (the back of the head, the top of the head, the cranial cavity, and the head as seen from the right front) could be combined to provide "sufficient stereoscopic viewing quality" to permit the conclusion that *these images had not been altered in any way, and were therefore "authentic photographs"* (7 HSCA 39–41). Another member of the photographic panel, Calvin McCamy, testified that he agreed with Scott's conclusions, adding that in his own analysis, he discovered *two additional views* of the president's body (the back wound and the throat wound) that could be seen stereoscopically and were

*Sawyer's View-Master, produced by the Sawyer Corporation of Portland, Oregon, for children of all ages, is one of the most popular examples of commercially available stereoscopic viewers. Two similar images, produced from the perspective of each eye, are assembled on a disk in such a way that when the disk is inserted into the viewer, the two images are combined into a single scene that exhibits apparent depth.

therefore also *authentic and unaltered* (7 HSCA 41). McCamy testified that on the issue of alteration of the photographs, he and his colleagues “considered the possibilities of various photographic techniques that could have been used in a train of events to produce these photographs. Some of them are virtually impossible because of the stereoviewing. Others would be exceedingly difficult, if not impossible” (1 HSCA 179). Which means, of course, that *all* of the president’s wounds, as depicted in the autopsy photographs, are *exactly* as they appeared the night of the autopsy, and that the photographs have not been “doctored,” faked, or altered in any way. The entire photographic panel of the HSCA concluded that “the autopsy photographs and X-rays were taken of President Kennedy at the time of his autopsy and that they had not been altered in any manner” (7 HSCA 41). This fact alone demolishes the conspiracy theorists’ allegations that photographic fakery was used to conceal the plot to kill the president. It also destroys another prime conspiracy belief—that the eyewitness descriptions of the president’s wounds that were offered by the Parkland Hospital doctors (and later by some eyewitnesses to the autopsy) are proof that the autopsy photographs had been altered. Obviously, if the autopsy photographs are genuine and unaltered (which *all* the experts agree), then eyewitness descriptions of the president’s wounds that contradict those photographs are not proof of alteration, as some critics claim, but nothing more than examples of understandable, mistaken recollections, or if not that, then deliberate and outright falsehoods.

Yet conspiracy theorists continue to tie themselves in knots trying to convince their converts not to give up the ship and go home. In the years since the HSCA’s 1978 investigation, critics have been reduced to claiming that the autopsy photographs and X-rays have “somehow” been tampered with (e.g., Crenshaw et al., *Trauma Room One*, p.211). That specific “somehow,” of course, is never explained. One critic, Harrison Edward Livingstone, in his ironically titled book *Killing the Truth*, simply closes his eyes and pretends the HSCA accomplished nothing, proposing (without a drop of evidence) that the HSCA photographic panel “overlooked various matters and was seriously flawed in its [authentication] work. There was nothing ‘scientific’ about their examination” (Livingstone, *Killing the Truth*, p.74). Livingstone claims, on one hand, that researchers have not been granted access to the relevant pairs of autopsy photographs that produce stereoscopic images in order to check the integrity of the images (“We are expected to take this on faith,” he writes), yet in the very next sentence admits that two autopsy photographs published in his book *High Treason 2* “can produce a stereoscopic view” (Livingstone, *Killing the Truth*, p.74). In fact, as Livingstone should know, *all* of the key autopsy photographs that show the president’s wounds, copies of which have been published in bootlegged form in a variety of conspiracy books (including Livingstone’s), produce stereoscopic images.

Dr. Gary L. Aguilar, a leading conspiracy theorist, offers another challenge to the authentication of the autopsy photographs, writing that the conclusions of the HSCA odontologist and anthropologists on the authentication issue are for the most part irrelevant because none were photographic experts (Letter from Gary L. Aguilar to author dated January 14, 2005). But unless a photograph has been tampered with (which in this case is negated by the stereoscopic viewing), one doesn’t have to be a photographic expert to authenticate a photograph, that is, to

attest to the fact that a photograph is a true and accurate depiction of what it purports to show—in this case JFK's skull at the time of the autopsy. (From the wounds, it couldn't be at any other time.) Lay witnesses at criminal and civil trials who have no photographic expertise at all routinely authenticate photographs under oath. I myself have had hundreds of them do it—"Yes, this photo is a true and accurate depiction (or representation) of how the house looked in September of this year."

The widely held belief among students of the assassination that the bootlegged autopsy photographs are second-generation copies of the originals improperly obtained by Robert Groden when he was a photographic consultant for the HSCA in 1978 was confirmed by Groden himself. In testimony for the wrongful-death civil lawsuit against O. J. Simpson, Groden was asked by plaintiff's counsel if the Kennedy autopsy photos he sold to *Globe* magazine for \$50,000 were "some of the photos you obtained from the House Select Committee when you were there." Groden, under oath, answered, "That's correct." (David S. Lifton, "Pig on a Leash, A Question of Authenticity," in Fetzer, *Great Zapruder Film Hoax*, p.391) David Lifton, who has become quite knowledgeable about the hijinks of Groden throughout the years, says that Groden "may well have original material, and/or irreplaceable and unique first generation negatives, made when he was employed at [the] HSCA" (Lifton, "Pig on a Leash," in Fetzer, *Great Zapruder Film Hoax*, p.385). Groden's theft would have had to take place at the National Archives, where the autopsy photos were stored. For example, an HSCA Contact Report by staff counsel Jane Downey said she had spoken to Clarence Lyons at the archives on June 7, 1978, and "arrangements were made for Groden to examine autopsy original color transparencies, June 8th, 10:00 a.m. at the National Archives" (HSCA Record 180-10076-10218, June 7, 1978). Indeed, in 2003, someone very high up in the HSCA hierarchy who wished to remain anonymous on this matter assured me he had "firsthand knowledge" of the fact that the FBI had investigated Groden and concluded Groden had stolen autopsy photos. "No federal theft prosecution could be commenced by the U.S. attorney's office against Groden because the photographs, as you know, were owned by the Kennedy family, not the government," he told me. "However, the FBI took the matter to the Kennedy family contemplating they might want a state prosecution of Groden for theft where the Kennedy family would be the complaining witness. The family thought about it and decided against getting involved in a criminal case over the matter, and after consulting with their lawyers, also decided against bringing a civil action against Groden. But Groden had a close call." (Telephone interview of very high HSCA official by author on February 23, 2003)

In a futile attempt to undermine the HSCA's conclusion that the autopsy photographs are genuine, one prominent conspiracy theorist (and a small band of followers) has taken to claiming that the stereoscopic-images argument of the HSCA didn't really quite button up the question of authentication. In a letter to me dated January 28, 2000, Dr. Aguilar writes that the ARRB "revealed what the HSCA withheld in classified documents: Though the HSCA claimed otherwise, the HSCA did *not* authenticate the images. Suppressed experiments, revealed in a once-classified letter from Robert Blakey, determined that the current autopsy images were never matched to the camera that was used during the autopsy" (Letter from

Gary L. Aguilar to author dated January 28, 2000, p.2). According to Aguilar, “the suppressed record suggests that the camera *was* found, but that it couldn’t be matched to [the Kennedy autopsy photographs]”^{*} (Gary L. Aguilar, “A Tale of Two Official Stories,” *Probe*, January–February 2000, p.14).

This accusation stems from a deceptive memorandum prepared by Doug Horne, the chief military analyst for the ARRB, and an avowed conspiracy theorist. In that memo, dated August 27, 1998, Horne claims to have “discovered” a footnote that appears in volume 6 of the HSCA Report, to wit: “Because the Department of Defense was unable to locate the camera and lens that were used to take these [autopsy] photographs, the [photographic] panel was unable to engage in an analysis similar to the one undertaken with the Oswald backyard pictures that was designed to determine whether a particular camera in issue had been used to take the photographs that were the subject of inquiry” (6 HSCA 226 footnote 1). Horne found a March 27, 1978, letter from HSCA chief counsel Robert Blakey to Secretary of Defense Harold Brown that confirmed receipt of a navy camera from the Department of Defense on March 8, 1978, that was possibly used to take the JFK autopsy photos. (The navy sent this camera to the Department of Defense for transmittal to the HSCA on January 16, 1978, along with a 135-millimeter Zeiss Jena Tessar lens, stating the camera was “believed to be” the autopsy camera.) Blakey’s letter went on to say that the HSCA photographic panel had “determined that this camera, *or at least the particular lens and shutter attached to it*, could not have been used to take the autopsy pictures.” (Memorandum for file, “Unanswered Questions Raised by the HSCA’s Analysis and Conclusions Regarding the Camera Identified by the Navy and the Department of Defense as the Camera Used at President Kennedy’s Autopsy,” written by Doug Horne, August 27, 1998, p.4 [hereafter “Doug Horne’s memorandum for file”], with Enclosure 2 (attached to memo), Memorandum from Harvey J. Wilcox to Robert G. Andrews, January 16, 1978, p.1, Personal files of Douglas Horne, ARRB) Horne notes that after a further search for additional records, the navy informed the HSCA that the autopsy camera, a 4 × 5 inch GraphicView–type camera body (purchased in 1945), was the “only Graphic View camera of this type in use at the National Naval Medical Center in November 1963.” The 135-millimeter Zeiss Jena Tessar lens that the navy (through the Department of Defense) sent the HSCA along with the camera, one of only several lens sizes that fit the camera, was also standard navy issue from the same period of time. (Doug Horne’s memorandum for file, Enclosure 2, Memorandum from Harvey J. Wilcox to Robert T. Andrews, January 16, 1978, p.2)

What does Doug Horne conclude from all of this? For Horne, the implications are staggering. If the navy was correct in saying that the camera it provided “*was* indeed the camera used at the autopsy” (the navy only said the camera was “believed to be” the autopsy camera), then either, he says, (1) all the autopsy photographs are authentic and were indeed taken by John Stringer, and a benign but

^{*}Where does this allegation of Dr. Aguilar’s go? As he wrote to me in a letter of January 4, 2005, “The HSCA staff elected not to share any of this information [that the autopsy camera *was* found and couldn’t be matched with the autopsy photographs] with the public nor its panel of forensic consultants.” But apart from the great improbability that the HSCA staff was a bunch of criminals (accessories after the fact to murder), Dr. Aguilar doesn’t explain why the HSCA staff, which clearly was trying to prove a conspiracy (they ended up so concluding), would deliberately *suppress* evidence of a conspiracy.

unknown explanation exists for why the HSCA photographic experts believed the autopsy photographs could *not* have been taken by the navy camera they examined (e.g., *the lens* of the camera used to take the photographs was different from the 135-millimeter Zeiss Jena Tessar lens supplied by the navy), or (2) many or all of the autopsy photographs were taken by a photographer other than John Stringer, and the photographs Stringer said he took were removed from the official autopsy photographic collection (Doug Horne's memorandum for file, pp.5–6). This second possibility is apparently meant to conjure up images of a mysterious, unknown photographer shooting a second set of autopsy photographs after the autopsy was completed (a set of images that presumably concealed the true nature of the president's wounds), which were then substituted for the official set of photographs taken by Stringer.

Horne's memo suggests that the latter is true (i.e., the autopsy photographs are substitutes, taken by someone other than Stringer). But this suggestion makes absolutely no sense at all. We *know* through stereoscopic analysis that the photographs in evidence (even *if* they are substitute photographs of the autopsy taken by someone other than Stringer) are authentic and unaltered. We also know from the HSCA anthropologists and the odontologist that the skull is that of John F. Kennedy. What this all means is that irrespective of the camera and lens, *whatever the photographs show* must be the true condition of the president's body at the time of the autopsy. Since the photographs clearly show that the president was struck from behind by two bullets, what possible purpose could be served by substituting or removing photographs? Neither Horne nor Aguilar say. The authentication of the existing photographic collection *eliminates* the possibility that any photographs that might have disappeared from the collection, either by removal or by substitution, could show anything other than what we now see. After all, there was only *one* body and the wounds in that body either show that shots were fired from the front or they don't, no matter how many photographs are substituted or removed. Surprisingly, this obvious fact seems to have escaped the conspiracy theorists.

And there is another problem with the Horne-Aguilar argument. Horne's own memorandum says that the 135-millimeter lens submitted along with the camera was *not* the only lens used by autopsy photographers at Bethesda in 1963. The navy reported, "Although *other lenses were also in use* at the Medical Center during that time they have been replaced. Furthermore, no records have been located that indicate specifically *which lens was used during the autopsy*." (Doug Horne's memorandum for file, Enclosure 7, Letter from John G. Kester to G. Robert Blakey, April 20, 1978, p.3) In other words, the navy doesn't know what specific lens was used to shoot the autopsy photographs. It might be the 135-millimeter lens the navy submitted or some other unidentified lens. So which was it? The answer to that question is in the testimony of the autopsy photographer, John Stringer, who said that "a 50-millimeter lens" would have *normally been used to photograph an autopsy*. Stringer also testified, "We had a series of lenses that we could choose from," including a 28-millimeter wide-angle lens. Question: "During an autopsy, would you change the size of the lens as you were taking photographs?" Stringer: "Very seldom. You would move the camera back and forth [i.e., adjust the magnification of the image by moving closer or farther from the subject]." (ARRB Transcript of

Proceedings, Deposition of John T. Stringer, July 16, 1996, pp.44–45; Doug Horne’s memorandum for file, p.5 footnote 5) From these facts alone, we know that it is highly unlikely that the 135-millimeter lens submitted by the navy was used at all at the Kennedy autopsy. Although the HSCA photographic panel did not spell out *how* it determined that the 135-millimeter lens “could not have been used to take the autopsy pictures,” anyone familiar with cameras and focal lengths knows that a 50-millimeter focal length is considered a “normal” lens setting in the photographic world (as Stringer testified) and is generally used to take pictures close to the subject, while a 135-millimeter focal length is considered a “telephoto” lens, designed to photograph either distant objects or capture close-up images (i.e., images that are nearly three times larger than normal) of subjects near to the camera. The Kennedy autopsy photographs were clearly taken with a normal lens setting (*not* a telephoto or wide-angle one), as evidenced by the wide-ranging depth of field (i.e., the relative sharpness of both foreground and background detail in the image), which is uncharacteristic of a telephoto lens, and the lack of edge distortion, which is typical of wide-angle lens photography. Both of these factors were no doubt the basis for the HSCA photographic panel’s findings.

Horne’s memo says that the HSCA reported that “the Department of Defense was unable to locate the camera and lens” used at the autopsy. Aguilar repeated most of this statement in a personal letter to me to me, writing “The HSCA publicly reported that the original autopsy camera could not be located” (Letter from Gary L. Aguilar to author dated July 14, 2000, p.3). But, as indicated, that’s *not exactly* what the HSCA wrote. The HSCA said that “the Department of Defense was unable to locate the camera *and lens* that were used to take these [autopsy] photographs” (6 HSCA 226 footnote 1). It appears the HSCA footnote could have been more clearly written. It further appears that the camera body located by the navy most likely was the one used at the autopsy. The lens, however, was not.

390 **autopsy photographs:** Along with the allegation that the autopsy surgeons were unqualified to perform the autopsy, the autopsy photographer, John Stringer Jr., has also been criticized as being unqualified and as having taken photos that were “out of focus.” When I spoke to Stringer, I learned that President Kennedy’s autopsy was Stringer’s first *murder* autopsy, although in Vietnam, where he was a medical photographer, he took autopsy photos of many soldiers who had died from gunshot wounds. At the time of the assassination, Stringer was the director of medical photography at the National Naval Medical Center at Bethesda and had taken photos of fifty to sixty non-homicide autopsies, including of people who had died from accidents and those who had committed suicide by gunshot. He said he only saw his Kennedy autopsy photos once, a few years after the assassination, and they appeared very clear to him. He added that even if he had had no experience, “Dr. Humes directed me to take the photos where he wanted a photo of, and an autopsy photo is an autopsy photo. I don’t know why they’d be considered to be out of focus.” (Telephone interview of John Stringer by author on November 23, 2004)

391 **“elastic recoil of the tissues of the skin”:** In a clear case of either a typographical error or loose writing, the Warren Report referred to the “elastic recoil of the *skull* which shrinks the size of the opening after a missile passes through it” (WR, p.86).

But while the scalp (skin enveloping the skull) could be expected to shrink, the skull, which is bone, would not. And, indeed, in the autopsy report, the 6-millimeter measurement refers to the "scalp," not the skull. Also, in Dr. Humes's testimony he refers to the 6-millimeter measurement as pertaining to "the scalp." The autopsy report's further statement that there was a "corresponding wound through the skull" is accurate in the sense that the wound to the skull was right behind the wound to the scalp and of a similar size, though there is no indication that the diameter of the skull wound was measured. (2 H 360, WCT Dr. James J. Humes; CE 387, 16 H 981)

- 391 **consistent with its having been fired from:** Conspiracy theorist Ronald D. Rice has made the argument that since, at Zapruder frame 312, Jackie Kennedy appears to be almost in front of JFK to his left front, if a bullet had been fired by Oswald from Kennedy's right rear it would have had to have gone on to hit Mrs. Kennedy. Since we know it didn't, this means, Rice argues, that the head shot did not come from Oswald at Kennedy's right rear, but from some assassin to his left rear. (Telephone interview of Ronald Rice by author on September 22, 2005) This argument is also made by conspiracy author Matthew Smith, except he says that Jackie not being hit is "a most compelling argument against the fatal head shot having come from behind" (Smith, *Say Goodbye to America*, p. 82).

Although the contention of Rice and Smith cannot be dismissed out of hand, several realities negate it. At frame 312, Kennedy's head is turned somewhat to the left, and trajectory analyses by both the Warren Commission and the HSCA show that the entering bullet from behind, if proceeding on a relatively straight trajectory (it was deflected away slightly to the right), would have exited right where we know it did, to Kennedy's right front, not his left front where Jackie was. Secondly, a bullet fired from Kennedy's left rear, as posited by Rice, would be likely (though not for sure) to enter the left rear of Kennedy's head whereas we know the bullet entered the right rear of his head. And thirdly, the HSCA concluded that the bullet entered the president's head "from a point 29 degrees to the right of true north from the President." (7 HSCA 126; WR, p.86; to the right: 6 HSCA 34) At least Rice didn't ignore the scientific evidence, as Smith did, that Kennedy was struck from behind.

- 394 **the following pathologists [footnote]:** Three of the pathologists for the HSCA had already reviewed part of the autopsy record and evidence: Dr. Spitz, as a member of the Rockefeller Commission in 1975; Dr. Wecht, who went to the archives himself in 1972 to look at the photos and X-rays; and Dr. Weston (7 HSCA 5). It is not known when Dr. Weston reviewed the evidence, though it may have been connected with his appearance on CBS television in 1975 (Gary L. Aguilar and Kathy Cunningham, "How Five Investigations into JFK's Medical/Autopsy Evidence Got It Wrong," May 2003, p.1, available at <http://www.history-matters.com/essays/jfkmed/How5Investigations/>). Spitz and Weston were already on record as agreeing with the conclusion of the Warren Report, Wecht on record as being in disagreement. The nine-member pathology panel was broken down into two subpanels, the six members who had not previously reviewed the evidence and the three who had (7 HSCA 5).

- 395 **the wound they found was the same wound the autopsy surgeons described:** Four autopsy photographs (Black and White Nos. 15 and 16 and Color

Nos. 42 and 43), which were identified by Drs. Humes and Boswell in 1966 as depicting the “wound of entrance in [the] right posterior occipital region,” show one of the pathologists (identified as Boswell [ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, p.164]) pulling loose scalp (which is visible in other photographs of the head wound, but not clearly discernible in this particular view) “forward” in order to “demonstrate the wound” for an autopsy photograph (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.160–161; 7 HSCA 104). In the center of the photograph is a lesion of the scalp. The Clark, Rockefeller, and HSCA forensic pathology panels identified this same lesion as the entrance wound (7 HSCA 3–4, 176). Indeed, a pair of hands is seen in the photograph holding a ruler alongside the wound, as if measuring its location. Dr. Humes testified that the ruler was held in the photos to establish scale and no more (7 HSCA 246), while autopsy photographer John Stringer said the ruler was placed there, he thought, to show the size of the defect in the head (ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, pp.14–15).

The HSCA forensic panel also noted that the stereoscopic viewing of a second series of photographs (Black and White Nos. 17 and 18 and Color Nos. 44 and 45), identified by Drs. Humes and Boswell in 1966, depicted the “missile wound of entrance in the posterior skull, following reflection of scalp” (ARRB MD 13, “Report of Inspection by Naval Medical Staff on November 1, 1966 at National Archives of X-Rays and Photographs of Autopsy of President John F. Kennedy,” November 1, 1966). The entrance wound depicted in these photographs lines up with the location of the entrance wound seen in the skull X-rays (7 HSCA 105, 107). The HSCA forensic panel reported that the anterior–posterior (front to back) and right lateral (side) X-ray views of the skull show a “sharp disruption” of the normal smooth contour of the skull 10 centimeters (as measured in the X-ray) above the external occipital protuberance, from which radiates a number of fracture lines. The HSCA forensic panel concluded that the totality of these observations provided *definitive evidence* that the entrance wound was “in the *upper* back of the scalp, rather than ‘slightly above’ the external occipital protuberance” as stated in the autopsy report (7 HSCA 110).

Radiologist Randy Robertson came up with his solution to the problem. In a prepared statement to the House Committee on Government Operations (Conyers Committee) on November 17, 1993, Robertson said that from his examination of the autopsy X-rays he concluded that the autopsy surgeons and the HSCA were both correct, to a point. Robertson claimed Kennedy “was killed when he was struck in the head by two bullets instead of one as previously reported,” and there were indeed two wounds in the back of his head, the one the autopsy surgeons saw, which was an entrance wound, and the one the HSCA saw (by X-rays and autopsy photos) close to 4 inches higher. However, this higher wound, Robertson said, was not an entrance wound, as the HSCA said, but an exit wound from a shot that was fired from the president’s “right front.”

It’s astonishing that a professional man such as Robertson would take a position so patently erroneous. To believe Robertson, one would have to believe that the three autopsy surgeons conspired to conceal from the world this second wound to the back of the president’s head. But why would they do this? Robertson doesn’t

say. One would also have to believe that all of the many other pathologists in later years who looked at the autopsy photos and X-rays either joined in the conspiracy or simply didn't see the second wound. Only Robertson, no one else, saw two wounds to the back of the president's head. Robertson also had no explanation for how a bullet entering the right front of the president's skull could leave an exit wound that was small and circular, as the autopsy surgeons and HSCA said it was, as opposed to larger and irregular.

Naturally, when Robertson attempted to get his ludicrous theory published in the journal *Radiology*, it was rejected.

395 **apparent gaffe in their report:** I say "apparent" gaffe because although the pathologists for the Clark Commission and the HSCA are certain from the autopsy X-rays and photographs that the entry wound was around four inches above the external occipital protuberance, I, as a layperson, am not 100 percent comfortable with their conclusion. Leaving aside that they did not, as the autopsy surgeons did, actually see the wound, I say that for two main reasons. First, even if I assume the autopsy surgeons were utterly incompetent (a proposition that, from the evidence, I have rejected), they didn't have to be skilled forensic pathologists to see, with their own eyes, an entrance wound which they all agree was "slightly above" the external occipital protuberance. In fact, you or I or the local cabbie is as capable as the most skilled forensic pathologists in the world at looking at the distance between the bone (occipital protuberance) and a hole in the head and estimating the distance. And if it was four inches, a very long distance relative to the back of the head, none of us would use the words "slightly above." We'd all say "a few" or "several" or "three or four" inches. That the three autopsy surgeons would use the words "slightly above" to describe four inches somehow doesn't ring true to me.

Second, on the Ida Dox drawing of the autopsy photograph of the back of the president's head showing the entrance wound (see 7 HSCA 104), the numbers on the ruler are not visible, even with a magnifying glass, but the entrance wound does not seem to be four inches above where I would imagine the external occipital protuberance was on the president's head, and does not appear as high up as the round black circle signifying the entrance wound on the HSCA sketch (see 1 HSCA 406). It may be that the location of the entrance wound was somewhere between where the autopsy surgeons and the later pathologists said it was.

But if, indeed, the autopsy surgeons were correct on the lower location of the head entrance wound, how this would affect the trajectory analyses, and be compatible with the minute missile fragments traversing on a line from back to front higher up on the head, is beyond my knowledge and expertise. However, we mustn't forget that since the president's head was inclined slightly forward at the time of the head shot, a bullet traveling on a downward trajectory would be proceeding on a higher path, anatomically, through the president's head. (See discussion on this issue in main text with respect to the president's back wound.)

395 **insisting that the entrance wound was low in the skull:** Quizzed as to what the lesion in the cowlick area could be if not the entrance wound, the three autopsy pathologists had little to offer. Dr. Humes suggested that it was some "clotted blood" lying on the scalp (7 HSCA 256). Dr. Boswell thought it was the back margin of the lacerated scalp he is seen pulling forward in autopsy color photograph number 42 (7 HSCA 104–105, 246). The HSCA forensic panel disagreed with

Boswell's assertion, noting that the "margins of the wound [as shown in the photographs] appear to be intact around the entire circumference" (7 HSCA 115). (The HSCA forensic panel erroneously attributed Boswell's remark to Humes [7 HSCA 115].) Dr. Finck would say only that he didn't know what it was (HSCA Record 180-10097-10338, HSCA interview of Pierre Finck, March 12, 1978, p.3; also ARRB MD 33).

In a 1967 affidavit signed by all three autopsy surgeons, they set forth their strongest argument for the proposition that the entrance wound was located exactly where they said it was in the autopsy report, not higher up: "Due to the fractures of the underlying bone and the elevation of the scalp by manual lifting (done to permit the wound to be photographed), *the photographs*," they said, "show the wound to be slightly higher than its actual measuring site" (HSCA Record 180-10097-10151, January 26, 1967, p.3). Of course, the HSCA and Clark Panel based their opinions not only on the autopsy photographs but also on the autopsy X-rays. However, though the autopsy surgeons did not say this in their affidavit, perhaps the X-rays, because of the fractures of the underlying bone, could also have given a misleading impression of the location of the entrance wound.

- 396 **understanding how a nearly 4-inch error might have been made:** Although you would think this would have been the end of it, it wasn't. Despite the overwhelming evidence that the autopsy report is in error with regard to the precise location of the entrance wound and despite his somewhat vague concession in open hearings that the HSCA forensic panel (and the earlier Clark and Rockefeller panels) were correct in placing the entrance wound about 4 inches above the external occipital protuberance,* Dr. Humes dug in his heels and stubbornly repeated his belief that when it comes to locating the entrance wound in the back of the head, the accurate record is the autopsy report. In a 1992 interview published in the May issue of *JAMA*, Dr. Humes dismissed the findings of the HSCA and fell back to the language of the autopsy report: "The entrance wound was . . . located 2.5 centimeters to the right and slightly above the external occipital protuberance" (Breo, "JFK's Death—The Plain Truth from the MDs Who Did the Autopsy," p.2798; ARRB MD 22).

Any suggestion that Humes might have been misquoted in the *JAMA* article was dispelled when Drs. Humes and Boswell wrote a joint letter to the editors of *JAMA* in 1992 stating, "The appearance and location of the President's wounds were exactly as described in the *original autopsy report*. That report was prepared within 48 hours of the assassination and delivered to the White House physician early in the evening of November 24, 1963. No amount of discussion or debate can alter these facts" (Letters, *Journal of the American Medical Association*, October 7, 1992, vol.268, no.13, p.1685; also ARRB MD 23). Dr. Boswell also told Dr. Gary Aguilar in a recorded interview that he and Dr. Humes were accurately quoted in the *JAMA* articles: "We studied that article very well . . . and those [statements] were accurate" (Transcript of interview of J. Thornton Boswell by Gary L. Aguilar on March 30, 1994, p.3).

*Dr. Thornton Boswell told the ARRB that he had heard that Dr. Humes had changed his mind before the HSCA, but "I've talked with him since then. He denies that, and I think he now relies on this written report right here [autopsy report]" (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.61-62).

On November 17, 1993, during an appearance before the House Committee on Government Operations (Conyers Committee), which was looking into the effectiveness of the JFK Assassination Records Collection Act of 1992, author Gerald Posner testified that he interviewed Humes and Boswell, and that they both had changed their minds about the original location they had given for JFK's skull wound. Posner said that the pathologists told him they had erred, that the wound was indeed 10 centimeters higher than what they wrote in the 1963 autopsy report and reported to *JAMA* in 1992. Posner's assertion has since been challenged by assassination researcher Dr. Gary Aguilar. Aguilar had a tape-recorded conversation with Dr. Boswell in the spring of 1994 in which Boswell denied having the subject conversation with Posner.

Aguilar: "Somebody sent me a copy of Posner's testimony before the Conyers Committee and he said that he'd talked to both you [Boswell] and Jim [Dr. Humes] and said that both of you had changed your mind."

Boswell: "No, that's not true. I never talked to Posner. He called me and I was out and we never got back together. Jim [Humes]—they did talk over the phone." (Letter to Editor, *Federal Bar News & Journal*, June 9, 1994, p.388; Transcript of interview of J. Thornton Boswell by Gary L. Aguilar on March 30, 1994, p.4)

When Posner later testified before the ARRB that he had spoken to both Drs. Humes and Boswell, they asked him for his notes of the conversation and Posner said he would furnish them to the board if Humes and Boswell would agree to his releasing his notes. The review board said that its "initial contact with Posner produced no results. The Review Board never received a response to a second letter of request for the notes." (Transcript of Conyers Committee Hearing, November 17, 1993, pp.112–113; Final Report of the ARRB, September 30, 1998, p.134)

Posner's statement to the ARRB that he had to get consent from Humes and Boswell in order to release to the ARRB his notes of his telephone conversations with the doctors is somewhat curious. When a person is interviewed for a book by an author, unless he expressly states otherwise, the person gives the author the right to quote him in the author's book and the author can tell the person's story to the world. To suggest, then, that the person might not want the author to turn over the *author's* own notes of the conversation to a third party seems illogical. If the person doesn't care about the author repeating his words to the world, what reason would he have for not wanting any third party to see the author's notes? Because the notion is irrational on its face (authors bequeath their work to universities and libraries in which notes of their interviews with literally hundreds, sometimes thousands of people are included), there is a possibility that Posner never spoke to Dr. Boswell, as Dr. Boswell has said, and Posner simply misspoke.

Later, in 1996, Dr. Humes again faced the issue of the location of the entrance wound when he was deposed by the ARRB. Humes told the board that the autopsy pathologists examined the entrance wound "very carefully, measured it, [and] took pictures of it." Although at one point he admitted that the lesion in the cowlick area "does seem to be the wound," Humes added, "The photographs [Black and White Nos. 15, 16; Color Nos. 42 and 43] I think create ambiguity . . . much to my displeasure and dismay. I thought they would erase ambiguity rather than create it." (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.109, 177–178, 180–183)

Drs. Boswell and Finck, unlike Humes, have been adamant from the beginning that the entrance wound was low in the back of the president's head, never wavering on the record* (2 H 377, WCT Dr. J. Thornton Boswell; AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.9; Breo, "JFK's Death, Part III," pp.1749, 1752, 1754; also ARRB MD 23).

What are we to make of all this haggling? Well, first and foremost, it's clear that the autopsy report was incorrect, despite the three autopsy pathologists' refusal to concede their error. Second, it's equally obvious from the record that the autopsy surgeons decided, in the end, to rely on the language they drafted in the original autopsy report and not second-guess their contemporaneous records with recollections that were decades old. Dr. Boswell said as much in 1994: "All of the measurements and all of the information in the report were the most valid. And anything that might have been said subsequent to that had to be taken with a grain of salt . . . Jim [Humes] and I sat down a couple of years ago and agreed that the most valid statements are our original report, because we labored over that long and hard . . . I would refer anybody back to that—and swear by it" (Transcript of interview of J. Thornton Boswell by Gary L. Aguilar, on March 30, 1994, pp.3–4). Despite the confusion caused by their refusal to concede such an obvious error in the face of overwhelming evidence, there remains only one glaring, indisputable fact—the fatal bullet that struck the president's head was fired from *above and behind*.

- 397 **tiny fragments:** Dr. James Humes testified that even though the X-rays showed thirty or forty tiny dustlike particle fragments, he and his two colleagues (Boswell and Finck) did not see any of them as they explored the brain. X-rays, Humes explained, tend to magnify these minute fragments, so they were not too surprised they didn't see them during the autopsy. (2 H 353) Two larger fragments (one above the right eye, the other near the back of the head) *were* seen and removed.
- 398 **left "a trail of fine metallic debris":** At first, the autopsy pathologists could only speculate that the bullet (or bullet fragments) exited somewhere within the margins of the large hole on the right side of the skull, but had no direct evidence of the exact exit point. Dr. Pierre Finck noted in a 1965 memorandum that, aside from the large defect, no precise exit wound was identifiable during the initial examination of the skull. (Breo, "JFK's Death, Part III," p.1752; AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.2; also ARRB MD 28) But then, near the close of the autopsy, three skull fragments, found on the floor of the presidential limousine, were delivered to the autopsy room by the FBI (2 H 354, WCT Dr. James J. Humes; 7 HSCA 244; ARRB MD 60, Transcript of HSCA Med-

*Boswell told interviewers that the HSCA misinterpreted "a little piece of mucous" (Transcript of interview of J. Thornton Boswell by Gary L. Aguilar on March 30, 1994, p.5) or a "traumatic disfigurement of the scalp" (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.162–163) for an entrance wound in the cowlick area. Asked by the ARRB if, after reviewing the autopsy photographs, he had any reason to reevaluate the location of the entrance wound, Boswell answered, "Well, these figures [autopsy descriptive sheet] are more important to me than this [the photograph], because I—this [the photograph] I'm not sure of" (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, p.165). Boswell made an erroneous reference to the autopsy descriptive sheet in that the descriptive sheet contained no figures that pinpointed the location of the entrance wound (CE 397, 17 H 45). The only reference to location is in the autopsy report itself—"2.5 cm to the right and *slightly above* the external occipital protuberance."

ical Panel Meeting, March 11, 1978, p.20; AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.2; also ARRB MD 28; ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, p.106). In 1964, Humes testified before the Warren Commission that the fragments arrived from Dallas, but acknowledged that he didn't recall specifically where they had been found (2 H 354). Later, in 1977, Humes erroneously stated that one of the three fragments was "contained in the casket that brought the president to us" (7 HSCA 244). In fact, all three fragments were recovered from the presidential limousine shortly after 10:00 p.m. in the White House garage (HSCA Record 180-10075-10174, Letter from James J. Rowley to J. Lee Rankin dated January 6, 1964, p.3, HSCA Record 180-10001-10041, Secret Service report, Geiglein and Taylor, November 27, 1963; see also CD 80). Two additional fragments, making a total of five, were recovered from the scene of the shooting after the autopsy.

On the issue of the locus of the head *exit* wound, perhaps the most overlooked piece of medical and scientific evidence in books on the assassination that proves the exit wound was in the right front of the president's head is the fact that of the three fragments of the skull found inside the presidential limousine, the HSCA forensic pathology panel said that autopsy X-rays (numbered 4, 5, and 6) show that the largest one, triangular in shape, contained "a portion of the right coronal suture."* The "edge on the longest straight margin . . . meets a much sharper straight edge which represents an obvious fracture margin. At the junction of these two margins is a semicircular defect, described in the autopsy report as showing *outward beveling*, with small particles of radiopaque materials. These [particles] the [HSCA forensic pathology] panel considers to be missile fragments" (7 HSCA 120, 124; CE 387, 16 H 981). Although the bullet fragmented upon striking bone in the president's head, the HSCA concluded that the main part of the bullet literally exited along the coronal suture line to the right front of the president's head. And Dr. Humes, in his testimony before the Warren Commission, though not referring to the coronal suture, said, "The thing we considered of importance about these three fragments of bone was that at the margins of one of them, which was roughly pyramidal in shape, there was a portion of the circumference of what we interpreted as a missile wound . . . At the point of this defect . . . there was a shelving of the margin. This would, to us, mean that a missile had made this wound from *within* the skull *to* the *exterior*. To confirm that this was a missile wound, X-rays . . . showed radio-opaque material consistent and similar in character to the particles seen within the skull" (2 H 354-355).

Not only the X-rays but also computer enhancement of the autopsy photographs (Black and White No. 17 and Color No. 44) show that the semicircular defect at the coronal suture is encompassed by a bevel, or crater, on the outside surface of the skull, indicative of an exit wound (7 HSCA 118). Dr. Michael Baden told me, "The autopsy photographs clearly show that the semicircular defect was half of a bullet wound with an exit beveling, and this caused most of the damage to

*The coronal suture is the juncture between the parietal (side and top) and frontal bone. It is a seam or line approximately a third of the way back from the front of the skull that goes in a slightly irregular semicircle across the top and side of the skull. The low point of the coronal suture is located about 2 inches straight in front of the top of each ear lobe.

Kennedy's parietal and frontal bones" (Telephone interview of Dr. Michael Baden by author on January 8, 2000).

Although the autopsy report doesn't expressly mention whether the pathologists attempted a reconstruction of the head using the three fragments they received late that night, and some critics have charged that because of the alleged incompetence of the autopsy surgeons, none was done, Dr. Humes strongly indicated to the Warren Commission in 1964 that a reconstruction *was* attempted when he said that he and his fellow surgeons "found that the three pieces [of skull bone] could be roughly put together to account for a portion of [the] defect" to the right side of the president's head. What portion? Humes said that "approximately one-quarter of that defect was unaccounted for by adding these three fragments together and seeing what was left" (2 H 354). And the autopsy report says that the "three fragments of skull bone . . . in aggregate roughly approximate the dimensions of the large defect" (CE 387, 16 H 981; see also ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, p.199).

The fact that the largest fragment found of the president's skull was along the coronal suture, that this triangular fragment was one of three that, in the aggregate, lined up, on reconstruction, with the large defect to the right front of the president's skull, and that this large fragment of bone was beveled on its outer surface, rather than its inner surface, provide conclusive evidence of an exiting bullet to the right front of the president's head.

And let's not forget the commonsense observation that if in fact the bullet had first entered the president's head not from the rear, as the evidence shows it did, but at the right side of his head, as the conspiracy theorists allege (claiming the shot came from the grassy knoll), the bullet would never have caused the massive defect (wound) we know the president had to the right side of his head. That obviously was an exit defect, not an entrance wound, which would have been small and circular.

In 1977, the HSCA forensic pathology panel turned to Dr. J. Lawrence Angel, curator of physical anthropology at the Smithsonian Institute, to help in its attempted reconstruction of the exit wound, and asked him to identify and anatomically situate the two large skull fragments (not among the three found inside the presidential limousine) recovered after the assassination (7 HSCA 228).

One of the fragments, dubbed the "Harper fragment," was discovered around 5:30 p.m. on November 23, 1963 (the day after the autopsy was completed), by Texas Christian University premed student Billy A. Harper, who was taking photographs of the assassination site when he found a piece of human bone that, the FBI report of its interviews with Harper said, was "approximately 25 feet south of the spot where President Kennedy was shot." Harper took the fragment to his uncle, a physician, who called Dr. A. B. Cairns, the chief pathologist at Methodist Hospital in Dallas. Cairns arranged to have color slides taken of the fragment in the hospital's medical photography department. (CD 5, p.150; CD 1395, pp.50-51; ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, p.1) The Harper fragment and color slides were subsequently recovered by the FBI and turned over to Admiral George Burkley at the White House on November 27, 1963. The fragment was reportedly sent on to Bethesda Naval Hospital for "examination, analysis, and retention" (HSCA Record 10910385, Note of George

Burkley, November 27, 1963, 5:15 p.m.; also ARRB MD 54; ARRB MD 258, Meeting Report, Interview of Robert I. Bouck, on May 2, 1996, pp.2–3), though, in 1977, Burkley told the HSCA that he turned the Harper fragment over to the FBI (ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, p.6). Admiral Burkley did receive another skull fragment on November 27 from Secret Service agent Robert I. Bouck, which Burkley noted had been “turned over to the Secret Service by David Burros. It was apparently found on the parkway near the scene of the assassination” and marked “Fragment No. 2” for identification. (HSCA Record 10910385, Note of George Burkley, November 27, 1963, 5:15 p.m.; also ARRB MD 54) Both bone fragments turned over to Burkley were lost by the time the HSCA forensic panel convened in 1977. Although the Harper fragment was lost, two 35-millimeter color slides taken of it shortly after the assassination survived and were available for Dr. Angel’s analysis (7 HSCA 122–124).

Dr. Angel, who had studied hundreds of skeletons for law enforcement agencies over a fifteen-year period and thousands of archeological skeletons, declared the Harper fragment to be “clearly parietal bone” that had come from “roughly the middle of the right parietal” area (i.e., above the right ear). In his final report, Dr. Angel stated that one edge of the Harper fragment contained evidence of the sagittal suture (the irregular seam between two plates of skull bone that run front to back on the top of the skull), leading to his conclusion that the fragment originated “from the upper middle third of the right parietal bone.”*

The second skull fragment examined by Dr. Angel was not the “Burros fragment” (which, as indicated, had been lost by 1977) but was the largest of the three bone fragments (Nos. 4, 5, and 6) delivered to the autopsy room and x-rayed on

*Dr. Cairns had a different opinion. He told the FBI in 1964 that “the bone specimen looked like it came from the occipital [rear] region of the skull” (CD 1395, FBI interview of Dr. A. B. Cairns on July 10, 1964). In 1977, Cairns stated that it was his belief that the fragment came from an area “approximately 2.5 to 3 inches above the spine area” as determined from the “suture and inner markings where blood vessels run around the base of the skull.” Cairns stated that the fragment contained a small grayish discoloration suggesting lead had stained the bone. He said that the fragment showed no entry or exit wound but he believed the skull fragment “came from an area close to the entry wound [in the back of the head] by virtue of the way the ‘tables’ were broken.” (ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, pp.1–2) While Dr. Cairns had an opportunity to look at the actual bone fragment, there is no evidence that he examined it in anywhere near the depth that Dr. Angel studied the color slides of the fragment, nor was Cairns, a pathologist, an authority, like Angel, on skeletal remains.

It should be noted that for years the conspiracy community has alleged that by the Harper fragment being found “south” of where the president was shot, south meant “behind, in back of,” and if, indeed, the fragment came from the occipital (rear) area of Kennedy’s skull, finding the fragment to Kennedy’s rear would be consistent with this and would support the inference that the head shot came from Kennedy’s right front (where the conspiracy theorists have always alleged it came from), not the rear, where Oswald was. (Thompson, *Six Seconds in Dallas*, p.101; Groden and Livingstone, *High Treason*, p.198) But the fragment coming from Kennedy’s parietal bone negates the inference. More importantly, perhaps, when Harper told the FBI he found the fragment “south” of where the president was shot, the normal inference would be he meant to the left (i.e., the south side of Elm), not behind, which would be more east than south. On John McAdams Web site, he reports, “Researcher Millicent Cranor, in 1997, managed to locate William Harper and ask him to mark on a map the [precise] location [where he found] the fragment. Harper placed the ‘approximate location’ well *forward* of the location of the limo at the time of the head shot, and to the left [i.e., south side of Elm, on the grass]” (<http://mcadams.posc.mu.edu/harper.htm>). This would seem to finally put to rest the allegation of the conspiracy community that the Harper fragment was found to the rear of where the president was shot. Not that anything further is needed, but the high-contrast photo of Zapruder frame 313 in the photo section of this book clearly shows that all the brain matter and skull fragments from the president’s head are going in a forward direction.

the night of the assassination—the triangular-shaped bone fragment that the autopsy pathologists said contained a small portion of the exit perforation. Dr. Angel identified this second fragment as “clearly frontal bone.” One side of the fragment, adjoining the exit bevel, was determined to be a portion of the coronal suture. Based on the fragment’s orientation to the coronal suture, Dr. Angel concluded that the exit perforation on this fragment was “near the point where the temporal line crosses the coronal suture” (i.e., above and in front of the right ear). (7 HSCA 228–229, 247, 250, 252)

In addition to the two skull fragments that were examined, Dr. Angel and the HSCA forensic panel also took note of the semicircular defect, or notch, first spotted in autopsy photographs of the cranial cavity (Black and White Nos. 17 and 18 and Color Nos. 44 and 45) by Humes, Boswell, and Finck in 1967. Earlier, on November 1, 1966, two of the three autopsy pathologists, Humes and Boswell, along with the autopsy photographer, John Stringer, and the X-ray technician, John Ebersole, were asked to go to room 200-A at the National Archives Building to help categorize the autopsy materials, including the autopsy photographs, which none of them had ever seen. (Breo, “JFK’s Death—The Plain Truth from the MDs Who Did the Autopsy,” p.2800; NARA Record 179-30002-10345, November 1, 1966, appendix B—1st Medical Panel List; also ARRB MD 12; ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, p.7; 1 HSCA 327; also ARRB MD 21) The inventory from that review lists the images of the cranial cavity (Black and White Nos. 17 and 18, and Color Nos. 44 and 45) as depicting a “missile wound of *entrance* in the posterior skull, following the reflection of scalp.”

On January 20, 1967, Humes and Boswell returned to the National Archives to review the autopsy materials again, this time in the company of the third autopsy pathologist, Dr. Finck. It was Finck’s first opportunity to see the autopsy photographs taken the night of the assassination. (HSCA Record 180-10097-10151, January 26, 1967, pp.1–2; DOJCD Record 186-10001-10237, January 26, 1967, pp.2, 5; also ARRB MD 14; Breo, “JFK’s Death, Part III,” p.1750; ARRB MD 23; ARRB MD 32, Privileged communication, Pierre A. Finck, typed from handwritten notes of 1967, February 26, 1978) During this second review session, the three pathologists realized that the cranial cavity photographs showed something they hadn’t noticed before—a semicircular, outwardly beveled defect, or notch, near the right front of the head that they believed was “*the other half* of the margin of the exit wound” they *had* seen in a corner of the triangular bone fragment recovered from the limousine on the night of the autopsy (ARRB MD 14, Memorandum from James J. Humes, J. Thornton Boswell, and Pierre A. Finck, January 26, 1967, pp.2, 5; ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, p.195). At the end of the 1967 review session, the autopsy pathologists relisted the cranial cavity photographs as depicting an *exit* wound, rather than an *entrance* wound to the back of the head (as described in the 1966 inventory). However, the HSCA forensic pathology panel ultimately concluded in 1978 that the cranial cavity photographs, in fact, depicted *both* wounds (7 HSCA 128–129)—the *entrance* wound in the back of the head (i.e., in the cowlick area), *seen in the background* of the photographs, and the semicircular portion of an *exit* wound (i.e., the notch) located in the right front region of the skull (7 HSCA 118), as seen in the foreground of the photographs.

The cranial cavity photographs have a long history of being particularly difficult to orient. Dr. Humes and the HSCA forensic pathology panel had trouble determining (and hence, interpreting) the orientation of some of the autopsy photographs to each other when they reviewed them in 1977 (7 HSCA 245–250). Conspiracy theorists Drs. Gary Aguilar and Cyril Wecht have since claimed that “it is virtually impossible to know which side is up, to know which bones are in the image, what part of the skull is being photographed, etc.” (Crenshaw et al., *Trauma Room One*, pp.233, 281). Other conspiracy theorists claim that the photos *can*, in fact, be oriented properly and, presenting improperly rotated versions of the cranial cavity photos with sketches based thereon (e.g., Livingstone, *Killing the Truth*, pp.6–7 of photo section; and Livingstone, *High Treason 2*, pp.10–11 of photo section between pp.432 and 433), claim that the photos depict the back of the skull with an exit wound. But the keys to the correct orientation of the images are the lip of a glass specimen jar on, and a drainage hole in, the autopsy table, which are both visible in the photographs and are located at the top of the autopsy table. These details show that the photographer was standing at the head of the autopsy table, looking down into the cranial cavity, with the president lying on his back.

In its final report, the HSCA forensic pathology panel concluded that the semi-circular defect, or notch, seen in the margins of the large exit defect (as depicted in the cranial cavity photographs) and the beveled margin of the triangular fragment recovered from the limousine were both portions of a single exit wound located along the coronal suture in the right front region of the skull (7 HSCA 124, 176; HSCA Record 180-10120-10023, Memorandum, Andy Purdy to G. Robert Blakey and Gary Cornwell, December 20, 1978, p.2). The panel also concluded that the Harper fragment contained an additional portion of this same exit perforation (7 HSCA 124). In other words, all three outwardly beveled defects were portions of the *same* exit hole. The panel estimated the diameter of this exit perforation at 2.5 centimeters (approximately 1 inch) and felt that this was consistent with the size of a “single” exiting bullet “representing [close to] the mass of the two major [bullet] fragments recovered outside the body” and inside the limousine (7 HSCA 127–128).

However, the medical panel, quoting Angel (Memorandum from Angel to JFK Skull Review Committee, October 24, 1977, p.2), noted that “the two big loose fragments of skull [Harper fragment and the largest of the three bone fragments brought by the FBI to the autopsy surgeons near the end of the autopsy] . . . do not articulate with each other and leave three appreciable gaps unfilled” (7 HSCA 128). Assassinologist Dale Myers believes that these gaps necessarily mean that there was more than one significant exit hole within the large defect to the right frontal area of the president’s head. Though there may very well have been, as Myers said, at least two exit holes, it would not be automatic. The medical panel set forth two other possibilities: the “gaps may be accounted for by collapsed superimposed fragments of bone within the skull *or* there may still be fragments missing.”* The panel did

*Supportive of Myer’s position is a memo from HSCA staff counsel Andy Purdy to chief counsel Robert Blakey in which he says that with the Harper fragment, “it is the [medical] Panel’s opinion that there are *probably* no additional pieces of bone missing” (HSCA Record 180-10120-10023, December 20, 1978, p.2). But a January 6, 1964, memo from Secret Service chief James J. Rowley to Warren Commission general counsel J. Lee Rankin would seem to contradict Purdy’s memo. After the three skull fragments were removed from the

go on to say that if there were such fragments, it is, of course, possible that within any such fragment “there might be an additional exit defect if the principal missile had divided into two major fragments within the skull,” adding, however, the unlikelihood of this because the main exit defect the panelists could see was, as indicated, by itself consistent with the size of *one* bullet (7 HSCA 128).

Though it would be a non sequitur to conclude that a gap *has* to be caused by an exiting, fragmented bullet, the missile that struck bone in the president’s head (even though not a fragmenting, dum-dum bullet [2 H 356, WCT Dr. James J. Humes]) could easily have and most likely did fragment at least partially on impact, causing other very small and insignificant exit points when and if the bullet fragments emerged from the president’s head. That there was fragmentation of the bullet inside the president’s head finds support in the report of FBI agents James Sibert and Francis O’Neill Jr., who wrote that at the end of the autopsy Humes stated that a “bullet had entered the rear of the skull and had fragmentized *prior* to exit” (ARRB MD 44, FBI report of O’Neill and Sibert, November 26, 2003 p.5).

The fact that the fragmenting of the bullet caused *additional* small exit points finds support in the testimony of one of the president’s embalmers, Tom Robinson, who saw two or three small perforations in the president’s right cheek appear when formaldehyde seeped through the holes and began to discolor the skin slightly (ARRB MD 180, Meeting Report, Interview of Thomas E. Robinson, June 18, 1996, p.2). Dr. Robert F. Karnei Jr., the second-year resident, recalled that embalmers put some wax into these tears on the side of the face near the eye and when they were finished you could not tell there had been damage in the area (ARRB MD 178, Meeting Report, Interview of Robert F. Karnei Jr., May 21, 1996, p.3).

The HSCA medical panel ultimately concluded that the bullet that entered the rear of the president’s head “fragmented on impact, produced a number of outwardly radiating fractures, and proceeded in an essentially straight and forward path . . . The main core mass [of the bullet] probably existed in a single fragment that remained intact until striking the automobile, causing it to fragment into several pieces [two large fragments ending up on the front seat, and three small fragments on the floor]” (7 HSCA 176).

The point has to be made that whether or not the bullet that struck the president in the head fragmented *before* or *after* it exited his head into the fragments found in the presidential limousine doesn’t change the incontrovertible conclusion that only *one* bullet, fired from above and behind, struck the president in the head. All we’re talking about here is what happened to that *one* bullet after it entered the president’s head.

And the only possible relevance of a second exit hole somewhere within the large defect to the right front part of the president’s head is that if it was a *major* defect (unlikely, per the HSCA [7 HSCA 124, 127–128, 176]), though this would not alter

presidential limousine on the night of the assassination and delivered by the Secret Service to the autopsy surgeons, Secret Service special agent Morgan Dies and an unidentified (by agency) officer named Davis removed the bloodstains and the debris from the limousine late Sunday evening, November 24. Per Rowley’s report, “At that time, *there were still fragments of bone* and hair in the debris of the car which had *not* been removed” (HSCA Record 180-10075-10174, January 6, 1964, p.4). How many fragments of bone were found, what was their size, and what was done with them is not known. But we do know they could not have been a part of the skull reconstructive effort by the autopsy team two nights earlier.

the basic trajectory plotted from the president's head wounds by the HSCA in 1978 (to wit, that the shot came from up above and from the president's right rear), it could theoretically affect, though slightly, the precision of that trajectory.

398 **location of the wound:** The HSCA forensic pathology panel said it was frustrated in its effort to pinpoint the exact location of the back wound by the fact that in describing the location of the wound, the autopsy pathologists used body landmarks that change with different body positions rather than fixed body landmarks. Consequently, the panel said it was unable to reconstruct the exact entry point with any more accuracy than had been offered in the autopsy report (7 HSCA 87). However, the HSCA did point out that the X-rays demonstrate that the bullet missed the scapula (shoulder blades) and ribs. But in the process of articulating just where it was, the HSCA resorted to language not only unfit for a publication (its report) intended to be read by the public, but demonstrably in error. The HSCA said the entrance wound was "medial to the scapula and superior to the ribs." *Medial* means situated in the middle of. The wound was neither in the middle of the shoulder blade, nor, as the HSCA's own drawing (7 HSCA 85) shows, midway between the spine and the end of the shoulder blade to the right. It was, however, above (superior to) the ribs (7 HSCA 87).

399 **autopsy photographs of the back wound:** Black and White Nos. 11 and 12 and Color Nos. 38 and 39.

399 **Both holes:** A point that conspiracy theorists have raised over and over in their books is that the entrance holes in the president's coat and shirt were more than 2 inches lower in the back than the actual entrance wound in his body. But even if there wasn't an explanation for this, so what? Like virtually all criticisms by Warren Commission critics and conspiracy theorists, it doesn't "go anywhere," to use a trial lawyer's term. The typical critic just points out the discrepancy and then moves on (e.g., Meagher, *Accessories after the Fact*, p.142). But the discrepancy would only mean something if one were able to thereby conclude that the president was shot twice in the back, once where we know the entrance wound in the back was, and once below that where the holes in the coat and shirt were. But one can't conclude this because there is no evidence of a second entrance wound to the president's back, and no evidence of any holes to the back of the president's coat and shirt other than one to the coat and one to the shirt.

Conspiracy theorist Eddie Lopez argues that it would be impossible for a bullet entering at the level shown in Kennedy's shirt (about 4 inches below the collar), and fired from above, to exit at the wound in his throat (DiEugenio and Pease, *Assassinations*, p.71), but where does his argument go? Lopez doesn't dispute the wound in the throat (though being the conspiracy theorist he is, he probably believes it was an entrance wound), so what's his point? That in addition to the hole in the president's shirt 4 inches below the collar (which he says does not match up with the throat wound), there was *another* hole in the back (or front or side) of the president's shirt that *does* match up with the wound to the throat? Since Lopez doesn't say that, and since we know there was no second hole to the president's shirt, again, what's his point? Where does his argument go?

In any event, there is a perfectly sensible explanation for the apparent discrepancy. At the time Kennedy was struck in his upper right back, his right arm, as reflected in Zapruder frames 200–205, was elevated in the air, waving to the crowd.

Emerging from the Stemmons Freeway sign around Z225–226, his right arm has been brought down as though it were reaching for his throat. (CE 885, 18 H 15–18, 26; 5 H 151–152, WCT Lyndal L. Shaneyfelt) If the conspiracy theorists had given the matter just a second of thought, they would have realized that when one raises one’s right arm to wave, this automatically raises one’s coat and shirt behind. In fact, Kennedy had been waving to the crowd so much during the motorcade that even when he wasn’t waving to the crowd, one can see that his coat behind his neck remained elevated, or bunched up, from all the prior wavings, covering his back collar. The best examples of this are the Robert Croft photo (approximately frame 161) as the limousine is proceeding down Elm (see photo section in book), and the James Altgens photo of Kennedy and Connally as the presidential limousine is proceeding north on Houston Street just before the turn onto Elm.* In both photos, Kennedy is not waving, but his suit coat is still all bunched up from his prior waving. Connally, on the other hand, did not wave during the motorcade, and his coat is not bunched up. As a result, a good inch or so of the white collar on his shirt is clearly visible. (Croft’s photo: 2 HSCA 174; Altgens’s photo: 6 HSCA 53) In fact, even when the president wasn’t waving, every photo of him in the motorcade shows him with his right arm elevated, resting on top of the side of the car, causing the back of his suit to bunch upward.

Additionally, when Commission counsel Arlen Specter asked Dr. Humes what the muscular status of the president was, Humes said the president was “an extremely well-developed, muscular young man with a very well-developed set of muscles in his thoraco [thorax] and shoulder girdle.” When Specter then asked, “What effect would that have on the positioning of [his] *shirt and coat*?” Humes said, “I believe this would have a tendency to push the portions of the coat which show the defect here [CE 393, 17 H 24] somewhat higher on the back of the president than on a man of less muscular development.” Though Humes only referred to the coat in his answer, he made it clear shortly thereafter that he meant to include the shirt. Referring to a photo of the president just prior to his being shot in the back (CE 396, 17 H 28) in which the president, Humes noted, has “his [right] hand raised, his elbow bent, apparently in saluting the crowd,” Humes added that “I believe that this action would *further* accentuate the elevation of the coat *and the shirt* with respect to the back of the president” (2 H 366). The fact that the hole in the president’s coat was only about $\frac{3}{8}$ inch higher than that in the shirt is very persuasive evidence that the shirt bunched up on the president’s back to virtually the same extent as his coat did.

399 **the hole in the shirt:** Some critics have suggested that the slits in Kennedy’s shirt and tie were caused when doctors frantically cut away his clothes upon his arrival at Parkland Hospital. The HSCA, however, could find no evidence that the shirt collar or tie knot were cut during removal, noting that the slitlike irregularity of the tears in the fabric were typical of an exiting bullet. The panel concluded that the slitlike tear in the shirt and the nick in the tie knot were caused “beyond a med-

*The Croft photo is the best photo I have seen that clearly shows the bunching up of the president’s coat on his back, but the black-and-white reproduction of it in an HSCA volume (2 HSCA 174) was not as clear as I would have liked it to be to illustrate this point. When I found out from my sketch artist, Patrick Martin, that Croft had a very clear photo of this image, I wrote Croft at his home in Wyoming on March 5, 2005, and he was kind enough to authorize me to use the photo for this book.

ical degree of certainty” by the bullet that came out of the throat and not by a surgeon’s knife. Tom McAlexander, working as an aide to an FBI document examiner the day the president’s clothing arrived at the FBI, reported in 1978 that he “noticed blood and tissue in [the] area of the slit in [the] necktie which an FBI man [identified as Lyndal Shaneyfelt] removed with his thumb, but [which Shaneyfelt] didn’t write up in his report.” (HSCA Record 180-10093-10497, HSCA Outside Contact Report, October 2, 1978, p.1; 7 HSCA 89-91)

- 401 **FBI’s laboratory examination:** In a September 2005 article in a medical journal, Drs. Gary Aguilar, Cyril Wecht, and Rex Bradford take issue with several points in the FBI’s laboratory investigation of the president’s coat and shirt. Among other things, they quote what appears to be an erroneous statement in an HSCA volume that “the FBI laboratory’s initial description did not offer evidence concerning the direction of the fibers” (see 7 HSCA 91). However, FBI special agent Orrin Bartlett, the bureau’s liaison with the Secret Service, delivered the president’s coat and shirt to the FBI lab on November 23, 1963. The FBI lab reported its findings to the chief of the Secret Service on December 5, 1963, and this report clearly makes a reference to the direction of the fibers (CD 205, pp.153-154). If there is an earlier FBI lab report on this, I was unable to come up with it, and the HSCA gives no citation for its statement.

Remarkably, the doctors also argue that when the FBI expert who conducted the lab tests, Robert Frazier, told the Warren Commission that his positive conclusion about the direction of the fibers assumed (as it would have to, for *every* test) that the fibers “had not been altered from the condition [they] were in at the time” the holes were made, this meant that Frazier “was reluctant to take this ‘evidence’ very seriously.”

They also interpreted the HSCA’s statement, made over fifteen years after the event, that it could not draw “any independent conclusions based on its own observations” of the fibers because of the “intervening handling of the clothing” in the previous decade and a half (7 HSCA 83), a position the HSCA would *have* to take, as somehow strengthening their argument that the president’s back wound may not have been caused by a shot from the rear. (Aguilar, Wecht, and Bradford, “Neuroforensic Analysis of the Wounds of President John F. Kennedy: Part 2,” unnumbered pp.1-2)*

As previously indicated, the FBI lab in Washington, D.C., received the president’s coat and shirt the day following the assassination. All FBI agents, indeed all law

*Aguilar, Wecht, and Bradford don’t really say what their point is. Since the whole purpose of sending the clothing back to the FBI was for analysis, and since FBI agents are trained not to disturb evidence in any way prior to the forensic people examining it, and since, under any circumstances, the likelihood that sloppy handling of the coat and shirt would actually cause threads that were pointing outward to be pointing inward and those pointing outward inward, is almost nil, what point are these doctors making? Or is it the point (more likely) that sometime between the time the clothing was gathered by the FBI at Parkland Hospital and turned over to its agents for transport on a plane back east to the FBI lab for examination, conspiracy theorists somehow were able to snatch possession of the clothing and rearrange the direction of all the threads and then return it to the FBI’s possession? If the doctors are trying to make neither of these two points, what *is* their point? Answer: they have no real point. Their purpose is to find any theoretically possible problem with the case they can and then proceed, without bothering to ask if their finding “goes anywhere,” to conclude that the theoretical problem either negates the Warren Commission evidence on this point or points to the existence of a conspiracy, and then go on to the next theoretical problem or inconsistency they can find in the massive literature on the assassination. This worthless nitpicking is so very typical of the conspiracy community.

enforcement agents, are taught—and this is rudimentary—that when evidence is going to be examined by the lab, it should be preserved in its original condition. To assume that Agent Bartlett (or whoever else in the FBI or Secret Service handled the clothing) didn't know this and handled the threads in the back of the coat and shirt and those in the front of the shirt in such a way that they were reversed from their original position, is to make assumptions that are highly unrealistic and improbable, particularly when all the other evidence is consistent with a shot from the rear.

- 401 **had worked its way out through the back wound:** However, in 1995, Dr. Thornton Boswell told a reporter for the *Baltimore Sun* that he and his fellow surgeons had concluded that night that the bullet had “exited anteriorly” (*Baltimore Sun*, November 25, 1996, p.1). And in 1996, Boswell said that although there was speculation during the autopsy that the bullet had worked its way out during cardiac massage, that opinion was abandoned by the conclusion of the autopsy (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, p.79). In 1978, Dr. John H. Ebersole, acting chief of radiology at Bethesda Naval Hospital, testified that at about 10:00 to 11:00 p.m. “a communication had been established with Dallas and it was learned that there had been a wound of exit in the lower neck that had been surgically repaired. I don't know if this was pre-mortem or postmortem but at that point the confusion as far as we were concerned stopped” (ARRB MD 60, Transcript of HSCA Medical Panel Meeting, March 11, 1978, pp.4–5, 20). Ebersole's recollection is almost assuredly incorrect, however, considering the testimony of all other participants, including Boswell's fellow pathologists (see 2 H 367–368, WCT Dr. James J. Humes; AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, pp.3, 16; also ARRB MD 28). In addition to Humes's testimony and statements on this point (e.g., 2 H 361–362, WCT Dr. James J. Humes), Boswell himself told conspiracy theorist Dr. Gary L. Aguilar in 1994 that Humes did not speak to anyone in Dallas on the phone the night of the autopsy: “Not that night—early the next morning.” Boswell told Aguilar that by the end of the autopsy, “we were perfectly well satisfied about the course” of the bullet through Kennedy's neck, that it had “exited his thyroid cartilage,” though he did not mention the tracheotomy incision (Transcript of interview of J. Thornton Boswell by Gary L. Aguilar on March 30, 1994, pp.7–8). The evidence is very clear that it was this early-morning call that led to the conclusion that the bullet that entered the back had exited from the throat, and Boswell's and Ebersole's memories had simply failed them.
- 402 **path of the bullet:** The autopsy finding as to the track of the bullet that entered the president's back was buttressed by the HSCA forensic pathology panel's 1978 examination of the X-rays taken during the autopsy. The panel agreed, based largely on consultation with four radiologists, that X-rays of the president's neck and chest showed evidence of air and gas shadows in the right side of the neck (likely a result of air seeping into the bullet track after the tracheotomy incision was made), as well as a fracture of the right transverse process (a bony knob protrusion) of the first thoracic vertebra, located at the base of the neck (1 HSCA 199; JFK Exhibit F-32, 1 HSCA 202–203; JFK Exhibit F-33, 1 HSCA 206; JFK Exhibit F-34, 1 HSCA 211). The panel concluded that the fracture of the first thoracic vertebra could have been caused by the bullet striking it directly or by the force of the bullet passing very near to it, and the majority of the panel concluded that the bullet

did not strike the vertebral bone (1 HSCA 305, 317). Dr. Baden testified that the X-rays showed “no evidence of any metal or bone . . . fragments in the neck area” (1 HSCA 305). Although the 1968 Clark Panel and one member of the 1975 Rockefeller Commission stated that X-rays showed radiopaque particles (believed to be metal fragments) left behind by the bullet that passed through the president’s neck, the HSCA forensic pathology panel concluded that these white particles were, in fact, artifacts caused by dirt getting into the X-ray cassette or produced during the developing process—a rather common occurrence (1 HSCA 304–305; ARRB MD 59, Clark Panel Report, pp.13, 15).

- 403 **observations of the Parkland Hospital doctors:** Of questionable validity is the observation of one of the Parkland doctors, Dr. Robert Grossman, in a 2004 article he coauthored, that with respect to those Parkland doctors (like Carrico, Clark, Akin, and Salyer) who said that part of the exit wound to Kennedy’s head was in the occipital region, he believed they “were not using the term occipital in the strict anatomic sense, i.e., the area of the occipital bone,” loosely using *occipital* to refer to the parietal posterior of the president’s head (Levy, Sullivan, Faccio, and Grossman, “Neuroforensic Analysis of the Wounds of President John F. Kennedy: Part 2,” p.E4). We know from the autopsy X-rays and photographs that these doctors were wrong in placing the exit wound to the right rear of the president’s head, but it’s hard to believe that *any* medical doctor would confuse the occipital bone with the right rear of the president’s head. And actually, the exit wound, though mostly to the right front of the president’s head, did extend into the “occipital region.” (CE 387, 16 H 980)
- 403 **what did the Parkland doctors “see”?:** In 1981, the *Boston Globe* interviewed many of the Parkland doctors and nurses who saw the president’s head wound and reported that eight (five doctors and three nurses) said the Ida Dox tracing of autopsy photograph number 42 “does not show the wound as they recall it,” and that they “recalled seeing a large wound in the right rear of Kennedy’s head.” Nurse Doris M. Nelson told the *Globe*, “It’s not true,” when shown the tracing. “There wasn’t even hair [in the back of the head] . . . It was blown away. All that area was blown out.” (Ben Bradlee, “Dispute on JFK Assassination Evidence Persists,” *Boston Globe*, June 21, 1981, p.A23) Two additional nurses supported the position that the large exit wound was to the back of the president’s head. Registered nurse Patricia Hutton, who was present in Trauma Room One during the resuscitation effort, said in a typewritten statement to Parkland Hospital administrator Charles Price that the president was “bleeding profusely from a wound on the back of the head . . . [There was a] massive opening on the back of his head.” (Price Exhibit No. 21, 21 H 216) Registered nurse Diana Bowron, a pretty young British girl who had come to America just three months earlier with a burning ambition to meet the president of the United States, was present when the president, on a stretcher, was being wheeled into Trauma Room One from the presidential limousine. She told Warren Commission counsel that she “saw the condition of the president’s head.” Question: “You saw the condition of what?” “The back of his head.” Question: “And what was that condition?” “Well, it was very bad.” Question: “How many holes did you see?” “I just saw one large hole.” (6 H 136, WCT Diana Hamilton Bowron; burning ambition: Bowron Exhibit No. 3, 19 H 168) When it was suggested that perhaps they were mistaken, the nurses replied that they were firm in

their recollections. (Ben Bradlee, “Dispute on JFK Assassination Evidence Persists,” *Boston Globe*, June 21, 1981, p.A23)

- 403 **Grossman’s credibility on the matter may be questioned [footnote]:** I’m not comfortable citing Dr. Robert Grossman for his alleged observation in Trauma Room One for the simple reason that there is no strong evidence he was actually inside the room. If he was, and he saw all the things he claims to have seen, it’s curious why assistant Warren Commission counsel Arlen Specter didn’t have him testify before the Warren Commission, as he did with virtually all the other Parkland doctors who were present. (Fifteen testified. One exception would be Dr. Charles Crenshaw.) Moreover, Grossman never prepared any medical report of his observations that day. Yet in the *Boston Globe* interview with reporter Ben Bradlee, and subsequent articles he has coauthored in the medical journal *Neurosurgery*, not only does he claim to have seen a lot, but all of his observations are consistent with the findings of the Warren Commission. That itself is not disturbing, since there is very persuasive evidence that the main medical findings of the Commission were correct.

However, two things are most disturbing about Dr. Grossman’s observations. First, he apparently kept them to himself for eighteen years, the first time he spoke publicly on the matter being with Bradlee for the *Boston Globe* in 1981. Second, he told Bradlee that he saw two separate wounds, the “large defect in the parietal area above the right ear, and a second wound, about one-and-a-quarter inches in diameter, located squarely in the occiput.” Bradlee wrote that among the eleven Parkland doctors he interviewed, Grossman was “the only physician to report seeing two such distinct wounds.” (Ben Bradlee, “Dispute on JFK Assassination Evidence Persists,” *Boston Globe*, June 21, 1981, p.A23) No other Parkland doctor, including the two main ones who attended to Kennedy, Drs. Perry and Carrico, saw any wound to the back of Kennedy’s head, the most important reason being that Kennedy was on his back throughout his time in Trauma Room One and was never turned over. How is it then that Dr. Grossman saw this wound?

In their Warren Commission testimony, the fifteen doctors who were in Trauma Room One, attending to the president in one way or another, all referred at one time or another to other doctors who were present and what they were doing. But only one of them, Dr. Kenneth Everett Salyer, made a reference to Dr. Grossman, and it was not the type of reference that would inspire confidence in what Grossman had to say many years later. Salyer: “I think just right after I came in the room Dr. Clark and Dr. Grossman also arrived.” Specter: “Doctor who?” “Dr. Grossman, just briefly.” “What is his name?” “Dr. Grossman—Bob Grossman. He was just there, I think, briefly.” “How long was he there?” “I couldn’t say—I’m not sure he came in the room.” (6 H 81) Nowhere else does Grossman’s name appear in the testimony of the fifteen Parkland doctors who testified before the Commission. But if Grossman did what he claims he did in his 2003 article in *Neurosurgery*, and was seen doing it by his colleagues, how is it possible that not one of them, including Dr. Kemp, mentioned his name or having seen him do what he was now claiming? Grossman wrote, “[Dr.] Kemp and I went to examine him. We stood behind the President’s head, Kemp on the left side and I on the right . . . Kemp and I lifted his head to inspect the occiput. There was a laceration approximately one inch above the external occipital protuberance.” (Sullivan, Faccio, Levy, and Grossman, “Assassination of President John F. Kennedy: A Neuroforensic Analysis—Part 1,” p.1022)

- 404 **“incorrectly assumed it was cerebellum tissue”**: Thirty-three years after the fact, even Dr. James Humes seems to have become confused on this issue. Although his own autopsy report only lists damage to the cerebrum and mentions no damage to the cerebellum, in his ARRB deposition in 1996, though he didn't say that the cerebellum was protruding from the president's head, he said that “as I recall,” the *left* cerebellum was “to some extent disrupted,” he presumed by “the explosive force of the missile as it entered near there.” But when shown a photograph of the president's brain, he said “it would appear the *right* cerebellum has been partially disrupted . . . not the left.” (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.106, 204, 209–210)
- 406 **someone “could have pulled a flap of the president's skin”**: In a one-hour special, “Who Shot President Kennedy?” on the award-winning PBS science series *Nova* on November 15, 1988, Dr. Robert McClelland categorically stated that one of the autopsy surgeons had “taken this loose piece of scalp, which is hanging back this way [demonstrating] . . . and pulled the scalp forward to take a picture. Naturally, the scalp appears to be in its normal state.”
- 406 **“gunshot wound of the left temple”**: Though we know from the autopsy X-rays and photos, as well as from the personal observations by most of the witnesses, including all three autopsy surgeons, that there was no gunshot wound to the left side of the president's head, several witnesses in addition to Dr. Jenkins reported seeing something that did not exist. For example, Dr. Adolph Giesecke Jr. said, “The cranium was entirely missing . . . on the left-hand side of the head, . . . but this is just my memory of it” (6 H 74); Father Oscar L. Huber saw a “terrible wound” over the president's left eye (*Philadelphia Sunday Bulletin*, November 24, 1963, p.3); Norman Similas, *alleged* Dealey Plaza witness: “I could see a hole in the President's left temple” (*New York Times*, November 23, 1963, p.5). A Dr. David Stewart claims he was in Trauma Room One and in addition to saying that it was his opinion and that of his colleagues that the head shot came from the front, told an Oakland radio interviewer, Joe Dolan, on April 10, 1967, that he also saw “a small wound in the left front of the president's head” (Weisberg, *Post Mortem*, pp.60–61). Stewart may, indeed, have been present in Trauma Room One, but unlike all the other doctors who we know were there, none of the doctors mentioned his name in their testimony.
- 408 **“we couldn't see the rear portion of his head”**: Even though we know the Parkland doctors never turned the president's body over (3 H 382, WCT Dr. Malcolm O. Perry), one Parkland doctor says he saw the rear of the president's head. Dr. Robert G. Grossman told the ARRB in 1997 that he (along with Dr. Kemp Clark) lifted the president's head and observed not a large gaping hole but a small circular puncture wound in the occipital region (which he characterized as an entry wound), approximately 2 centimeters ($\frac{4}{5}$ inch) in diameter (ARRB MD 185, Meeting Report, Interview of Robert G. Grossman, April 14, 1997, p.1; see earlier end-note discussion of Dr. Grossman).
- 409 **eyewitnesses to this supposed back-of-the-head exit wound**: Two on the list of eyewitnesses played minor roles during the autopsy: Jan “Nick” Rudnicki, a lab technician, said the “back-right quadrant of the head was missing,” (HSCA Record 180-10105-10397, Summary Report, Interview of Jan G. Rudnicki, May 8, 1978), and James E. Metzler, a third-class corpsman who was in the autopsy

room for around five to ten minutes before the autopsy commenced, claimed the wound was located toward the back of the head (Lifton, *Best Evidence*, pp. 631–633).

Five others provided testimony that is so contradictory to the known facts or to other statements they themselves made, that one questions whether their observations are even worthy of mention. The five include Dr. John H. Ebersole, acting chief of radiology at Bethesda Naval Hospital, who testified in 1978 that “the back of the head was missing” (ARRB MD 60, Transcript of HSCA Medical Panel Meeting, March 11, 1978, pp.3–4). Ebersole also claimed that the throat wound had been sutured (it wasn’t) by the Parkland doctors (ARRB MD 60, Transcript of HSCA Medical Panel Meeting, March 11, 1978, pp.3–4), that full-body X-rays were taken before the autopsy started (they were taken at the midpoint, ARRB MD 60, Transcript of HSCA Medical Panel Meeting, March 11, 1978, pp.47–48), and that the autopsy pathologists learned of a bullet wound in the throat the night of the autopsy (they actually learned of it the following morning, ARRB MD 60, Transcript of HSCA Medical Panel Meeting, March 11, 1978, pp. 4–5, 20). Dr. Robert F. Karnei Jr., the second-year resident pathologist at Bethesda, told conspiracy author Harrison Edward Livingstone in 1991 that “most of the bone that was missing (and most of the brain) was destroyed in the back of the head” (Livingstone, *High Treason 2*, p.182). However, five years later, in a statement to the ARRB, Karnei described a wound very similar to that described in the autopsy report, saying he recalled one wound in the “right side of the head approximately above the right ear, and another wound in the posterior skull, up high in the back of the head, either in the center, or just left of center.” He also said that “the upper posterior skull sagged a bit; i.e., was a bit concave in shape.” Karnei, who acknowledged that he was not in the autopsy room when the president’s body was brought in, claimed that he saw the president being undressed on the autopsy table (the body arrived nude), and said he had a “vague recollection” of pants being removed from the president’s body. (ARRB MD 178, Meeting Report, Interview of Robert F. Karnei Jr., May 21, 1996, pp.1–2)

Edward F. Reed Jr., a student X-ray technician, told the HSCA in 1978 that there was a very large head wound located “in the right hemisphere in the occipital region” (ARRB MD 194, HSCA Interview Report of Edward F. Reed Jr., April 21, 1978, pp.1–2), yet in 1997 Reed said the wound was above and slightly forward of the right ear, and that the back of the head was intact (ARRB Deposition of Edward F. Reed, October 21, 1997, pp.27–29). Reed also claimed that he was the principal person responsible for taking and developing the X-rays (Jerrold Custer claimed he was) (ARRB Deposition of Edward F. Reed, October 21, 1997, p.53; ARRB Deposition of Jerrold Francis Custer, October 28, 1997, p.103), and that Humes used a saw to cut the forehead bone (no saw was necessary) (ARRB Deposition of Edward F. Reed, October 21, 1997, p.76). Jerrold Custer, an X-ray technician, said that most of the destruction to the head was toward the occipital area. “The further back you got the worse the destruction became. And the more gaping the hole became.” (ARRB Deposition of Jerrold Francis Custer, October 28, 1997, p.138) Later, when it was pointed out that the opposite was true, Custer agreed (ARRB Transcript of Proceedings, Deposition of Jerrold Francis Custer, October 28, 1997, p.141). Custer also recalled that a bullet fell out of the body while preparing to take X-rays (something

he had apparently never mentioned in the previous thirty-four years in interviews with several people, including author Gerald Posner and conspiracy authors David Lifton and Harrison Edward Livingstone); that when the casket was opened, the president was dressed in a suit (the body was nude); and that a good portion of the internal organs, including the brain, had been removed before Custer took X-rays of the skull (the skull X-rays were taken first)(ARRB Transcript of Proceedings, Deposition of Jerrol Francis Custer, October 28, 1997, pp.53, 81, 85–87, 89). And finally, Tom Robinson, one of the four embalmers for Gawler's Funeral Home, described (in a rather vague 1977 interview) an orange-sized hole "directly behind the back of his head" between the ears (identified by Robinson as an *entry* wound in a 1996 interview), and a quarter-inch bullet hole in the right temple (identified by Robinson as an *exit* wound in 1996) (HSCA Record 180-10089-10180, Interview of Thomas Evan Robinson, January 12, 1977, pp.1–3; also ARRB MD 63; ARRB MD 180, Meeting Report, Interview of Thomas E. Robinson, June 18, 1996, p.2). Robinson also claimed that a federal agent showed him a glass vial, similar to a test tube, containing about ten tiny bullet fragments removed from the president's brain (only two were removed) (ARRB MD 180, Meeting Report, Interview of Thomas E. Robinson, June 18, 1996, pp.1–2).

- 409 **the large head wound:** In a transcribed interview circa 2000–2005, James Jenkins said the large wound to the president's head "probably ran from the temporal right above the ear to the sagittal suture and then back, maybe to the . . . occipital area" (Law with Eaglesham, *In the Eye of History*, p.72).
- 409 **Paul O'Connor:** In an earlier interview by the HSCA, Paul O'Connor said there was a massive hole from the "occipital around the temporal and parietal regions" (HSCA Record 180-10107-10448, Memorandum, Jim Kelly and Andy Purdy to Ken Klein, August 29, 1977, Interview of Paul K. O'Connor on August 25, 1977, pp.5–6; also ARRB MD 64).
- 410 **position is supported by the autopsy photographs:** A popular theory in the conspiracy community is that the reason why a particular autopsy photo of the back of the president's head shows no large defect is that one of the autopsy doctors, before the photo was taken, took the flap of scalp that had come loose on the *right* side of the president's head and pulled it all the way backward to cover and hide the large defect, thereby making the back of his head look normal (Law with Eaglesham, *In the Eye of History*, p.164). I will not devote one word to responding to this insanity. But I *will* ask the zany conspiracists, Who was present in the presidential limousine after the president was shot to pull the flap back and make the back of the president's head look undamaged in the Zapruder film?
- 410 **the Zapruder film itself:** Marilyn Sitzman, Abraham Zapruder's office receptionist who was standing right next to him at the time of the shooting, said that the president was "hit" by a shot "on the side of his face . . . above the ear and *to the front* . . . between the eye and the ear . . . And we could see his brains come out, you know, his head opening" (Transcript of taped interview of Marilyn Sitzman by author Josiah Thompson on November 29, 1966, in Thompson, *Six Seconds in Dallas*, p.102).

When Sitzman said the president was "hit" on the side of his face, common sense tells us that she would have no way of knowing *where* he was hit, and she was only referring to where she saw the horrible wound. Perhaps ninety-nine out of a

hundred people, seeing the right side of Kennedy's head open up, would loosely say, "That's where he was hit." They obviously would only be referring to the *result* of the hit, what they saw, not whether the wound was an entrance or exit wound, which they would be in no position to determine. Yet intelligent people like conspiracy author David Wrone actually seize on this loose language as meaning that the shot came from the grassy knoll, not Kennedy's rear. For instance, Wrone cites not only Sitzman for this proposition, but also the affidavit of Dealey Plaza witness William Newman (CE 2003, 24 H 219), where Newman says he saw Kennedy "hit in the side of his head." Wrone writes, "A side hit could not have come from the rear" (Wrone, *Zapruder Film*, pp.184–185).

- 410 **silly conspiracy theorists:** Indeed, one conspiracy theorist, radiologist Randy Robertson, swears he can see what no other human can. He says the Zapruder film shows a "large skull fragment being ejected from the top *rear* of the president's head," resulting from a "second gunshot to the head which originated from the right front of the motorcade" (Speech by Randy Robertson to Coalition on Political Assassinations, Washington, D.C., October 21, 1995). The most comprehensive article yet written to support the position that the gaping exit wound was to the "back of JFK's head" is by Dr. Gary Aguilar ("The Converging Medical Case for Conspiracy in the Death of JFK," in Fetzer, *Murder in Dealey Plaza*, pp.175–193, 196–218).
- 412 **his conclusion it was an entrance wound:** To illustrate Dr. Perry's natural and expected confusion at the time (understandable in view of the frenzied and rushed circumstances and the reality that it wasn't his job to make these determinations), he told the assembled media that the large gaping wound to the right side of the president's head, which we now know was the exit wound, "could have been . . . the exit wound *from the neck* . . . There are two wounds, one of the neck and one of the head. Whether they are directly related or related to two bullets, I cannot say" (Transcript of News Conference at Parkland Hospital with Wayne Hawks, November 22, 1963, pp.4–5, LBJ Library).
- 412 **account of the press conference [footnote]:** But Paul Mandel, writing for *Life* magazine on December 6, 1963, was much worse. Trying to reconcile Perry's statement that the bullet entered the president's throat from the front with Mandel's belief that Oswald did all of the shooting from the rear, Mandel, remarkably, says that the Zapruder film (in *Life's* custody since November 23) "shows the President turning his body far around to the right as he waves to someone in the crowd. His throat is exposed—toward the sniper's nest—just before he clutches it" (Mandel, "End to Nagging Rumors," p.52F). Kennedy did not do what Mandel said he did (he made no turn at all toward the sniper's nest), and where Mandel came up with this terrible distortion is unknown. It's hard to believe he made it up, since he would know the film would prove the falsity of his statement, though in point of fact, the American public would not see the film for themselves until 1975, twelve long years later.
- 412 **Dr. Charles Carrico:** Dr. Carrico, who died in 2002, was in later years a professor and chairman of the Department of Surgery at the University of Texas, Southwestern Medical Center in Dallas.
- 413 **The medical team that treated the president:** By and large, most of the Parkland doctors, after reading the autopsy report and seeing the autopsy photographs,

have agreed that their original observations were incorrect and have not quarreled with the findings of the Warren Commission and HSCA. Speaking for himself and Drs. Baxter, Jenkins, and Perry, Dr. Charles Carrico told *JAMA* in 1992 that “nothing we observed contradicts the autopsy finding that the bullets were fired from above and behind” (Breo, “JFK’s Death, Part II,” p.2805). On the other hand, as one of the Parkland doctors, Paul C. Peters, told author Harrison Edward Livingstone in 1995, “We no doubt were influenced by subsequent discussions [with] the people from Bethesda and the Warren Commission” (Livingstone, *Killing Kennedy and the Hoax of the Century*, p.393).

- 414 **Parkland doctors . . . gave an opinion:** Dr. Paul C. Peters did not see the wound before the tracheotomy, but testified that the doctors in attendance speculated that the throat wound was a wound of entry and the bullet exited the large gaping wound to the right side of the president’s head. “It is a known fact that high-velocity missiles often have a small wound of entrance and a large wound of exit,” he said. (6 H 71)
- 414 **Why weren’t Parkland doctors aware of the wound to the president’s back?:** Dr. Charles Carrico testified before the Warren Commission that while the president still had a pulse, he placed his hands behind his back to see if there were any “large wounds [there] which would be an immediate threat to his life.” He said he ran his hands “up his back . . . all the way up to his neck very briefly” but “felt nothing other than the blood and debris. There was no large wound there.” (3 H 359–360) In 1999, Dr. Carrico elaborated on his testimony to me. Carrico said that standing in back of the gurney, he put both of his hands—one on the president’s right side, one on the left—under the president’s back, a little above the waist. Each of the hands, not touching each other, was about “half a hand’s breadth” from the spine, and he moved them up the president’s back, trying to feel “if there was any large defect that was letting air in and out instead of through the windpipe.” Were that so, “the lung collapses and the patient can’t breath,” which would be fatal “if not treated immediately.” He said he did not feel the small hole in the upper right part of the president’s back and theorized that the reason he didn’t was that “I may not have gotten that high with my hands.” He said that his “to his neck” testimony may have been an “overstatement,” explaining that since he was looking for a large wound in the chest area, “the neck wouldn’t have been an issue.” He added that even if his right hand had reached the president’s upper back wound, he would “very likely have passed over it. You see what you’re looking for, and I was looking for a large wound, not a very small one, as the president’s wound was.” (Telephone interview of Dr. Charles Carrico by author on November 22, 1999)
- 415 **“[it] would have been meddlesome”:** Although when Dr. Marion Jenkins was asked whether any examination of the president’s back was made before the president expired, he responded in his Warren Commission testimony, “No, no. I’m sure there wasn’t” (6 H 49), Dr. John K. Lattimer wrote in his 1980 book, “Actually, the chief anesthesiologist, Dr. M. T. Jenkins, was aware that there was a hole in the back of the President’s neck, because in the process of positioning and stabilizing Kennedy’s head and pushing up on his neck to straighten the airway for easier passage of the oxygen he was pumping in, his spread fingers had felt the small hole on the back of the neck. Its presence was completely overshadowed by the desperate efforts of resuscitation, and Dr. Jenkins knew that subsequently it would be

inspected by experts, although he *did* mention it. He could also see a wound of exit on the front of the throat, and there was no doubt in his mind that it was the exit wound of the bullet that had entered the back” (Lattimer, *Kennedy and Lincoln*, p.153). Dr. Lattimer told me that Jenkins, since deceased, told him all of this directly (Telephone interview of Dr. John K. Lattimer by author on October 28, 1999).

Parkland Hospital nurse Diana H. Bowron reportedly told conspiracy author Harrison Edward Livingstone in 1993 that she saw the entrance wound in the president’s back while preparing the body for placement in the coffin. Bowron did not mention the back wound in her 1964 testimony to the Warren Commission (6 H 134–139).

- 419 **receiving a call from anyone at the White House:** Very predictably, when Dr. Crenshaw came out with his book containing the highly unlikely LBJ allegation, someone came out of the woodwork to support his story, and just as predictably it appeared to be a phony story. On July 15, 1992, one Phyllis Bartlett, the chief telephone operator at Parkland Hospital on the day of the assassination, wrote the following to the *Dallas Morning News* for their “Letters from Readers” section (the letter was not published): “People who have never been to Texas have been writing articles and books for years (making lots of money) on what happened in Dallas and Parkland Hospital November 22, 1963. Now we have a man [Crenshaw] who writes the facts as he witnessed them, and some writers, who do not have enough initiative to do their research thoroughly, want to call it a pack of lies. I refer to the review by Larry Sutherland, *Dallas Morning News*, June 28th, of Dr. Crenshaw’s book, *JFK: Conspiracy of Silence*. There are still people who have not come forward yet, that could have helped Mr. Sutherland get his facts straight had he bothered to check. There very definitely was a phone call from a man with a loud voice, who identified himself as Lyndon Johnson, and he was connected to the operating room during Oswald’s surgery.”

Bartlett’s problem is that although Sutherland may or may not have researched his story, unfortunately for her, David Perry, the debunker of assassination kooks, did, and it clearly appears that Bartlett, like hundreds before her and hundreds after, made up her story.

Perry called Charles Jack Price, the administrator of Parkland Hospital at the time of the assassination, and Bartlett’s boss. Price told Perry that he did not believe that Lyndon Johnson called Parkland Hospital, as Crenshaw said in his book, and personally told Crenshaw this when Crenshaw called him at the time Crenshaw’s book came out. Price said the switchboard staff reported to him, and told Perry there simply was no way a switchboard operator would get a call from the president of the United States and not tell everyone about it. He also felt it was inconceivable that a call from the president would be forwarded to a “junior resident” like Crenshaw. (Telephone interview of Charles Jack Price by David Perry on April 14, 1993)

After the assassination, Price had asked for and obtained written reports from employees and department heads at the hospital on what happened on their watch (Letter from David Perry to author dated January 8, 2006, p.11; see also the Price Exhibits, 21 H 150–269). And in Bartlett’s detailed, typewritten, single-spaced, three-and-a-half-page “Report, Nov. 22 through Nov. 24, 1963” (undated, but most likely written in late November 1963), which Price furnished Perry a copy of, she couldn’t find the space to say one word about receiving a phone call from the pres-

ident of the United States. Yet she reported receiving all types of other calls that apparently were much more important for her to take notice of. She even reported calls received by other operators on her watch. But LBJ simply wasn't important enough to pass muster for Bartlett's report. The following are a few of the calls that did pass muster: "I answered a call, a man, almost crying, demanded we get his call through, saying 'This is an emergency, operator, get this call through.' He gave his number and C.C. number. The long distance operator on the call told him that that was not the correct C.C. number"; "A direct dial long distance call from Ohio, a woman is tying up the operator telling her that she is with the underground and can bring the president back to life"; "One little colored boy wants to talk to his daddy, the president—laughs—and hangs up." The closest to the alleged LBJ call on November 24 was this one: "Another woman calling wanted (long distance) to talk to surgery nurse, administrators office or Oswald's Dr's. We cannot connect her so she wants to talk to the operator, so we finally listen just to get her off the line—she wants to suggest that we put Oswald under hypnosis and get the truth out of him, then let him die." But no LBJ.

Bartlett even finds space to write things such as "The main kitchen sends coffee—best cup of coffee I have ever had at this hospital—the telephone man thinks so, too," but no LBJ. Ms. Bartlett, you should be ashamed of yourself.

At some point back then in 1992, Bartlett realized, or it was brought to her attention, that she never made note of LBJ's alleged call in her report to Price, so she wrote a letter to Crenshaw saying she never made note of LBJ's call because she believed it was a prank and did not think it was anything unusual (FBI Record 124-10273-10418, FBI interview of Dr. Crenshaw on July 22, 1992, p.6). But this appears to be an embarrassingly weak effort on Bartlett's part to cover up. Number one, we've seen that her report included all types of crazy calls, like the one asking to hypnotize Oswald and the one claiming she could bring the dead president back to life. But again, LBJ couldn't make the cut to be mentioned by the very discriminating (according to her) Ms. Bartlett. Second, if she thought it was a prank call, why did she transfer the call, as she claims she did, to the operating room? Finally, in a 2003 appearance on Nigel Turner's History Channel production, *The Guilty Men*, Bartlett gives the lie herself to her claim she thought it (her phony story) was a prank call when she said, "The call came in and said 'Hold the line for the President.' And for a second I couldn't, you know, I was still thinking of Kennedy. And . . . then in a few seconds . . . he came on in a loud voice. He said 'This is Lyndon Johnson, connect me to the accused assassin's doctor.' It sounded the same as it had been on newscasts when I would hear him speak." So if all this is true, Ms. Bartlett, why didn't you mention any of it in your report to Mr. Price?

420 **his [Breo's] article:** *JAMA* editor George Lundberg and *JAMA* national correspondent Dennis L. Breo interviewed autopsy surgeons James Humes and J. Thornton Boswell for two days in a Florida hotel in April of 1992.* *JAMA* staff writer Dennis Breo wrote a ten-page article based on the interview and the presi-

*The third autopsy surgeon, Dr. Pierre Finck, was in Switzerland at the time. Breo interviewed Finck in Geneva, on August 19, 1992, and reported on the interview in the October 7, 1992, edition of *JAMA* (Breo, "JFK's Death, Part III," pp.1748-1754; Lundberg, "Closing the Case in *JAMA* on the John F. Kennedy Autopsy," p.1736).

dent's autopsy, which was published in the May 27, 1992, edition of *JAMA*. *JAMA* concluded that "the scientific evidence they [autopsy surgeons] documented during their autopsy provides irrefutable proof that President Kennedy was struck by only two bullets that came from above and behind from a high-velocity weapon that caused the fatal wounds." (Breo, "JFK's Death—The Plain Truth from the MDs Who Did the Autopsy," pp.2794–2803; "Murder of Innocence," p.11; for a good critique of *JAMA's* article as well as the fact that it was accepted and unchallenged by the mainstream media, see Smith, "JAMA Knows Best," pp.49–50)

- 421 "vertically the bullet had moved slightly upward": In the autopsy surgeons' autopsy descriptive sheet containing two drawings, one of the front, the other of the back side of the president's body (CE 397, 17 H 45), in the one of the back side the surgeons placed the entrance wound far enough down the president's back so that it is actually a few inches *below* the exit wound in the throat. Therefore, to the unschooled mind, the bullet could not have been fired from up above, where Oswald allegedly was. Dr. Thornton Boswell, who said he prepared the diagram during the autopsy, would later say, "This was unfortunate. If I had known at the time that this sketch would become public record, I would have been more careful." Though conceding that the dot he put for the entrance wound was too low,* he said the notes he wrote on the drawing did locate the wound correctly.† He said his diagram "was strictly a work sheet. The same as rough working notes. You could see that by looking at it. It was very dirty. Its sole purpose was to indicate for the autopsy doctors, right, left, front, back—things like that." (*New York Times*, November 25, 1966, p.30) And Dr. Humes told Dan Rather in 1967, "The outlines of the [human] figure" on the autopsy descriptive sheet "are already prepared. These are on sheets of paper present in the room in which the [autopsy] examination is conducted, and are routinely used to mark *in general* where certain marks or scars or wounds may be . . . They are never meant to be accurate or precisely to scale." Humes went on to say that precise measurements *are* inserted on the margins of the autopsy descriptive sheet.‡ (Transcript of *CBS News Inquiry: The Warren Report*, part II, June 26, 1967, p.11, CBS Television Archives)

And this is the position taken by the HSCA, which referred to the drawings as "a crude representation used as a worksheet primarily to assist in the preparation of the [autopsy] report and was not necessarily an exact representation of the wound. The majority of the [forensic pathology] panel agrees that if the wound was located as low as represented on the worksheet, it probably would have penetrated and collapsed the right lung, an effect that would have been apparent on the initial chest X-ray" (7 HSCA 88–89). Indeed, it would have necessarily exited

*Dr. Pierre Finck, when he testified for the defense at the Clay Shaw trial in New Orleans, also acknowledged that the wound to the president's back "was higher" than what is shown in Boswell's sketch (HSCA Record 180-10097-10183, Testimony of Pierre A. Finck, *State of Louisiana vs. Clay L. Shaw*, February 24, 1969, p.71).

†The penciled notes of Dr. Boswell to the right of the wound on the diagram read that the wound was 14 centimeters (5½ inches) from the right acromion process (the tip of the right shoulder joint) and 14 centimeters below the tip of the right mastoid process (the bony point immediately behind the ear).

‡Humes added (not in published CBS transcript) that if the wound had been as low as the mark on the diagram indicates, "this missile would have to have penetrated the shoulder blade of the President, which it did not . . . The X-rays show that it . . . struck no bony structures whatsoever" (*New York Times*, June 27, 1967, p.25).

Kennedy's body in the upper part of his chest, which is significantly lower than where we know it exited, in his throat. The autopsy surgeons would have had no way of imagining that generations of conspiracy buffs would be scavenging endlessly for any discrepancy at all to attack the autopsy findings. Coupled with the fact that they knew there were photos and X-rays of the president's wounds to establish their exact location, the autopsy surgeons therefore didn't make a sufficient effort to be precise, and Dr. Boswell, as indicated, has acknowledged that his drawing was in error, the entrance wound being too low (see also Breo, "JFK's Death—The Plain Truth from the MDs Who Did the Autopsy," p.2800).

Another reference cited by critics indicating that the wound was too low in the back for the bullet to have exited where it did is the president's certificate of death, prepared and signed by his physician, Admiral George Burkley, on November 23, 1963. Burkley reports that the wound was "in the posterior back at about the level of the *third* thoracic vertebra" (HSCA Record 180-10109-10383, Certificate of Death, November 22, 1963; ARRB MD 6). This is clearly in error, since X-rays examined by the HSCA show the bullet's passage to be adjacent to the *first* thoracic vertebra, several inches above the location noted by Burkley (1 HSCA 199).

421 "it was proceeding on a slightly *upward* path through his body": Articulating this reality in one of the HSCA's paragraphs gave rise to a response so typical in the conspiracy community. Once the conspiracists find a seeming problem or contradiction, they are satisfied, even though it "doesn't go anywhere." In 7 HSCA 87, the forensic pathology panel wrote that upon examination of photographic enhancements of the autopsy photos of the entrance wound to the president's back, "when the [president's] body is *repositioned* in the anatomic position (not the position [it was in] at the moment of shooting) the direction of the missile in the body on initial penetration was slightly upward, *inasmuch as the lower margin of the skin is abraded in an upward direction. Furthermore, the wound beneath the skin appears to be tunneled from below upward.*" Naturally, what one only hears in the conspiracy community is that the lower margin of the wound is abraded upward, not adding that this is *only so when*, as the HSCA said, "the body is repositioned in the anatomic position." It would seem to be that by straightening Kennedy's body out into an anatomic position, not only does the bullet track (which is always downward) go upward anatomically, but since the entrance wound is a part of that track, it too is now abraded upward. If that's not the answer, then the language in 7 HSCA 87 is simply incorrect, which certainly would not be the first time for the HSCA. Indeed, when I spoke to two members of the HSCA forensic pathology panel about the language in 7 HSCA 87, their attempted explanations were so incomprehensible and incoherent that they don't lend themselves to repeating.

And on the issue of whether 7 HSCA 87 is incorrect with respect to its "*abraded upward*" language, the HSCA pathologists didn't, of course, see the actual entrance wound, only photos of it. Dr. Humes, however, did see the wound, and apart from the fact that we know the bullet was traveling on a downward trajectory, the *abrasion* collar itself indicated that it was to him. (ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, p.8) And as to the wound track being "tunneled upward," Dr. Robert K. Karnei Jr., who was present at the autopsy, but whose recollections have proved to be questionable (see earlier endnote), stated in 1996 that Dr. Finck's probing of the wound track with the flexible metallic probe indicated

a “downward angle” into the president’s body.* (ARRB MD 178, Meeting Report, Interview of Robert F. Karnei Jr., May 21, 1996, p.2)

If my earlier explanation is not correct *and* the language of 7 HSCA 87 is not in error, then what point are conspiracy theorists trying to make? Since a bullet truly going in an upward direction at the time it entered the president’s back could not have come from any of the buildings to his rear, even from the ground floor, which would still be above him, the assassin would *have had* to be lying flat on his back on Elm Street and to have fired the shot after the president’s limousine passed over his prostrate body. If the conspiracy theorists are not willing to say this, then again, what’s their point? After pointing out this apparent anomaly, where does their argument go?

- 422 **Exhibit A:** To the student of the assassination, or even the casual observer, the forward inclination of the president’s upper body looks awkward and unnatural, and hence, the thought enters the mind that this inclination is not accurate. But it is. It only looks inaccurate because the president’s *head* is also tilted downward, which it was not significantly so at the time of the assassination, remaining in a relatively level position (2 HSCA 174, 176). And in this respect, the HSCA sketch is demonstrably inaccurate. I don’t know if one could call Kennedy hunchbacked, but profile photos of him show that his upper *back and shoulders* were naturally slumped forward to the same degree as they are in Exhibit A-3 (e.g., Trask, *That Day in Dallas*, cover photo). Using the HSCA’s erroneous drawing as the linchpin in this argument, conspiracy theorists have claimed again and again (e.g., Kurtz, *Crime of the Century*, p.66) that the HSCA’s conclusion that the president was leaning forward at an angle of 11 to 18 degrees is incorrect (based on the photographic evidence) and only further illustrates the government’s efforts to cover up the truth.
- 423 **“if Spence raised the issue”:** Because I thought there was a chance that Gerry Spence would not raise the issue at the London trial, and because I knew that if he didn’t, I wouldn’t have the opportunity to raise it myself on rebuttal (because the prosecution’s rebuttal is restricted to responding with witnesses and evidence to matters raised by the defense during the presentation of its case), I touched on it myself during my examination of Dr. Charles Petty. Why? Just because a defense counsel doesn’t raise an arguable weakness in a case I am trying (Spence may not have raised the issue because he knew I had a response to it), doesn’t mean that one or more of the jurors will not. After all, a jury consists of twelve people with a collective human experience of over five hundred years, and if just one of them sees a weakness in my case and talks about it in the jury room, then all twelve know about it since the knowledge of one is the knowledge of all twelve. I wanted to make sure that if any of the London jurors spotted the apparent (though not actual) weakness in my case and was discussing it back in the jury room, that they’d at least have *something* from me to rebut it. Although I didn’t want to highlight the problem in my examination of Dr. Petty to draw Spence’s attention to the issue if he

*Yet another possibility is that the HSCA estimated that at the time Kennedy was struck, the president’s upper torso was “hunched . . . somewhere between 11 and 18 degrees forward of vertical” (2 HSCA 176). If we take the upper end, 18 degrees, as being accurate, since the angle of declination of the bullet, per the Warren Commission, was around 17½ degrees (WR, pp.106–107), the president’s upper body (not his head, however) would be hunched forward at a slightly greater degree than the downward angle of the bullet, accounting for the lower margin of the wound, at least per the HSCA, being abraded upward.

hadn't already seen it, and therefore did not bring out that the exit wound was higher up on the president's body than the entrance wound, I did elicit from Petty that at the time the president was struck, he was inclined forward "between 11 and 18 degrees," and the fact that although the path of the bullet through the president's body was slightly upward, if the president were put in an "anatomic" position where he was seated ramrod straight, the path the bullet actually traveled through his body was definitely downward. (Testimony of Dr. Charles Petty, Transcript of *On Trial*, July 24, 1986, pp.367–368)

In fact, though its drawing was, indeed, partially incorrect, the HSCA never said the president was *leaning* forward 11 to 18 degrees, language that conjures up images of Kennedy's torso being bent forward *from the waist*—an inference supported by the inaccurate drawing. Thomas Canning, the NASA engineer who testified about the position of Kennedy's body at the time the bullet struck him in the back, actually stated that, based largely on a photograph taken by Robert Croft and a study of related Zapruder frames, "[the president] was *hunched* forward somewhere between 11 and 18 degrees forward of vertical *in the upper torso*" (2 HSCA 176). The photographic panel's final report clarified the president's posture even further: "Kennedy's *upper torso/neck region* was inferred from [the Croft] photograph to have been inclined forward at an approximate angle of 11° to 18° relative to a line drawn upward from and perpendicular to the road surface" (6 HSCA 43). So, in essence, the president was *not* leaning forward, but rather was *only* hunched forward in the upper torso area. The president's exact posture is perfectly illustrated in a photograph taken by Dealey Plaza witness Robert Croft (JFK Exhibit F-135, 2 HSCA 174; see photo section of book) at the equivalent of Zapruder frame 161, about 3.5 seconds before the president was hit in the back with a bullet (6 HSCA 43). This near-profile view of the president shows his shoulders hunched forward in the manner described by Canning and the photographic panel, and his head level.

424 **sketch of the path of the bullet:** The artist's drawing of the path of the bullet through Kennedy's neck as well as his drawing of the path of the bullet through Kennedy's head could hardly have been more inaccurate in depicting the orientation of Kennedy's upper body and head at the times of the shots to the back and head, and therefore could only have confused the Warren Commission staff. Since the artist, a hospital corpsman and medical illustrator at the Naval Medical School at Bethesda named H. A. Rydberg, had Dr. Humes's verbal description given to him only three days before Humes testified before the Warren Commission (2 H 349–350, WCT Dr. James J. Humes; three days: Law with Eaglesham, *In the Eye of History*, p.296), his drawings were clearly way off. With respect to the shot that traversed Kennedy's throat, Rydberg's drawing (CE 385, 16 H 977) is wrong in that we know from the Zapruder film that Kennedy's upper body and head were never in the straight-back, anatomic position that Rydberg drew. Likewise, with the path of the bullet through Kennedy's head, Rydberg's drawing of Kennedy's head tilted sharply downward (CE 388, 16 H 984) is not compatible with the orientation of Kennedy's head at Zapruder frames 312 and 313 (the moment of the shot to the head) as shown in the photo section of the book. The HSCA's drawing of the president's head orientation at frames 312 and 313 (7 HSCA 126) is closer to the actual orientation.

424 **the entrance wound:** When I talked to Dr. Earl Rose, the Dallas medical exam-

iner at the time of the assassination and a member of the HSCA's forensic pathology panel, about the location of the entry wound and the conflicting positions of the HSCA and Warren Commission on it, I told him that to me, a layperson, "lower neck and upper back" were two slightly different anatomic positions on the body. Was I correct, or were we talking about one and the same thing? "No, you're correct," he said. *Where* did the bullet to the back side of the president enter, the upper back or lower neck, I asked. "The autopsy photos," Rose said, "clearly show that the bullet entered the president's right upper back." "Let's go back to the autopsy report itself," I said. "It reads that the bullet entered at a point 'on the upper right posterior thorax just above the upper border of the scapula.' Is that describing a point on the president's upper back or lower neck?" "Upper back," Rose said. "So is there any justification at all for saying the bullet entered in the president's lower neck?" "Well," Rose said, "the lower neck and upper back overlap each other to a certain extent, and the bullet entering the president's upper back would have also passed through some overlapping neck muscles." (Telephone interview of Dr. Earl Rose by author on March 18, 2005)

- 425 **Arlen Specter:** In a 1966 interview by *U.S. News & World Report*, Specter said, "I was shown one picture of the back of a body which was represented to be the back of the President, although it was not technically authenticated. It showed a hole in the position identified in the autopsy report" ("Truth about Kennedy Assassination," p.53). In a later interview with the *Saturday Evening Post*, Specter said the subject photo he saw was shown to him during a trip to Dallas by Secret Service inspector Thomas J. Kelley, who took him aside and privately showed him the photograph (Whalen, "Kennedy Assassination," p.69).
- 426 **"no evidence":** Author Stephen White goes beyond saying there was "no evidence." He flatly declares, without citing any source or authority, that "Justice Warren . . . did not see that evidence [autopsy X-rays and photographs]; it was seen by no member of the Commission or its staff." (White, *Should We Now Believe the Warren Report?* p.134)
- 428 **O'Neill's "doctored" photograph remark:** And we know that Francis O'Neill is not talking about fake photographs, as the conspiracy theorists claim. In fact, later, when asked if autopsy photograph number 42 (the photo depicting the entrance wound to the back of Kennedy's head with the ruler [JFK Exhibit F-48, 1 HSCA 234]) depicted the head wound the way he remembered seeing it the night of the autopsy, and as depicted in the drawings he made in 1978 (ARRB MD 86, Interview Report of Francis X. O'Neill, January 10, 1978), O'Neill said, "No, I don't see the wounds . . . To me, the other photographs [shown to him by Gunn, but not of the back of the president's head] were a *better depiction* of the way the back of the head looked when I saw it." Still later, O'Neill said he didn't remember the head wound being as "clean" or "fixed up" as shown in photograph number 42, adding that there was "more of a massive wound, such as *the other photographs depicted.*" And if O'Neill wasn't being clear enough, in the very next sentence he flat-out says, "*I'm not saying that these* [photographs] *have been doctored or phoned up in any particular way at all . . . I* [just] don't recall anybody going ahead and cleaning up that section, just for the sake of having the photographs taken." (ARRB Transcript of Proceedings, Deposition of Francis X. O'Neill, September 12, 1997, pp.160, 162)

ARRB general counsel Jeremy Gunn managed to elicit similar comments from former FBI agent James Sibert, who provided the critics with even more ammunition, suggesting that the head wound might have been reconstructed for the autopsy photographs. Shown autopsy photograph number 42, Sibert said, "Well, I don't have any recollection of it [the back of the head] being that intact, as compared with these other pictures. I don't remember seeing anything that was like this photo." Later, Sibert added, "The hair looks like it's been straightened out and cleaned up more than what it was when we left the autopsy . . . From what I can recall, I didn't really see anything that was this 'neat'—I guess, is the best word to use—as compared with what I observed that night . . . It looks like it could have been reconstructed or something, as compared with what my recollection was, and [what is in] those other photographs." (ARRB Transcript of Proceedings, Deposition of James W. Sibert, September 11, 1997, pp.126–128)

So, what are Sibert and O'Neill talking about? What do these supposedly cleaned and fixed-up photographs show? Autopsy photograph number 42, as all assassination researchers should know, was taken, according to the autopsy surgeons, approximately midway through the autopsy procedure. They intended to show the entrance wound to the upper right rear of Kennedy's head. But in order to photograph the entrance wound properly, the surgeons were looking for a way to get an unobstructed view of the entrance hole. This was a challenge, because the president was lying on his back on the autopsy table, and in this position several long, tattered, shreds of scalp (which had been blown loose from the right front top of the head by the explosive power of the exiting bullet, yet were still attached to the back portion of the skull) were hanging back, draped over and partly obscuring the entrance wound. (Several autopsy photographs clearly depict these strips of scalp hanging from the back of the president's head.) In order for the entrance wound photograph to be taken, the autopsy surgeons lifted the president's right shoulder from the autopsy table, and rolled him onto his left shoulder. Then, per his own testimony, Dr. Boswell gathered together these loose strands of scalp between his thumb and index finger and drew them forward across the gaping hole in the right front of the skull, thereby making the entrance wound on the back of the president's head clearly visible to the photographer's camera (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.97, 149–150, 164). Though the act of pulling the loose scalp forward across the top right of the head made the entrance wound visible, it also briefly covered the large exit defect on the right front side of the president's head. Consequently, the right front of the president's head *appears* intact (except for a piece of loose skull attached to the right front of the skull) and less bloody than almost all the other views of the head wound. There is no evidence at all that anything has been doctored, phoned, or fixed up as conspiracy theorists want so desperately to believe.

Another related allegation is that several key autopsy photographs are missing. Conspiracy theorists claim they were destroyed as part of the cover-up to keep the true nature of the president's wounds from the American people. Unlike the allegation that the surviving photographs and X-rays have been "doctored," this one has the barest thread of truth to it.

Ever since they first saw the autopsy photographs and X-rays at the National Archives on November 1, 1966, autopsy pathologists Humes and Boswell, along with autopsy photographer John Stringer, have said that some photographs that they remember are missing from the archive's autopsy photograph collection. Nonetheless, on November 10, all three (along with Dr. John Ebersole, who was with them on November 1) went ahead and signed an inventory of what they had seen at the archives, stipulating that the inventory included "*all the X-rays and photographs taken by us during the autopsy, and we have no reason to believe that any other photographs or X-rays were made during the autopsy*" (ARRB MD 13, "Report of Inspection by Naval Medical Staff on November 1, 1966 at National Archives of X-Rays and Photographs of Autopsy of President John F. Kennedy," November 1, 1966, p.11). Indeed, in his testimony before the ARRB in 1996, Stringer said that while at the archives "we [he and the autopsy surgeons] talked [about] there being missing photographs." When Stringer was asked why he would sign a statement that all the photographs were there, when in fact they weren't, he offered no explanation. (ARRB Transcript of Proceedings, Deposition of John T. Stringer, July 16, 1996, pp.214, 216)

As indicated earlier, on January 20, 1967, the third pathologist, Dr. Pierre Finck, who had been recalled from a tour of duty in Vietnam for the occasion, joined Humes and Boswell at the National Archives for a second review of the autopsy photographic inventory. It was Finck's first look at the photographs and, again, despite the fact that he too noted that some appeared to be missing (ARRB MD 30, Transcript of HSCA Medical Panel Meeting, March 11, 1978, p.90; ARRB MD 32, Privileged communication regarding return of Finck from Vietnam to Washington, D.C., in January 1967, dated February 26, 1978, by Pierre A. Finck, typed from his handwritten notes of 1967), Finck went ahead and signed an affidavit expressing that all photographs and X-rays were accounted for (HSCA Record 180-10097-10151, January 26, 1967, p.1).

It would later become obvious that the Justice Department was behind the push to have the three pathologists sign off on the autopsy photographs. In a recorded telephone conversation the night Finck signed the affidavit, Attorney General Ramsey Clark told President Lyndon Johnson, "I think we have the three pathologists and the photographer signed up now on the autopsy review, and their conclusion is that the autopsy photos and X-rays conclusively support the autopsy report rendered by them to the Warren Commission though we were not able to tie down the question of *the missing photo* entirely, but we feel much better about it and we have three of the four [signing] an affidavit that says these are all the photos that they took and they do not believe anybody else took any others. There is this unfortunate reference in the Warren Commission report by Dr. Humes to a picture that just does not exist as far as we know. I am checking further to see where the pictures were at all times" (Memorandum, "President Johnson's notes on conversation with Acting Attorney General Ramsey Clark," January 26, 1967, p.1; Tape K67.01, program no.8, LBJ Library; also ARRB MD 68 [Note: This is a partial transcript of the call. An initial conversation regarding this same matter took place on January 21, 1967: Telephone conversation between LBJ and Acting Attorney General Ramsey Clark, January 21, 1967, tape K67.01, program no.2, LBJ Library]).

The “unfortunate reference” Clark refers to is Dr. Humes’s testimony that “Kodachrome photographs were made of this area [i.e., the bruise over the right lung] in the interior of the president’s chest” (2 H 363).

The idea that some of the autopsy photographs had disappeared did not, however, go away with the affidavits. By 1996, Dr. Humes testified that he believed there were “two” missing views from among the autopsy photographs: * (1) the inward bevel of the entrance wound, as seen from inside the skull, and (2) the interior of the chest, showing the bruise over the right lung (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.96–97, 200; ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, p.7; 7 HSCA 253). Both of these photographs were mentioned in Humes’s 1964 testimony to the Warren Commission (2 H 352, 363, 369). Of the two, Humes was particularly emphatic that one (or more) had been taken of the interior chest to document the bruise over the top of the right lung. Dr. Boswell and autopsy photographer John Stringer support Humes’s recollection of a chest photograph (or photographs) being taken. (ARRB MD 26, Memorandum, Andy Purdy to Jim Kelly, Kenneth Klein, August 17, 1977, Notes of Interview with Dr. J. Thornton Boswell, pp.6, 10; ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.176–178; ARRB Transcript of Proceedings, Deposition of John T. Stringer, July 16, 1996, pp.71–72, 133–134, 213; ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, pp.12, 16. Note: Stringer recalled taking two pictures of the interior of the chest, “an anterior shot up around the neck, and down around the adrenals” [ARRB Transcript of Proceedings, Deposition of John T. Stringer, July 16, 1996, pp.71–72; ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, pp.12, 16].) Only Admiral George Burkley, the president’s personal physician, claimed that “no photographs were taken of the interior of the chest” (ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, p.4). Although Dr. Finck said nothing about the interior chest photographs in his report, he did confirm that photographs were taken of the entrance wound in the skull, from both the *external* and internal aspects (Breo, “JFK’s Death, Part III,” pp.1752–1753; AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.3; also ARRB MD 28).

One of the two “missing” views described by autopsy pathologists is not missing at all. That view is the one that depicts the interior beveling of the entrance wound in the back of the head (Black and White Nos. 17 and 18 and Color Nos. 44 and 45). Correctly identified during the 1966 inventory, the autopsy pathologists changed the identification in 1967 when they noticed a portion of the exit wound in the foreground of these images. The HSCA forensic panel subsequently concluded that the images depicted *both* the entrance wound bevel (in the background of the image) and the exit wound bevel (in the foreground of the image) (7 HSCA 118, 128–129). But what happened to the interior-of-the-chest image? No one knows.

And there appears to be a *hopeless* conflict in the reports of just how many color

*The autopsy photographer, John Stringer, used a Graphic View camera, which had a standard lens and a two-sided, 4 × 5 inch film holder (ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, pp.9–10). The camera was alternately loaded with both black-and-white and color film, and multiple exposures (i.e., two or more) were routinely made from each viewpoint. Therefore, two missing views could actually constitute four or more photographs.

and how many black-and-white negatives were taken at the time of the autopsy. The main discrepancy in the records surrounding the number of autopsy photographs taken is in the number of color transparencies exposed (taken). In their November 26, 1963, report, FBI agents Francis O'Neill and James Sibert said that on the night of the assassination "22 4 by 5 color photographs, 18 4 by 5 black and white photographs [and] 1 roll of 120 film containing five exposures" were turned over to [Secret Service agent] Roy Kellerman" (ARRB MD 44, FBI Report of O'Neill and Sibert, November 26, 1963, p.5). Kellerman thereafter signed a receipt accepting eleven Graphic View film holders from Captain J. H. Stover (which suggests he got them from Stover, not O'Neill and Sibert, who may have given them first to Stover), commanding officer of the Naval Medical School, containing sixteen (4 × 5 inch) sheets of Ektachrome E3 film (color transparencies) and twelve black-and-whites (ARRB MD 78, Memorandum from Capt. J. H. Stover Jr. to Roy H. Kellerman, November 22, 1963).^{*} In a letter to Captain Stover, dated December 5, 1963, Secret Service agent Robert I. Bouck noted, after a recount, that there were actually twenty-one sheets of color transparency film, not sixteen (and eighteen sheets of black-and-white photographs, not twelve), as reported in the receipt signed by Kellerman. Bouck's letter indicated "one holder loaded one side only" (ARRB MD 80, Letter from Robert I. Bouck to J. H. Stover Jr., December 5, 1963; HSCA Record 180-10103-10107, Letter from John T. Stringer Jr. to Donald A. Purdy Jr., September 11, 1977).[†] Although Secret Service agent Robert I. Bouck could not explain the discrepancy between his letter of December 5 (which lists *twenty-one* color exposures) and the November 26 report of FBI agents Sibert and O'Neill (which lists *twenty-two* color exposures), he insisted that the listing in his December 5 letter represented "100%" of the inventory he was given that night and that he was "very meticulous" about counting the images (ARRB MD 258, Meeting Report, Interview of Robert I. Bouck, May 2, 1996, p.3). Bouck's probable mistake was in counting the images and not the number of sheets of film, both exposed and *unexposed*. White House photographer Robert Knudsen testified to the HSCA in 1978 that there were no empty film holders but that it was discovered during processing that one sheet of color film was unexposed (ARRB MD 135, HSCA Executive Session Interview of Robert L. Knudsen, August 11, 1978, p.7).

^{*}The receipt also listed nine Graphic View film holders containing twelve (4 × 5 inch) sheets of Portrait Pan film (i.e., black-and-white negatives), and one roll of 120 Ektachrome E3 film (ARRB MD 78, Memorandum from Capt. J. H. Stover Jr. to Roy H. Kellerman, November 22, 1963). Originally, the typed receipt listed eight Graphic View film holders with color film and six Graphic View film holders with black-and-white film. These were changed to eleven and nine, respectively, by hand and initialed by Captain John H. Stover. No date for the changes is noted, but it must have been November 22, since the new numbers were on the final typed memo of that same date.

[†]But the report filed by FBI agents Sibert and O'Neill on November 26, 1963, lists twenty-two (4 × 5 inch) color transparencies, eighteen (4 × 5 inch) black-and-white negatives, and one roll of 120 film containing five exposures (ARRB MD 44, FBI Report of O'Neill and Sibert, November 26, 1963, p.5). And the National Archives inventory conducted in 1966 lists twenty-six color transparencies and one color negative, twenty-five black-and-white negatives (prints were only made or found for eighteen) as having been taken during the autopsy, for a total of fifty-two photographs in all (ARRB MD 13, "Report of Inspection by Naval Medical Staff on November 1, 1966, at National Archives of X-Rays and Photographs of Autopsy of President John F. Kennedy," November 1, 1966, pp.4-8; see also 7 HSCA 46-47; ARRB MD 59, Clark Panel Report, p.5; and HSCA Record 10910364, 4-26-65, Memorandum transferring autopsy materials to Evelyn Lincoln; ARRB MD 70; *Boston Globe*, June 26, 1981).

The 1966 National Archives inventory lists several “miscellaneous items” among the autopsy photographs, including two unexposed, 4 × 5 inch color transparencies. One had been developed (with no image visible), and the other left undeveloped. The 1966 inventory says that “this film was never exposed and therefore never contained an image, but was loaded into a camera as a part of a film pack and was unloaded without being used to depict an image.” Five unexposed black-and-white negatives, also listed among the miscellaneous items, met the same fate of being loaded and unloaded without an exposure being made. (ARRB MD 13, p.10) However, the two unexposed color transparencies described under “miscellaneous items” might explain the discrepancies between the early listings and the current inventory, and the issue of “missing” photographs. Adding two film sheets to the current inventory would mean that the eleven film holders were loaded on both sides (two sheets of film per holder), which would square with the autopsy photographer’s recollection that all the film holders were fully loaded. (ARRB Transcript of Proceedings, Deposition of John T. Stringer, July 16, 1996, pp.131–132, 137, 144)

Although conspiracy theorists would have you believe that the “missing” photograph or photographs (if they once existed) in the Kennedy assassination would change everything we know about the assassination, the fact is, their appearance could only *support* the photographs already in evidence and corroborate the conclusion that the president was shot from behind. First, Dr. Humes testified what the two missing photographs depicted—the inward beveling of the entrance wound as seen from the inside of the skull (which, unless I’m misreading 7 HSCA 129, has not been lost), which proves it was an *entrance wound*, and the interior of the chest showing the bruise over the top of the right lung, which corroborates the *track of the bullet through the neck*. Second, and perhaps most importantly, the “missing” photographs can’t show something different from all the many remaining photographs, which were authenticated by the HSCA in 1978. The suggestion that only two views were singled out for destruction makes no sense considering that the photographs and X-rays that were presumably left behind prove *beyond any doubt* that the president was shot from *above and behind*. For instance, with respect to the back (or head) entrance wound, quite apart from the eyewitness testimony of the autopsy surgeons that the wound was an entrance wound, since there *are* surviving autopsy photos of the exterior of the back wound showing all the characteristics of an entrance wound, including the abrasion collar (7 HSCA 86), how could the missing photograph or photographs possibly change this incontrovertible fact?

There are several other tales of photographs allegedly taken during the autopsy that critics claim have since vanished, but I should emphasize that even if these alleged missing photographs exist somewhere (or did exist at one time), they can’t possibly show something that contradicts what we already know to be true about the president’s wounds. How do we know this? Again, simply by virtue of the fact that the autopsy photographs and X-rays that *are* available are authentic and unaltered and depict the condition of President Kennedy’s body on the night of the autopsy. So, any additional photographs or X-rays that might exist (or might have existed) can’t depict something else. Therefore, when someone comes forward with

a story about photographs that supposedly showed something other than what we know to be true (i.e., the president was struck from behind by two shots), we know, of necessity, that the person telling the story is either honestly mistaken or deliberately lying. One hundred or one thousand sworn testimonies about missing photographs would not change this unshakable truth.

One of these other tales that critics are convinced is evidence of a completely different (and unusual) set of autopsy photographs was told by Sandra Spencer, an E-6 photographer's mate first class who was in charge of the White House photo lab, a small room located inside the three-story facilities of the Naval Photographic Center (NPC) at Anacostia, Maryland, across the river from Washington, D.C. In a 1997 deposition to the ARRB, Spencer indicated that on the morning of November 24, 1963, a Secret Service agent, believed to be James K. Fox, arrived at the facility with four to five film holders containing color film (ARRB Transcript of Proceedings, Deposition of Sandra Kay Spencer, June 5, 1997, pp.19, 20–22, 42–43). (In an earlier 1996 interview, Spencer said that Fox arrived on the afternoon of November 23, and brought three or four film holders [ARRB MD 233, Call Report, Telephone Interview of Sandra Spencer, December 13, 1996, p.1].)* Spencer said Fox told her that he needed the film developed and a print made from each of the negatives, adding that they were autopsy pictures from Bethesda and that she shouldn't peruse them more than necessary. Spencer soon realized that the photographs were from President Kennedy's autopsy, but were unlike any autopsy photographs she had seen in her previous duty at Pensacola, Florida. Spencer described the photos she saw in 1963 as "pristine for an autopsy." Unlike the nine official autopsy photographs shown to her by ARRB counsel Jeremy Gunn, there was "no blood or [open] cavities" or "matted hair" on the president's head in these photos. In fact, his head seemed to have been washed and cleaned. "It was quite reverent," she said, "how they handled it." (ARRB Transcript of Proceedings, Deposition of Sandra Kay Spencer, June 5, 1997, pp.24, 30, 34–35, 44; ARRB MD 233, Call Report, Telephone Interview of Sandra Spencer, December 13, 1996, p.2)† There also were

*Conspiracy theorist Dr. David Mantik makes much of the fact that Fox showed up with color negatives, rather than color transparencies, pointing out that only color transparencies were exposed at the autopsy. Mantik then erroneously reports that "only color transparencies exist in the Archives today—there are *no* color negatives" (David W. Mantik, "Paradoxes of the JFK Assassination: The Medical Evidence Decoded," in Fetzer, *Murder in Dealey Plaza*, p.241). However, the 1966 inventory clearly lists numerous color negatives among the autopsy materials (ARRB MD 13, "Report of Inspection by Naval Medical Staff on November 1, 1966 at National Archives of X-Rays and Photographs of Autopsy of President John F. Kennedy," November 1, 1966, pp.7–10), the same negatives noted by the Clark Panel in 1968 and the HSCA in 1978 (7 HSCA 46–47). These color negatives are, of course, the internegatives (i.e., a negative created from slide or transparency film in order to produce photographic prints) created by Fox on November 27, 1963.

†In 1981, Kennedy family representative Burke Marshall authorized the *Boston Globe* to pick a panel of experts to look at all fifty-two autopsy photographs, as well as the autopsy X-rays, stored at the National Archives. In addition to conspiracy theorist photographer Robert J. Groden, the *Globe* picked Milton Ford, associate chief of photo service for the National Geographic Society in Washington, D.C.; Hudson K. Howell, vice president and general manager of Coulter Systems Corporation in Bedford, Massachusetts; Charles Wyckoff, co-owner and manager of Applied Photo Sciences in Needham, Massachusetts; Dr. Dieter Schellinger, chairman of the Department of Radiology at Georgetown University Hospital in Washington, D.C.; and Frank Scott, director of the Advanced Technology Laboratory at Perkin-Elmer Corporation, an electro-optics firm in Danbury, Connecticut (Scott had served on the HSCA photographic panel). Ben Bradlee Jr. of the *Globe*, who was present during the viewing and examination of the photographs, wrote that all the experts disagreed with Groden's position that there had been alterations to the photos, saying they could detect "no evidence" of this.

no people or any measuring devices visible in any of the photographs she saw (the official photographs contain both). She remembers seeing a wound at the base of the front of the neck that was “circular,” about the size of the round end of a person’s thumb (the official photographs show a horizontal incision, the remnants of a tracheotomy) that did not look like the “large, gaping gash type” of wound shown to her by Gunn in the official autopsy photos, and a “ragged hole” in the center of the back of the head, described as a “blown-out chunk” about 2 to 2½ inches wide, located 3 or 4 inches above the hairline (the official photographs show only a small entrance wound).

Other details were unlike the official autopsy photographs. According to Spencer, the top of the head was not visible in any of the photos, and no damage was seen on the right side of the head. One photo, she said, showed a full length of the president’s body from a 45-degree high angle. Spencer said that none of the photos showed the scalp peeled back on the skull. Also, unlike the photographs in the National Archives inventory today, Spencer said that the president’s eyes and mouth were closed and that he appeared to be in “a rest position.” Spencer said that other than the wound to the back of the president’s head, she saw no other wound to the head. “The prints that we printed did not have the massive head damages” shown in the official autopsy photos.

When shown the official autopsy photographs in 1997 by ARRB counsel Jeremy Gunn, Spencer said that “there is no similarity,” that the photos were far bloodier than the ones she remembered. She also said that all of the official prints shown to her by Gunn had a Kodak watermark that was “smaller” than that used at the NPC in 1963, and the paper was not the paper used by the NPC in 1963. (ARRB Transcript of Proceedings, Deposition of Saundra Kay Spencer, June 5, 1997, pp.35–36, 39–40, 45–46, 49, 53, 55–56, 60; ARRB MD 233, Call Report, Telephone Interview of Saundra Spencer, December 13, 1996, p.2) To support her claim, Spencer produced a print she had retained, taken approximately two weeks before the assassination, which bore a larger Kodak watermark (ARRB Transcript of Proceedings, Deposition of Saundra Kay Spencer, June 5, 1997, pp.26–28). Remarkably, and laughably, when Spencer was asked, “How much time were you able to look at the photographs [In other words, how much time did you have to make all these extremely detailed observations—right down to the dimensions of wounds, the angles of photographs, the type of paper the prints were on, even the relative size of the Kodak watermarks—that you would remember over three decades later]?” she responded, “Probably just ten or fifteen seconds” (ARRB Transcript of Proceedings, Deposition of Saundra Kay Spencer, June 5, 1997, p.40).

Spencer’s testimony, of course, has raised the question in the conspiracy community of whether there was a *second* set of photographs taken of Kennedy’s body at the time of the autopsy (a set conspiracy theorists presume showed the “true” nature of the president’s wounds) and that this second set was squirreled away as part of the cover-up. Speculating about the reason for taking the kind of pristine-

Bradlee did go on to say that “the photo experts agreed with Groden that there was an area at the back of the President’s head where the hair appears to be abnormally dark, but they said this must have been because the hair was washed before the photos were taken to make the wound visible. They said the area looked wet.” (Ben Bradlee Jr., “Experts: No Evidence Autopsy Photos Altered,” *Boston Globe*, June 21, 1981)

looking photographs she recalled seeing, Ms. Spencer said that “at that time, Mrs. Kennedy was attempting to keep all sensationalism out of the [case] and maintain the president’s dignity . . . The only thing I can think of is that a second set of autopsy pictures was shot for public release, if necessary,” after reconstruction of the head (ARRB Transcript of Proceedings, Deposition of Saundra Kay Spencer, June 5, 1997, pp.57–60). If Spencer’s testimony is accurate, “this suggests,” *Newsweek* says, “that the Kennedys merely wanted sanitized images” in the event there was any release of the photos in the future, which would certainly be consistent with what we know about the Kennedy family’s protection of the dignity of the fallen president (Posner, “Cracks in the Wall of Silence,” p.49).

But was Spencer’s testimony accurate? For starters, keep in mind that Spencer’s recollection of events was *thirty-four years* after the fact. But more importantly, her recollection is at odds with almost the entire official record. While the official autopsy photographs *were* processed, as Spencer remembered, at the NPC, the rest of the documentary record details a completely different and rather divergent series of events which, I think you’ll agree, is quite unlike Spencer’s account.

To begin, according to a Secret Service memorandum letter and a written statement of James Fox, the autopsy film was developed on November 27, 1963 (*not* one or two days after the assassination, as Spencer recalled) when Secret Service agent Fox, a photographer in the Intelligence Division, brought the film to the NPC in the company of Chief Petty Officer Robert Knudsen, President Kennedy’s personal photographer and the White House liaison with the photographic center (HSCA Record 108-10109-10368, Letter from SS James J. Rowley to Barefoot Sanders, Assistant Attorney General, February 23, 1967, attachment, p.2; also ARRB MD 122; HSCA Record 180-10109-10382, Statement of James Fox, February 16, 1967; ARRB MD 121; HSCA Record 180-10105-10333, HSCA Testimony of Robert L. Knudsen, August 11, 1978, pp.3–4; ARRB MD 135). Although Knudsen was Spencer’s direct supervisor, and by his own account attended the session, she has no recollection of him being there (ARRB Transcript of Proceedings, Deposition of Saundra Kay Spencer, June 5, 1997, pp.9, 61–63). According to the Secret Service memo, “black and white negatives were developed, and color positives were made from the colored [transparency] film” with all processing and development being done by Lieutenant Vincent Madonia, the limited duty officer in charge of the color lab at NPC (HSCA Record 180-10109-10368, Letter from SS James J. Rowley to Barefoot Sanders, Assistant Attorney General, February 23, 1967, attachment, p.2; also ARRB MD 122).*

*When questioned in 1996, Madonia, who turned out to have credibility problems of his own, told the ARRB that he did not develop any autopsy film himself and was not sure if any of his people had developed any autopsy material, though he did think that Saundra Spencer (whom he saw daily) “may have assisted others.” Asked about the kind of film that might have been processed, Madonia stated that he did not remember any specifics about film that weekend—neither number of rolls, nor format, nor type (black-and-white or color, etc.). He said he had a poor memory (“my mind is gone”), though he did recall that the NPC had “the capability to develop transparencies and make internegatives.” (ARRB MD 232, Call Report, Telephone Interview of Vince Madonia, June 25, 1996, pp.2–3) Five months later, Madonia indicated that he *did* have knowledge of the NPC’s involvement in the development process of the autopsy photos, telling the ARRB that he made a point of “not being too curious about what the [autopsy] photographs showed.” In diametric contrast to Spencer’s observations, his general impression was that the president looked “pretty beat up.” Madonia recalled that the NPC did produce color negatives and prints that weekend, though he didn’t recall if they processed any color transparencies. He said, however, that the NPC facility routinely processed

A few days later, black-and-white snapshots were made by Agent Fox in the Secret Service photographic laboratory at the White House (HSCA Record 180-10109-10368, Letter from SS James J. Rowley to Barefoot Sanders, Assistant Attorney General, February 23, 1967, attachment, p.2; also ARRB MD 122). To make color prints, however, the Secret Service had to return to the NPC because the Secret Service facilities at the White House were not set up to produce color prints, only black-and-white (HSCA Record 180-10097-10141, Memorandum, Jim Kelly and Andy Purdy to Ken Klein, September 6, 1977, p.3; also ARRB MD 123). On December 9, 1963, twelve days after their first visit, Agent Fox and White House photographer Robert Knudsen returned to the NPC with the color internegatives, made during their first visit, and supervised the creation of a set of color prints. Fox recalled in a 1978 interview that two women in the drying room* “passed out” when the prints came through the machine (presumably because of the bloody gruesomeness of the photos, which, if Spencer was one of the two women, again would be in complete opposition to her testimony before the ARRB of the photos looking “pristine”). Both the internegatives and the prints (Fox thought that one or two sets had been made, while Knudsen reported that seven sets were made) were delivered to Secret Service agent Robert Bouck later that evening. (HSCA Record 180-10109-10382, Statement of James Fox, February 16, 1967; ARRB MD 121; ARRB MD 124, Outside Contact Report, Telephone Interview of James Fox, August 7, 1978, p.1; HSCA Record 180-10109-10368, Letter from SS James J. Rowley to Barefoot Sanders, Assistant Attorney General, February 23, 1967, attachment, pp.2–3; also ARRB MD 122)†

As contrasted with Fox's official record, after being shown a memorandum prepared by Fox about his activities during both visits, Spencer reiterated that Fox had only color negatives in his possession at the time she met him (no black-and-white negatives or color transparencies). Spencer insisted that the film she developed for Fox must have been color-negative film because she recalled (*thirty-four years* later) developing it in a “color negative C-22 process,” and an “internegative cannot be processed C-22”; that the event happened before the JFK funeral on November 25 (not November 27 as Fox stated); and that Fox was alone, not with Knudsen. Spencer concluded that the day Fox was referring to in the memorandum (in fact, Fox refers to *two* separate visits) must have been on a day different from the one she remembered. (ARRB Transcript of Proceedings, Deposition of Sandra Kay Spencer, June 5, 1997, pp.24–25, 29, 61–63)

Ektachrome E3 color positive transparencies and Portrait Pan black-and-white negatives, both of which were used to take the autopsy photographs at Bethesda. (ARRB MD 232, Meeting Report, Interview of Vince Madonia, November 27, 1996, pp.1–2) Spencer confirmed that the NPC color division (which was separate from the White House photo lab) did have the capability to process color transparencies and that she, herself, had processed color transparencies using its facilities at other times (ARRB Transcript of Proceedings, Deposition of Sandra Kay Spencer, June 5, 1997, pp.10–11).

*This could be a reference to Sandra Spencer and Carol Ann Bonito, who Spencer said assisted her in developing the autopsy photographs (ARRB MD 233, Call Report, Telephone Interviews of Sandra Spencer, December 13, 1996, p.2, and January 9, 1997, p.1).

†Knudsen confirmed the essence of the visit, although he believed the negatives were developed November 23 and that the prints were made on November 24, 1963. Knudsen recalled that James Fox, Vince Madonia, and another technician were present, but he couldn't recall if the technician was Sandra Spencer. (HSCA Record 180-10105-10333, HSCA testimony of Robert L. Knudsen, August 11, 1978, pp.11–14, 17, 26, 48–50; also ARRB MD 135)

In this case, like many others where eyewitnesses are confronted with hard documentary or physical evidence, Saundra Spencer's memory is no match for the facts. We know she's wrong when she says the photographs she saw show a "blown-out chunk" in the center of the back of the president's head. Why? Because apart from the observations of all three autopsy surgeons, the official autopsy photographs and X-rays conclusively, and without question, depict the body of President Kennedy at the time of the autopsy and show *none* of what Spencer described. And we can just about know that she was wrong when she testified, "The only organ that I [saw] was a brain that was laid beside the body." What? An incredulous ARRB lawyer asked, "*And that was in the photograph of President Kennedy?*" "Yes." "*So there was a brain in the photograph beside the body?*" "Well, yes, by the side of the body." (ARRB Transcript of Proceedings, Deposition of Saundra Kay Spencer, June 5, 1997, p.35; Law with Eaglesham, *In the Eye of History*, p.311) Has anyone, *anyone* ever seen this photo other than Spencer? Or has anyone, anyone in the autopsy room ever said that the president's brain was actually placed on the autopsy table next to his body?

Further, the documentary records of the event in question (although fuzzy in some areas) fit what we do know to be true better than anything Ms. Spencer has offered. Extraordinary claims require extraordinary proof, and in this case, Saundra Spencer doesn't have the goods. Considering the fact that, by her own admission, she saw the photographs for "just ten or fifteen seconds" as they came off the drying drum and were stacked (ARRB Transcript of Proceedings, Deposition of Saundra Kay Spencer, June 5, 1997, p.40), it's a wonder anyone has put faith in her recollections at all.

One possibility that might explain Saundra Spencer's recollections of the photos she saw depicting the president's head in a "pristine" condition is the proposition that a series of photographs were taken of the president's body lying in repose *after* the embalmers had done their restorative work following the autopsy. This is what FBI agent James Sibert believes (Law with Eaglesham, *In the Eye of History*, p.248).

Spencer set forth the essence of her impressions about the photographs she claims she saw two days after the assassination when she told the ARRB, "Between those photographs [autopsy photos shown her by ARRB counsel] and the ones we did, there had to be some massive *cosmetic* things done to the president's body." (ARRB Transcript of Proceedings, Deposition of Saundra Kay Spencer, June 5, 1997, p.58) As indicated earlier, this would suggest "that the Kennedys wanted sanitized images" of the slain president, a reasonable inference. The prime candidate for taking such photographs, if any were taken, is Robert Knudsen, the White House photographer. (George Lardner Jr., "Gaps in Kennedy Autopsy File Detailed," *Washington Post*, August 2, 1998, p.A4) When Knudsen, who died on January 29, 1989, testified before the HSCA in 1978, the HSCA (which couldn't have known that Saundra Spencer would come forward eighteen years later with her story) never asked him whether he had taken any photographs *after* the autopsy, even though he was the main White House photographer of the president, photographing Kennedy "from his inauguration right through the assassination and the funeral." (HSCA Record 180-10105-10333, HSCA testimony of Robert L. Knudsen, August 11, 1978, pp.3-4; also ARRB MD 135)

When ARRB investigators interviewed Knudsen's wife and two of his children

in 1996 about what he had told them, they again failed to ask if Knudsen had taken any photographs *after* the autopsy. (The family only said that Knudsen had told them he had photographed the autopsy and was the only one to do so.) The family also said that Knudsen met Air Force One when it arrived back from Dallas on the day of the assassination and didn't come back home for three days. (ARRB MD 230, Meeting Report, Interview of Gloria Knudsen and children Terri and Bob, May 13, 1996) So, it's reasonable to assume that he could have stayed at Bethesda throughout the night. And since Knudsen's family said he was extremely close to JFK and took his death very hard, it makes sense that he might have wanted to take photos of the president when Kennedy once again approximated the handsome, dynamic leader he once knew, and that could only have been after the embalming process.

Indeed, Joe O'Donnell, a photographer for the U.S. Information Agency who was often detailed to assist Knudsen at the White House, told ARRB investigators on January 29 and February 28, 1997, that Knudsen had shown him photos of the back of the president's head in which the head looked intact and the appearance of the hair was "wet, clean, and freshly combed," and he assumed without knowing that Knudsen had taken the photos after the "restorative work of the embalmers" (ARRB MD 231, Call Reports, Telephone Interviews of Joe O'Donnell, January 29 and February 28, 1997; see also George Lardner Jr., "Gaps in Kennedy Autopsy File Detailed," *Washington Post*, August 2, 1998, p.A4, for speculation about Knudsen taking such photos). Still, the possibility of Knudsen taking a "second" set of photographs after the embalming process is remote and speculative at best, since there is not one shred of documentary evidence to support such an event,^{*} nor, more importantly, has this supposed "second" set of photographs ever surfaced.

But assuming, for the sake of argument, that Spencer's testimony is accurate[†] and the photos she saw of the president's head were taken after the cosmetic surgery that the embalmers did to reconstruct the president's head following the autopsy (1 HSCA 330–331), *so what?* What possible sinister inference can possibly be drawn therefrom? Assuming there was this "second" set of autopsy photos showing the president cleaned up, how could this change the condition of the president's head as witnessed by the three autopsy surgeons and as shown by the only

^{*}I was unable to locate any of the four embalmers (Tom Robinson, Joe Hagan, John VanHoesen, and Ed Stroble) from Gawler's Funeral Home in Washington, D.C.; Knudsen and Dr. Humes have passed away; Dr. Boswell has let it be known that he no longer wants the intrusion of this case on his private life (he's no longer at the only address I've ever gotten for him, and has moved with no forwarding address—not even Drs. Wecht, Baden, and Aguilar know where he is); and Dr. Finck is living, I'm told, somewhere in Switzerland. Former Secret Service agent James Sibert told me that when the autopsy was over just past midnight on November 23, he and his colleague, Francis O'Neill, left the autopsy room and did not return, but the autopsy surgeons remained behind (Telephone interview of James Sibert by author on July 21, 2000). In their November 26, 1963, report of their observations that night, Sibert and O'Neill wrote that as they were leaving, four people from the Gawler's Funeral Home "entered the autopsy room to prepare the President's body for burial" (JFK Document 013618, FBI Report of Sibert and O'Neill, November 26, 1963, p.3).

[†]Even before the embalmers thoroughly cleaned the president's head and performed cosmetic surgery on it, at least some of the blood may have been removed from his head prior to the autopsy photographs. When Humes was shown the same photographs Spencer was shown, and asked if there had been *any* cleaning at all of the president's hair and scalp, he allowed, "It looks like there might have been. I can't recall specifically . . . We may have cleaned [the head] slightly" (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.165–166).

photos that count—the first set of photos of the president that everyone else (Chief Justice Warren, the HSCA forensic pathology panel, illustrator Ida Dox, the Clark Panel, etc.) saw depicting his fatal wounds *before* the second set was taken? When one recognizes this reality about Spencer’s testimony, one can only conclude that her recollections after thirty-four years were either very faulty, or correct but of absolutely no significance.

Setting aside speculation that Robert Knudsen might have taken photographs of the president after the embalming, there is an entirely different aspect to Knudsen’s statements worthy of exploration—statements that add yet another tale of missing photographs to assassination lore. Knudsen, who accompanied Secret Service agent James Fox to the NPC to process the autopsy film, told the HSCA in 1978 that he recalled seeing one photograph or negative that showed a two-foot-long stainless-steel metal probe sticking through the president’s body (HSCA Record 180-10105-10333, HSCA testimony of Robert L. Knudsen, August 11, 1978, pp.21–23; also ARRB MD 135).

Others have offered similar statements about a photograph depicting probes sticking in the president’s body. Dr. Robert F. Karnei Jr., the officer on duty for the Naval Medical School the night of the autopsy, told the HSCA in 1977 (and the ARRB again in 1996) he recalled that “photographs were taken of a probe in the president’s body” while Dr. Finck was probing the back wound. (ARRB MD 61, Memorandum, Jim Kelley and Andy Purdy to Ken Klein, August 29, 1977, pp.5–6; ARRB MD 178, Meeting Report, Interview of Robert F. Karnei Jr., May 21, 1996, p.2)

Another reference to the probe photograph popped up in the early 1997 account of Joe O’Donnell, the photographer with the U.S. Information Agency and a friend and former colleague of Knudsen’s. O’Donnell told the ARRB that within a week (another version says within a *month*) after the assassination, Knudsen showed O’Donnell a photograph that showed Kennedy lying on his back with an aluminum probe emerging from his stomach or right side (ARRB MD 231, Call Report, Telephone Interview of Joe O’Donnell, January 29, 1997, p.1). In another account, the probe was captured in an X-ray, not a photograph. Jim Snyder of CBS’s Washington bureau reported in 1967 that he was personally acquainted with Dr. Humes and that in one conversation Humes said that a probe traced the path of the bullet from the back “going downwards, then upwards slightly, then downwards again exiting at the throat.” Snyder wrote that one X-ray “was apparently taken with a metal probe stick of some kind that was left in the body to show the wound’s path.” (ARRB MD 16, CBS Memorandum, Bob Richter to Leslie Midgley, January 10, 1967, p.1) CBS News executive producer of special projects, Leslie Midgley, wrote a letter to former Warren Commission member John J. McCloy suggesting that a statement from Humes and publication of “one of the X-rays,” which “shows a wire left in the bullet path through the neck,” would help “settle the dust about the autopsy” (ARRB MD 17, Letter, Leslie Midgley to John J. McCloy, January 11, 1967). Although Humes eventually gave the interview (in June 1967), the X-ray was never mentioned, nor is it among the inventory of autopsy materials. When asked in 1996 if any photographs or X-rays were taken “with a probe inserted into the posterior thorax?” Humes replied, “No, absolutely not. I do not have a recollection of such.” (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, p.224) Neither did either of the two other pathologists—Boswell or Finck

(ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, p.128; ARRB Transcript of Proceedings, Deposition of Pierre A. Finck, May 24, 1996, p.89). Autopsy photographer John Stringer recalled a "long metal probe" being "inserted in the throat wound in the front of the neck," but couldn't recall if any photos had been taken (ARRB MD 227, Call Report, Interview of John T. Stringer, April 8, 1996, pp.2–3; ARRB Transcript of Proceedings, Deposition of John T. Stringer, July 16, 1996, pp.72–73). Stringer's assistant, Floyd Riebe, recalled that a probe was used by Dr. Finck but, like Stringer, when asked by ARRB counsel, "Do you recall whether a photograph was taken while there was a probe in the body?" Riebe answered, "I don't think so." (ARRB Transcript of Proceedings, Deposition of Floyd Albert Riebe, May 7, 1997, pp.38–39).

Two of the four sources for this story have further sullied their credibility with other outlandish claims. For instance, in addition to the aluminum probe story, Joe O'Donnell told the ARRB that Knudsen showed him approximately 5×7 inch, black-and-white photographs taken at Kennedy's autopsy, including some that showed a grapefruit-size hole in the back of the head, and a $\frac{3}{8}$ -inch hole in the president's forehead, above the right eye. A few days later, per O'Donnell, Knudsen reportedly showed him a second set of black-and-white prints—this time the back of the president's head was intact and the hole above the right eye was gone! (ARRB MD 231, Call Report, Telephone Interview of Joe O'Donnell, on January 29, 1997, p.1) Although critics have been quick to embrace O'Donnell's claims (e.g., David W. Mantik, "Paradoxes of the JFK Assassination: The Medical Evidence Decoded," in Fetzer, *Murder in Dealey Plaza*, p.245), O'Donnell is hardly a credible witness.

In addition to his tale about two sets of autopsy photographs, O'Donnell claimed to have been at Andrews Air Force Base when the president's body arrived, *demanding* to speak to Mrs. Kennedy (how likely is this?), and after being granted permission, told her (as she sat in the navy ambulance with the casket) that he had photographed the president at Arlington National Cemetery on Veterans Day (November 2) and heard him remark, "I could live up here forever." Mrs. Kennedy reportedly said, "Then that is where we will put him." (This is, of course, utter nonsense. Television videotapes show Mrs. Kennedy entering the navy ambulance and its subsequent departure, all without a hint of the presence of O'Donnell. More importantly, by all other accounts, Mrs. Kennedy's decision to bury the president at Arlington was made on the flight back from Dallas.) As if that wasn't enough to send most sensible people running, O'Donnell also claims he showed Mrs. Kennedy the graphic Zapruder film of her husband's murder within a few weeks of the assassination. O'Donnell told the ARRB that no one was present at the screening except him and Mrs. Kennedy and that after seeing the head shot sequence, she told him, "I don't ever want to see that again," which O'Donnell took as an "order to alter the film" and remove the head shot sequence. O'Donnell stated he knew it was wrong but he subsequently removed ten feet of the film. O'Donnell said he was sure he had projected and altered the original Zapruder film and that it was in a 16-millimeter format. (The original Zapruder film is in 8-millimeter format and the entire shooting sequence occupies just $4\frac{1}{3}$ feet of film.) O'Donnell also claimed that Mrs. Kennedy told him that she scrambled over the trunk of the limousine to retrieve a part of the president's head. In fact, Mrs.

Kennedy testified that she doesn't remember crawling on the trunk, nor does she recall Secret Service agent Clint Hill coming to her aid. (ARRB MD 231, Call Report, Telephone Interview of Joe O'Donnell, February 28, 1997, pp.2-3; 5 H 180, WCT Mrs. John F. Kennedy)

Knudsen's version of events has been tarnished as well. As previously indicated, in May 1996, Gloria Knudsen, widow of Knudsen, and two of his four surviving children were interviewed by the ARRB. As noted, they said that Robert Knudsen told them sometime after the assassination that he alone had photographed the autopsy. Knudsen also told them that he witnessed and photographed probes inserted in the president's body, and that the Secret Service took his film as soon as he had exposed it. (ARRB MD 230, Meeting Report, Interview of Gloria Knudsen and children Terri and Bob, May 13, 1996, p.1) He also reportedly told them that four or five of the autopsy photographs he was shown by the HSCA in 1978 did not represent what he took or saw and that one photo had been altered (i.e., "hair had been drawn in" to conceal a missing portion of the back of the head). According to the family, Knudsen also appeared before "an official government body" in mid-1988 and came away from the experience "very disturbed." He reportedly told them that four photographs were "missing" and that one was "severely altered." He also said that some of the details of the autopsy room, as seen in the background of the photos, was "wrong." The Knudsen family told the ARRB that the mid-1988 experience proved to be a waste of time for Robert "because as soon as he would answer a question consistent with what he remembered, he would immediately be challenged and contradicted by people whom he felt already had their minds made up." (ARRB MD 230, Meeting Report, Interview of Gloria Knudsen and children Terri and Bob, May 13, 1996, p.2)

The main problem with the Knudsen family testimony is that much of it is simply not true. For instance, the photographer at the autopsy, by all accounts, was John Stringer, *not* Robert Knudsen. No one even remembers Knudsen being present, a point underscored by the fact that Knudsen's name isn't on the FBI list of attendees (ARRB MD 44, FBI Report of O'Neill and Sibert, November 26, 1963, p.2). Under those circumstances, the Secret Service could hardly have confiscated his film, as the Knudsen family claims Knudsen told them, since Knudsen couldn't have shot any film. In addition, the claim that Robert Knudsen appeared before government investigators in mid-1988 is equally false. The last hearings of the last official government investigation, the HSCA, was in December of 1978 (HSCA Report, p.19), ten years before Knudsen's alleged appearance before the phantom government body.

Another tale of missing autopsy photographs was told to the ARRB by First Class Naval Petty Officer Dennis David, who claimed in 1997 that three to four days after the autopsy, a good friend of his, Lieutenant Commander William Bruce Pitzer, who worked in the audiovisual department at Bethesda, showed him photographs taken at the autopsy,* including a portion of a 16-millimeter black-and-white *movie film*, six or seven 35-millimeter color slides, and four or five 3 × 5 inch

*According to David, Pitzer never said he was at the autopsy, but David assumed he was based on the context of their conversation (ARRB MD 177, Call Report, Interview of Dennis David, February 14, 1997, p.3).

black-and-white snapshots—all taken prior to the first incision. According to David, the color slides and black-and-white prints “made it very clear that President Kennedy was hit from the front as well as from the rear.” David claimed that the slides and prints showed a round, $\frac{1}{4}$ - to $\frac{3}{8}$ -inch-diameter hole in the right front temporal area of the president’s head, just below the hairline, and that the 16-millimeter film showed a gaping wound in the back of the president’s head. (ARRB MD 177, Call Report, Interview of Dennis David, February 14, 1997, p.3) David volunteered that he had attended a 1992 roundtable discussion in Pittsburgh, attended by leading conspiracy theorist Dr. Cyril Wecht and other autopsy personnel (Floyd Riebe, Jerrol Custer, Paul O’Connor, and Jim Jenkins) who have come to believe that a cover-up was afoot, and it also surfaced that he had undergone hypnosis in 1994 to recover memories about the autopsy (ARRB MD 177, Call Report, Interview of Dennis David, February 14, 1997, p.4; ARRB Transcript of Proceedings, Deposition of Jerrol Francis Custer, October 28, 1997, pp.16–18). David also claimed that Kennedy’s body was delivered in a gray metal shipping casket (not the bronze ceremonial casket that left Parkland Hospital), and that the autopsy pathologists removed four bullet fragments from the brain (two fragments were actually removed) (ARRB MD 177, Call Report, Interview of Dennis David, February 14, 1997, p.3).

John Stringer, who took the official autopsy photographs, told the ARRB in 1996 that he knew Bill Pitzer but that Pitzer *wasn’t* at the autopsy. (ARRB MD 227, Call Report, Interview of John T. Stringer, April 8, 1996, p.4). At first, Jerrol Custer, another 1992 Pittsburgh conspiracy conference attendee, recalled seeing a uniformed “chief,” believed to be Pitzer, taking *movies* at the autopsy. According to Custer, Pitzer’s filming created “a few upset people from the gallery. But the chief just kept right on going. He said, ‘I’m doing my job.’” (ARRB Transcript of Proceedings, Deposition of Jerrol Francis Custer, October 28, 1997, pp.40–41) Asked if he could elaborate, Custer eventually backed off his claim, stating, “Not really. I’m not sure if it was—It could have been brought to my recollection that night [in 1992] that we had the get-together in Pittsburgh. I think it was Pittsburgh. Yes, it was” (ARRB Transcript of Proceedings, Deposition of Jerrol Francis Custer, October 28, 1997, p.41). In addition, Pitzer’s name (like Knudsen’s) doesn’t appear on the list of autopsy attendees (ARRB MD 44, FBI Report of O’Neill and Sibert, November 26, 1963, p.2; 7 HSCA 8–9).

Finally, when it comes to missing photographs, there is the story that many conspiracy books mention—that of a naval corpsman whose film was allegedly taken from his camera and exposed to light as he snapped pictures in the morgue. Painted by conspiracy theorists as a blatant destruction of evidence, the truth surrounding the incident is far less exciting. The corpsman was Floyd Riebe,* a student in John

*If one were to accept Riebe’s recollection of events as being accurate, one could only conclude that he was the main autopsy photographer—he wasn’t, John Stringer was—in that he claimed in his interview with the ARRB in 1996 that he shot one roll of 35-millimeter Ektachrome (slide) film (20 exposures), two press packs of black-and-white film (containing 24 total exposures), and three or four film holders of color transparency film (totaling 6 to 8 exposures), and may have shot (he apparently did) some 120 film. But ironically, Riebe said he did not recall any film being seized and exposed to light (with the intention of thereby destroying the images on the film)—which actually happened and is the only reason anyone remembers this incident

Stringer's medical photography class at the Naval Medical School who was assisting Stringer the night of the autopsy. Another first class corpsman, Robert W. Rittmeyer, also assisted by bringing additional film to the morgue door when needed and handing it through the door to Riebe. (ARRB MD 227, Call Report, Interview of John T. Stringer, April 8, 1996, pp.1–2) According to Stringer, Riebe had a cheap, little roll camera “that we had around the lab” loaded with 120 film and “tried to take pictures of those present in the morgue for posterity,” but after doing so the Secret Service took his camera away and exposed his film to light (ARRB MD 227, Call Report, Interview of John T. Stringer, April 8, 1996, pp.1–2; ARRB Transcript of Proceedings, Deposition of John T. Stringer, July 16, 1996, pp.105–106).

In another account of the story, Stringer said that an agent “took the film out of the camera *before* there were any exposures made” (ARRB Transcript of Proceedings, Deposition of John T. Stringer, July 16, 1996, p.57). Several others recalled the incident, including Dr. Humes, who said the film was destroyed because the photographer did not have credentials and hence was not authorized to take photographs (Breo, “JFK’s Death—The Plain Truth from the MDs Who Did the Autopsy,” p.2798). Indeed, the November 22, 1963, receipt for the autopsy photographs lists “1 roll 120 Ektachrome E3 *exposed* film” (ARRB MD 78, Memorandum, Capt. J. H. Stover to Roy H. Kellerman, November 22, 1963), and the 1966 inventory report (which includes the Riebe film among the inventory and is signed by Humes, Boswell, Finck, and Stringer) mentions that the film “was seized by Secret Service agents from a Navy medical corpsman whose name [was] not known to us during the autopsy and immediately exposed to the light” (ARRB MD 13, “Report of Inspection by Naval Medical Staff on November 1, 1966, at National Archives of X-Rays and Photographs of Autopsy of President John F. Kennedy,” November 1, 1966, p.11).

Despite the belief that Riebe’s 120 film had been ruined by exposure to light, images (albeit faint) from the subject film did turn up in the developing process. Conspiracy theorist Robert Groden, who saw the Riebe pictures in 1978 while working as a consultant for the HSCA, reported that the roll of 120 Ektachrome contained “four or five exposures” that showed the president “from his left side and show him from above his head to . . . about mid-thigh or knee . . . [The president] is lying on his back and the head—the face is toward the ceiling . . . [It] seems to have been taken either with a wide angle lens or from some . . . distance away.” According to Groden, the exposures were all very dark, the first being the brightest, and each subsequent exposure darker than the previous one, until after four or five exposures it was impossible to tell if there were any other images on the film. (ARRB Transcript of Proceedings, Deposition of Robert J. Groden, August 20, 1996, pp.223–226) It’s likely that only five exposures were on the roll exposed to light. FBI agents Sibert and O’Neill mentioned in their report of November 26, 1963, that “one roll of 120 film containing *five* exposures” was taken at the autopsy (ARRB MD 44, FBI Report of O’Neill and Sibert, Novem-

at all. (ARRB MD 229, Call Report, Interview of Floyd A. Riebe, July 19, 1996, p.1) A year later, Riebe boasted the number of black-and-white exposures he made to approximately 100 and claimed that he took pictures “of the room” with a 35-millimeter Canon camera, but that after 6 or 7 exposures, he took the film out of the camera and *gave* it to a Secret Service agent (ARRB Transcript of Proceedings, Deposition of Floyd Albert Riebe, May 7, 1997, pp.32–33, 40–41).

ber 26, 1963, p.5). It should also be noted that the number of exposures reported by Sibert and O'Neill could only have come from information gleaned the night of the autopsy since the photographs weren't developed until November 27, a day *after* their report (HSCA Record 180-10109-10382, Statement of James Fox, February 16, 1967; also ARRB MD 121), which further supports the fact that only five exposures were made on the 120 film. A testament to the faint characteristics of the images is found in the 1966 inventory of autopsy materials, which notes "one roll of 120 film (processed but showing *no recognizable image*)" (ARRB MD 13, "Report of Inspection by Naval Medical Staff on November 1, 1966, at National Archives of X-Rays and Photographs of Autopsy of President John F. Kennedy," November 1, 1966, p.11).

Again, what are we to make of all of this? For years conspiracy theorists have charged that the "missing" autopsy photographs are, in their minds, one more indication of a conspiracy in the assassination. But everyone (except conspiracy buffs) knows that even if no one other than ourselves and our immediate family have custody of our old photographs (even important documents), they often somehow get lost or misplaced. Here, with literally hundreds of people from various official investigative agencies (e.g., Dallas police, FBI, Secret Service, HSCA, Clark Panel, ARRB, employees at the National Archives, etc.) examining and working with the photos throughout the years, I not only don't find it suspicious, I find it completely predictable that one or more photographs ended up missing, misplaced, or expropriated by people through whose hands they passed. We can start with the very well-known phenomenon of people (including governmental employees) with access taking artifacts of historical matter (e.g., bits of clothing, small bullet fragments, etc.). Indeed, Dr. Karnei told HSCA investigators that Secret Service agents were always present during the processing of the autopsy tissue slides "to prevent the taking of artifacts" (ARRB MD 61, Memorandum, Jim Kelley and Andy Purdy to Ken Klein, August 29, 1977, p.3). And we know that autopsy photographs would very likely be coveted and the object of outright theft by many people.* In fact, as we've seen by his admission at the O. J. Simpson civil trial, while he was working as a consultant to the photographic panel of the HSCA, Robert Groden, the chief photographic expert for the conspiracy theorists, must have himself either directly stolen or made copies of some

*An incident involving a possible aborted theft of autopsy photographs in the summer of 1978 concerned Regis T. Blahut, a CIA officer who was assigned as a liaison officer to the HSCA to assist the committee in securing the CIA documents it wanted. There are conflicting reports as to what happened, but the CIA and HSCA agree that Blahut, without authorization, had rummaged through files containing autopsy photos. One report said he had gained access to a locked safe that contained the files, another that he had not gained entry to the safe. But coming to work early one day, some HSCA employees found the photos outside of where they were supposed to be and in a state of disarray. One source told the *Washington Post* that it looked like "someone had just run out" of the room. The only unauthorized fingerprints found on the photos were those of Blahut, who at first denied removing the photos from the safe but then, after failing a polygraph test, admitted he had and said he had an innocent explanation, which he would not give, adding that "there's other things that are involved that are detrimental to other things." Blahut was terminated by the CIA, which, after an internal investigation, said it was "satisfied that it was just a matter of curiosity" on Blahut's part, "nothing more." Blahut hadn't taken anything and the matter was dropped. (*Washington Post*, June 18, 1979, pp.A1, A6; *Washington Star*, June 18, 1979)

of the autopsy photos he has put in his books, or worked in collusion with someone who had access to the photos to do this for him. So some photographs being missing means absolutely nothing at all. David Lifton recalls Groden telling him that after receiving permission from G. Robert Blakey to photograph the autopsy photos for the HSCA, he “had slipped an extra film roll into the camera, taken photographs using that roll, and walked out of the archives (or the HSCA offices, I’m not sure which) with that roll, which he then developed privately” (David Lifton, “The Pig on a Leash, a Question of Authenticity,” in Fetzer, *Great Zapruder Film Hoax*, p.364). What an irony. The conspiracy community screaming about missing photographs when their leading expert photographer (Groden) was stealing or making unauthorized copies of some of the photographs.*

As I said at the beginning, there is little reason to place importance in these kinds of accounts of a few allegedly missing or altered photographs. Why? Because they can’t possibly show something that contradicts what is depicted in the many photographs that *do* exist and are available. More importantly, as I’ve stated frequently, the photographic experts of the HSCA unanimously agreed that the existing photographs (and accompanying X-rays) were authentic and depicted the president’s body as it was on the night of the autopsy. And they prove beyond *any doubt* that the president was shot from *above and behind*. Consequently, any missing or “altered” photographs *cannot* show something else, as the conspiracy theorists claim.

In addition to the allegedly missing or doctored photographs, conspiracy theorists often refer to the missing “draft notes” that Dr. Humes burned in his fireplace in the early morning hours of November 24 after he handwrote a draft of the autopsy report. Critics see this act as highly suspicious, and consequently conspiracy books cite the burning of the draft notes as evidence of some cover-up. For example, Mark Lane calls Humes’s act a “destruction of hard evidence” (Lane, *Rush to Judgment*, p.62). Josiah Thompson writes, “It is unclear just what this earlier [burned] draft contained. One distinguished member of the [Warren] Commission’s staff [later identified as Wesley Liebeler] told *Life* [magazine] that he was ‘certain’ Humes burned the original draft because it reflected a finding contrary to the official report,” Thompson adding that this opinion of a Warren Commission staff member, though not appearing in *Life* magazine, was seen by him in a report by a *Life* representative (Thompson, *Six Seconds in Dallas*, pp.201, 214 note 8; identification of Liebeler: Lifton, *Best Evidence*, p.348 footnote).

It apparently has not entered the minds of the conspiracy theorists (nor did it,

* A good example of the possible theft of Kennedy-related items is the fact that of the three backyard photos of Oswald holding the Carcano (Warren Commission Exhibit Nos. 133-A, -B, and -C), only the negative to number 133-B has surfaced at the National Archives (4 H 289 and 15 H 693, WCT Lyndal L. Shaneyfelt; 2 HSCA 351, 354). HSCA photographic expert Cecil Kirk said that he believed at least one negative, to 133-A, was kept by a Dallas police officer as a personal souvenir or was kept by the Dallas police in its private files and not turned over to Warren Commission or HSCA investigators (Jeremiah O’Leary, “Dallas Police Withheld 2 Oswald Negatives?” *Washington Star*, September 15, 1978). Support for Kirk’s belief is that Warren Commission Exhibit No. 134 is a photographic enlargement of 133-A (CE 134, 16 H 510, xii) that was shown Oswald during his interrogation, and it is very clear. With the state of art being what it was back in 1963, there is no way that such a clear enlargement could have been made from anything but the negative. An enlargement from the print would have been blurry.

allegedly, enter the mind of Liebler—who did not, by the way, believe there was a conspiracy behind the assassination) that since we're dealing with the same person, Humes, if one believes that Humes was willing to lie on his autopsy report (his draft notes reflecting the true and different situation), why wouldn't he likewise have been willing to lie on his notes, thereby obviating the need to destroy them? Did those behind the assassination come to Humes *after* he wrote the first draft and convince him, *for the first time*, to join the conspiracy, he agreed, and then they told him what they wanted his autopsy report to say? But what about Drs. Boswell and Finck? Did they join the conspiracy too? Because if they didn't, how is it that their conclusions just happened to coincide with Humes's new, conspiratorial conclusion?

What exactly did Humes destroy? The controversy all started with some ill-chosen (as we shall see) words by Humes in his testimony before the Warren Commission on March 16, 1964. Humes said he handwrote a first "draft" of the autopsy report in the privacy of his home in the early morning of Sunday, November 24, "revised" it (which would necessarily make a second draft), then burned the first "draft" in the fireplace of his recreation room. Humes did not explain the reason for burning the first draft or draft notes to the Warren Commission, nor did the Commission ask. (2 H 373) Later in the morning of November 24, Dr. Humes brought this supposedly second handwritten draft (CE 397, 17 H 30–44) to Bethesda Naval Hospital, where he met with Drs. Boswell and Finck. Together, the three pathologists went over the language of that second draft and made minor corrections before submitting it to a typist, who prepared the final document. (CE 387, 16 H 978–983)

Although Humes told the Warren Commission in 1964 that he burned a first draft of the autopsy report, in his 1978 HSCA testimony Humes went into much more detail into what he had actually done. He said that what was destroyed wasn't a first draft of the report at all, but original handwritten notes taken during the autopsy. "I had the draft notes which we* had *prepared in the autopsy room*, which I copied,"

*"We" could only mean Drs. Boswell and Finck. Humes told the HSCA that when he wrote the first draft of the autopsy report, not only did he use *his* notes but "other notes" on which he had made "minor comments" (7 HSCA 257). The "other notes" Humes refers to here almost assuredly refer to notes taken by Drs. Boswell and Finck, although in his deposition before the ARRB in 1996, he could only recall Boswell's notes and didn't remember whether or not Finck took notes (ARRB MD 26, Memorandum, Andy Purdy to Jim Kelly and Kenneth Klein, August 17, 1977, pp.9–10, Notes of Interview with Dr. J. Thornton Boswell; Breo, "JFK's Death—The Plain Truth from the MDs Who Did the Autopsy," p.2798; ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, p.117). Finck told the HSCA in 1978 that "the notes I took at the time of the autopsy were turned over to Dr. Humes" (ARRB MD 30, Transcript of HSCA Medical Panel Meeting, March 11, 1978, p.82). However, Leonard D. Saslaw, PhD, claimed in 1996 that in the week immediately after the assassination, while in an Armed Forces Institute of Pathology lunchroom, he overheard Dr. Finck complaining to two other officers with whom he was eating "that he had been unable to locate his handwritten notes that he had taken during the autopsy on President Kennedy. Dr. Finck elaborated to his companions . . . that immediately after washing-up following the autopsy, he looked for his notes and could not find them anywhere. He further recounted that others who were present at the autopsy also had helped him search for his notes, to no avail. Dr. Finck concluded his story by angrily stating that he had to reconstruct his notes from memory shortly after the autopsy" (ARRB MD 74, Affidavit of Leonard D. Saslaw, PhD, May 15, 1996, pp.1–2; ARRB MD 254, Meeting Report, Interview of Leonard D. Saslaw, April 26, 1996, pp.1–2; *Washington Post*, August 2, 1998, p.A4). Whether Saslaw's story, which contravenes Finck's testimony under oath, is accurate or not, it's unlikely that Finck's original notes contained anything substantially different from what we already know, given the fact that his 1965 memorandum to General Blumberg (which was based on his notes) reiterates the facts presented in the autopsy report (AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg; see also ARRB MD 28).

Humes said. “The original notes which were stained with the blood of our late president, I felt, were inappropriate to retain to turn in to anyone in that condition. I felt that people with some peculiar ideas about the value of that type of material, they might fall into their hands.”*

Elaborating further, he said that starting around “11 o’clock in the evening of Saturday, November 23” and continuing “until 3 or 4 o’clock in the morning of Sunday, the 24th,” he handwrote a draft of the autopsy report from his autopsy notes, adding that he “sat down and word for word copied what I had on fresh paper.” Question: “And then destroyed them?” Humes: “Destroyed the ones stained with the president’s blood.” Humes made it very clear that the materials he burned were draft notes *prepared in the autopsy room*, not the draft of the report written at his home on the evening of November 23 and the early morning hours of November 24. (1 HSCA 330)

But the conspiracy theorists respond with what they maintain is their own circumstantial evidence that when Humes told the Warren Commission that he “burned” a “draft of [his autopsy] report” (2 H 373), he meant precisely what he was saying. He wasn’t referring to his autopsy notes but to a first draft of the autopsy report written in the autopsy room on the night of November 22–23.† Dr. Boswell,

*In earlier testimony before the HSCA in 1977, Humes had elaborated on the reason for burning the notes. He explained that not long before the assassination, he served as an escort officer for twenty to thirty foreign physicians who were being given a course of instruction in the United States. During their visit, Humes took them to Henry Ford’s Greenfield Village in Dearborn, Michigan, which had on display the chair that Abraham Lincoln was sitting in when he was assassinated. The back of the chair was stained with a dark substance that many thought might be bloodstains. (In fact, the stains are likely Macassar, a turn-of-the-century hair oil that men used to keep their hair in place. During the period after the Lincoln assassination, the earliest owners of the chair allowed people to sit in it.) The foreign physicians were appalled that the American public would allow an object stained with their president’s blood to be put on public display. Humes, too, was bothered by the display, and so to avoid the same type of thing happening to the bloodstained notes from the Kennedy autopsy, Humes destroyed them. (7 HSCA 257–258) “I was bound and determined,” Humes told Senator Arlen Specter and Specter’s assistant in 1998 “that [these notes] weren’t going to be a public display like this chair” (Humes’s interview by Specter and assistant on May 5, 1998, in Specter with Robbins, *Passion for Truth*, p.78). In his deposition before the ARRB in 1996, Humes reiterated his reason for burning his original autopsy notes. When ARRB counsel Jeremy Gunn showed Humes some autopsy notes handwritten by his colleague, Dr. Thornton Boswell, which also appeared to have bloodstains on them, and asked, “Do you see any inconsistency at all between destroying some handwritten notes [i.e., Humes’s] that contained blood on them but preserving other handwritten notes [i.e., Boswell’s] that also had blood on them?” Humes responded that it was one thing to destroy notes “of my own making. I didn’t, wouldn’t have the habit of destroying something someone else prepared. That’s the only difference that I can conceive of. I don’t know where these [Boswell’s notes] went. I don’t know if they went back to J [Boswell’s name was J. Thornton Boswell] or where they went. I have no idea. I certainly didn’t keep them. I kept nothing, as a matter of fact” (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.128, 132–133).

†In 1996, when Humes gave a deposition to the ARRB, he was completely confused as to the semantics of whether he burned the draft “notes” or “first draft,” first saying he “burned the original notes” from which he made the draft, but then at another point actually saying he burned “the first draft *and* the notes.” This clearly was loose language from someone testifying thirty-three years after the event, Humes later testifying, “Whether it was a draft [I had burned] *or* whether it was the notes, or what, I don’t know” (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.125, 128–131, 134–137; Associated Press, August 2, 1998).

A few things are clear. One is that Humes had never testified before (i.e., in his testimony before the Warren Commission and HSCA) that he had burned his original autopsy notes *and* his handwritten draft of the autopsy report. So common sense tells us that unless he was confused, he wouldn’t, over three decades later, contradict his earlier *sworn* testimony. Moreover, we know Humes did not destroy the handwritten draft of the autopsy report because it is a Warren Commission exhibit. The handwritten draft contains the revisions made by Humes, Boswell, and Finck (CE 397, 17 H 30–44).

they point out, told the HSCA in 1977 that when the doctors got together on the morning of November 23, Humes arrived with a “reasonably good report of the gross findings” (ARRB MD 26, Memorandum, Andy Purdy to Jim Kelly and Kenneth Klein, August 17, 1977, Notes of Interview with Dr. J. Thornton Boswell, p.8). Yet this seems highly unlikely considering the time available to Humes. Humes testified he spent several hours immediately after the autopsy helping the embalmers prepare the president’s body (Letter, James J. Humes to Charles S. Petty, June 24, 1986, p.1; ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, p.91), then left the morgue and went home about a half hour or so after the president’s body was taken to the White House (i.e., about 4:30 a.m.). He slept a bit, then took his son to a religious function (his First Communion) before returning to Bethesda sometime between 10:30 a.m. and noon. It was then that he telephoned Dr. Perry in Dallas, learned about the tracheotomy, and reportedly met with Boswell and Finck. (1 HSCA 330; 7 HSCA 257) When would Humes have had time to prepare a “reasonably good report of the gross findings,” as Boswell stated? Obviously, preparing a draft of an autopsy report on the president of the United States would have to take several hours. And, indeed, Humes told the HSCA that he started to write the first draft of the autopsy report around 11 o’clock *Saturday* night, November 23 (he told the Warren Commission he started after midnight [2 H 373]), and didn’t finish until 3 or 4 o’clock Sunday morning, November 24 (1 HSCA 330). It seems clear that Boswell’s recollection of seeing a copy of the report on the morning of November 23 has to be a mistake, and that what he meant to say was that he saw Humes’s handwritten draft copy (CE 397, 17 H 30–44) on *November 24* when Humes said that he, Finck, and Boswell went over the draft and revised it before submitting it to the typist (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, p.17).

In summary, the almost irresistible conclusion is that Humes did not begin the process of constructing his one and only draft of the autopsy report (which appears in its entirety in volume 17 of the Warren Commission on pages 30–44) until late Saturday night, basing it on handwritten autopsy notes taken by him, Boswell, and Finck at the time of the autopsy, and that it was these notes (soiled with the president’s blood from having been in the autopsy room) that Humes burned in his fireplace. Indeed, Humes himself, after loosely (the evidence shows) telling the Warren Commission that he had burned the first “draft of [his] report,” went on to tell the Commission later in his testimony that what he had burned was “certain *preliminary* draft notes” (2 H 373). And in his testimony before the HSCA he referred to the destruction of “some notes . . . by burning [them] in the fireplace of my home,” not to burning the report he handwrote based on the notes (7 HSCA 257). Although critics have been aghast at Humes’s destroying his original notes, this is not an uncommon practice. For instance, at the time of the assassination and for years thereafter, it was the policy of the FBI that after dictating from the original notes and comparing the dictation with the notes, the notes were destroyed. Indeed, just as Humes destroyed his autopsy notes, so did FBI agents James Sibert and Francis O’Neill destroy theirs (FBI Record 124–10028–10361, March 12, 1964, p.3).

Because the Warren Commission and HSCA did not make much of an effort to nail down the facts surrounding this issue, conspiracy theorists have been free to speculate about what those destroyed handwritten notes might have contained,

which, of course, has led to a multitude of claims that Humes participated in the cover-up by destroying the truth about the president's wounds and death. But even a cursory review of the record shows that the only likely thing these autopsy notes contained that was different from what appeared in the final draft of the autopsy report was a reference to the pathologists' mistaken belief that the bullet that struck the president's back didn't exit at the throat, but instead stopped short and worked its way out of the wound during cardiac massage. As we know, this erroneous conclusion (drawn at the close of the autopsy) was corrected the following morning when Humes telephoned Dr. Perry in Dallas and learned that the tracheotomy incision that Perry made had obscured an exit wound in the throat. Although this fact may have proved embarrassing (something that might partially explain why the autopsy notes were burned in the first place), it hardly denotes a conspiracy to cover up the true nature of the president's wounds.

Just a moment's reflection on the allegation by the conspiracy theorists that Humes burned his first draft of the autopsy report (which presumably pointed away from Oswald as the killer) reveals its outlandish dimensions. If, in fact, Humes had done such a thing, this would make him a willing and conscious accessory after the fact to Kennedy's murder, a very serious crime. Why in the world would he want to do something so enormously ignoble and dangerous to him? The conspiracy theorists don't say, nor do they even ask the question. But even if Humes were insane enough to engage in such conduct, since two other pathologists, Boswell and Finck, were also present at the autopsy, when Humes presented the new, supposedly bogus draft of their combined findings for their review, comments, and eventual signature, wouldn't they have immediately recognized that the draft presented to them was terribly erroneous and refused to sign off on it? Or do the terminally absurd buffs want us to believe that Boswell and Finck decided to join in with Humes in becoming accessories after the fact to Kennedy's murder?

And there is another point to make. The conspiracy theorists, whose taste for conspiracy skews their thinking processes, are not stopping to realize the obvious. If Humes, did, in fact, do the extremely serious and criminal thing that they accuse him of doing, why in the world would he choose to volunteer before the Warren Commission, and hence, the world, that he had done this? I mean, who else but *him* could ever possibly know his secret? In fact, on the very day he burned his notes, November 24, 1963, Humes certified, on a Naval Medical School document, that he had done so (CE 397, 17 H 48).

430 **an inventory of nine items:** Robert I. Bouck told the ARRB in 1996, "I and three other people helped him [Burkley] inventory each item on that list, item by item, and it didn't go on that list unless we saw it and counted it." Bouck added that he and Burkley drove the materials to the archives and transferred them to Mrs. Lincoln. He said she took Burkley's word for the list of items and signed it. (ARRB MD 258, Meeting Report, Interview of Robert I. Bouck, May 2, 1996, p.3) Mrs. Lincoln said in 1978 that she did not open any of the containers to see if the inventory of things she signed as having received from Dr. Burkley corresponded to the materials she actually received (HSCA Record 180-10077-10138, Interview of Mrs. Evelyn Lincoln, July 5, 1978, p.2; also ARRB MD 128; 7 HSCA 26).

430 **October 29, 1966:** The date chosen for the deed of gift may have been no coincidence. A congressional law (No. 89-318) enacted on November 2, 1965, that was

designed to prevent items such as the Oswald gun from being commercially exploited, and provided the attorney general, Robert Kennedy, one year to determine which items of evidence in the assassination were to be retained by the federal government, also afforded Kennedy an opportunity to exempt certain items (i.e., the president's brain and tissue slides) from federal custody. Kennedy's deed of gift was made four days before the deadline. (ARRB MD 118, Biweekly Report to the President, January 24, 1967, p.1)

- 431 **the brain and slides:** In 1996, Ken Vrtacnik, a medical photographer at the Armed Forces Institute of Pathology (AFIP), claimed that he saw President Kennedy's brain during the 1964–1965 period at the AFIP's National Museum of Health and Medicine, where it had been kept in a locked room. What was reportedly on display was one long section, tan in color, immersed in liquid, lying in a stainless-steel tray inside a glass case. Vrtacnik said it had wooden pegs through it marking the paths of the bullet(s), and was labeled "President Kennedy's brain," or words to that effect. (ARRB MD 260, Call Report, Telephone Interview of Ken Vrtacnik, November 12, 1996, p.1) Vrtacnik's story, which he apparently kept to himself for over thirty years, sounds far-fetched, and there has never been any confirmation of it. In 1997, James M. Mastrovito, who was in charge of the Secret Service's JFK assassination file in 1975, offered the ARRB another scenario. According to Mastrovito, about 1969 or 1970 he received a plastic or glass vial with a piece of Kennedy's brain in it. The vial came from the AFIP lab, where it had been sent after the autopsy at Bethesda, and was given to him by his supervisor, Walter Young, chief of the Intelligence Division. Mastrovito told the ARRB that he destroyed the vial and the contents in a machine that destroys food. He didn't say why he did this, presumably without authorization. (ARRB MD 261, Call Report, Telephone Interview of James M. Mastrovito, April 1, 1997, pp.1–2)
- 433 **no evidence of any second bullet entering the president's head:** On August 26, 1972, Dr. Cyril Wecht, pursuant to permission granted by Kennedy family representative Burke Marshall, viewed the autopsy photographs and X-rays of the president's brain at the National Archives. He said that photographs of the top of the brain disclosed a "sizable foreign object" that could be "a flattened bullet fragment," thus raising the spectre of a second bullet. Wecht described the object as in the shape of a "parallelogram at least one-half by three-quarters of an inch in size." (Fred Graham, "Mystery Cloaks Fate of Brain of Kennedy," *New York Times*, August 27, 1972, pp.1, 57) The HSCA forensic pathology panel also saw the "object" when it examined the photographs in 1978. The panel members noted that it was "an oblong area of blue discoloration" that was "*within* the bullet track" of the bullet that entered the rear of the president's head, thereby virtually eliminating the likelihood that it was a second bullet having the same bullet track as the other one. More conclusively, they said that the "dark object" was "not a metal object," and that the "area of discoloration is most probably caused by blood vessels on the under surface of the brain that have been exposed because of the damage to the top of the brain." (1 HSCA 319) Dr. Wecht told me, "I concur" with the HSCA finding in 1978 that the sizable foreign object he saw back in 1972 at the archives from an examination of the president's X-rays and photographs turned out not to be a bullet or bullet fragment. He added, "I noted something back in 1972 that deserved to be looked into, and it was, and I'm satisfied

with the HSCA conclusion on this point.” (Telephone interview of Dr. Cyril Wecht by author on February 13, 2002)

440 **reasons to believe that the supplementary brain exam did not take place on November 25 [footnote]:** Moreover, the examination of the president’s body on the night of the autopsy continued, Humes said, into “very early the next morning” (2 H 354), after which, as we know, the autopsy surgeons stayed with three civilian embalmers from Gawler’s Funeral Home for several hours to help embalm and dress the body. The embalming continued until 3:30 a.m., the morning of November 23 (ARRB MD 130, ARRB Interview of Tom Robinson, June 21, 1996, Embalmers “Personal Remarks,” unnumbered p.4). In 1992, Humes said the embalming process continued until five o’clock in the morning of November 23 (Breo, “JFK’s Death—The Plain Truth from the MDs Who Did the Autopsy,” p.2799). However, Roger E. Boyajian, USMC sergeant in charge of the Marine barracks security detail that guarded the Bethesda morgue the night of the autopsy, reported that “the casket was removed from the morgue” at 3:45 a.m. (which agrees with the embalmers’ reported 3:30 a.m. end time) and that Mrs. Kennedy came downstairs and departed with the casket at 3:50 a.m. (ARRB MD 236, Memorandum, R. E. Boyajian to CO, Marine Corps Institute Company, November 26, 1963). Both reports roughly agree with Dr. Finck’s notes, which show the casket left Bethesda at 4:00 a.m. (AFIP Record 205-10001-10002, Memorandum, Finck to Blumberg, p.3; also ARRB MD 28).

440 **In his testimony before the ARRB [footnote]:** When Dr. James Humes testified before the ARRB on February 13, 1996, his recollection of when the brain examination took place was understandably fuzzy. First he said he and his colleagues took sections of the brain “a day or two” after the autopsy, but eventually gave this testimony: Question: “Are you able to connect in time the difference in time between the time that you delivered the autopsy protocol to Admiral Burkley [on Sunday, November 24] and the time that you examined the brain?” Humes: “A couple of days, two or three days. I don’t know exactly how long.” Question: “Was that a couple of days after the November 22nd autopsy?” Humes: “A couple of days after Sunday, after [the autopsy protocol was] delivered.” This, then, would put the supplementary brain examination, in his recollection, around November 27 or 28, 1963, the latter date being just one day from November 29, the day Finck said it took place. Indeed, at one point in his testimony, Humes said that the supplementary examination or report (the transcript is unclear on this) was “on the 29th . . . the 30th.” (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.108–109, 147–149, 153) Dr. Boswell, in his appearance before the ARRB, testified more than once that he *believed* the supplementary brain examination was on the Monday following the autopsy, that is, November 25, 1963, though he was “not sure.” And elsewhere he said, “It may have been a couple of days later. But it was within that first week after the autopsy.” (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp.50, 55) November 29 was “within” the first week following the autopsy.

So actually, when it comes to recollecting the date of the brain examination, Humes and Boswell aren’t that far off at all from Finck’s date of November 29, 1963. In settling on the November 29 date for his second-brain-examination theory, I wonder why the following thought apparently never entered the mind of

Doug Horne: If Humes and Boswell were clever and sophisticated enough to pull off this monumental fraud that he, Horne, accuses them of, they'd certainly realize that Finck would probably have a record of the date on which they conducted their supposedly bogus brain exam with him (November 29), and also know the lab would definitely have a record of the date it prepared the tissue slides of sections of the president's brain for analysis (December 2). Knowing this, why would they then give super sleuths like Horne ammunition to discover their fraud by ever saying that they recalled the brain exam (the only one they ever referred to) being only a few days after the autopsy? Since, per Horne, Humes and Boswell were master frauds, why didn't they make it easy on themselves (and therefore hard on the likes of Sherlock Horne) by simply saying the brain examination was on November 29? True, they'd still have to worry about Stringer contradicting them by saying it was earlier, but they'd have to realize that it would be much more damaging to have laboratory records and their fellow autopsy surgeon, Dr. Finck, contradict them than to have Stringer do so.

We also should not forget that Dr. Finck's date of November 29, though probably correct, is not necessarily so. Horne accepts this date as incontrovertible, and to fortify this position, writes that the date "is accurate because [Finck] kept diaries." (Douglas P. Horne, "Evidence of a Government Cover-Up: Two Different Brain Specimens in President Kennedy's Autopsy," in Fetzer, *Murder in Dealey Plaza*, p.303) But Horne is embellishing here. The preface to Dr. Finck's memorandum to General Blumberg in which he sets forth the November 29 date says his report is based on his "personal notes," not a daily diary. And in Finck's testimony before the ARRB he said, "I don't recall" when the brain examination took place, but "it was not a day or two [after the autopsy]. That's too short." (ARRB Transcript of Proceedings, Deposition of Pierre A. Finck, MD, May 24, 1996, p.114) So we can't be 100 percent sure that the brain examination was on November 29, 1963.

- 441 **"More than half the brain was missing"**: How much of the president's brain *was* missing? From the autopsy report, we know that the left hemisphere of Kennedy's brain was "intact" (CE 391, 16 H 987). But in addition to lab technician Paul O'Connor's demonstrably incorrect statement that virtually the *whole* brain was "missing," there were others who have said that most of the right hemisphere was missing. FBI agent Francis O'Neill said that "more than half the brain was missing" (ARRB Transcript of Proceedings, Deposition of Francis X. O'Neill, September 12, 1997, pp.115–117, 164–166). And too many to quote have argued that since a considerable part of the right hemisphere of the president's brain was missing, how could the brain, per the autopsy report (CE 391, 16 H 987), have weighed "1,500 grams"? Since the average brain, they argue, weighs around 1,400 grams (at 450 grams per pound, about 3 pounds), how could the president's brain, after losing so much brain matter, weigh more than the average brain?

The answer is that the president's brain did *not* lose much brain matter. "Contrary to the myth," Dr. Michael Baden told me, people who have said that the president lost a good part of his brain "are absolutely wrong." Baden says he saw the photographs taken of the president's brain at the time of the autopsy, and under his direction the HSCA's medical illustrator, Ida Dox, drew a diagram of the brain viewed from the top. (See sketch in photo section of book.) As Baden said in his

testimony before the HSCA, the diagram “represents extensive *damage and injury* to the right top of the brain” (1 HSCA 304). (“It’s an exact depiction,” he told me.) Note the words “damage and injury” as opposed to saying a large part of the brain was “missing.” And, indeed, the autopsy report says nothing about any significant part of the brain being missing, merely saying, “The right cerebral hemisphere is found to be *markedly disrupted*” (CE 391, 16 H 987).^{*} “Basically, the president’s whole brain was still there,” Baden said. “The right hemisphere was severely damaged and torn, but less than an ounce or two of his brain was actually missing from the cranial cavity. If you squash a tomato, some would look at it and loosely say that most of the tomato was missing, but actually it’s still all there, only it’s mashed. That’s the only explanation I can give you for how some people have said that a big part of the brain was missing. But they are wrong.” However, since Baden conceded that the president had indeed lost at least an ounce or two of his brain (there are 28 grams to an ounce), I asked him how he explained that the president’s brain, which weighed 1,500 grams (CE 391, 16 H 987), ended up weighing as much as it did, more than the average brain of around 1,400 grams? Was it simply that he had a larger brain? “When the brain is injured,” Baden said, “this causes edema fluids to leak out of the blood vessels into the surrounding brain tissue, causing the brain to be swollen and increasing its weight. The increased weight to the president’s brain is from the swelling.” (Telephone interview of Dr. Michael Baden by author on March 29, 2002)

But in response to Dr. Gary Aguilar telling Dr. Boswell about the “1,500 grams” of “brain weight,” Dr. Boswell told Aguilar, “I suspect that weight was probably the formalin-fixed brain” (Transcript of taped telephone interview of Dr. Boswell by Dr. Gary Aguilar on March 8, 1994, p.2, submitted to author in letter from Aguilar of August 29, 2000). And Dr. Baden said that completely independent of edema, “Once a brain is put in formalin, it sometimes can gain or lose up to 100 grams dependent upon the concentration of the formalin solution. If the formalin fluid is more concentrated, then it will remove fluid from the brain and make the brain slightly lighter than it was on removal from the cranium. If the formalin fluid is less concentrated, then the brain can gain fluid by absorbing water from the formalin and getting slightly heavier. I don’t know which was the case here, but usually the brain is weighed before it is put in formalin. Here it was weighed after” (Telephone interview of Dr. Michael Baden by author on April 11, 2004; CE 391, 16 H 987).

It should be added that it is only an assumption that President Kennedy’s brain weighed around 1,400 grams before the assassination. We don’t know that, it being mere speculation. Actually, the average weight of the brain for someone the president’s age (it varies with age, not the size of the person) is 1,366 grams, and the range is from 1,069 to 1,605 grams. And the average weight increase after formalin

^{*}That time plays tricks with one’s memory is illustrated by the confusing testimony of Dr. J. Thornton Boswell before the ARRB in 1996, thirty-three years after the autopsy. In apparent conflict with his own autopsy report which only said the right hemisphere of the president’s brain was “markedly disrupted,” he told the ARRB that “probably half of [the right] hemisphere was missing,” that is, about a quarter of the president’s brain, a considerable amount of missing brain. But then he proceeded to reverse himself by saying that only “the upper surface of that side of the brain was missing,” and later referred to “the reasonably limited destruction of the brain.” (ARRB Transcript of Proceedings, Deposition of Dr. J. Thornton Boswell, February 26, 1996, pp. 42–43, 194)

soaking is 8.8 percent, the range being from 3.3 to 19.2 percent. (Ludwig, *Current Methods of Autopsy Practice*, p.666; see also Blinkov and Glezer, *Human Brain in Figures and Tables*, pp.3–4, 277, for discussion and tables on the increase in brain weight when there is formalin fixation by immersion, which we had in the case of JFK's brain, as opposed to perfusion or injection of the formalin through the blood vessels. The latter technique results in less weight increase than the immersion technique. Also, the concentration of the formalin, as Dr. Baden says, affects the weight, and there appears to be no record of what the concentration was in this case.)

- 442 **simple misunderstanding of terms:** That even a medical doctor who is not a pathologist can become confused about terms is illustrated by Dr. David Mantik's editing of the ARRB testimony of Dr. Humes. When Humes was asked, "Earlier in the deposition today, you made reference to a *sectioning* of the brain. If I understood correctly, that took place one or two days afterwards?" he responded, "Yeah." Mantik writes that "this is an astonishing confession [by Humes] . . . Until this moment, the pathologists had officially insisted that the brain was *not* sectioned" (David W. Mantik, "Paradoxes of the JFK Assassination: The Medical Evidence Decoded," in Fetzer, *Murder in Dealey Plaza*, p.447). No doubt Humes had researchers like Dr. Mantik in mind when he told the ARRB, "Part of the reason why we avoided talking about this thing [is] because every time you say something, somebody misinterprets what you say" (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, p.31).

Although Dr. Mantik had the whole transcript of Humes's testimony, and quoted liberally from it throughout, he didn't tell his readers just what Humes's prior "reference to a sectioning of the brain" in his testimony was. There were two prior references to the sectioning of the brain. When ARRB general counsel Jeremy Gunn asked Humes, "Did anyone ever suggest to you, directly or indirectly, that there should *not* be a sectioning of the brain?" Humes answered, "No. Absolutely not." When Gunn later asked, "Were any sections taken at all from the brain?" Humes responded, "Not at that time [autopsy]," but added, "We *did* take certain sections" later at the supplementary brain examination. Humes added, "We didn't divide the brain like we often do. You know, we often make a so-called bread loaf-type incision . . . But *we didn't do that with this brain.*" (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.31, 40, 108, 146) There can be no question in any reasonable person's mind that when Gunn later said to Humes, "Earlier in the deposition today, you made reference to a sectioning of the brain. If I understand correctly, that took place one or two days afterwards?" and Humes answered, "Yeah," that Gunn was not referring to a coronal, through-and-through sectioning, and Humes, by his answer of "yeah," was not saying he had done such a sectioning. Indeed, Humes's answer only pertained to *when* the "sectioning" took place. Yet Dr. Mantik, probably out of confusion, told his readers that Dr. Humes had made an "astonishing confession" that he and his autopsy surgeon colleagues had "sectioned" the brain.

- 443 **no one else previously saw what he did:** Actually, as pointed out in the book *Assassination Science*, one Dr. Robert B. Livingston, a San Diego physician and founder of the Department of Neuroscience at University of California, San Diego, came to the same conclusion Horne did *before* Horne, but for a different reason. In a November 18, 1993, press conference in New York City, Livingston said that since

“photographs in the [National] Archives identified as pictures of the President’s brain plainly show the cerebellum in superior and lateral views as intact,” yet some Parkland doctors said the cerebellum was damaged, “a conclusion is obligatorily forced that the photographs . . . of the brain in the National Archives are those of some brain other than that of John Fitzgerald Kennedy” (Statement of Robert B. Livingston, MD, November 18, 1993, in Fetzer, *Assassination Science*, pp.161–164; ARRB MD 24, Deposition of Robert B. Livingston, MD, Case No. 73-93, *Charles A. Crenshaw, MD, and Gary Shaw, Plaintiffs, versus Lawrence Sutherland, et al.* [hereafter “*Crenshaw and Shaw versus Sutherland*”], Defendants, Johnson County, Texas, 18th Judicial Court, November 19, 1993, p.156).

Livingston is the person who claims that just hours after the assassination, when there was mass confusion and no one knew anything for sure about the trajectory or origin of fire, he reached Dr. Humes on the phone at Bethesda Naval Hospital just prior to the autopsy and informed Humes that JFK’s front neck wound was probably an *entry* wound, and that Humes had to terminate the conversation because FBI agents would not let him continue (Statement of Robert B. Livingston, MD, November 18, 1993, in Fetzer, *Assassination Science*, p. 162). Mind you, Livingston claims he told Humes this *before* Humes learned from Dr. Perry that there was a bullet wound to the front of Kennedy’s neck. But Livingston, calling from San Diego, knew better. My, my. In a 1993 deposition, Livingston changed the time of the alleged call, claiming that he talked to Humes for fifteen minutes to a half hour between 3:30 and 4:00 p.m. (EST) on the afternoon of the assassination, when we know Humes wasn’t even at Bethesda (ARRB MD 24, Deposition of Robert B. Livingston, MD, Case No. 73-93, *Crenshaw and Shaw versus Sutherland*, November 19, 1993, pp.101, 105, 199). Dr. Humes told the ARRB in 1996 that he had never heard of Dr. Livingston and after reading parts of his deposition said, “Well, this is ridiculous. I was at home at this time. He never talked to me, period . . . This is fantasy. Pure fantasy . . . Never happened. That’s all I can tell you” (ARRB Transcript of Proceedings, Deposition of Dr. James Joseph Humes, February 13, 1996, pp.47–49). In his deposition, Livingston admitted that although the information he had was important, he never contacted the Warren Commission, HSCA, Clark Panel, or any other official investigation, but that when he finally did take action (in April–May of 1992), he only wrote letters and met with known conspiracy theorists—Peter Dale Scott, David Lifton, Gary Aguilar, and Harrison Edward Livingstone. Livingston ultimately expressed his belief in a conspiracy to assassinate and cover up the JFK assassination, going so far as to claim that whoever was involved in the JFK killing and cover-up was also involved in his getting sprayed with gasoline at a service station once (ARRB MD 24, Deposition of Robert B. Livingston, MD, Case No. 73-93, *Crenshaw and Shaw versus Sutherland*, November 19, 1993, pp.41, 48–51, 54–56, 78, 87, 179–181).

- 446 **Horne was allowed to pursue his fantasies:** And Horne was not alone. Just two examples among several. On September 16, 1996, Doug Horne and a colleague of his, Dr. Joan Zimmerman, while interviewing Secret Service agent Floyd Boring, showed him an HSCA interview in 1978 of former Secret Service agent John Marshall of the Miami office in which Marshall said the Secret Service “could possibly” have been involved in a conspiracy to kill Kennedy (see conspiracy section in book), and wanted Boring’s response to this (ARRB MD 259,

p.1). This obviously had nothing to do with the ARRB's very limited mandate to release assassination-related documents to the public.

Few in the conspiracy community have influenced more people than the British producer Nigel Turner, whose series *The Men Who Killed Kennedy* has been seen by millions of people. Yet when a palpable fraud, former army lieutenant colonel Dan Marvin, contacted the ARRB in 1966 with his fabricated story (see endnote discussion) that a CIA officer asked him in 1965 to murder William Pitzer (who, conspiracists believe, took film of the autopsy—he wasn't even present—that controverts the official version), Timothy Wray of the ARRB sent a copy of the Nigel Turner TV segment dealing with the Pitzer matter to Dr. David Vance, a former U.S. Special Forces officer Marvin had implicated in the murder, seeking Vance's reaction to the film and charges. Wray even ended up getting an affidavit from Vance. (Heiner, *Without Smoking Gun*, pp.96–99) So not only was Wray going beyond the ARRB's mandate, but he was doing so in an area (Pitzer matter) that was so far out it was even beyond the mainstream conspiracy community.

447 **longest in the horizontal plane:** FBI laboratory worksheets include sketches that also show the entrance wound elongated in the horizontal plane (FBI Record 124-10029-10011, FBI Laboratory Work Sheet, April 9, 1964, p.3).

447 **egg shape:** The fact that the wound was oval (i.e., egg-shaped as opposed to completely round) could be explained by one of two possible interpretations. One interpretation is that the bullet that hit the governor struck at a tangential angle (i.e., from the side), “causing an abrasion,” the HSCA said, “most pronounced on the margin [i.e., the right side] adjacent to the acute angle of the trajectory that would create the illusion that the wound was more ovoid than it actually was.” But the HSCA pointed out that Dr. Shaw's postoperative report and subsequent interview by the Warren Commission do not mention any “significant undermining or abrasion” on either side of the wound.*

The second and by far the most logical interpretation of the oval entrance wound is that the bullet was out of alignment with its trajectory just before striking the skin. In other words, it had begun to “yaw” or “tumble” (i.e., rotating left or right) before striking the governor's back, causing the elongated entrance wound. (7 HSCA 144) Although bullets typically yaw less than 3 degrees in normal flight, that amount can increase dramatically if the bullet strikes an intervening object,

*It should be noted that a bullet striking at such a sharply acute angle—as suggested by the ovoid shape of the entrance wound—from the right (no one, not even the conspiracy theorists, allege that the gunman was to Kennedy's and Connally's *left* rear) could not have exited, as it did, from the *right* side of Connally's chest, unless it had been deflected from its leftward direction *immediately* after entering the governor's body. Yet, the only bone struck by the bullet, before it exited, was a relatively soft rib located near the *exit* point on the right side of Connally's chest, the bullet hitting the bone as it was about to *exit*. In other words, the known path of the bullet precludes the possibility that the ovoid shape of the entrance wound was the result of a bullet striking the governor at a tangential angle (i.e., from the side). (7 HSCA 144; see also FBI Record 124-10029-10010, FBI Laboratory Report, April 22, 1964, p.3) However, the same tangential effect could have been caused not by a bullet from the right, but by a bullet exiting Kennedy's throat and proceeding on a straight line into Connally's body, which, we know from the Zapruder film, was turned fairly sharply to the right at the moment of impact. Either situation (a bullet coming from the right, which we can be very confident never happened, or a bullet hitting Connally at an angle only because we know Connally was turned to the right) would explain why the bullet causing the exit wound to Kennedy's throat, which was believed to be around a quarter of an inch in diameter (the tracheotomy precludes us from knowing for sure), just approximately two feet later (distance between Kennedy and Connally) caused an entrance wound to Connally's back that was around six-tenths of an inch in diameter, over twice the size of the exit wound to Kennedy's throat.

literally causing the bullet to strike sideways in relation to its flight path. (7 HSCA 167–168) The HSCA forensic panel (with the exception of Dr. Cyril Wecht) believed that this second interpretation (i.e., the bullet had struck an intervening object) was the likely explanation for the shape of the entrance wound in the governor’s back (7 HSCA 144), and that the intervening object “most probably” was the president’s body (HSCA Report, p.44; 7 HSCA 179). However, the HSCA said there was a “possibility that the [bullet’s] wobble was caused by a different intervening object” (7 HSCA 179). The likely other intervening object would be the president’s knotted tie, which we know the bullet passed through after exiting the president’s throat. Indeed, since *before* the bullet hit the tie it caused a wound to Kennedy’s throat substantially different in size (over two times smaller) than the one it caused entering Connally’s back, a good argument could be made that it had to be the tie, not Kennedy’s body, that caused the bullet to tumble.

448 **the back wound:** Unlike the analysis performed on the president’s clothing, which aided investigators in determining which wounds were entrance and exit wounds, the governor’s coat, shirt, and trousers had been cleaned prior to their receipt at the FBI laboratory. This precluded the ability of investigators to look for metallic deposits in the margins of the bullet holes (which would enable them to help determine which were entrance wounds) or to note the characteristics of the clothing fibers at the margins of the hole (which also could have helped determine, based on the direction of the threads, whether they were entrance or exit holes). (5 H 63–64, WCT Robert A. Frazier; CD 827, p.2; CD 1066, p.283; FBI Record 124-10029-10010, FBI Laboratory Report, April 22, 1964, pp.3–4)

448 **struck the midpoint of the fifth rib:** The impact pushed the rib outward, causing a fracture toward the back of the rib, at a point 4 centimeters ($1\frac{3}{5}$ inches) from where the rib joins the spine, much like a tree limb snapping from pressure put on its end (7 HSCA 149; 4 H 106, WCT Dr. Robert Roeder Shaw). Flying bone fragments from the fifth rib ripped the pleural cavity (i.e., the lining of the chest cavity) open, and the vast majority of rib fragments exited with the bullet below the right nipple. Dr. Shaw testified, “When bone is struck by a high-velocity missile, it fragments and acts much like bowling pins when they are struck by a bowling ball—they fly in all directions” (6 H 88). Also, the middle lobe of the right lung was torn into two equal parts, with a leak in the bronchus (a large air passageway) deep in the lung (CE 392, 17 H 17; 4 H 106–107, WCT Dr. Robert Roeder Shaw; 7 HSCA 149–150). The lower lobe of the lung was full of blood, some oozing from a 1-centimeter ($\frac{2}{5}$ -inch) tear that “had undoubtedly been caused by a rib fragment.” The right pleura cavity was awash in approximately 200 milliliters of blood and contained several small matchstick-size rib fragments. (CE 392, 17 H 17; 7 HSCA 149; 4 H 107, WCT Dr. Robert Roeder Shaw) In an HSCA interview, Dr. Shaw emphasized that the bullet did not pass through the thorax (the chest cavity) but was essentially “a chest wall” wound, passing along the edge of the chest cavity, with much of the inner chest damage being caused by the shower of rib fragments blown into the chest when the bullet struck the fifth rib. Shaw characterized the chest wound as more of a “slap wound” (7 HSCA 327). The HSCA forensic panel, however, felt that Shaw couldn’t have known “whether the injury to the [middle lobe of the] lung was caused by the [bullet] or the rib fragments only” (7 HSCA 150).

448 **2.5 centimeters:** Dr. Gregory's postoperative report described the wound as 2 centimeters in length, while his testimony reflected the 2.5-centimeter length.

448 **bullet passed through the right wrist:** Another wound, approximately 1.5 centimeters ($\frac{3}{5}$ inch) in length was found in the middle of the right ventral (palm side) skin creases of the "palmer surface about 2 centimeters . . . above . . . the most distal wrist crease." When the small laceration was probed, Dr. Gregory found that it was connected to the wound on the back of the wrist (4 H 118, 123).

Of the two wrist wounds, which was the entrance and which was the exit? Dr. Gregory easily concluded that the wound on the back of the wrist was the entrance wound based on several factors, including the fact that bits of dark Mohair cloth from Connally's suit coat had been carried into the wound and deposited between the skin and the bone. Thus, the wound on the palm side was the exit wound. (4 H 118) The November 25, 1963, Parkland Hospital pathology report by Dr. Vernie A. Stembbridge characterized the wound on the back of the wrist as "ragged" (7 HSCA 151). Dr. Gregory had also noted the wound to be "ragged" (4 H 118), and concluded that the ragged appearance of the wound was characteristic of an entrance wound caused by an irregular-shaped bullet—that is, one that had become distorted from having struck an intervening object. The sharp edges of such a distorted bullet not only would produce the ragged edges of the entrance wound but also would explain how bits of cloth from Connally's suit coat were caught and dragged into the wound. Dr. Gregory also noted that the branch of the radial nerve that runs along the back of the hand was partially severed and, in the same area, a tendon leading to the thumb was totally severed. "This could have been produced by a missile entering in the ordinary fashion, undisturbed, undistorted," Dr. Gregory testified. "But again, it is more in keeping with an irregular [bullet] surface which would tend to catch and tear a structure rather than push it aside" (4 H 124). When shown Commission Exhibit No. 399, the partially flattened 6.5-millimeter bullet recovered from a stretcher believed to have been used by Governor Connally at Parkland Hospital, Dr. Gregory declared that the lead core protruding slightly from its base was sufficiently irregular to have caused the wound on the back of the wrist, the bullet entering the wrist backward as it tumbled in flight (4 H 121–122).

448 **small fleck of metal:** Dr. Shires testified that the fragment was 1 to 2 millimeters ($\frac{4}{100}$ to $\frac{8}{100}$ inch) in diameter (6 H 106), while Dr. Gregory reported it to be about 0.5×2 millimeters ($\frac{2}{100} \times \frac{8}{100}$ inch) (4 H 125). Dr. Jack Reynolds, the Parkland radiologist who examined the Connally X-rays on November 22 and wrote a supplementary report on November 29, 1963, reported that the X-rays showed the fragment to be irregular in shape, but roughly oval. Exact measurements were difficult to obtain, but Dr. Reynolds estimated the size from the front-view X-ray to be about 3.5 millimeters ($\frac{14}{100}$ inch) in length and 1.3 millimeters ($\frac{5}{100}$ inch) at the greatest width, while the side-view X-ray showed a size of 2 millimeters ($\frac{8}{100}$ inch) in length by about 1.5 millimeters ($\frac{6}{100}$ inch) in width (7 HSCA 162; 1 HSCA 289–290). Dr. Shires told the Warren Commission (and wrote in his postoperative report) that the fragment was "imbedded in the femur of the left leg" (6 H 106; CE 392, 17 H 20). However, Dr. Gregory, who also examined the X-rays, told the commission that the fragment was actually about $\frac{1}{2}$ inch beneath the surface of the skin (4 H 125). Dr. Reynolds described the fragment as lying in the "subcutaneous fat" of the left thigh, about 8 millimeters ($\frac{3}{10}$ inch) beneath the surface of

the skin on the inside of the leg (according to a front-view X-ray) and 4.9 centimeters (i.e., $1\frac{9}{10}$ inches) beneath the skin on the front of the leg (according to a side-view X-ray) (7 HSCA 161–162; CD 5, pp.157–158). The HSCA forensic pathology panel concurred with Dr. Reynolds’s opinion that the fragment “was just under the skin and was not deep within the thigh in the femur bone,” as had been reported by Dr. Shires (7 HSCA 162). Dr. Michael Baden told author Gerald Posner that “when you look at an X-ray taken on top of [Connally’s] leg, you can see the fragment is barely under the skin and nowhere near the bone . . . If it hit the femur, it would never have fallen out” (Posner, *Case Closed*, p.337 footnote).

- 449 **one bullet had caused all of the governor’s wounds:** Later, when Dr. Charles Gregory was asked by the Warren Commission whether the same bullet could have passed through the president’s body first and still caused all three wounds to the governor, he conceded the possibility but thought “the probability is much diminished.” Asked to explain why, Dr. Gregory, without taking cognizance of the merely glancing blow to the rib by the bullet, testified, “I think that to pass through the soft tissues of the [president’s neck] would certainly have decelerated the missile to some extent. Having then struck the governor and shattered a rib, it is further decelerated, yet it . . . presumably retained sufficient energy to smash a radius. Moreover, it escaped the forearm to penetrate at least the skin and fascia of the thigh, and I am not persuaded that this is very probable. [But] I would have to yield to possibility. I am sure that those who deal with ballistics can do better for you than I can in this regard.” (4 H 127)

- 450 **contributed to the family of slain police officer J. D. Tippit:** There is a slight ambiguity about exactly what happened, although the Tippit family *did* get the money. In Zapruder's testimony before the Warren Commission, he said, "\$25,000 was paid and I have given it to the Firemen's and Policemen's Fund . . . with a suggestion for Mrs. Tippit" (7 H 576), the implication being that Zapruder only suggested that the money be given to Mrs. Tippit. However, the fact of the \$25,000 donation was announced to the media by Zapruder himself on November 27, when he said, "From the revenue that has been offered for [my film] I wish to contribute to the well-being and future of the family that lost a very brave and gallant husband and father" (*New York Times*, November 28, 1963, p.23). Reportedly, Zapruder was annoyed by the fact that Mrs. Tippit never contacted him to thank him for his gift, or even acknowledged the gift (Trask, *National Nightmare*, p.149).
- 452 **Several hundred Dealey Plaza photographs:** I have rejected the HSCA's statement that "more than 510 photographs that relate directly to the assassination were taken by approximately 75 photographers" (6 HSCA 1), since the number 75 is undoubtedly wrong, and hence, it throws into question the 510 number with it. As to the number of photographers who were present in Dealey Plaza at the time of the shooting and who took film or still pictures of the motorcade before, during, or after the shooting, another HSCA document (Reference Copy, JFK Collection, HSCA [RG 233]; see also 6 HSCA 136) seems far more accurate. Though it denominated "the twenty-two photographers in Dealey Plaza and where they stood," three additional ones are penciled in, and I have added "the Babushka Lady" and five more, for a total of thirty-two.

Motion picture film was taken at or around the time of the shooting by Abraham Zapruder (color movie film), Robert Hughes (color movie film), Orville Nix (color movie film), Charles Bronson (color movie film; Bronson also took color slides), F. M. "Mark" Bell (color movie film), Elsie Dorman (color movie film), Marie Muchmore (color movie film), John Martin Jr. (color movie film), Patsy Paschall (color movie), Tina Towner (color movie), James Underwood (black-and-white movie film), Dave Wiegman (black-and-white movie film), Malcolm Couch (black-and-white movie film), Thomas Atkins (color movie film), and an unknown woman in a blue dress.* Still photos were taken by Phillip Willis slides (transparencies, which were more popular in those days), Hugh W. Betzner Jr. (black-and-white photos), Robert Croft (color slides), James Powell (color slide), Jim Towner (color slide), Wilma Bond (color slides), Mary Ann Moorman (black-and-white Polaroids), James W. Altgens (black-and-white photos), Richard Bothun (black-and-white photos), Jack A. Weaver (black-and-white Polaroid), Harry Cabluck (black-and-white still), Frank Cancellare (black-and-white still), Thomas Dillard (black-and-white photos), Arthur Rickerby (black-and-white photo and color slide), Jay Skaggs (color slides and photos), "the Babushka Lady" (unknown

* Arguably, an Argus 8-millimeter color movie taken by Jack Daniel could be included in the list of Dealey Plaza films. He and his three sons were positioned on the west side of the Triple Underpass, hence, outside of Dealey Plaza. He took approximately ten seconds of film as the presidential motorcade was driving through and emerging from the underpass. But from his camera's vantage point one could see some of Elm Street and

camera and film), and an unknown woman at the southwest corner of Elm and Houston. (See sketch in photo section of book; see also also Trask, *Pictures of the Pain*, p.56)

Assassination photographic expert Richard E. Sprague claimed there were additional amateur photographers taking film and photos of the motorcade route through Dealey Plaza (Sprague, "Assassination of President John F. Kennedy: The Application of Computers to the Photographic Evidence," vol.19 [May 1970], pp.29–60; 19 [June 1970], p.7; 19 [July 1970], p.36; 20 [March 1971], p.44; 20 [May 1971], pp.27–29), but their existence and the fact of their having taken film or stills of the motorcade have not been verified. (Guth and Wrone, *Assassination of John F. Kennedy*, pp.69, 71–73, 76–77)

Another alleged photographer was Norman Similas, a Canadian who attended the American Bottlers' Carbonated Beverages convention held at the Trade Mart in Dallas between November 17 and 22, 1963, as a representative of the *Canadian Beverage Review*. In February of 1964 he told Kenneth Armstrong, editor of the Toronto magazine *Liberty*, that he was present in Dealey Plaza at the time of the shooting and had taken photos of the motorcade. (Similas had called his employer and the *Toronto Star* on the afternoon of the assassination saying he had been a close witness to the assassination.) Indeed, he showed Armstrong a few photos, but they were of no consequence. However, he said he had another photo, which was presently being developed, that showed two men in the sniper's nest window, which he promised he would send to Armstrong. (CD 1534, p.1, FBI interview of Kenneth Armstrong on September 25, 1964; Trask, *Pictures of the Pain*, pp.594–595, 598) Based on Similas's promise, Armstrong interviewed Similas for an article in the magazine. The article quotes Similas as saying he was "less than seven feet" away from Kennedy when Kennedy was shot and that he had "unwittingly photographed his assassin or assassins as a rifle was leveled at him from a nearby building." Similas also said that the day before the assassination he interviewed and photographed Vice President Lyndon Johnson (who wasn't even in town) and spent one hour with Jack Ruby at Ruby's club. (Norman Similas, as told to Armstrong, "Dallas Puzzle," p.13)

It was all just silliness, of course, and *Liberty* went under before the next edition, the one that was supposed to have the "two men in the window" photo in it. Similas told Armstrong he sent him the photo in the mail, but Armstrong said he never received it. (CD 1534, p.1) By the time the Royal Canadian Mounted Police interviewed Similas on September 16, 1964, he realized that the authorities were taking his allegation seriously enough to investigate, and he toned down his story. He was no longer "seven feet away" but "250 to 300 yards west of the Texas Book Depository Building," and he took his first photo "as the lead motorcycle passed in front of me. At the same time as I took the first picture I heard the first shot fired. I didn't take any more pictures until a bus carrying the Presidential press party came into view." He said a reporter from the *Toronto Telegram* newspaper came to his home in Toronto on the evening of November 23 and looked at the

the grassy knoll in the background, an area that was in Dealey Plaza. Daniel's film surfaced for the first time on December 28, 1978, when he turned it over to the HSCA. (FBI Record 124-10164-10132, January 17, 1980; 5 HSCA 719)

negatives Similas showed him. Similas said it was the reporter who spotted the two men in the window in one of the photos. Similas gave the reporter, Colin Davies, the negatives, and a few days later learned that the negatives had been lost, the *Telegram* sending Similas an apology and a check for fifty dollars. (Weisberg, *Photographic Whitewash*, pp.215–221)

At this point, I guess, one could say that despite his change of story as to his location vis-à-vis the assassination, maybe Similas was telling the truth. And were his negatives, including the one allegedly showing the two men in the window, truly lost? Or had the dark hand of the FBI appropriated the photos from the Toronto paper because the agency didn't want the world to see the photos? But unfortunately for Similas's little fairy tale, we have proof that this isn't so. One proof comes from Similas's own lips. If, indeed, as he claims, his "two men in the window" photo was among those that were lost just a few days after the assassination, what was he doing in February, two months later, telling Armstrong he still had the photo and would send it to him in the mail? This alone exposes Similas as a fraud. But there is more. Davies, the *Telegram* reporter, told the FBI on September 25, 1964, that the photos Similas showed him at Similas's home were "worthless," nothing of value being in them, "but due to Similas's state of excitement he did not have the heart to disappoint him" and decided to take the photos back to his paper for others to look at them. During the next day or so, he said, the photos were lost and the *Telegram*, feeling responsible, sent Similas a check to pay for them. (CD 1534, p.1, FBI interview of Colin Davies on September 25, 1964)

And there were two other people who saw the negatives *before* they were lost. En route home to Toronto on the day after the assassination, Similas stopped by the Chicago office of the Associated Press and gave the negatives to the night photo editor, Waldo Butler, and the day news photo editor, Ray Jefferies. Jefferies looked at the negatives and saw nothing of value, but before the negatives could dry and be printed, Similas had to catch a flight to Toronto, so later that evening Butler sent the negatives back to Similas for delivery the next day.^{*†} Both Butler and Jefferies looked at everything Similas had, and not only didn't they see any photo showing two men in the window of the Book Depository Building, but also there was no photo that even showed the Book Depository. Jefferies said that at no time during Similas's stop in Chicago did Similas indicate to him that he had any significant "shot" of the Book Depository Building nor did he refer at any time to having seen or photographed figures in a window of that building. Jefferies emphatically stated that there would have been no remote possibility of discerning human forms in any of the windows of any building appearing in the background of the street scenes photographed by Similas. Jefferies sensed from Similas's photos that they might have been taken from a location on the motorcade route other than where the Book Depository Building was. Indeed, Jefferies was convinced Similas had "cooked up" his story to "make a fast buck." (CD 1538a, p.1, FBI interview of Waldo D. Butler on October 8, 1964; CD 1547, pp.1–3, FBI report of an October 20, 1964, interview of Ray Jefferies in Toronto, October 21, 1964, by

^{*}Since Similas didn't receive these negatives until the next day, it is not known what negatives he gave to the *Toronto Telegram* reporter, Colin Davies, the previous night, November 23, unless they were other negatives of the same view.

“another United States Government agency having security and investigative responsibilities abroad,” pp.1–4; author Richard Trask, pursuant to a FOIA request, learned that the basis for the FBI report was a memorandum of Stephen Merrill of the 500th INTC Group, G-2, U.S. Army, Japan, File 105-82555-5179, October 21, 1964, Trask, *Pictures of the Pain*, pp.597, 604 note 10)

Similas’s photo of the two men in the window has never surfaced (6 HSCA 13). I wonder if that’s because it never existed.

In the early morning hours of March 24, 1964, another Canadian got into the act, calling Dallas police headquarters and being put on the phone with Sergeant Patrick Dean. The man, identifying himself as Ralph Simpson, told Dean he had been in the southwestern part of Dealey Plaza near the railroad tracks at the time of the assassination and believed he had film (which he hadn’t developed yet) of the assassination, with the Book Depository Building in the background. The Royal Canadian Mounted Police contacted the man two days later. He turned out to be an alcoholic named Ralph Henry William Smele, who admitted making the call under the fictitious name Ralph Simpson. He said he had never been to Dallas and had made the story up, and apologized. (Trask, *Pictures of the Pain*, pp.599–600, 603; 12 H 443–445, WCT Patrick Trevore Dean) I’m surprised at our good neighbors to the north. One fraud was more than enough for us. We didn’t need Smele.

- 452 **Three other amateur films:** Marie Muchmore and her friend Wilma Bond left work at the Justin McCarty Dress Manufacturers company early so they could watch the presidential motorcade. They were standing about 30 feet north of the northwest corner of Houston and Main as the motorcade turned from Main onto Houston when Muchmore took some motion picture film of the motorcade with her 8-millimeter Keystone movie camera, and Bond some still photos with her 35-millimeter camera. As the limousine turned from Houston onto Elm, the two left their position and moved to the concrete wall on the south side of Elm Street. Bond told the FBI that because of the excitement she did not take photographs at the time of the shooting, though she snapped nine post-assassination photographs that have become famous because they clearly depict the scene in the immediate wake of the shooting, including spectators having dropped to the ground. And her photo number 6 is important in that it shows several spectators running toward the top of the grassy knoll. Muchmore told the FBI that the shooting frightened her so much that she “did not get any pictures of the assassination.” But when film from her camera was later developed, it turned out she definitely had, for about three seconds around and including the head shot at Muchmore frame 42. (Muchmore: CD 7, Interview of Marie Muchmore by Dallas FBI agent Robert E. Basham on December 4, 1963; File DL 89-43; Interview of Marie Muchmore by Dallas FBI agents Robert M. Barrett and Ivan D. Lee on February 14, 1964, File DL 100-10461; Interview of Wilma Bond by Dallas FBI agents Robert M. Barrett and Ivan D. Lee on February 14, 1964, File DL 100-10461; Trask, *Pictures of the Pain*, pp.201–213)

Orville Nix, a six-foot six-inch engineer for the Dallas office of the federal General Services Administration, was standing at the northwest corner of Main and Houston and took film footage of the presidential limousine turning onto Houston from Main with his Keystone 8-millimeter color-film camera. As the limou-

sine proceeded up Houston and turned onto Elm, Nix proceeded to a point about 70 feet west of Houston Street on the south side of Main, and though he did not shoot film at the time the first two shots were fired, his motion picture camera did pick up an unobstructed view of the president and the limousine at the time of the head shot (frame 24), the spray of brain matter from the president's head being visible, as well as the president's head being propelled slightly forward at impact with the subsequent head snap to the rear. Subsequent frames pick up the First Lady on the trunk of the limousine, and Secret Service agent Clint Hill attempting to climb aboard the limousine. (Interview of Orville Nix by Dallas FBI agent Joe B. Abernathy on December 1, 1963, File DL 100-10461; Interview of Orville Nix by Abernathy on January 29, 1964, File DL 100-10461; Thompson, *Six Seconds in Dallas*, p.88; Trask, *Pictures of the Pain*, pp.184–186)

Charles Bronson, chief engineer at the Varel Rock Bit Manufacturing Company in Dallas, was standing atop a concrete abutment with his wife, Frances, near the southwest corner of Houston and Main. Armed with an 8-millimeter Keystone Olympic motion picture camera and a German-made 35-millimeter Leica camera, Bronson took film and still photos of the presidential limousine proceeding down Main to Houston, and some film of it proceeding north on Houston. Bronson did not film most of the limousine's progress down Elm Street, but did pick up the president's car at the precise time the shots were fired. However, Dallas FBI agent Milton L. Newsom viewed the film with Bronson and his wife on Sunday afternoon, November 24, and concluded it "was not sufficiently clear for identification purposes." (DOJCD Record 186-10006-10475, FBI memorandum from Newsom to SAC, Dallas, November 25, 1963; Trask, *Pictures of the Pain*, pp.278–282, 287)

- 453 **set the camera to its "normal" run mode:** The Bell & Howell Director Series spring-wound camera, which retailed for about \$200, was capable of shooting approximately seventy-three seconds of continuous film when fully wound. The camera had three run settings: single frame (for animation), 18 frames per second (for normal operation), and 48 frames per second (for slow motion). Even in its normal run mode, the speed varied slightly, depending on how tight the spring was wound. (Trask, *Photographic Memory*, p.5)
- 454 **sold the third copy and the original film to *Life*:** Initially, Zapruder had sold only the print rights to *Life*. When publisher C. D. Jackson saw the film, he instructed that all rights to the historic film be purchased. (Trask, *Pictures of the Pain*, pp.81, 85)
- 454 **all pertinent frames of the assassination:** Lyndal Shaneyfelt testified that frames "171 through 434" were prepared, an obvious misstatement or typographical error. In fact, only frames 171 through 334 were made into slides. (5 H 139, WCT Lyndal L. Shaneyfelt; Trask, *Pictures of the Pain*, pp.100, 150 footnote 48)
- 454 **Shaneyfelt, the FBI's photographic expert:** Shaneyfelt was also an FBI expert in the area of questioned documents, and it was in this capacity that I used him at the London trial, using the HSCA's Cecil Kirk as my photographic expert.
- 454 **operating at an average speed:** The 18.3-frames-per-second rate of the Zapruder film was an average of the 18.0- to 18.5-frames-per-second rate determined by the FBI in 1964 under laboratory conditions in which the camera was set and run in the manner that Zapruder said he had operated it at the time of the

assassination (JFK Document 014514, Letter from J. Edgar Hoover to J. Lee Rankin, February 3, 1964; HSCA Report, p.79 footnote).

- 455 **Commission's last meeting:** The full transcript of the Commission's last executive session on September 18, 1964, is not at the National Archives and has never been located. Indeed, it is not known if the stenographic notes of the session were ever typed up. (*The Warren Commission*, History Channel, November 22, 1999) This is the session in which Senator Russell made a motion that his dissent to the single-bullet theory be formally acknowledged in a footnote in the Warren Report. The only Warren Commission executive session transcript regarding the September 18 session that apparently has survived and that the National Archives has is one in which Warren opens the session by saying, "The Commission will be in order. The Commission has a number of matters to consider and decide in preparation for the completion of its final report and the closing of its affairs." But transcription of the words spoken at the session abruptly ends with these words, and from that point on, the six-page document only contains a summary of motions made and their disposition. In a November 5, 1964, memorandum to the Warren Commission, General Counsel J. Lee Rankin wrote, "There are attached a copy of the minutes [why not the transcript?] of the last meeting of the Commission." Though conspiracy theorists have speculated that Warren ordered the destruction of the transcript or stenographer's notes, it is difficult to see what he would have gained from that. No one has ever suggested that important matters were discussed at the session, the knowledge of which has been lost to history—that is, not even Russell has alleged, "We discussed a very important matter critical to the case. I can't remember what it was, but the transcript will say." Russell's two-page formal dissent* has survived and it is known that his motion was denied. The six-page document on the September 18, 1964, executive session does not contain a reference to Russell's motion, which it should have.

There aren't too many books on the assassination written by scholars who have less credibility than Gerald McKnight's *Breach of Trust*, which is filled with one outrageous conclusion by the author (e.g., President Johnson, J. Edgar Hoover, the Justice Department, the Secret Service, the U.S. Navy, the CIA, and the Warren Commission were all, from the very beginning, determined to cover up the assassination [McKnight, *Breach of Trust*, p.354]) after another, contains extremely biased and selective discussion of the issues, and has sloppy citations.

*Russell's dissent shows how lacking in substance the basis for his conclusion was. It reads, "I do not share the finding of the Commission as to the probability that both President Kennedy and Governor Connally were struck by the same bullet. The expert testimony, based on measurements and surveys, including reenactment of the motortrip . . . presents a persuasive case. However, the movement of one of the victims by either leaning forward or to either side or rising a few inches from his seat would have made a considerable difference in the mathematical computations [What? Russell is intellectually wanting enough to assert the obvious that if the presumed facts were different, the result would be different, so *maybe* the experts were wrong on their computations? Under that type of reasoning, *maybe* Russell's conclusion is wrong because *maybe* Russell's presumed facts were wrong.] . . . Reviewing the Zapruder film several times adds to my conviction [but Senator Russell, you haven't yet told us what your conviction was based on] that the bullet that passed through Governor Connally's body was not the same bullet as that which passed through the President's back and neck" (Wrone, *Zapruder Film*, p.246; Richard Russell Papers, University of Georgia, Athens). Russell told Warren Commission critic Harold Weisberg that he asked Warren to "just put a little footnote in there at the bottom of the page saying 'Senator Russell dissents,'" but Warren refused (Weisberg, *White-wash IV*, p.21).

But as defective a book as it is, McKnight, a professor emeritus of history at Hood College in Maryland, may be just right when he says (without any citation, of course) that "Rankin suppressed the entire record of the divisions among the commissioners over the single-bullet construction to leave the false impression that the commissioners were in universal agreement on this crucial point" (McKnight, *Breach of Trust*, p.284).

If McKnight is correct, which he may be, this would be a very serious deception on Rankin's part, one that is inconsistent with his sterling reputation and splendid handling of the case as the Commission's general counsel. If true, it certainly does not speak well of him, though it is highly unlikely the Warren Commission itself would have been complicit in this.

456 **no question in the mind of any member of the Commission:** One can hardly find a conspiracy book that does not mention and make much of the fact that Georgia senator Richard Russell, whom LBJ virtually had to strong-arm into becoming a member of the Warren Commission, said in a television interview in 1970 that "I think someone else worked with [Oswald] . . . There were too many things . . . Some of the trips he made to Mexico City, and a number of discrepancies in the evidence . . . his means of transportation, the luggage he had, and whether or not anyone was with him . . . caused me to doubt that he planned it all by himself" (Don Oberdorfer, "Russell Says He Never Believed Oswald Alone Killed Kennedy," *Washington Post*, January 19, 1970, p.A2). Note that what Russell essentially said is that there were too many things he had questions about, and because of these unanswered questions, instead of concluding he didn't know what happened, he tended to believe there was a conspiracy.*

Maybe if Russell had acted like a responsible public official, he would have learned the answers to his questions. But he did not. As indicated earlier in the text, his attendance at the hearings where ninety-four witnesses testified before the Commission was nothing short of disgraceful, Russell only attending the testimony of six witnesses (Meagher, *Assassins after the Fact*, p.xxx).

And if Russell had a little more common sense, that would have also helped. Russell is the same person who on October 22, 1962, right in the middle of the Cuban missile crisis and the threat of an Armageddon-like nuclear war with Russia, actually urged war rather than a peaceful resolution to the crisis. "The time is going to come, Mr. President," Russell said, "when we're going to have to take

*But in an earlier interview in November of 1966, Russell did not indicate any belief in a conspiracy, only that the issue, in his opinion, had not been successfully resolved by the Commission (*Los Angeles Times*, November 22, 1966, p.10). It has to be noted that six of the seven Commission members kept their regular jobs (Allen Dulles was retired) during the entire Warren Commission period; for example, Senators Russell and John Sherman Cooper didn't stop being U.S. senators and Chief Justice Earl Warren didn't stop performing his duties as chief justice. Only the fourteen assistant counsels and J. Lee Rankin, the general counsel, worked full-time. And realistically, it was the assistant counsels and Rankin, not the seven Commission members, who knew the most about the case. But to my knowledge, in all the ensuing years since the Commission issued its report, Russell is the only one of the Commission members and assistant counsels who has directly stated a belief in a conspiracy. Conspiracy author Anthony Summers writes that Senator John Sherman Cooper, on British TV in 1978, said he was "unconvinced" about the single-bullet theory (Summers, *Conspiracy*, pp.36, 545 note 36). And in testimony before the HSCA in 1978, Commission member John J. McCloy said that after hearing "so much talk" about a conspiracy, "I no longer feel we simply had no credible evidence or reliable evidence in proof of a conspiracy, but I rather think the weight of evidence is affirmatively against the existence of a conspiracy" (3 HSCA 605, Testimony of John J. McCloy before HSCA on September 21, 1978).

this step for Berlin and Korea and Washington, D.C., and Winder, Georgia [Russell's hometown], for the nuclear war . . . We've got to take a chance somewhere, sometime, if we're going to retain our position as a great world power . . . It's coming someday, Mr. President. Will it ever be under more auspicious circumstances?" (May and Zelikow, *Kennedy Tapes*, pp.259, 265) Can you imagine that? To Russell, possession of nuclear weapons wasn't a deterrent to war but a golden opportunity to blow up the planet. I must confess: when a mental giant like Russell says he believes there may have been a conspiracy in the Kennedy assassination, I listen.

- 457 **FBI at first thought that three separate bullets caused the wounds:** Though J. Edgar Hoover gave a good explanation in the statement he issued on November 26, 1966, for the error made in the FBI's original report of December 9, 1963, that suggested Connally must have been hit by a separate bullet, the FBI's supplementary report of January 13, 1964, made the same error, only stating it explicitly, not by implication, when it said, "Medical examination of the President's body had revealed that the bullet which entered his back had penetrated to a distance of less than a finger length" (CD 107, p.2, January 13, 1964). In other words, that bullet could not have gone on to hit Connally. The only explanation for this error being repeated by the FBI in its supplementary report is that whoever prepared the report failed to completely read, or read at all, the autopsy report, which had been received by the FBI at the time of this second report and contained the correct information that the bullet which entered the president's back had, in fact, exited in the front of his throat (CE 387, 16 H 981). It should be noted that by the time of the January 13, 1964, report, the FBI lab had examined the president's clothing and discovered what appeared, Hoover said, to be "an exit hole for a projectile" in the *front* of the shirt "one inch below the collar button," and this finding, in fact, *was* put into the January 13 report to rebut what the autopsy surgeons had orally said on the night of the assassination and to clarify what happened (November 25, 1966, Prepared statement of J. Edgar Hoover, *New York Times*, November 26, 1966, pp.1, 25; CD 107, p.2). So the January 13, 1964, supplementary report is itself internally inconsistent. A further indication that the January 13 report merely repeats, without reflection, the essence of the December 9, 1963, FBI report is that the January 13 report did not concern itself with the autopsy. In its sixty-seven pages, the reference to the "medical examination" revealing that the bullet penetrated to a distance of less than a finger length is one of only two sentences making reference to the autopsy (CD 107, pp.2-3, January 13, 1964).
- 457 **mostly academic:** Short of a new film process being invented that not only is able to pick up the sight of a small bullet traveling at 2,000 feet per second in space, but also is able to extract such a sight, like DNA, from the molecular celluloid of Zapruder's film, the future can never tell us with 100 percent certainty the precise timing of the bullets.
- 458 **the single-bullet theory:** Former Los Angeles Police Department detective Mark Fuhrman, in his book, *A Simple Act of Murder*, rejects the single-bullet theory because he doesn't believe there was a proper alignment of Kennedy's body to Connally's at the time the bullet passed through Kennedy's body. Yet he believed that Oswald fired all three bullets that were fired in Dealey Plaza. He resolves the problem by concluding that Kennedy was hit by two bullets and Connally by a

third one. The first shot was fired by Oswald at frame 186 and hit the president in the back. The second shot was fired by Oswald and hit Connally somewhere between Zapruder frames 231 and 237, and the third shot, of course, hit Kennedy at frame 313.

In all deference to former detective Fuhrman, Oswald would have had no reason to try to hit Kennedy through the oak tree foliage at frame 186 when he knew that in just one second he would have a clear shot at Kennedy. Also, Kennedy and Connally *were* in proper alignment with each other at the time of the second shot between approximate frames 210 and 225 according to all the experts employed by the Warren Commission, HSCA, and CBS (Itek Corporation study in 1976). Additionally, the author's explanation for why the bullet exiting Kennedy's throat never went on to hit Connally beneath his right armpit—that it was traveling upward through Kennedy's body—is in error, the bullet always traveling downward through Kennedy's body (traveling upward only if we were to put Kennedy in an anatomic position). Fuhrman believes that the whole bullet passing through Kennedy's body went on to cause the small dent in the chrome strip on the top of the inside of the windshield. But a whole bullet traveling at about 1,800 feet per second (even if we assume a speed as low as 1,500 feet per second) upon exiting Kennedy's throat would have, as FBI firearms expert Robert Frazier testified, "torn a hole in the chrome," not merely caused a small dent.

The former detective also wants us to assume that although Oswald hit his target—Kennedy—while his vision was obstructed by the oak tree, when he had a clear shot at Kennedy between Zapruder frames 231 and 237 the bullet he aimed at Kennedy missed Kennedy and hit Connally by mistake. (Fuhrman, *Simple Act of Murder*, pp.172, 177, 179–181, 184–185, 195–196, 204)

461 **when the limousine was examined:** The presidential limousine, SS-100-X, arrived at Andrews Air Force Base in Maryland aboard Air Force cargo plane number 612373 (C-130) at 8:00 p.m. (CST). It was driven under escort to the White House garage at 22nd and M Streets, N.W., Washington, D.C., arriving at approximately 9:00 p.m. Initially, it was examined by Secret Service agents, but at 1:00 a.m. (on November 23) a team of five FBI agents arrived at the garage, including Robert A. Frazier, and the "meticulous examination" of the car and its interior continued until the examination was concluded at 4:30 a.m. (CD 80, pp.2–3, November 27, 1963)

461 **Robert Frazier:** Further questioning of Robert Frazier by Warren Commission counsel follows: Question: "Was your examination a thorough examination of all aspects of the interior of the automobile?" Answer: "Yes, sir, for our purpose. However, we did not tear out all of the rugs on the floor, for instance. We examined the rugs carefully for holes, for bullet furrows, for fragments. We examined the nap of the rug . . . for fragments and bullet holes. We pulled the rug back as far as we could turn it back and even tore the glue or adhesive material loose around the cracks at the edges of the rug so we could observe the cracks to see whether they had been enlarged, and we examined all of the upholstery covering, on the back of the front seat, on the doors, and in the rear seat compartment, the jump seats, the actual rear seat, the back of the rear seat, and we examined the front seat in a similar manner, and we found no bullet holes or other bullet impact areas, other than the one on the inside of the windshield and the dent inside the wind-

shield chrome.” Question: “Had any of those portions of the automobile been struck by the bullet exiting from the president’s neck, which I have described hypothetically for you, would you have found some evidence of striking?” Answer: “Yes, sir.” (5 H 71)

With respect to the damage to the inside of the windshield and the dent inside the windshield chrome, this damage was very minimal. Commission Exhibit No. 350 shows the small, nonpenetrating crack in the windshield, and Commission Exhibit No. 349 shows a small dent above the crack in the chrome strip on the top of the inside of the windshield, both of which, Frazier testified, were caused by bullet *fragments*, most likely emanating from the same bullet (the shot to the president’s head) that left two large fragments on the front driver’s seat and floor of the limousine. It’s too obvious to state that a *whole* bullet traveling at a speed of around 1,772 to 1,779 feet per second (estimated speed of the bullet upon exiting the president’s throat: WR, p.105) would have *completely* penetrated the window. And when Frazier likewise was asked what a whole bullet would have done to the area of the windshield chrome, he answered, “It would have torn a hole in the chrome, penetrated the framing inside and outside the car” (5 H 68–71; WR, p.105). Summing up, when Warren Commission counsel asked Frazier, “Did your examination of the president’s limousine disclose any other holes or markings [i.e., other than the small crack on the inside of the windshield and the small dent inside the windshield chrome] which could have conceivably been caused by a bullet striking the automobile or any part of the automobile,” Frazier answered, “No, sir” (5 H 70).

It should be noted that there are indications that the damage to the chrome strip, which Frazier attributed to a fragment from the bullet that hit the president’s head, may have had nothing to do with the assassination. In a January 6, 1964, letter, Secret Service chief James J. Rowley states that “SA [Special Agent] Gies, who was responsible for the care and maintenance of this vehicle, believes that this damage (i.e., the small dent inside the windshield chrome) was . . . done in New York at the Empire Garage (Lincoln-Mercury Dealer) on November 1, 1961 . . . while he and employees of the Empire Garage were removing the ‘header’ on the leatherette top to make repairs to the crank which secures the convertible top in place on this vehicle” (HSCA Record 180-10075-10174, January 6, 1964, p.3). As to the crack in the windshield, corroboration for Frazier’s assertion that it was caused by a fragment of the bullet that struck the president’s head exists in the form of two photographs taken by AP photographer James W. Altgens. The first photograph, taken after the second shot had been fired, shows no damage to the windshield. The next photograph, taken just after the third shot (i.e., the shot to the head), clearly shows the spider-like cracks in the windshield that Frazier attributed to a bullet fragment. (Associated Press, *Torch Is Passed*, photographs pp.16–17 [top])

Despite the overwhelming evidence and testimony showing that the windshield was only cracked by a small bullet fragment striking it from the inside, some critics contend that the windshield was actually *penetrated* by a bullet fired by a second sniper located in front of the limousine. They inevitably cite a report by Richard Dudman, a reporter for the *St. Louis Post-Dispatch*, which appeared in the December 21, 1963, edition of the *New Republic*. Dudman wrote, “A few of us noticed the [small, round] hole in the windshield when the limousine was stand-

ing at the emergency entrance after the President had been carried inside. I could not approach close enough to see on which side the cup-shaped spot, that indicates a bullet had pierced the glass from the opposite side," was. (Dudman, "Commentary of an Eyewitness," p.18) In 1971, Dallas motorcycle officer Stavix Ellis recalled seeing a "hole in the left front windshield" of the limousine while at the hospital that was large enough to "put a pencil through it" (Interview of Stavix Ellis by Gil Toff on April 21, 1971). Another motorcycle officer, Harry R. Freeman, also said he saw a hole in the windshield (Interview of H. R. Freeman by Gil Toff on April 22, 1971). In a 1987 interview, Ellis claimed the bullet hole was "just above the metal near the bottom of the glass" (Sneed, *No More Silence*, p.147), but photographs—including the one taken by James Altgens seconds after the head shot—only show a radial pattern of cracks high on the windshield, just left of the rearview mirror.

More importantly, the FBI's Robert Frazier testified that the windshield was made of safety glass—two layers of glass separated by a thin layer of plastic that bonds them together. "The inside layer of the glass was *not* broken," Frazier said, "but the outside layer . . . had a very small pattern of cracks and there was a very minute particle of glass missing* from the outside surface . . . The cracks appear in the outer layer of the glass because the glass is bent outward at the time of impact, which stretches the outer layer of the glass to the point where these small radial . . . cracks appear on the outer surface." Warren Commission counsel: "So the pressure must have come from the inside and not from the outside against the glass?" Frazier: "Yes, sir, that is correct." Question: "As far as the car is concerned, from the back to the front?" "Yes, sir." In addition, Frazier said, "on the inside surface of the windshield [near the cracks] there was a deposit of lead." According to Frazier, this was all evidence that the windshield "could *only* have been struck on the inside surface" from a bullet coming from the rear. (5 H 68–69)

Earlier, on March 26, 1964, the FBI laboratory in Washington, D.C., furnished the Warren Commission with its findings that "scrapings [FBI Exhibit Q15] were obtained from the *inside* surface of the windshield in the immediate area of the point of impact and these scrapings were identified as lead." The report went on to say (in a rough analogy to the beveling of bullet wounds on the inside of the skull when the shell is struck on its outer surface) that when laminated glass is struck, the "glass opposite the side of impact is put into a state of tension which results in cracks in the glass *opposite* the side of impact. These cracks radiate from the point of impact. It was therefore concluded that the cracks resulted from the windshield having been struck from the inside; that is, from the rear of the vehicle." (CD 897, p.282; WR, p.77) For allegations that windows were switched, see Lifton, *Best Evidence*, p.371 footnote.

- 461 **the sole architect [footnote]:** It is accepted as fact that current U.S. senator Arlen Specter was the architect of the single-bullet theory, and he has done everything to encourage this belief in people. Not only has he given many radio, TV, and mag-

*The particle of glass missing was apparently so small that a cursory inspection of the window at the White House garage on the evening of the assassination caused Secret Service special agent Dies, in charge of vehicles at the garage, and "Special Officer Davis" to report that "the damage to the windshield was entirely on the inside surface," and "there is no hole or crack through the windshield" (CD 80, p.2, Memo from James J. Rowley to J. Lee Rankin, January 6, 1964).

azine interviews where he is referred to as such and never corrects the interviewer, instead reaffirming the belief, but also in his book *Passion for Truth*, he writes, “I had developed the Single-Bullet Theory,” “my theory,” and “my conclusion,” and cites Gerald Ford as telling him he refers people asking about the single-bullet theory to him, telling them, “You ought to speak to the author of it” (Specter with Robbins, *Passion for Truth*, pp.1, 82, 119–120).^{*} But from the first moment that I heard that Specter had come up with the single-bullet theory, it made very little sense to me since the theory was so obvious that a child could author it. And here we were dealing with lawyers on the Commission staff of very high intellect, many of them graduating at the top of their law school classes. Since they all knew that the bullet, fired from Kennedy’s right rear, had passed through soft tissue in Kennedy’s body on a straight line, and that Connally was seated to the president’s left front, the bullet, after emerging from Kennedy’s body, would have had to go on and hit Connally for the simple reason it had nowhere else to go. How could it be that among many bright lawyers earnestly focusing their minds on this issue, only Specter saw it? But in the absence of any evidence to the contrary, I went along with it for the moment, intending to pursue the matter further if I found the time.

In 2005, while rereading a few of the old articles on the case I had, I came across one in the November 28, 1988, edition of the *National Law Journal* that had brief profiles on the “22 lawyers of the Warren Commission staff” who “were the best and the brightest of their generation.” In the profile on Norman Redlich I saw something I had previously missed. After a reference to Redlich being the “editor of the final report,” the profile said “*Along with Arlen Specter*, credited with first proposing controversial ‘single-bullet theory’” (Kaplan, “JFK Probe—25 Years Later,” p.25). This went in the direction of confirming my initial thoughts, but obviously I needed further confirmation. In a letter sent to Specter at his Senate office on June 24, 2005, I asked him three questions, two of which were relatively insignificant, one requiring only an answer of “before” or “after,” the other “yes” or “no.” The main question, and the reason for the letter, was this: “*The National Law Journal* of November 28, 1988, says that Norman Redlich and you, not you alone, came up with the single-bullet theory. Were they correct? If so, would you please elaborate on this, such as the respective degree of contribution, for the historical record?” Though I’ve received a very good response to my letters during my writing of this book, including from former presidents (Ford) and CIA directors (Helms), and Specter himself years ago, Specter did not answer my letter. Although I’m aware he is battling cancer and is very busy with his duties as the chairman of the Senate Judiciary Committee, I’m also aware that he works every day and finds time for print and television interviews, and that a reply to my question would only take a few minutes of dictation to his secretary. Most of all, I’m aware that he knows that perhaps his most well-known legacy, one that will be a part of his obituary, is that he was the author of the single-bullet theory. If, indeed, he was the sole author of the single-bullet theory, surely he would find a minute or two over a year or so to respond to someone who was potentially going to tamper

^{*}Ford was a member of the Warren Commission, not the nuts-and-bolts staff, so was not in the best position to know precisely the origin of something starting at the staff level, particularly when Specter was the main spokesman for the matter.

with this all-important legacy of his, which he himself says was "the Warren Commission's most dramatic contribution," and we all know was absolutely necessary to the Commission's conclusion that Oswald acted alone. On the other hand, if he wasn't the sole author, he may have made the decision that to say nothing would be better than to admit that he wasn't the sole author (in which case all of his prior pronouncements would be viewed as less than truthful), or state an untruth and take the risk I could prove it was so.

In any event, in September of 2005, though I had earlier tried to locate Norman Redlich (not listed in the New York City phone directory), my secretary, Rosemary, found on the Internet that he was on the board of trustees of Vermont Law School, which in turn directed me to his New York City law office where he was, at the then age of eighty, "of counsel" to a corporate law firm. The modest and reserved Redlich, who had been executive editor of the *Yale Law Journal* in law school and served for years as dean of the New York University Law School, has never blown his own horn nor spoken out or tried to exploit his immense contribution to the Warren Commission and its report. Unlike Specter, who is a politician, and who with justification trumpeted his many achievements, when I asked Redlich if he wanted to make any general comment on the case for my book, he said, "Well, I've maintained quite a silence through the years.* Whatever I know about the assassination is in the report and that's still the case. We worked very hard, and I'm still proud of what we accomplished." I give the reader this prelude to the main reason why I called Redlich as an indication that this is someone of considerable substance and stature who is certainly not likely to distort the official record for his own self-aggrandizement.

When I asked him if, indeed, Arlen Specter, was the sole author of the single-bullet theory, his exact words were, "No, we all came to this conclusion simultaneously." When I asked him whom he meant by "we," he said, "Arlen, myself, Howard Willens, David Belin, and Mel Eisenberg." I sensed in his words that there may have been others. He said, "We discussed this issue at great length" and added that the later reconstruction tests in Dallas (where he said, "I went up to the sniper's nest window with Arlen and he and I looked through the telescopic sight and saw how the bodies of Kennedy and Connally were in alignment at frame 210") had "substantiated our conclusion."

When I asked him to comment on Specter leading people to believe that it was he who came up with the single-bullet theory, he responded, "I like Arlen and have always gotten along well with him and don't want to get into a dispute with him over this. I've never felt the urge or desire to take issue with Arlen taking the credit. He certainly played an important role." (Telephone interview of Norman Redlich by author on September 6, 2005)

I don't know about you folks, but I'm inclined to take what Redlich told me to

*I found out just how much of a silence in a telephone conversation I had with former assistant Warren Commission counsel Burt Griffin on January 3, 2006. When Redlich came up in the conversation and I mentioned I had spoken to him a few months earlier, Griffin said, in surprise, "You spoke to Redlich?" "Yes," I answered, "why the surprise?" "Because his practice has always been, and he has stuck to it, not to give any interviews to *anyone*. I'm impressed. You should consider yourself fortunate." My guess is that as quiet as Redlich has been, he probably has spoken about the case to at least one or two authors or assassination researchers before me, though I do not personally know who they might be.

the bank. My sense is that Redlich, who by almost all accounts worked harder on the case than anyone else, was a team player only interested in doing his job well. And as Specter's superior, and having many other supervisory responsibilities, he was only too happy to let Specter run with the ball on this issue. And as we've seen, Specter ran well, perhaps too well for the historical record.

If I have done a disservice to Specter in what I have written above, I apologize to him. But I did give him an opportunity to respond to this issue, and he declined. If he decides to do so in the future, I would draw his attention to two remarks he has made in the past in which he may have inadvertently betrayed what happened. In an August 26, 1965, interview with author Edward Jay Epstein that Epstein has put on the Internet and is captioned, "Arlen Specter, The Inventor of the Single-Bullet Theory," Epstein, when Specter refers to the single-bullet theory, asks rhetorically, "And you were responsible for it?" Specter: "Yes, *I more than anyone else.*" Epstein asks no follow-up questions, but the phrase "more than anyone else" certainly is not completely compatible with the notion Specter advertises to everyone that *he* came up with the theory. So if he responds to what I have written in this book, he should address himself to the "more than anyone else" language, which could open up a subjective can of worms for him.

Secondly, in his book he makes this curious remark, curious for someone who actually was the *sole* author of the single-bullet theory: "I have always been willing to *take on the mantle* of authorship that Epstein first thrust upon me" (Specter with Robbins, *Passion for Truth*, p.82). Does one "*take on the mantle*" when it's *already* rightfully atop one's head? And how do you "thrust upon" someone something that this person supposedly already has?

I should add that I could find no documentary evidence expressly dealing with this issue of authorship of the single-bullet theory, although what is out there is definitely not helpful to Specter. Warren Commission assistant counsel Melvin Eisenberg, who graduated number one in his class at Harvard Law School and was Redlich's assistant, was the lawyer on the staff primarily assigned to handling the scientific evidence (firearms, fingerprints, Zapruder film, etc.). On April 14 and 21, 1964, Eisenberg called two Warren Commission conferences "to determine which frames" in the Zapruder film "show the impact of the first and second bullet." In addition to Redlich, Specter, and Eisenberg (and for the second meeting only, Belin) attending both conferences, the attendees at the first conference included, among others, the three autopsy surgeons, six FBI agents (including Lyndal Shaneyfelt), and Secret Service inspector Thomas Kelley. The second conference included Dr. Alfred Olivier, chief of the Wound Ballistics Branch of the Biophysics Division at Edgewood Arsenal, Maryland; Dr. Joseph Dolce, consultant to the Biophysics Division; Dr. F. L. Light of the Wound Assessment Branch at Edgewood Arsenal; Drs. Charles Gregory and Robert Shaw from Parkland Hospital; and later in the conference, Governor John Connally and his wife, J. Lee Rankin, and Warren Commission member John J. McCloy. At each conference the Zapruder film and slides prepared by *Life* magazine were shown and analyzed in detail by the attendees, who struggled to determine just when each of the two shots hit Kennedy or Connally. At the end of the first conference, the "*consensus* of the meeting," Eisenberg wrote in a "Memorandum for the Record" on April 22, 1964, was that, among other conclusions (such as that "the

President had been definitely hit by frames 224–225”), “the velocity of the first bullet [that struck Kennedy] would have been little diminished by its passage through the President. Therefore, *if Governor Connally was in the path of the bullet it would have struck him* and probably caused the wounds he sustained in his chest cavity. [This, Eisenberg says, was the consensus of many people at the conference, not just Arlen Specter.] Strong indications that this occurred are provided by the facts that . . . if the first bullet did not hit Governor Connally, it should have ripped up the car, but apparently did not.” Eisenberg goes on to say that “since the bullet recovered from the Governor’s stretcher does not appear [apparently because of its relatively pristine position] to have penetrated a wrist [but it did, Connally’s right wrist], if he was hit by this first bullet, he was probably also hit by a second bullet.” Note that this consensus was *before* tests at the Edgewood Arsenal in Maryland showed that Commission Exhibit No. 399, the so-called magic bullet, was extremely durable and could have struck the bones in Governor Connally’s body (fifth rib and radius bone) and still remained in the good condition in which it was found.

A second memorandum Eisenberg wrote, on April 22 (this one of the April 21 conference), doesn’t indicate that anything substantive came out of the second meeting not dealt with in the first conference on April 14, except Connally saying he was of the opinion that he had been hit by frame 231. Eisenberg writes that “in a discussion after the conference, Drs. Light and Dolce* expressed themselves as being very strongly of the opinion that Connally had been hit by two different bullets, principally on the belief that the bullet recovered from Connally’s stretcher could not have broken the radius without having suffered more distortion.” But again, this was before the tests at Edgewood Arsenal proved that it could.

Eisenberg’s memorandum for each conference says that the attendees concurred that Connally could not have been hit in the back where he was “after frame 235” because he had turned his body to the right at that point and “would have presented a side view to the assassin [in the sniper’s nest] rather than [the] back view,” which would have been required for Connally to have received the back wound he did. At both conferences, the only reference to Specter (other than his attendance) is that he disagreed with everyone else present on this point, saying he felt Connally could have received his back wound “up to 242.”† This has nothing to do with the single-bullet theory. In fact, it goes precisely in the opposite direction, since if Connally could have been hit as late as frame 242, virtually everyone agrees it would have had to have been from a second gunman.

The only other document I could find tangentially dealing with the issue of authorship is one from Redlich to Rankin on April 27, 1964, in which he implies, without expressly saying so, that by April 27, he and his colleagues had preliminarily concluded that Connally and Kennedy had been hit by the same bullet. He writes,

*Dolce did not testify before the Warren Commission or HSCA, nor was he interviewed by either investigative body (see Weisberg, *Never Again!* pp.291–301, for full discussion of Dolce, including an interview of Dolce in 1986 by Gerard “Chip” Selby, a University of Maryland student working on a JFK assassination TV documentary for his master’s degree in communication; also McKnight, *Breach of Trust*, p.417 note 18).

†Actually, although at frame 236 Connally has turned quite a bit to his right, he isn’t really sideways to the assassin until frames 239–240.

“Our report presumably will state that the President was hit by the first bullet, Governor Connally by the second, and the President by the third and fatal bullet . . . As our investigation now stands, however, we have not shown that these events could possibly have occurred in the manner suggested above. [Since there never has been any dispute by anyone that the third shot hit Kennedy in the head at frame 313, Redlich could only be discussing the first two bullets and his disagreement that one bullet hit Kennedy and the second one hit Connally.] All we have is a reasonable hypothesis which appears to be supported by the medical testimony but which has not been checked out against the physical facts at the scene of the assassination . . . I should add that the facts which we now have in our possession, submitted to us in separate reports from the FBI and Secret Service, are totally incorrect and, if left uncovered, will present a completely misleading picture.”

When I called Redlich back and asked him if, from the language he used in his April 27 memo to Rankin, “it would be a fair inference to conclude that by the time of the memo you and your colleagues had preliminarily concluded that Kennedy and Connally were hit by the same bullet,” he replied that “it is a correct inference that by that time we had concluded that Kennedy and Connally must have been hit by the same bullet.” When I asked him further whether it would be a fair inference that this decision was formed at some time between Eisenberg’s two memorandums of April 22 and his memo to Rankin of April 27, he said that it “would be a fair assumption that at sometime between these two dates we decided on the single-bullet theory and that we needed a reenactment in Dallas to confirm it.” (Telephone interview of Norman Redlich by author on September 20, 2005)

Although the first documentary evidence I could find for an on-site reenactment in Dallas of the assassination was an April 24 internal memorandum from Eisenberg to Redlich, Specter, and Belin alluding to the advisability of going to Dallas, the first formal request for the reenactment I could find was a letter from Rankin to J. Edgar Hoover on May 7, 1964, in which he says “the Commission would like the cooperation of your Bureau in the performance of certain additional investigation at the scene of the assassination.” He suggests May 18 or 19 as good possible dates, and it’s noteworthy that he adds, “Members of the Bureau assigned to this project should contact either *Mr. Norman Redlich* or *Mr. Melvin Eisenberg* of the Commission staff if additional information is required.” Rankin did not mention Arlen Specter.

When I asked Redlich who was responsible for the decision to go to Dallas and have the reenactment, he said, “A lot of us felt the Dallas trip was necessary.” He said that as far as he could recall only he and Specter from the Warren Commission staff went to Dallas for the reenactment. (Telephone interview of Norman Redlich by author on September 20, 2005)

- 462 **anti-single-bullet:** Virtually the only person participating in the FBI’s reenactment of the assassination who expressed any doubt at all about the single-bullet theory was FBI firearms expert Robert Frazier, who simulated Oswald in the sniper’s nest during the reenactment. But the reason for his hesitancy to jump on the single-bullet-theory bandwagon renders his position of no consequence. In his Warren Commission testimony he kept saying that the single-bullet theory was based on the “assumption” that there was no “deviation” or “deflection” of the

bullet in Kennedy's body, and he was not in a position to know that. This, of course, is true, but those who were in a position—the pathologists from the Warren Commission and HSCA—said the bullet that entered Kennedy's upper right back passed through soft tissue on a straight line through his body. So we see that Frazier's reservation about the single-bullet theory amounts to no reservation at all. However, he made it clear that any hesitancy on his part about reaching the conclusion of a single bullet hitting Kennedy and Connally was only confined to his resolving the issue by a consideration of the path the bullet took through Kennedy's body. He reached the same conclusion based on other evidence, testifying that if the bullet that passed through Kennedy's body did not go on to hit Connally, "it would have struck somewhere else in the car, and it did not strike somewhere else. Therefore, it *had* to go through Governor Connally." (5 H 171–174, WCT Robert A. Frazier)

- 462 **from what conceivable position in Dealey Plaza:** Josiah Thompson, in his book *Six Seconds in Dallas*, says he believes that the bullet that hit Connally (at frame 236, he maintains) was fired from the roof of the County Records Building on Houston Street, which, like the Book Depository Building, was to Kennedy's and Connally's rear (Thompson, *Six Seconds in Dallas*, p.130). But Thompson doesn't address himself to the issue of just how such a bullet could hit Connally where it did without first passing through Kennedy's body.
- 463 **lack of any physical evidence of a second gunman:** An early allegation that a fourth bullet was recovered near a "manhole (sewer) cover" on the south side of Elm Street has never been substantiated. Nine minutes after the assassination, while searching for evidence of shots fired at the president, Dallas patrolman J. W. Foster and Dallas sheriff deputy E. R. "Buddy" Walthers began to focus their attention on a patch of grass near a sewer cover on the south side of Elm Street (6 H 252, WCT J. W. Foster; 7 H 546, WCT Eddy Raymond Walthers). The manhole or sewer cover was located "almost opposite to where the president's car was located when the last shot . . . was fired" (CD 386, Memo from SAIC Forrest Sorrels to Inspector Thomas Kelley, February 13, 1964). Two photographers standing nearby, Jim Murray and William Allen, began snapping pictures. In one, Foster is crouching down next to the sewer cover and pointing back toward the Book Depository, a tuft of grass turned up near his feet (Trask, *Pictures of the Pain*, p.497). Foster reported that a bullet, which he felt came from "around Elm and Houston" (i.e., where the Book Depository Building was located), struck the corner of the concrete slab surrounding the manhole cover and apparently ricocheted into the nearby turf (6 H 251–252).^{*} Over the next minute (the Hertz sign atop the Depository read 12:39 to 12:40 p.m. in the Murray photographs [Trask, *Pictures of the Pain*, pp.497, 499]), several photographs were taken that show Walthers lighting a cigarette, bending down, and probing the turned-up sod with his hand. Then, as Foster and Walthers look on, an unidentified plainclothesman with a raincoat over his arm approaches, bends down, and appears to examine the clump of grass with his left hand. The last

^{*}If, indeed, a bullet or bullet fragment struck the sewer cover, it left no discernible mark (6 H 252, WCT J. W. Foster; CD 386, Memo from SAIC Forrest Sorrels to Inspector Thomas Kelley, February 13, 1964). But it did leave a mark on the turf, although Foster's testimony is incoherent on this issue (6 H 252). Not so with the statements of two Dealey Plaza witnesses, Wayne and Edna Hartman. According to the Hartmans, they walked to the area right after the shooting when they saw a police officer and young boy looking at the turf.

photograph in the series shows the plainclothesman with his left hand in his pocket. According to conspiracy theorists, he must have pocketed the bullet. (Trask, *Pictures of the Pain*, pp.498–499) Yet, in another photo, three other civilians also have their hands in their pockets. Are they pocketing bullets too? The bottom line is that no bullet is visible in any of the Murray–Allen photographs. Still, critics have interpreted these photographs as proof that police recovered a “fourth bullet” at the crime scene.

In support of their charge, theorists point to a curious sequence of subsequent press reports and eyewitness statements. For instance, in addition to the Murray–Allen photographs, critics note that on November 23, 1963, the *Fort Worth Star-Telegram* published a close-up photo of the corner of the sewer cover 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” (*Fort Worth Star-Telegram*, November 23, 1963). But this was just the work of an imaginative photo editor at the *Star-Telegram*. No bullet is visible in the photograph, and the photographer, Harry Cabluck, never said he saw a bullet there (Trask, *Pictures of the Pain*, pp.350–351).

Still, there are other “proofs” that critics have offered. 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” (*Dallas Times Herald*, November 24, 1963). There can be no doubt that the “spot” referred to was the Elm Street sewer cover. In his 1969 book, Dallas police chief Jesse Curry acknowledged that the sewer cover was, indeed, one of the “areas under investigation” the day of the assassination (Curry, *JFK Assassination File*, p.59). In addition, two Dallas police crime-lab photographs show close-ups of the sewer cover (DMA Negative Nos. 91-001/368 and 91-001/096), and a number of other press photographs taken at about the same time show a group of men clustered around the area of the sewer cover.

In December 1963, *St. Louis Post-Dispatch* reporter Richard Dudman reported, “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. He said he did not know whether it had anything to do with the assassination” (Dudman, “Commentary of an Eyewitness,” p.18). Although on the surface Dudman’s report seems to fit with the events surrounding the investigation in the vicinity of the sewer cover, somehow it just doesn’t have a ring of truth to it. Although I can certainly imagine a police inspector, from the witness stand in a courtroom—where one’s words have to be precise and measured—saying these words, the likelihood is that if he, or anyone else for that matter, found a bullet at

The Hartmans, who came forward for the first time almost nine months later, both told the FBI the unrealistically precise story that the gouge in the turf was “one and one-half inches in diameter” and the hole continued just beneath the roots of the grass for about “18 to 24 inches.” Indeed, if we’re to believe Wayne Hartman, right in front of the police officer, he was “able to fit three” of his fingers “into the hole.” (CD 1518, pp.42–45, Interview of the Hartmans by FBI agents Raymond Switzer and Robert Barrett on August 7, 1964) Because of the Hartmans’ statements, on September 18, 1964, the FBI went to the subject area of the turf with a metal detector, but no fragments of a bullet were found (CD 1518, p.45-A).

the scene of Kennedy's murder just minutes after the assassination, he could be expected to naturally assume, and verbalize his assumption, that the bullet most probably was connected with the assassination. Dudman's report sounds more like hearsay than anything he heard firsthand. It should also be noted that Dudman doesn't even give the name of his source.

British author Nerin E. Gun's early 1964 book, *Red Roses from Texas*, claimed that Deputy Walthers reported that a shot was fired from the overpass and that while on the way there to investigate, he and "a Secret Service man" found "a rifle bullet in the grass near the bridge" (Gun, *Red Roses from Texas*, p.148). The book included one of the William Allen photographs captioned, "Detective Bill [*sic*] Walthers pictured retrieving what the author believes was the mysterious fourth bullet a few minutes after the assassination" (Gun, *Red Roses from Texas*, photo insert between pp.48 and 49). During a subsequent FBI investigation of Gun's charge, Walthers, the FBI report said, stated that he "never heard of the book and does not know anyone by the name of Nerin E. Gun, has never been interviewed by him and, to his knowledge, has never had any contact with Gun." Walthers said that he never made any statement that shots had been fired from the overpass (he concluded at the time that all shots came from the Book Depository) and had never worked with any Secret Service agent. (HSCA Record 180-10034-10398, FBI interview of Eddy Raymond "Buddy" Walthers on June 18, 1964, pp.1-2) For its part, the Secret Service denied that any of its agents found a "fourth" bullet (CE 2580, 25 H 851). In Walther's testimony before the Warren Commission, he was asked directly if he had "found any spent bullet" at the subject location. "No," he answered, adding that he returned to the site with fellow deputy Allan Sweatt "two or three days after the assassination" to "make a diligent search" of the area, saying "and I never did find one [a bullet]." (7 H 550)

There seems to be little question that shortly after the shooting in Dealey Plaza, while Dallas law enforcement and others were examining a patch of grass on the south side of Elm Street near a sewer cover, the speculation was voiced that a "bullet" may have struck the earth there. In fact, a UPI photograph datelined Dallas, November 22, 1963 (Photograph No. DAP112226), was captioned "A Dallas policeman points to a spot where a bullet is believed to be embedded in the ground."

The allegation surfaced again in December 1967 when New Orleans district attorney Jim Garrison appeared on a Dallas television station and showed several of the Murray-Allen photographs claiming, this time, that they depicted a "federal agent" picking up a .45 caliber bullet near the Kennedy assassination site. Garrison said the bullet proved that someone other than Oswald, who was firing 6.5-millimeter ammunition, was firing at the president. ("Deputy Sheriff Doubts Garrison Bullet Claim," *Washington Evening Star*, December 14, 1967, p.A2) Later, Garrison also claimed that the unidentified man was wearing a "kind of radio receiver in a semi-invisible earclip" (Garrison, *On the Trail of the Assassins*, p.243 footnote). However, an examination of the original photograph shows Garrison's claim, like many of his other assertions, to be false (Trask, *Pictures of the Pain*, p.498). Walthers, again, denied the allegation: "I never saw any bullet. That's all there is to it. [And] if he had found a bullet he [the plainclothesman pictured] would have shouted 'Look, a bullet'" (HSCA Record 180-10022-10401, FBI Teletype,

SAC Dallas to Director, December 15, 1967).^{*} Walthers, who was shot and killed on January 10, 1969, while investigating a suspicious-person call, was never asked if he knew the identity of the plainclothesman who appears in the Murray-Allen photographs. But it is very clear from the photo (the man bending down and Foster and Walthers standing nearby watching) that the man was a member of law enforcement and someone they knew. As assistant Dallas district attorney Bill Alexander says, “I knew Buddy Walthers well. There’s no way in hell he would have let anyone other than someone in law enforcement *he knew* inspect and tamper with any hole in that turf” (Telephone interview of William Alexander by author on August 23, 2002).

Walther’s Warren Commission testimony and later statements were corroborated by what Dallas patrolman J. W. Foster told the Warren Commission in 1964. Asked, “Did you recover any bullet?” Foster replied, “No, sir. It ricocheted on out” (6 H 252; see also Sneed, *No More Silence*, pp.212–213). In fact, it was Foster who provided the most lucid account of what happened, in a 1987 interview with interviewer Larry Sneed. “The plaza had been freshly mowed the day before,” Foster said, “thus I noticed this clump of sod that was laying there and was trying to find out what caused that clump of grass to be there. That’s when I found where the bullet had struck the concrete skirt by the manhole cover and knocked that clump of grass up. Buddy Walthers, one of the sheriff’s deputies, came up and talked to me about it, and we discussed the direction from which the bullet had come. It struck the skirt near the manhole cover and then hit this person [a reference to eyewitness James Tague] who had stood by the column over on Commerce Street. He came by and had a cut on his face where the bullet had struck the column. You could see where it scraped across the concrete and the column where it struck the pedestrian. It appeared to have come from the northeast, approximately from the

^{*}Though Walthers couldn’t have been clearer that he found no bullet in the turf, many conspiracy theorists to this day maintain he did. In the book *Brush with History*, author Eric R. Tagg writes that “Buddy Walthers told his partner Alvin Maddox, Jr., Deputy Roger Craig, his wife Dorothy, Inspector Sawyer, and some reporters that a .45 caliber slug was found at that time . . . After a lecture from Sheriff Bill Decker, Walthers later denied to the Warren Commission that a bullet was found” (Tagg, *Brush with History*, pp.10–11). So Walthers told a considerable number of people, but Decker got him to lie and change his story. On its face this is a preposterous story, with people as prominent as Sheriff Decker and Inspector J. Herbert Sawyer of the Dallas Police Department in a conspiracy to cover up the facts of the assassination. And there is no corroboration of Tagg’s assertion, for which he offers no citations. Both Craig and Sawyer testified before the Warren Commission, and neither indicated any knowledge of a fourth bullet being found. Craig merely said that ten or twelve minutes after the shooting “Lemmy Lewis or Buddy Walthers” told him in Dealey Plaza “that one of the bullets had ricocheted off the south curb of Elm Street,” not that any bullet was found. (6 H 265, WCT Roger D. Craig) *And this was way before Sheriff Bill Decker would have had any chance to tell Walthers to say he hadn’t found a bullet.*

And even if we assume that Decker would have been able to shut up Craig as he allegedly did Walthers (since both were under him in the department), how was Decker able to shut up Sawyer of the Dallas Police Department? And even after Craig left the sheriff’s office, became a conspiracy theorist, and turned on Decker and everyone else in Dallas law enforcement who he thought had covered the conspiracy, he never said one word, in his 1971 self-published essay, “When They Kill a President,” about Walthers telling him he had found a fourth bullet, which would have indicated a conspiracy. And in his essay, he had every opportunity to do so, once again mentioning that he spoke to Walthers shortly after the shooting in Dealey Plaza. (Roger D. Craig, “When They Kill a President,” self-published, 1971, pp.4, 6)

In the book *Cover-Up*, there is a photo of a man’s hand holding “an unidentified object.” The caption says the man is Walthers, although since the face is not shown it could be the hand of he still-unidentified plainclothesman. In any event, there are those in the conspiracy community who believe that the object held by the hand in the photograph is the fourth bullet, but the object clearly is far too large and thick for it to be a bullet, much less a part of any bullet. (Shaw with Harris, *Cover-Up*, p.73, upper right photo)

book store area, *but we were never able to find the slug . . .* I contacted my sergeant, C.F. Williams. He told me to remain there until they got down there and had some pictures taken, which they did." (Sneed, *No More Silence*, pp.212–213) (An AP photograph taken that afternoon shows Foster pointing to the sewer cover. See Gun, *Red Roses from Texas*, photo section.) And photographer Jim Murray, who took some of the photographs, told author Richard Trask, "At the time I was photographing, my honest opinion was that it looked like there had been heel marks, and something like a spiked heel had come out of the dirt and created a little mound of damp earth. *I certainly didn't see any bullets or anything*" (Trask, *Pictures of the Pain*, pp.497–498). While it is obvious that police investigated the claim that a bullet had struck the concrete skirt surrounding the sewer cover (as Police Chief Curry said and crime-scene photographs support), it is equally obvious, contrary to the critics' allegations (and the apparently erroneous press reports), that *no bullet was found*.

With respect to the bullet or bullet fragment that struck the concrete skirt surrounding the sewer cover and ricocheted through the nearby turf, continued on to the south curb of Main Street, and ricocheted again, causing minor wounds to Tague's cheek, from the Book Depository Building the sewer cover is not on line with the mark on the curb on Main Street (CD 1518, p.46). None of this is evidence of a fourth bullet, only evidence of what may have happened to Oswald's first missed shot or to a fragment of the bullet that struck the president in the head.

What still bothers most critics is that the plainclothesman who appears with Walthers and Foster in the Murray–Allen photographs, his left hand in his pocket, has never been identified, despite the persistent effort by many assassination researchers, including this author. From my concerted effort to identify this person, in which I received significant assistance from former representatives of the FBI, Secret Service, ATF (Alcohol, Tobacco, and Firearms), Dallas Police Department, and Dallas sheriff's office, I believe he was not employed by any of these local or federal agencies. Alternately referred to in various publications as a "Secret Service man" (Gun, *Red Roses from Texas*, p.148), "an FBI agent" (Curry, *JFK Assassination File*, p.46), and a "federal agent" ("Deputy Sheriff Doubts Garrison Bullet Claim," *Washington Evening Star*, December 14, 1967, p.A2), the plainclothesman was identified by one researcher as FBI agent Robert M. Barrett. But Barrett said it was not he (Telephone interview of Robert Barrett by author on March 5, 2004; Barrett said he had told this to assassination researcher Dale Myers earlier).

Despite the oft-cited references to a bullet being recovered near the sewer cover, if a bullet were actually recovered, it is difficult to believe that no record would exist. After all, the plaza was full of spectators at the time of the alleged discovery, the story was covered by numerous reporters, and the actual event was captured on film by two photographers. If investigators destroyed the evidence, as critics allege, how would they know just minutes after the shooting in Dealey Plaza and before any bullet or fragments were even recovered that they would have to get rid of a "fourth" bullet? The allegation makes no sense unless you believe (as many critics do) that Oswald had been chosen well in advance of the shooting to be the fall guy. But for that to be true, you'd also have to believe that the Dallas Police Department was in on the conspiracy to murder Kennedy, an allegation for which there is no evidence. And if the police were not involved in the conspiracy to murder Kennedy, then you'd have to believe that within nine minutes after the assas-

sination, they found out who the killers were and agreed, along with spectators, photographers, and reporters, to cover up the conspiracy for the killers. I think most rational people will agree that things like this just don't happen in the real world. The only thing that *does* make sense, in light of everything that we do know about the assassination, is that *only three shots were fired* and therefore, of necessity, there couldn't have been a fourth bullet.

- 463 **“the ovoid shape of the wound in the Governor’s back”:** But, of course, Kennedy’s upper back wound was also ovoid. Are we then to conclude that before the bullet hit Kennedy’s back, it too had first struck an intervening object? While Kennedy’s entrance wound was ovoid or egg-shaped, it was only mildly so, being around $\frac{1}{3}$ inch in diameter in the horizontal plane, and appeared almost round (7 HSCA 85). The reason why it was slightly wider than the diameter of the Mannlicher-Carcano bullet (about $\frac{1}{4}$ inch) is that it entered at a slight angle, from right to left (1 HSCA 192). But the entrance wound to Connally’s back was far more markedly ovoid, to the point of being described as “linear” by Dr. Gregory, and about $\frac{3}{4}$ inch in length (6 H 97, WCT Charles F. Gregory), indicating that the bullet was tumbling because it had hit an intervening object.
- 463 **yaw before entering:** Although former LAPD detective Mark Fuhrman, in his book on the Kennedy assassination, does not conclude that there was a conspiracy and believes Oswald fired all the shots in Dealey Plaza, he introduced for the first time in the assassination debate the allegation that a rifle bullet would “yaw” the first 100 yards of its flight even if it doesn’t hit an object. He writes, “There are two types of bullet yaw. The first occurs naturally . . . When the bullet exits the rifle barrel, the explosive gases propelling it from behind are now free to expand and move past the bullet. This makes the bullet temporarily unstable, causing it to wobble slightly off center. Over its first 100 yards of flight . . . the bullet will yaw slightly in one direction or another.” (Fuhrman goes on to say that after 100 yards the bullet stabilizes in flight for a while and then starts to yaw again when it loses velocity.) (Fuhrman, *Simple Act of Murder*, pp.48–49)

If Fuhrman were correct about a rifle bullet yawing naturally for the first 100 yards, this would knock out one of the strongest bases the HSCA and Warren Commission had for concluding that the the reason the bullet that entered Connally’s back at around 58 yards was yawing (seen by the ovoid shape of Connally’s entry wound) was that it had first passed through Kennedy’s body. Fuhrman was a competent robbery-homicide detective for the LAPD but not a firearms expert on the force. When I called the firearms expert at the LAPD whom I contacted many times during the writing of this book about what Fuhrman said in his book, he confirmed what Fuhrman said—that the bullet starts out yawing (something I had never heard before)—but he said he had “never heard” anyone ever give the 100-yard distance Fuhrman had. He said the bullet exiting from the muzzle “stabilizes very quickly.” “How quickly?” I asked. “Oh, no more than twenty to thirty feet.” “So it yaws for no more than 10 yards?” “Right,” the LAPD expert said. (Interview of an LAPD firearms expert by author on June 2, 2006)

It should be noted that the Warren Commission, with four firearms experts, and the HSCA, with five firearms experts, never once mentioned that the oval entrance wound to Connally’s back could have resulted from a natural and automatic yawing of the bullet.

- 463 **Carcano bullet was a "very stable bullet":** Dr. Robert Shaw, in his testimony before the Warren Commission, said that although he was "not a ballistics expert . . . there might have been some tumbling" to the bullet that struck Connally in the back. "It didn't have the appearance of a wound caused by a high-velocity bullet that had not struck anything else." (6 H 95) But thirteen years later, he told HSCA investigators that he did not believe the bullet was tumbling because he felt a tumbling bullet would not have had sufficient force to cause the remainder of the governor's wounds (1 HSCA 273), a view rejected by medical and firearms experts from the Warren Commission and HSCA.
- 468 **first shot *was* fired around Z160:** But not according to retired Air Force Colonel William H. Hanson. In his analysis of the case, he concluded that the first shot Oswald fired was at Zapruder frame 206, and then, without citing any support at all for his conclusion, goes on to say that this first shot "struck and ricocheted off the top of President Kennedy's head. It was deflected upward . . . and continued on its high-velocity course in the general direction of the Triple Underpass" (Hanson, *Shooting of John F. Kennedy*, p.169).
- 469 **just before the limousine passes under the branches:** The HSCA added another observation, not mentioned by the Warren Commission, in support of the shot being fired around Z160, and from the direction of the Book Depository Building. The HSCA said that around Z190, "a young girl [ten-year-old Rosemary Willis] who had been running across the grass [on the south side of Elm, and alongside the limousine as it proceeded down Elm] . . . suddenly began to stop and turn sharply to her right, looking up the street in a direction behind the limousine" (6 HSCA 17). The significance of the "little girl running" was first noted in 1971 by conspiracy theorists Don Olson and Ralph F. Turner, who misidentify Rosemary as Linda Willis, her sister (Olson and Turner, "Photographic Evidence," pp.412–413). Rosemary and her older sister, fourteen-year-old Linda Kay, had gone to Dealey Plaza to watch the motorcade with their parents. Their father, Phillip L. Willis, a retired air force major, had a camera and took several color slides of the presidential limousine in the motorcade. After it turned onto Elm, he heard the first of three shots, which he was sure came from the Book Depository Building. Willis said that as soon as he heard the first shot, he exclaimed, "Someone is shooting at [the president]" (CD 1245, pp.1–2, FBI interview of Phillip Willis on June 22, 1964), and became "immediately concerned" about the safety of his two daughters, who were running alongside the limousine, Rosemary in front, Linda Kay behind.

In an effort to knock down the significance of Rosemary Willis's actions that day, grassy knoll enthusiasts, most of whom claim *no* shots were fired from the Book Depository Building, maintain that Rosemary stopped running and looked back behind the limousine not because she heard a shot coming from that general location (the Book Depository Building), but because her father had yelled to her and her sister to stop running after he started to hear the shots. But the evidence is overwhelming that they are wrong. Between Zapruder frames 164 and 171, Rosemary's stride clearly shows she has started to slow down. By Z166, she is already looking back behind the limousine, in the general direction of the Book Depository—*not* in the direction of her father. By Z200, about two and a quarter seconds after Z160 (the approximate time of the first shot), she comes to a complete stop.

In the next fraction of a second (Z201–204), she snaps her head even more sharply to the rear toward the Book Depository Building, not toward her father. The Zapruder film shows that at this same moment, Rosemary’s father is in the process of taking his famous photo (Willis slide number 5), determined to have been taken around Z202. (6 HSCA 121) Mr. Willis can be seen with the camera raised up to his eye, focusing on the limousine, *not* looking at and yelling to his daughter Rosemary, who is already looking back toward the Book Depository. Finally, Phillip Willis himself refuted the conspiracy theorists’ argument that Rosemary was responding to his cries to stop when he testified before the Warren Commission that after he heard the first shot, “I was screaming for them to come back *and they didn’t hear me*” (7 H 495).

But wouldn’t the proper perspective be to realize that it is unwarranted to base the direction from which any shot was fired that day solely on the head and body movements of a young girl? For instance, between Z212 and Z214, Rosemary seems to make a very sudden turn of her head from looking in the direction of the Book Depository to looking to her left front, where the presidential limousine and grassy knoll are. That was more than enough for conspiracy theorist Don Roberdeau to be completely satisfied that this movement of Rosemary’s head tells us “what really happened,” a shot was fired from the grassy knoll around Z212–214 (*JFK/Deep Politics Quarterly*, April 2004, pp.16–17). Roberdeau isn’t troubled by the fact that maybe the little girl just wanted to resume looking at the president passing by. Nor is he troubled by the fact that several other people in the same frames, including two Dallas police motorcyclists, keep looking in the same direction as they previously were, not looking to the right front. In other words, only the movement of Rosemary Willis’s head counts. Roberdeau also isn’t troubled in the least by the fact that even the HSCA, who claimed a shot was fired from the grassy knoll, doesn’t agree with him. The committee claimed the shot was fired around Z frames 295–296 (HSCA Report, pp.1, 80).

In a 1979 article, assassination researcher David Liu writes that when he asked Rosemary, “Why did you stop running?” she reportedly responded, “I stopped when I heard the shot” (David Liu, “The Little Girl Must Have Heard a Shot That Day in Dallas,” *Los Angeles Times Syndicate*, published in the *Dallas Times Herald*, June 3, 1979, p.H-3). Though this is probably true, Liu, by omission, was being less than truthful in his article about Rosemary Willis’s recollections. Eight months earlier, Liu told the HSCA that Rosemary said to him that “she recalls stopping because she *saw the bullet hit Kennedy’s back*, not because she heard the sound of the shot. She did not hear a shot prior to that time” (HSCA Record 180-10087-10432, HSCA Outside Contact Report, Interview of David Liu, November 6, 1978). Of course, Rosemary Willis’s earlier claim that she actually *saw* the bullet hit Kennedy in the back (and this caused her to stop) couldn’t possibly be true. The Zapruder film clearly shows the president smiling and waving to the crowd at the only time Rosemary Willis is seen looking in his direction.

- 470 **“the president be almost a stationary target”**: The driver of the limousine, William Greer, did not speed up as he perhaps should have immediately following the second shot (if not the first). If he had gunned the accelerator at that time, an accurate shot by Oswald would have been much more difficult. Instead, Greer did the opposite, slowing down, which he almost had to do when he took his eye off

the road to turn and glance over his right shoulder. Did his slowing down cause more of a problem for the president? Arguably not. Since even before slowing, the limousine was only traveling around eleven miles per hour on a straight line with the barrel of the rifle and on a declining road, Kennedy, as Lutz said, was already essentially a stationary target, and the limousine merely slowing down further to seven or eight miles an hour probably didn't give Oswald, in the sniper's nest, too much more of a break than he already had.

- 471 **Mrs. Donald Baker:** Another Dealey Plaza witness, Royce G. Skelton, who was standing on top of the railroad overpass above Elm Street, told the Warren Commission that "just about the same time the [presidential limousine] straightened up—got around the corner—I heard two shots." He said that one of the two shots (he didn't indicate which one) "hit in the *left front* of the president's car on the cement," and "I could see the smoke coming up off the cement." (6 H 236–238)
- 471 **The probability is that a fragment of the bullet:** Author Gerald Posner, pointing out that the sniper's nest is on a straight line with the oak tree and where Tague was, theorizes that the bullet was "fragmented against a tree branch," not the pavement, and it was the copper jacket, separated from the lead core by the tree branch, that struck the pavement on Elm. The lead core, he believes, remained on a straight line in its flight and struck the Main Street curb near Tague over five hundred feet away, sending a chip of concrete into Tague's cheek. (Posner, *Case Closed*, pp.324–326)*

Tague can be seen near the Triple Underpass in a photograph taken by veteran UPI photographer Frank Cancellare within a minute after the final shot (Trask, *Pictures of the Pain*, pp.399–400, man facing camera to far right), and the mark on the curb and surrounding area were photographed by James Underwood, a newsman for KRLD-TV in Dallas, on the afternoon of the assassination, and by Tom Dillard, a *Dallas Morning News* photographer, the following day (Shaneyfelt Exhibit No. 26, 21 H 472–474; Dillard's photos: Trask, *Pictures of the Pain*, p.458). Although Tague testified he heard three shots and "guesses" and "believes" the bullet that struck the curb was the *second* one (7 H 555), the Warren Commission said that "the mark on the south side of Main Street cannot be identified conclusively with any of the three shots fired" (WR, p.117). However, whichever bullet it was, the probability is very high that it was a bullet *fragment* that hit the curb near Tague. The damage to the curbing would most assuredly have been more extensive if a whole bullet had struck the curb without first having lost most of its body by hitting another object or objects first (Shaneyfelt Exhibit No. 27, 21 H 476).

The piece of the curbing containing the mark on the curb was removed by the FBI on August 5, 1964, and examined in the FBI laboratory in Washington, D.C. "Small foreign metal smears were found adhering to the curbing section within the area of the mark. These metal smears were spectrographically determined to be essentially lead [the core of all bullets] with a trace of antimony. No copper was found" (Shaneyfelt Exhibit No. 27, 21 H 476; 15 H 700, WCT Lyndal L.

* Although this scenario is possible, one should not forget that by all accounts the Carcano cartridge was very strong and stable. Also, we know that Commission Exhibit No. 567, one of the two large bullet fragments found in the presidential limousine, still had its copper metal jacket attached to its lead core, and this was after hitting the president's skull, which would probably be stronger than the branch of a tree.

Shaneyfelt). The fact that no copper was present (the Mannlicher-Carcano bullets were copper-jacketed) strongly suggests that a fragment *from the lead core* of a bullet struck the curb. FBI agent Lyndal Shaneyfelt testified that “the absence of copper precludes the possibility that the mark on the curbing section was made by an unmutilated . . . bullet” (15 H 700).

Contrary to the Commission’s conclusion, the second shot can at least be eliminated as the possible source of the mark on the curb since this bullet was recovered at Parkland Hospital. That means that the curb mark was caused by a fragment from either the first or third shots fired in Dealey Plaza.

It should be noted that Tague went on to become a student of sorts of the assassination, becoming very friendly with the dean of assassination researchers, Harold Weisberg, and advises us in a book he wrote that “every piece of evidence that I have been able to obtain in the last 40 years points directly to J. Edgar Hoover . . . as being responsible for trying to cover up that one shot fired during the assassination of President Kennedy went astray and hit the curb in front of me, spraying debris into my face.” He speculates that a possible reason for Hoover’s cover-up was that the FBI was saying only three shots were fired, and, per Tague, the curb shot might go in the direction of four shots and a conspiracy, which the FBI did not want to find. But although the FBI originally said it couldn’t find the very small mark, which is not surprising at all, in a letter from Hoover to J. Lee Rankin, general counsel for the Warren Commission, which Tague himself cites, Hoover tells Rankin that the mark was finally located and lead and traces of antimony were found at the point of impact, although no copper was found. Some cover-up.* Tague, who tells his readers on the cover of his book, “We will never know the truth about the JFK assassination,” says that in May of 1964 he went to Dealey Plaza to take a motion picture of the subject spot on the curb, then asks ominously, “Why did the innocent film I took in Dealey Plaza disappear from my home?” He also says the piece of curbing (within which the mark is located) that was cut out by the FBI on August 5, 1964, to be transported to the FBI lab for analysis, is now at the National Archives, and says it had been “patched by a mortar-like substance” *before* it went back to the lab, but gives no citation to support this assertion, which he couches in a sinister context without telling the reader what his specific point is other than that he smells a cover-up. (Tague, *Truth Withheld*, pp.86, 89–90, 113–118, 164; Letter from Hoover to Rankin of August 12, 1964; CD 205, p.31, Interview of James Tague by FBI agents Henry J. Oliver and Lonis Kelly on

*Tague’s response is to speculate that Hoover was *forced* to acknowledge the entire Tague incident by events beyond his control, namely, an article by *Dallas Times Herald* reporter Jim Lehrer in early June 1964 in which Lehrer, after interviewing Tague, mentioned the curb shot, and that’s how the Warren Commission found out about it, not from the FBI. No one knows for sure how the Warren Commission *first* learned of the curb shot, but an assistant U.S. attorney in Dallas, Martha Jo Stroud, had learned about it from photographer Tom Dillard and wrote Rankin on June 9, 1964, enclosing a photograph of the curb. And on June 11, Assistant Counsel Arlen Specter sent a memo to Rankin requesting that Tague be deposed by the Commission. (Tague, *Truth Withheld*, pp.82–83, 86; Golz, “Confidential,” p.122) My view is that Tague, who admits that from the very beginning he was inquiring whether he could make any money out of the incident (Tague, *Truth Withheld*, p.82), has talked himself into believing that he is not only an authority on the whole case (his book gets into the autopsy, Ruby, Garrison’s prosecution, etc.), but that what happened to him (the curb shot) “altered the final outcome of the Warren Report.” But he gives us no evidence to support this, and the fact remains that *before* and *after* the Warren Commission learned of the curb shot, its belief was always that only three shots were fired.

December 14, 1963; piece of curb removed from Main Street: Shaneyfelt Exhibit Nos. 34 and 35, 21 H 482)

- 473 **"clearly that he's been shot"**: The HSCA's 1978 conclusion that Kennedy was hit *before* he disappeared behind the Stemmons Freeway sign was not new. On February 25, 1971, seven years earlier, at the twenty-third annual meeting of the American Academy of Forensic Sciences in Phoenix, Arizona, Don Olson, a graduate student in physics at the University of California at Berkeley, and Ralph F. Turner, a professor of criminal justice at Michigan State University, presented their hypothesis that, contrary to the Warren Commission's lone-gunman theory, President Kennedy was wounded prior to disappearing behind the sign and before a clear shot was possible from the sniper's nest (Olson and Turner, "Photographic Evidence," pp.399, 404). Olson and Turner base a good deal of their thesis on the testimony of Phillip L. Willis who, as alluded to in an earlier endnote, took a number of color slides of the motorcade that day with his 35-millimeter camera. According to Willis, one slide in particular, the fifth in the series, was taken simultaneously with the shot that hit the president, which Willis believed to be the *first* shot. Willis told the Warren Commission, "In fact, 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).

Initially, the FBI's photographic expert, Lyndal Shaneyfelt, who was unaware of Willis's exact position in Dealey Plaza, compared Willis slide number 5 with the Zapruder film and estimated that it was taken somewhere in the range of Zapruder frames 205 to 225 (15 H 697; Shaneyfelt Exhibit No. 25, 21 H 471). Olson and Turner, on the other hand, were able to identify Willis in the background of the Zapruder film and correctly determined that slide number 5 was actually the equivalent of Zapruder frame 202 (Olson and Turner, "Photographic Evidence," pp.404-407), a conclusion the HSCA photographic panel later agreed with (6 HSCA 44).

Olson and Turner realized that *if* Willis was right about snapping slide number 5 (the equivalent of Zapruder frame 202) at the sound of the first shot, then there *must* have been a second gunman, since Kennedy was still hidden from Oswald's view by an oak tree at the time of Z202, and therefore presumably couldn't have been shot from Oswald's sixth-floor sniper's perch. But *was* Willis's recollection correct (i.e., that slide number 5 was taken simultaneously with what Willis believed was the sound of the *first* shot)? The answer is no. Willis mentions in his testimony (which Olson and Turner cite in their work) the actions of Mrs. Kennedy both before and after the first shot: "When I took slide number 4 [a picture taken "just seconds" before slide number 5], the president was smiling and waving and looking straight ahead, and Mrs. Kennedy was likewise smiling and facing more to my side of the street" (7 H 493, 496). Indeed, the Zapruder film shows exactly what Willis describes, but it's between Zapruder frames 133 (the first frame the president's limousine is visible) and 140. Willis, himself, can be seen lowering his camera on frames after Z140, indicating that he had just taken slide number 4. So far, all is exactly as Willis remembered. Continuing, Willis testified, "When the first shot was fired, [Mrs. Kennedy's] head seemed to just snap [toward the president]" (7 H 493, 496). Olson and Turner wrote that the Zapruder film

shows Mrs. Kennedy turning toward her husband between frames 195 and 197 (Olson and Turner, "Photographic Evidence," p.408), an indication that the first shot had just been fired, which, they contend, supported Willis's recollection that his next picture, slide number 5 (the equivalent of Z202, just one-quarter of a second after Mrs. Kennedy began her head turn), was indeed taken at the time of the first shot. Yet, a close inspection of the film actually shows Mrs. Kennedy turning sharply toward the president between Zapruder frames 167 and 193 (*not* 195 and 197). Consequently, if, as Willis believes, it was the sound of the "first" shot that caused him to "squeeze the camera shutter," it could only have been the shot fired prior to Z167 (the one that *missed*). Willis showed his confusion on this entire issue when later in his testimony he was asked, "Did you think that the president had been hit by the first shot?" and he answered, "I didn't really know, sir" (7 H 496).

- 474 **the president's hands:** Was there a medical description for the unorthodox position of Kennedy's arms? In April of 1977, Dr. John K. Lattimer, a urologist at the College of Physicians and Surgeons at Columbia University in New York who had been a military surgeon in Europe during World War II, where he carried out experiments on the wounding capabilities of various missiles on human tissue (Lattimer, "Observations Based on a Review of the Autopsy Photographs," p.34), along with Dr. Edward B. Schlesinger, a neurosurgeon, and Dr. H. Houston Merritt, a neurologist, published an article in the *Bulletin of the New York Academy of Medicine* that offered an explanation for Kennedy's unusual posture. Contrary to the Warren Commission's conclusion that the bullet that entered Kennedy's back passed "through soft tissue" and "hit no bony structure" (WR, p.91), Lattimer and his colleagues wrote that "detailed inspections of the X-rays [and photographs] of President Kennedy's body . . . taken at the Bethesda Naval Hospital at the beginning of the autopsy revealed two tiny radio-opaque [white] splinters of what we believe to be bone* in the general region of the tip of the transverse process [i.e., bone that extends out from the sides of a vertebra] of the sixth cervical vertebra on the right side," which they saw as evidence that the bullet "grazed" the tip of the transverse process. (Lattimer, Schlesinger, and Merritt, "President Kennedy's Spine Hit by First Bullet," pp.280–285)

In an earlier May 1972 article, Lattimer wrote that there were "two tiny 2 and 4mm slivers of metal [not bone as described in 1977] . . . near the tip of the transverse process of the *seventh* cervical vertebra which the bullet may have grazed" (Lattimer, "Observations Based on a Review of the Autopsy Photographs," p.37). In his 1980 book, *Kennedy and Lincoln*, Lattimer describes the fragments as "tiny slivers of bone" and avoids providing a specific location, stating only that they were "near the tip of the transverse process of the cervical vertebrae," and later, at the "tip of the transverse process of one of [the president's] lower neck vertebrae" (Lattimer, *Kennedy and Lincoln*, pp.181, 203). The authors of the 1977 article felt that the bullet that grazed the transverse process caused "some degree of trauma (concussive-contusive) capable of creating a lesion [i.e., a tear] of his spinal cord

*The same radiopaque anomalies were noted by Dr. Russell H. Morgan of the 1968 Clark Panel, who thought they might represent metal fragments left behind by the bullet. In a September 30, 1975, letter to Dr. Lattimer, Dr. Morgan stated that regardless of whether these radiopacities are bone or metal, their presence indicates that the bullet brushed "the cervical spine before emerging."

at the level of the sixth cervical vertebra,” which resulted in the very unusual position the president assumed called “the Thorburn position,” named after the nineteenth-century urologist William Thorburn, who first described it in an article he wrote in 1887 for the British publication *Brain* (Lattimer, Schlesinger, and Merritt, “President Kennedy’s Spine Hit by First Bullet,” p.280; Lattimer, *Kennedy and Lincoln*, pp.169, 244). Thorburn’s article described a patient who was admitted unconscious to a Manchester, England, hospital on June 5, 1886, with a fractured dislocation between the fifth and sixth cervical vertebrae. (The bullet that entered the president’s back passed higher up, near the seventh cervical vertebra [7 HSCA 96–99].) Thorburn wrote that “all the muscles of [the patient’s] arms were paralyzed with the exception of the biceps, . . . the consequence being that the elbows were flexed, the shoulder [was] abducted and rotated outwards, and the hands and arms [were in] the position indicated” on the illustration in the original Thorburn article.

In the Thorburn example, it wasn’t until June 17, almost two weeks later, while the patient was still unconscious, that “the contraction of the deltoid muscles, which had maintained the abducted position of the arms, ceased, and the elbows fell to the sides, the elbow-joints themselves remaining flexed” (Thorburn, “Cases of Injury to the Cervical Region of the Spinal Cord,” pp.510–513). Drawing a parallel between the fixed, locked nature of the Thorburn position and the president’s posture in Z226–236, Dr. Lattimer and his associates wrote that the president’s raised and flexed elbows represented “almost a classic demonstration” of the Thorburn position (Lattimer, Schlesinger, and Merritt, “President Kennedy’s Spine Hit by First Bullet,” p.284).

Whether or not the president was in such a position is highly debatable, since he exhibited two differences from a “classic” Thorburn position as set forth in Thorburn’s article and sketch (a copy of which I had a difficult time finding in Los Angeles, finally locating one at the small California Institute of Technology library in Pasadena). One, the Thorburn illustration shows the person’s forearms are flexed upward, not toward each other as they are with Kennedy, Kennedy’s two hands almost touching each other. Much more importantly, the elbows of the patient described in Dr. Thorburn’s article stayed in a locked position and didn’t fall for twelve days, yet Kennedy’s elbows, though still in a raised position, had already begun to drop less than *three seconds* after what Lattimer described as the “full Thorburn position.” True, the gunshot to the head at frame 313 could be expected to unlock the Thorburn position if, indeed, Kennedy was in such a position, but as early as frame 274 (which is more than two seconds *before* the head shot and not even three seconds after frame 228, when Kennedy was allegedly in the full Thorburn position) Kennedy’s elbows have already clearly started to drop, though they are still in an elevated position.

Dr. Michael Baden, the chief forensic pathologist for the HSCA, said that he has the greatest respect for Lattimer, who made a private slide and film presentation of his Thorburn argument to the HSCA in 1978 (7 HSCA 288–291), but his expertise is as a urologist, not as a forensic pathologist. Baden said, “We didn’t agree with Dr. Lattimer’s stance on this issue.” Why? I asked. “The Thorburn position requires a tangible, physical injury to the spinal cord, and here there was none. There’s no evidence that the bullet hit or even grazed any part of Kennedy’s spinal

cord.”* I then asked about the two tiny radiopaque splinters of bone that Lattimer saw near the tip of the transverse process of the *sixth* cervical vertebra on the right side of the president’s neck. Weren’t those splinters of bone evidence that at least the sixth vertebra had been struck by the bullet? Baden said he believed there were thirteen autopsy X-rays of Kennedy’s neck that his forensic panel examined, and that “we did see Dr. Lattimer’s two pinhead-sized radiopaque specks, but we concluded that they were artifacts [abnormalities not in the body but from other causes, such as dirt getting onto the X-ray plate during the developing process, a rather common occurrence], not bone splinters or metal fragments. In any case, they were not in the spine or spinal cord but in soft tissue to the right of the spine.” As far as the unusualness of Kennedy’s position, Dr. Baden said there are an endless variety of ways people respond to being struck by a bullet, and one should not jump to the conclusion that the president was exhibiting the Thorburn position simply because of the similarity between that position and Kennedy’s. (Interview of Dr. Michael Baden by author on April 13, 2000; see also 1 HSCA 305)

What, then, caused the president’s elbows to flex so unusually high? The HSCA forensic pathology panel found something that Dr. Lattimer and the previous panels had missed, which might explain Kennedy’s reaction: a fracture of the *first* thoracic vertebra. Dr. Baden testified that the fracture “could have been caused by the bullet striking [the transverse process] directly or by the force of the cavity created by the bullet passing near to it” (1 HSCA 305). (In other words, Baden never concluded one way or the other that the Warren Commission was wrong when it said the bullet never hit any bone in the president’s body.) Baden testified the bullet “*might* have struck the transverse process of the first thoracic vertebra, but we cannot prove this.” However, he said, even if it did, “[the bullet] did not fragment or break up or leave any metal fragments, as a result of [any possible contact].” (1 HSCA 317) But to repeat: Dr. Baden said the bullet did not touch any part of the president’s spinal cord (Telephone interview of Dr. Michael Baden by author on April 13, 2000).

- 474 **becoming visible for the first time at . . . Z225:** During the American Bar Association’s 1992 mock trial of Oswald in San Francisco, Failure Analysis Associates president Dr. Roger L. McCarthy, quoting prosecution witness Dr. Robert Piziali, an expert in the field of biomechanics, testified for the defense that approximately 200 milliseconds—the equivalent of four Zapruder frames—would be the expected delay between the time one is struck by a bullet and “the time a message is delivered by traumatic shock to the spine or by your mind to a

*This fact, if it be a fact, has considerable significance beyond this shot that struck Kennedy in the upper right back. If the bullet had gone on to hit any substantial part of the president’s spinal cord, the argument could be made that the injury to the spinal cord may have neutralized or anesthetized the nerves in the cord to the extent that the later shot to the head could not have caused the neurological response believed to be responsible for the president’s head snap to the rear. Absent this rationale for the head snap to the rear, one is left with the “jet effect” argument, which is not as persuasive since the outward explosion to the right front of the president’s skull would cause the movement of the president’s head, in reaction, to be propelled more to the left than to the rear, which was the main direction in which the president’s head was propelled. The possibilities stated here, of course, give hope to conspiracy theorists who are certain the head snap to the rear was caused by a shot from the president’s right front, not from his rear as the Warren Commission concluded. However, as pointed out in the text, a bullet weighing a third of an ounce (the weight of the bullet hitting the president) would be incapable of causing the president’s head to be propelled backward 8 inches, as we know was the case.

muscle” causing “movement.” McCarthy, an expert in ballistics, therefore concluded that the president’s reaction or movement beginning at Z225 would indicate a hit “at Z221, at a minimum.” Since the defense (as well as the prosecution) believed that Connally was hit at frame 224 (which Piziali testified was the frame when Connally’s right lapel bulged out because “the bullet passed through Governor Connally’s lapel” at that frame), three frames after Kennedy was hit (Z221), they claimed Kennedy and Connally could not have been hit by the same bullet. It was this splitting-of-the-hairs analysis by the defense, involving just three frames (*just one-sixth of a second*), that was the basis of the mock trial’s defense argument rejecting the single-bullet theory, hardly a robust basis for such a conclusion. But it may have been helpful to them in achieving a hung jury. (Transcript of ABA mock trial, August 10, 1992, San Francisco, published in *American Jurisprudence Trials*, vol.56, pp.110, 113, 123, 162, 172–173, 262)

- 474 **his movements “could have been involuntary”**: Dr. Robert Piziali, the prosecution’s expert witness at the ABA mock trial, believed that Kennedy and Connally were struck by the same bullet, and makes an interesting observation as to why he believes Kennedy’s reaction to being hit was an involuntary as opposed to a voluntary response. “You’ll note,” he told me, “that Kennedy’s arms were brought up to his face, not his throat. If it had been a voluntary response, he would have brought his arms up to his throat, the location of the wound and the source of his pain.” (Telephone interview of Robert Piziali by author on May 3, 2004; see also transcript of ABA mock trial, August 10, 1992, San Francisco, published in *American Jurisprudence Trials*, vol.56, p.113)
- 475 **“Governor Connally’s reaction”**: Believe it or not, there are those who actually believe that Governor Connally was Oswald’s target that fateful day, not President Kennedy. But obviously, with Oswald’s dreams of grandeur and his immersion in the fortunes of Marxism on a national and international scale, a state governor would be small potatoes to him. When Governor Connally was asked, within days after the assassination, about the speculation that Oswald had been after him that day, he scoffed at the suggestion. “I’m sure,” he said, “that Oswald—as deranged and hateful as he may have been—never wanted to assassinate me. If he wanted, he could have done so countless times in Dallas and elsewhere in Texas. I had been campaigning all over Texas . . . for 11 months this year riding in parades, horseback, open cars, on street corners, with no security whatever. I could have been easy prey for anyone. Stories to the effect that Oswald was out to get me are, in my opinion, simply not true” (HSCA Record 180-10116-10050, CBS interview of Connally at his bedside at Parkland Hospital, most likely on the Wednesday or Thursday following the assassination, p.1; *Parade Magazine*, September 18, 1991, p.2). Additionally, the argument that Oswald may have hated Connally, blaming him for his “undesirable” discharge from the Marine Corps Reserve, has no merit. Although Oswald wrote Connally, then secretary of the navy, in 1962, seeking to have his undesirable discharge changed to honorary, he received a letter back saying that Connally was no longer secretary of the navy and that his request would be turned over to Connally’s successor. Oswald’s brother Robert, who was present when Oswald received the letter, said his brother “said nothing at all to me that day that indicated he held Connally personally responsible” for his undesirable discharge, nor did he indicate any hostility toward Connally at any time thereafter

(Oswald with Land and Land, *Lee*, pp.19, 139–140; 1 H 450, WCT Robert Edward Lee Oswald). Marina herself told the Warren Commission that her husband had never expressed any hostility toward Connally and indeed had told her he intended to vote for him for governor (5 H 607). (Connally's successor, Fred Korth, ultimately sent Oswald a letter rejecting his request.)

It was Marina herself who is believed to have given birth to the notion that maybe her husband had been out to kill Connally, not Kennedy. In her last appearance before the Warren Commission on September 6, 1964, after testifying that "I have no doubt in my mind that Lee Oswald killed President Kennedy," she added that "at the same time . . . I feel that Lee, that my husband perhaps intended to kill Governor Connally instead of President Kennedy" (5 H 608). But of course, if Connally had been Oswald's target, why would he shoot at Connally at a moment in time when most of Connally's body was being shielded by Kennedy's body, requiring him to shoot through Kennedy's body to reach Connally? His best shot at Connally would have been when the presidential limousine was proceeding northbound on Houston. Even Marina later acknowledged she was wrong about her Connally opinion when some Secret Service agents pointed out to her that by the time of the fatal head shot to Kennedy, Kennedy had already been wounded and was leaning toward his wife, his body no longer in alignment with Connally's body. So at the time of the head shot, Oswald could only have been aiming at Kennedy, not Connally. (McMillan, *Marina and Lee*, p.571)

- 475 **"anywhere . . . from [frames] 207 to 225"**: Although Frazier testified more than once that the frames in which Connally could have been struck were between frames 207 and 225 ("He [Connally] could have been struck anywhere in that frame area of from 207 to 225"; "[Connally] would have been in position from anywhere from frames 207 to 225"; "approximately frame 207 to approximately frame 225"), at one point he seriously says in seeming contradiction, "There is only one position *beyond* frame 225 at which the Governor could have been struck." But Warren Commission counsel never asked him the obvious question of when that was. Instead, he asked if Connally was in the right position at frames 235, 240, 249, and 255, for all of which Frazier said he was not. (5 H 170–171)
- 477 **Connally, of course, could have been struck**: My photographic expert at the trial in London, Cecil Kirk, who was a member of the HSCA photographic panel of experts, testified that a minority of the members of the panel "felt that Governor Connally was showing some type of distress at Zapruder frames 202–204" (Testimony of Cecil Kirk, Transcript of *On Trial*, July 23, 1986, p.288).
- 478 **around Z188–191**: Note that if we make the highly unlikely assumption that a bullet was fired around frame 190, and make the further highly likely assumption that no one in the Book Depository sniper's nest would have fired it because of the oak tree obstruction, we thereby automatically would have to conclude there was a second gunman who fired around frame 190. But the HSCA concluded that its grassy knoll second gunman fired his one shot around Zapruder frames 295–296, and it missed (HSCA Report, pp.1, 80–81).
- 478 **the first reaction they saw in Connally**: The HSCA's final report noted that the governor was completely hidden from view by the Stemmons Freeway sign for a 0.82-second interval from frame "207 to frame 221," and therefore it could not be determined if Connally's reaction began before he reemerged from behind the

sign. The committee added that “Connally could conceivably have started his reaction at frames 200–206 (just before he disappears behind the Stemmons sign), but too little of his body is visible during these frames to permit such a finding” (HSCA Report, p.82 footnote 18), the inference being, of course, that Connally might not have experienced a delayed reaction at all. But the Z200–206 possibility was completely speculative with no evidence to support it. The only thing they could see was Kennedy first reacting, they said, at Z200, and Connally at Z222.

478 **“major nerve system”**: After decades of debate and uncertainty over whether Connally suffered a delayed reaction, two observations, previously overlooked by the Warren Commission and HSCA, have been made by anti-conspiracy theorists to buttress the HSCA’s conclusion that Connally first showed a reaction at frames 222–224.

The first observation, eventually dubbed the “hat flip,” was originally mentioned in a 1966 *Newsweek* article challenging Governor Connally’s claim in *Life* magazine that he wasn’t hit by the same bullet that struck Kennedy. *Newsweek* pointed out that at Z230, four frames before Connally said he was hit, “his right hand is plainly visible shoulder-high at his right side . . . What the pictures actually suggest is that Connally was hit earlier than he thought—quite likely by the same bullet that wounded Kennedy—and his hand, still clutching his hat, flew up in reflex.” (“JFK: The Death and the Doubts,” p.25) Although perceptive and valid, the observation lay dormant for the next fifteen years.

Then, in 1981, assassination researcher Johann Rush, who had filmed Oswald passing out Fair Play for Cuba leaflets in front of the International Trade Mart in New Orleans in the summer of 1963, spotted the same thing while looking at a videotaped copy of the Zapruder film at a TV station in Hattiesburg, Mississippi, where he worked as a reporter and cameraman. By comparing color slides of the Zapruder film with “amorphous blobs” on the rolling tape, and watching it forward and backward, he says, “at least two-hundred times,” he concluded that for a brief moment, between frames Z226 and Z228, Connally’s right arm and hand, and the beige Stetson hat that he had been holding, suddenly snap up in front of his face. (Johann Rush, “Single-Bullet Theory Valid,” *Assassination Update*, issue no.2, 1981, p.2; Letter from Johann Rush to author dated April 2, 1991) (Johann Rush also reported that moments later [at Z234] the governor’s hat begins to “fall completely out of Connally’s hand.” A close examination of a digital version of the film, however, shows Connally still holding his hat at Z272.)

However, it wasn’t until February 1992 that the “hat flip” came to the attention of the national scientific community. Rush and Dr. Michael West, a dentist who was also the medical examiner in Hattiesburg, Mississippi, and a conspiracy theorist before he met Rush, made a fifteen-minute video presentation they had been working on for three years to a group of forensic scientists, including Dr. Michael Baden, meeting at the national convention of the American Academy of Forensic Scientists in New Orleans. In an article accompanying the presentation, Dr. West wrote that the impact of the bullet striking Connally’s wrist “stimulated the radial-periosteal reflex resulting in the arm jerking upward and throwing the hat up in the air.” In what was an obvious conclusion, West says on the video that “President Kennedy and Texas Governor John Connally *did* react at exactly the same time to being hit by a single bullet.” (J. W. Rush and M. H. West, “Confirmation

of the Single Bullet Theory,” presented at the 44th annual meeting of the American Academy of Forensic Sciences, February 19, 1992, New Orleans, La.; Michael H. West and Johann Rush, “Confirmation of the Single Bullet Theory by Video Enhancement,” February 19, 1992, p.6; three years: Letter from Dr. Michael West to author dated December 30, 1999)

Although Dr. Baden wasn’t too impressed with the New Orleans presentation (Baden told me that he couldn’t make out Connally’s arm or hat rising suddenly in Rush and West’s film),* a digital copy of the Zapruder film, produced in cooperation with the Zapruder family and released by MPI Video in 1998, clearly shows the phenomenon that Rush and West (and *Newsweek* in 1966) were talking about, although there is no indication that the hat ever left Connally’s hand (*Image of an Assassination: A New Look at the Zapruder Film*, MPI Home Video, 1998). However, it also should be noted, as conspiracy theorists have pointed out, that the digitized version of the Zapruder film shows Connally holding his hat with his right hand well after frame 225, when the HSCA concluded Connally was hit. How, they ask, could Connally continue to hold on to his hat, as he appears to be doing in Z226–275, if he had been hit by Z225, when we know that among the other injuries he sustained, his right radius was struck by the bullet and he suffered a comminuted fracture? The HSCA forensic pathology panel offered a general and somewhat vague explanation, saying, “Panel members have differing views as to how soon Governor Connally would be expected to drop the hat he was holding in his right hand following the injury to his right wrist, but generally agree that there is little empirical data on which to determine with confidence what specific reaction should be expected from this type of wound” (7 HSCA 180). Indeed, there was testimony before the HSCA that “it is quite well known that one of the startled reactions [to being hit by a bullet] is to clench the fists, and it just may be that [Connally] clenched [his fist on his hat] very tightly” (2 HSCA 153). And my pathologist at the London trial, Dr. Charles Petty, told me during my trial preparation back in 1986 that as opposed to the releasing of one’s grip when the wrist is struck, “frequently you can have the converse effect, a tightening of the wrist and grip.”

Dr. Baden explained to me that it was “presumptive to believe that any injury to Connally’s right wrist would automatically cause him to release his grip on his hat. Though his radius was fractured, there’s no evidence of any large nerve in the wrist being severed or lacerated.” Baden went on to say, “The body is a wonderful and complex mechanism, and too often people make stereotypical assumptions about how a body reacts when it is struck by a foreign object.” He recalled, as an example, the murder of mobster Carmine Galante in a Brooklyn restaurant in 1979, where he was shot more than thirty times all over his body and died instantly, yet still had his cigar lodged firmly in his mouth. (Telephone interview of Dr. Michael Baden by author on April 13, 2000)

Larry Sturdivan, the HSCA’s expert on wound ballistics, says in his book, *The JFK Myths*, that although Connally’s “radius was shattered, the other bone in his forearm, the ulna, was intact, stabilizing his wrist and hand. All the tendons, muscles, and motor nerves that powered his fingers and thumb were also undamaged

*On May 25, 1991, more than a half year before the New Orleans presentation, Rush sent me a video copy of his and Dr. West’s findings, and I too had a difficult time making out any hat flip.

... The smashing of the radius disabled the rotation of his forearm, a loss he never completely regained. Physically, however, he was as capable of gripping a hat immediately after the injury as he was before the shot (Sturdivan, *JFK Myths*, pp.153–154).

A second observation—a bulging of the right lapel of the governor’s suit coat—may pinpoint the moment Governor Connally is hit to be at Z222–224, just as he reemerges from behind the Stemmons sign, but not for the specific reason given. Initially noticed in April 1975 by assassination researcher Robert P. Smith of Pittsburgh, the so-called lapel bulge or flip has taken its place next to the hat flip in assassination lore. Smith brought his finding to the attention of one of his associates, Dr. Cyril H. Wecht, who telephoned Robert Olsen, a staff member of the Rockefeller Commission looking into illegal CIA activities within the United States, and as a subset of that, allegations that the CIA was involved in the assassination of President Kennedy. Wecht told Olsen “that there is now strong evidence that Governor Connally was shot at frame 224.” He described a “dramatic” distortion of Connally’s suit coat as the exiting bullet passed through it. (Memorandum, Robert B. Olsen to file, Medical Aspects of Assassination of President Kennedy—Telephone Call from Dr. Cyril H. Wecht, April 15, 1975, Rockefeller Commission Report, p.2) Later, while testifying before the Rockefeller Commission, Wecht said that he didn’t believe the lapel flip was important and was only passing it along at the suggestion of Smith (who also allegedly didn’t think the matter important) (HSCA Record 180-10107-10237, Transcript of Rockefeller Commission staff interview of Cyril H. Wecht, May 7, 1975, pp.160–161).

If you look at Z frames 223 and 224 of the photo section of this book, at Z223 you’ll see the normal area of white shirt between Connally’s tie and the left edge of his right lapel on his suit. In frame 224, the very same frame in which we know Kennedy had to have been (though we can’t see him) in the process of raising his elbows up high in response to being struck by a bullet, we see that the right lapel, in one-eighteenth of a second, has bulged out and is covering much of the white area of his shirt. Anti-conspiracy theorists argue that this is proof that Connally was struck at Z224, around the same time Kennedy is seen reacting to being shot, thereby conclusively proving the single-bullet theory.

The only problem is that the “lapel flip” label is not accurate in its implications. It has been considered to be accurate because the photo of the front of Connally’s suit coat shown in the Warren Commission volumes (CE 683, 17 H 340) is a poor copy and doesn’t show where the bullet actually exited his coat. This is why Dr. Robert Piziali, a doctor of biomechanics and mechanical engineering, in discovering the lapel flip while preparing for the short mock trial of Oswald at the American Bar Association’s meeting in San Francisco in 1992, ended up testifying that “the bullet passed through Governor Connally’s lapel” (Transcript of ABA mock trial, August 10, 1992, San Francisco, published in *American Jurisprudence Trials*, vol.56, p.113). Author Gerald Posner wrote that “the Governor’s suit lapel flips up ... at the exact area where the Governor’s suit and shirt have a bullet hole” (Posner, *Case Closed*, pp.329–330). But I secured from the National Archives a photo of the bullet hole in the front of Connally’s suit coat, and it is not on the right lapel, or even close. It was measured to be 34.5 centimeters (about 13³/₅ inches) below the upper border of the coat’s collar, and 15 centimeters (almost 6 inches) to the

right of the midline (7 HSCA 144). The corresponding hole to Connally's shirt was measured to be 27.9 centimeters (almost 11 inches) below the shoulder seam, and again, 15.7 centimeters (just over 6 inches) to the right of the midline. (7 HSCA 145; CE 686, 17 H 343) Since the hole in the governor's suit coat was below and to the right of his lapel, the bullet couldn't have passed through and "flipped" the governor's lapel as believed by many. Indeed, the exit hole being in the right lapel never did make any sense since we know the bullet exited from the governor's body right below his right nipple, nowhere near the right lapel.

However, although the lapel flip cannot be used to argue that the bullet exited the lapel around Z224, since we know it didn't, it is certainly possible that the bullet exiting Governor Connally's body beneath his right nipple around this very time caused the sudden change and bulge in his right lapel. But even here, we have to allow for the possibility that Connally's lapel bulge was caused by something else, such as a gust of wind. The wind *was* very gusty in Dealey Plaza at the time of the shooting, but the likelihood that it caused the lapel bulge in that particular eighteenth of a second, and additionally, to the same side of Connally's suit coat that we know the bullet penetrated, is extremely remote.

In 1994, Dr. John K. Lattimer and three colleagues, Angus Laidlaw, Paul Heneghan, and Eric J. Haubner, attempted to verify Dr. Robert Piziali's findings by duplicating the shooting in Dallas as closely as possible. They created a simulation of President Kennedy's size 16 neck, using fresh pork muscle, and assembled a special rack to hold a rib cage at a distance of twenty-four inches from the neck (the distance they computed Connally was in front of Kennedy). A white dress shirt, necktie, and tropical worsted jacket were placed over the rib cage to simulate the clothing the governor wore that day. An array of arm bones, encased in simulated forearms, was arranged in front of the right lapel of the "governor" to simulate Connally's arm, and the entire mock-up was backed up with a bullet trap, where the test bullets were recovered. The experimenters fired Western Cartridge Company 6.5-millimeter ammunition (from the same lots used by Oswald) through an identical model Mannlicher-Carcano rifle. A video camera and a high-speed 35-millimeter motion picture camera captured the results.

Lattimer knew from his previous experiments that the test bullet would almost certainly "tumble" after passing through the simulated neck (just as the bullet did during the assassination) and strike the mock-up of the governor's "back" at about the point where he was actually hit. Sure enough, as the bullet tumbled and plowed into one of the ribs, removing 4.5 centimeters (1³/₄ inches was destroyed during the actual assassination), it exited at a point compatible with the exit wound in Connally's right chest. The flying fragments of rib and soft tissue, which were blown out by the tumbling bullet, ripped a large ragged hole in both the shirt and the jacket, just as Oswald's bullet had done in Dealey Plaza. The test bullet then struck one of the forearms arrayed in front of the jacket, and was finally stopped by the bullet trap just beyond.

When the high-speed films were examined, Dr. Lattimer and his associates discovered that the suit coat bulged out about six inches in one-tenth of a second, snapping back shortly thereafter. Of particular importance is the fact that subsequent test rounds that were fired directly into the mock-up of the governor without first passing through the mock-up of Kennedy's neck produced *no* bulge of

- the jacket. Without the tumble caused by the bullet's passage through the simulated neck, there was no billowing of the jacket. According to Lattimer and his colleagues, the bulge of Governor Connally's jacket, starting at Z224, "does indeed establish, beyond any shadow of a doubt, the exact moment when bullet 399 went through him." (Lattimer, Laidlaw, Heneghan, and Haubner, "Experimental Duplication of the Important Physical Evidence," pp.517–522)
- 481 **"The second bullet could have hit both of us":** It is difficult to imagine why Connally would reverse his three-decade-old position that he and Kennedy were hit by separate bullets, especially when we *know* that just a few months earlier, Connally wrote a letter in which he clearly and unequivocally stated he was not hit by the bullet that hit Kennedy. Posner does not give the date in May he had this conversation with Connally.
- 492 **shots fired that day:** It is the overwhelming consensus that the shot to the president's head at frame 313 was the third and last shot fired. However, the Warren Commission, knowing that one of the three shots fired by Oswald missed the presidential limousine, entertained the "possibility" that the second shot was the head shot and the third shot missed the limousine. It said this was a possibility since the third shot was "the farthest shot" from the sniper's nest and hence the one that Oswald "most likely [would] have missed." (WR, p.115)
- 484 **neuromuscular reaction:** Dr. Chad R. Zimmerman, a Boulder, Colorado, doctor of chiropractic, elaborated on the neuromuscular reaction of Kennedy. "Neuronal stimuli are primarily chemically mediated and result in a bioelectric phenomenon. When the brain is so rapidly disrupted, chemically mediated neuronal synapses occur on a grand scale, producing rapid, but short-duration contractions of skeletal muscle tissue. The result is movement in the direction of the contraction of the stronger muscles. In most cases, back and neck extension occur because of a strength predominance of those muscles. For example, the quadriceps are more powerful than the hamstrings, so the quadriceps would win the contraction battle and the net result would be knee extension and hip flexion. However, the gluteal muscles are stronger than the quads, so the hip joint would extend. The result is a straightening of the legs. In the [Kennedy] case, the back and posterior neck muscles are stronger than the frontal neck and abdominal muscles, so the result is extension of the back and neck." (Letter from Chad Zimmerman to author dated March 15, 2006)
- 484 **"under great pressure, or a combination of both" [footnote]:** This so-called jet effect, first enunciated in 1969 by author William H. Hanson in his book *The Shooting of John F. Kennedy: One Assassin, Three Shots, Three Hits—No Misses*, was most prominently advocated in 1976 by Nobel Prize-winning physicist Luis W. Alvarez.* Alvarez saw that the critics were treating the problem as though it

*In 1945, Alvarez was assigned the job of measuring the explosive energy of the atomic bombs dropped on Japan and was actually on the plane that followed the one that dropped the A-bomb on Hiroshima on August 6, 1945. He was not in the air three days later when a second A-bomb was dropped on Nagasaki. (The bombing, we know, hastened the surrender by Japan in World War II on August 14, 1945, just five days after Nagasaki was bombed.) But he did have a letter attached to a test gauge dropped prior to the bombing of Nagasaki. The letter, which was recovered, beseeched a Japanese colleague of his, one Professor Sagane of the University of Tokyo, to use his influence to convince his government to surrender before more bombs were dropped. (Donald Freezer, "Technology and the Assassination of JFK," August 5, 1999, p.1)

involved only two interacting masses, the bullet and the head. But he knew that any analysis had to involve three masses, the bullet, the head, and the spray of brain matter seen at Z313. He postulated that the expulsion of brain matter from the exit wound on the right side of the president's head carried forward "more momentum than was brought in by the bullet, and the head recoils backward, as a rocket recoils when its jet fuel is ejected." Alvarez said this was "consistent with the law of conservation of momentum." (1 HSCA 434; Alvarez, "Physicist Examines the Kennedy Assassination Film," p.819) The rocket analogy, I felt, was an excellent one. We see the rocket going directly upward into the sky even though the fuel the rocket ejected is going downward in the opposite direction.* Stated another way, since the exiting bullet produced an expulsion of fluid, bone, and gray matter to the right *front* of the president's head, the recoil consistent with Newton's law of action and reaction would be backward and slightly to the left, which is the direction in which the president's head seems to be moving in the Zapruder film.† However, the skull shot simulations that were conducted for the Warren Commission in 1964 at the Biophysics Laboratory at the Edgewood Arsenal in Maryland, for which test skulls were filled with "gelatin gel," demonstrated that the expelling of blood, tissue, and bone from the right front of Kennedy's head was not enough to have thrown his head back, though it did cause a movement of the test skull to the *left*. Sturdivan says that in view of subsequent similar tests from others, the 1964 tests at the Edgewood Arsenal may have been a "bit misleading." (Sturdivan, *JFK Myths*, pp.161–164) Of course, this test *only* dealt with the phenomenon of jet effect, not neuromuscular reaction (believed to be the main reason for Kennedy's head snap to the rear), inasmuch as test skulls do not, of course, have human nerves.

To confirm the conclusion he had reached as a result of sophisticated mathematical calculation, Alvarez conducted (with the help of colleague Sharon Buckingham and assassinologist Paul Hoch) filmed test shootings in June of 1969 on

*But perhaps a better analogy, because we are much more familiar with it, is given by Larry Sturdivan, a wounds ballistics expert who participated in the tests for the Warren Commission at the Edgewood Arsenal. He says a "jet engine forces a very large mass of gas rearward at very high velocity. This produces an equal force in the opposite direction that pushes the aircraft forward." (Sturdivan, *JFK Myths*, p.162)

†As far as the leftward movement is concerned, it cannot be forgotten that not only was the grassy knoll to the president's right (which is all that the conspiracy theorists want to talk about), but so was the Book Depository Building, though not as much. So a shot from the sniper's nest (where all the evidence shows the shot to the head came from) could be expected to push the president's head not only forward but to the left. And indeed, a study of the Zapruder film by a physicist at UCLA concluded that "the bullet at impact" that caused "a *forward* jerk" of the president's head also "set the head rotating to the left" (HSCA Record 180-10109-10053, "The Head Jerk and Shoulder Buckle, an Analysis of Some Physical Evidence in the Zapruder Film," by B. K. Jones, Physics Department, University of California, Los Angeles, p.1 of Abstract and p.11 of article, November 1, 1977). So in addition to the jet-effect principle set forth above, the president's head was *already* to the left at the time of the subsequent head snap to the rear. It should be further noted that *even prior to the bullet striking Kennedy in the head, frame 312 clearly shows that Kennedy's head was already tilted very clearly to the left*. At frame 312, the HSCA determined that "Kennedy was turned partially away from Zapruder [i.e., his head was turned to the left] approximately 25° past the 90°, or profile, direction. His head was tilted away [i.e., to the left] from Zapruder by about 15°" (6 HSCA 38). It would clearly appear that the combination of factors that existed (Kennedy's head already tilted 25 degrees to the left, the shot proceeding from right to left, and the expulsion of blood, tissue, and bone to the president's right front producing a jet-effect force in the opposite direction to the left) more than explains why Kennedy's head following impact at Z313 is seen going not only backward (mostly because of the neuromuscular reaction) but also to the left.

But to the conspiracy theorists, the president's head going to the rear and to the left is completely consistent with the head shot coming from the grassy knoll to the president's right front.

melons that had been reinforced by wrapping them in Scotch filament tape. Almost invariably, the melons, upon being struck with a bullet, were driven not in the direction the projectile was traveling (which a layperson would naturally believe would be required by the law of physics), but counterintuitively in the opposite direction—that is, back toward the gun.

Although a neuromuscular reaction makes sense to my lay mind, the jet-effect principle, accompanied, as assassination researcher Milicent Cranor has put it, by “nearly impenetrable mathematical formulas,” is still one that I am not completely comfortable with in that I sense that the rocket-recoil analogy may involve factors different from the Kennedy case that are beyond my knowledge of physics, which is virtually nonexistent. Moreover, as Dr. David Mantik has pointed out, some tests other than those conducted by Alvarez had a converse result. In 1964, filmed tests were conducted for the Warren Commission at the Aberdeen Proving Ground’s Vulnerability Laboratory in Aberdeen, Maryland, in which a Mannlicher-Carcano rifle was fired at ten skulls filled with gelatin tissue simulant. In all cases, the skull was pushed forward in the direction of the bullet. (1 HSCA 383, 402–404; *Fourth Decade*, January 1996, p.31; see also 7 HSCA 171) Of course, the skulls were loose and unconnected to a human body, significantly lessening the resistance to their being propelled in the direction of the bullet. But wasn’t that equally true of Alvarez’s now famous melons?

On the other hand, no one has ever conducted as many simulated experiments on the Kennedy assassination as New York’s Dr. John Lattimer. In 1974 and 1975, Lattimer and his two sons shot a number of Western Cartridge Company bullets from a Mannlicher-Carcano rifle into human skulls stuffed with “simulations of fresh brain tissue.” With the “heads” in the same orientation, vis-à-vis the muzzle of the Carcano, as Kennedy’s head at Z312 was to the sniper’s nest window, and the bullet entering the skull “at the same point and at the same angle as the President was struck,” in every one of twelve experiments, the bullet caused a large exit wound to the “front right of the heads,” and the heads, in every case, were propelled “back toward the gun” and “to the left.” (Lattimer, *Kennedy and Lincoln*, pp.250–251; Lattimer, Lattimer, and Lattimer, “Experimental Study of the Backward Movement,” pp.246–254; Petty, “JFK—An Allonge,” p.1546, figure 5; Letter from John Lattimer to author dated April 24, 2000, p.1)

- 484 **Thompson’s book:** Josiah Thompson’s book *Six Seconds in Dallas* was published in 1967. I later learned that the previous year, Warren Commission critic Harold Weisberg had noted in his book *Whitewash II* that the president’s head was propelled forward at impact, though he doesn’t deal with the issue as clearly as Thompson (Weisberg, *Whitewash II*, p.221). Nevertheless, to Weisberg’s credit, he may have been the first writer or critic to note this.
- 486 **fatal shot to the head at Z312–313 was fired from the rear:** Conspiracy theorists have offered up their own “evidence” that the fatal head shot came from the front. (Their biggest argument, the head snap to the rear, is discussed in the narrative of this book.) But what they have come up with is not really persuasive evidence at all. For instance, they note that after the head shot, and starting at around Z343, Jackie Kennedy can be seen getting up from her seat and crawling backward on the trunk of the limousine. They conclude, without evidence, that she was reaching for a part of her husband’s skull that had been blown backward

by the thrust of the bullet. Indeed, Secret Service agent Clint Hill, who climbed on the car from the rear, grabbed the First Lady, and put her back in her seat, testified that “it appeared to me” that Mrs. Kennedy was “reaching for something coming off the right rear bumper of the car,” and that he too “thought I saw something come off the back.” However, he added, “But I cannot say there was” anything, and he never mentioned seeing anything like brain matter or part of a skull behind the president. (2 H 138–140; CE 1024, 18 H 742) The First Lady herself testified that “there were pictures later on of me climbing out the back. But I don’t remember that at all” (5 H 180). So she is of no help as to why she did what she did. But it defies credulity that Mrs. Kennedy would seek to grasp a portion of her husband’s skull flying, as the conspiracy theorists allege, backward. For what conceivable purpose?*

It should be noted that although the First Lady could never have acknowledged this, and indeed, it may not be true, the mostly off-the-record stated belief by many throughout the years is that her attempted exit from the rear of the limousine was simply a mechanical and unthinking instinct on her part to remove herself from the line of fire, in that three bullets had already been fired at that point in time. Between this possibility and the one that she was trying to recapture a flying piece of skull, the former makes the most sense to me, although if she had been thinking rationally at the moment, diving on the floor of the limousine would have been much more efficacious if her intent was to protect herself. *Life* magazine, in its November 29, 1963, issue, made the argument that actually Jackie was crawling “onto the trunk of the car in a pathetic search for help.” The acerbic comic and social commentator Lenny Bruce would have none of it, telling his audiences that the First Lady was simply “hauling ass to save her ass.” He said the subject Zapruder frame “is a dirty picture to me, and offensive, because it sets up a lie—that she was going to get help, and that she was helping him [Secret Service agent Clint Hill] aboard.” (Goldman, *Ladies and Gentlemen—Lenny Bruce!!* p.514) Jacqueline Kennedy’s biographer, C. David Heymann, writes that in her “moment of truth her instinct was self-preservation” (Heymann, *Woman Named Jackie*, p.571).

With respect to the pieces of Kennedy’s skull found on Elm Street, imprecise and inadequate questioning by Warren Commission counsel has precluded us from perhaps learning just where at least one of the pieces was found. Dallas County deputy constable Seymour Weitzman testified that several minutes after the shoot-

*Though it doesn’t deal with a part of the president’s skull, conspiracy theorists have used essentially the same argument for a large chunk of the president’s brain. Parkland doctor Marion Jenkins, on a San Francisco television (KRON-TV) special on the assassination (*JFK: An Unsolved Murder*) on November 18, 1988, said that in Trauma Room One Jacqueline was “carrying her hands like this [cupped on screen], and at one other time—I can’t tell you how many times she was in the room—she nudged me with her elbow and handed me what she had in her hand. It was part of his brain.” Jenkins told *JAMA* in 1992 that it was “a large chunk of her husband’s brain tissue. I quickly handed it to a nurse.” (Breo, “JFK’s Death, Part II,” p.2806; see also home video, *JFK: The Case for Conspiracy*, New Frontier Productions, 1993) Jenkins’s story is certainly possible, but it’s curious in that only he, of all the doctors and nurses in the room, told such a story, and that the story first surfaced in 1988, a quarter of a century later. In any event, even assuming Jenkins’s story to be true, why necessarily conclude, as some conspiracy theorists have, that Jacqueline Kennedy got the chunk of her husband’s brain when she was scrambling out of her seat onto the trunk? She is more likely to have gotten it when she was sitting next to him in the presidential limousine when she was cradling his head in her arms. Indeed, Mrs. John Connally testified that “after the third shot she [Mrs. Kennedy] said, ‘They have killed my husband. I have his brains in my hand,’ and she repeated that several times” (4 H 148).

ing in Dealey Plaza, "somebody *brought me* a piece of what he thought to be a fire-cracker . . . It looked to me like human bone. I later found out it was supposedly a portion of the president's skull." With that clear statement, Warren Commission counsel asked this follow-up question: "That *you* picked up off the street?" whereupon Weitzman, who had just testified *he* had not found the piece, that someone had brought it to him, answered, "Yes." Further imprecise questioning didn't pinpoint where the piece was found—now, apparently, by Weitzman. When asked "What part of the street did you pick this up?" all Weitzman said was, "As the president's car was going off, it would be on the . . . south side of the street." (7 H 107) But the approximate location on Elm Street in which it was found, which would be *some* evidence of whether it flew off the president's head in front of or behind where the limousine was at the time of Z313, was never established. Even if it had been, the location would not be conclusive evidence of the direction in which the piece of skull flew off (indicating the possible direction of the bullet), since hundreds of people were walking and running across Elm Street before the piece of skull was found and it could easily have been kicked from its original landing location.

The second piece of the president's skull (which has become known as the "Harper fragment") was found the following day by a young college student, William "Billy" Harper. Harper told the FBI he found it, per the FBI report, "approximately 25 feet south of the spot where President Kennedy was shot." (CD 5, p.150; CD 1269) We cannot be sure from the FBI report whether the spot where Harper found the fragment was to the west (in front of the limousine) or east (behind it) of where the limousine was in Z313. But as noted in an earlier endnote, in 1997, Harper showed an assassination researcher, Milicent Cranor, precisely where he found the fragment, and it was *forward* of where Kennedy was shot in the head, and to the president's left on the south side of Elm Street (<http://mcadams.posc.mu.edu/harper.htm>). The argument that the location of the Harper fragment (south of the limousine, i.e., to the left) is evidence the shot came from the president's right side (grassy knoll) is not overly persuasive in that it is not automatic that a bullet entering the *right side* of the president's head (which grassy knoll adherents believe), and which we know *did not go on to exit anywhere on the left side of his head*, would result in a piece of the president's skull landing on his left side.

Another piece of evidence cited by the conspiracy community to support its argument that the head shot came from the president's right front, not his rear, is that two Dallas police motorcyclists, Officers B. J. Martin and Bobby W. Hargis, who were driving immediately behind and to the left of the limousine (Hargis said he was "just a little bit back and left of [Mrs. Kennedy]") testified that they got blood and brain matter on their bodies and cycles (6 H 290, 292, WCT B. J. Martin; 6 H 294–295, WCT Bobby W. Hargis), indicating, the theorists say, a shot from the front. But the high-contrast photo of Zapruder frame 313, per a 1976 Itek Corporation study, showed that large particles of brain matter were *all* to the front, establishing the shot as coming from the rear. However, the study found that "the explosion from the bullet impact radiated matter in all directions." (HSCA Record 180-10001-10396, p.56) When I asked Cecil Kirk, my photographic expert at the London trial who was a member of the HSCA photographic panel, how any blood or brain matter could get on Dallas police officer Bobby W. Hargis to the limou-

sine's left rear, he said his panel "concluded that this particular matter of brain tissue was launched so high *in front* of the body of the president that the motorcycle officer[s] actually drove into it, much like you shoot a garden hose up in the air and drive into it" (Testimony of Cecil Kirk, Transcript of *On Trial*, July 23, 1986, pp.305–306). Additionally, we know it was quite windy in Dealey Plaza at the time of the assassination, and Martin testified that the wind was "blowing out of the southwest" and in his face at the time (6 H 291). Clearly, the wind could be expected to carry the particles of blood and gray matter backward onto Martin and Hargis. Finally, we know there was no exit wound to the left side of the president's head that could explain the blood and tissue ending up on Martin and Hargis. So if an exit wound didn't account for the Harper fragment and brain matter ending up to the left of the president's body, what was it? The direction of the bullet. Let's not forget that the Book Depository Building, like the grassy knoll, was also to the president's right, though not as directly. The Harper fragment and brain matter ending up to the president's left is completely consistent with their being driven there by the force and direction of the bullet entering the back of the president's head from the president's *right* rear (sniper's nest where the evidence shows Oswald was) and proceeding in a right-to-left direction. Moreover, *all* of the physical evidence shows the bullet came from the sniper's nest. *No* physical evidence shows it came from the grassy knoll.

- 486 **the "law of physics" [footnote]:** Itek Corporation, which enhanced the photo and had its scientists examine it closely, took this down a shade by saying, "There is no question that the explosion from the bullet impact radiates matter in all directions. The fine matter can be seen surrounding the President's head. However, . . . the major, or large particles which are actually measurable on the film, and have contiguous boundaries which hold together during flight, *all radiate in a forward direction*" (HSCA Record 180-10001-10396, "John Kennedy Assassination Film Analysis," Itek Corporation, May 2, 1976, p.56).

It has to be noted that the position of the conspiracy theorists that the "law of physics" requires that an object hit by a projectile has to be pushed in the same direction the projectile is traveling is not one that they should be citing in this case, since it is self-defeating. Referring to the photo section in the book, we see that in frame 312, Kennedy's head was *already tilted to the left* at the time it was struck somewhere between 312 and the next frame, 313. When the theorists say Kennedy's head was propelled backward and to the left by the shot from their gunman on the grassy knoll, it is not clear at all from the subsequent Zapruder frames just how much, if at all, his head was pushed to the left at impact. If it was pushed to the left, it was only slightly. What *is* very clear is that his head moved very dramatically to the rear. The big problem for the conspiracists is that if the head shot was fired, as they claim, from the grassy knoll, since their grassy knoll gunman was approaching being *perpendicular* to the president, using their law of physics theory *the president's head should have been pushed much more to the left than to the rear*. Yet we know the precise opposite happened, which argues strongly for the HSCA's neuromuscular-reaction theory, and against the shot-from-the-grassy-knoll theory.

- 486 **the three skull fragments found inside the limousine [footnote]:** Dr. James Humes told the Warren Commission that near the end of the autopsy, the FBI or

Secret Service brought three pieces of skull bone to him. He did not know where they were found (2 H 354). Secret Service records show that one of the three pieces was found on the floor near the jump seat of the presidential limousine shortly after 9:00 p.m. on the night of the assassination while the limousine was in the White House garage in Washington, D.C. (HSCA Record 180-10075-10174, Letter from James J. Rowley to J. Lee Rankin, January 6, 1964, p.3). Another piece was found in the footwell in front of the backseat of the presidential limousine. Floyd Boring, the Secret Service agent who found it with a co-agent, originally misspoke and said it was found in the footwell of the follow-up car (ARRB MD 259, Interview of Floyd Boring by ARRB investigators Joan Zimmerman and Doug Horne on September 19, 1996, p.2; HSCA Call Report of phone call to Doug Horne by Floyd Boring on September 19, 1996). The third and largest piece of bone, triangular in shape, was found on the floor in the middle of the limousine (FBI Record 124-10012-10447, Interview of Secret Service agent Gerald Behn by FBI agents James Sibert and Francis O'Neill, November 27, 1963, p.1; HSCA Record 180-10075-10174, January 6, 1964, p.3). The three pieces of bone are shown in 7 HSCA 121.

- 487 **early May of 1986:** I later discovered a reference in the HSCA volumes to the HSCA's physical scientist, Larry Sturdivan, using a mathematical formula involving energy, momentum, weight, and speed of the bullet, as well as the momentum lost upon impact. His conclusion was that there would be “a very slight movement” of Kennedy's head toward the front as a result of being struck from the rear. (1 HSCA 413–414) In later years I would read that even noted conspiracy theorist Dr. David Mantik would acknowledge this fact. He wrote, “I do not believe that a frontal shot, with any reasonable sized rifle or bullet, could produce the observed head snap—too much energy is required.” (David Mantik, “Special Effects in the Zapruder Film: How the Film of the Century was Edited,” in Fetzer, *Assassination Science*, p.264)
- 489 **“firing a bullet through a half-open door”:** Though I didn't think a firing-through-the-door test was close enough to the shooting of a human to be persuasive (assuming it was even admissible, which it probably wouldn't be) to the London jury, I did later ask my London firearms specialist, Monty Lutz, to conduct such a test for me in 1988. The test, which he conducted on March 1, 1988, in Wisconsin with a seventeen-pound door on two hinges and firing twice with a 6.5-millimeter Carcano rifle with 160 grain full-metal-jacketed bullets, resulted in “very little movement” forward when the bullets passed through the door. (Letter from Monty Lutz to author dated March 16, 1988)
- 489 **“forcing him out of the rear seat onto the floor”:** This erroneous belief appears to be the centerpiece of Josiah Thompson's conclusion that more than one gunman fired at Kennedy and hence, the existence of a conspiracy. As indicated, Thompson goes on to say that what prevented Kennedy's head from being thrust substantially forward was the shot from the front (which Thompson says was fired a fraction of a second later) reversing the direction in which the president's head was being propelled, and knocking it back 8½ inches. But as we have learned, a projectile could not have propelled Kennedy's head back this much.
- 489 **in the final analysis:** There is one final method, briefly alluded to earlier in the Zapruder film section, that scientists have used in an attempt to determine the timing and number of shots fired in Dealey Plaza, a method that also uses the

Zapruder film, and one that the HSCA relied on, more than it should have, to support its conclusions. “Jiggle” or “blur” analysis, as it is called, was first propounded to a national audience by Nobel Prize-winning physicist Luis W. Alvarez (referred to in an earlier endnote) of the University of California at Berkeley in a very brief June 25, 1967, appearance on the CBS news special *The Warren Report*. He told host Walter Cronkite that while studying the frames of the Zapruder film published in *Life* magazine, he noted that “at frame 227, the highlights of the windshield of the car are all drawn out into rather pronounced streaks. And you see that in the frame ahead the highlights are individual dots. And again in the frame beyond them are individual dots. So something rather violent happened to the line of direction of Mr. Zapruder’s camera in frame 227. It swung violently.” Cronkite: “If Dr. Alvarez [is] right, the Zapruder film might contain a record of the number of shots fired. If blurs, which could be accepted as evidence of gunshots, occurred in a certain time span, then the shots themselves would be in the same span.” (Transcript of *CBS News Inquiry: The Warren Report*, part I, June 25, 1967, pp.15–16, CBS Television Archives).^{*} Thus, the birth of blur analysis of the Zapruder film, the theory that whenever Zapruder heard a gunshot, it caused him to reflexively jerk his camera, causing a blur in the film. Fascinated by Alvarez’s “revelation,” the CBS staff conducted an experiment to test its validity. They found that even when two volunteer cameramen were specifically instructed to “hold [your] cameras as steady as possible, and keep filming no matter what happens,” their reaction to shots being fired above them “was obvious. The film taken by these cameramen showed the effect of the shots, despite instructions to hold steady . . . Motion was always noticeable.” (Transcript of *CBS News Inquiry: The Warren Report*, part I, June 25, 1967, p.18, CBS Television Archives)

Alvarez later wrote an in-depth exposition of his theory in the September 1976 *American Journal of Physics*. He found five blurs, which he called “streaks” in the film, and was sensible enough to observe this did not mean five shots. “I feel that few persons would now dispute the cause and effect relationship between the shots in Dealey Plaza and at least some of the trains of streaks in Mr. Zapruder’s otherwise well-tracked movie.” (Alvarez, “Physicist Examines the Kennedy Assassination Film,” p.817) The largest train of streaks was between Z312 and Z318, certainly consistent with the head shot at Z313. Alvarez saw an almost equal train of streaks immediately thereafter, between Z330 and Z334. Lesser streaks were

^{*}Two years before Alvarez, Warren Commission critic Harold Weisberg had noticed the same blurring Alvarez did, but had not been quite as explicit as Alvarez in describing the possible connection between the blur and shots being fired. In his 1965 book, *Whitewash*, Weisberg writes, “Beginning with frame 190 [the Zapruder] film suddenly becomes fuzzy. Nothing had changed—the exposure was the same, the sun had not gone behind the clouds and the camera had kept clicking away . . . This clearly means that the change was in Zapruder. He was no longer holding the camera as still. The slight motion imparted to the camera by his emotions at what he saw seems to be the only reasonable explanation for this fuzziness in the film” (Weisberg, *Whitewash*, p. 47). In *Whitewash II* the following year, he writes, “Zapruder saw something that affected him emotionally and made his camera vibrate intermittently beginning around frame 190.” (Weisberg, *Whitewash II*, p.214) Even further back, in 1964, the Warren Commission was aware of the blur phenomenon, though again not clearly drawing a connection between the blur and a possible shot. Warren Commission photographic expert Lyndal Shaneyfelt testified, “There is a jerking motion . . . at one point in the film about there [frame 222].” Commission member Allen Dulles asked Shaneyfelt whether “it was Connally who made the jerky motion or there was something in the film that was jerky?” Shaneyfelt: “You can’t tell that.” Commission member John McCloy: “Certainly the film is jerky at that point. I mean there is a big blur.” (5 H 155, WCT Lyndal L. Shaneyfelt)

spotted at Z189–195, Z220–228, and Z291–293. Alvarez only analyzed those frames published in the Warren Commission's volumes of exhibits (Z170–335), thus explaining the absence of his reporting seeing any streaks or blurs around frame 160, when the evidence clearly shows the first shot was fired (Alvarez, "Physicist Examines the Kennedy Assassination Film," pp.813–827).

Two members of the HSCA's photographic panel, Dr. William Hartmann, senior scientist at the Planetary Science Institute in Tucson, Arizona, and Frank Scott of the Perkin-Elmer Corporation, each conducted a separate blur analysis of the Zapruder film at the committee's request. Their findings were almost identical to Alvarez's. This time, however, all of the Zapruder frames were analyzed, and hence, Dr. Hartmann found a blur at Z158–159, and Mr. Scott one at Z158–160, the time when other evidence shows the first shot was fired. (6 HSCA 30)

What to make of all of this? The CBS experiment proves that a gunshot will normally cause a cameraman's neuromuscular system to go into, as Dr. Alvarez put it, "a temporary spasm." So the three gunshots that day would have almost assuredly caused a startled reaction in Zapruder and, hence, a blur on his film. And we find blurs around Z160 (the first shot), around Z220–228 (which clearly coincides with Kennedy's and Connally's reactions to the second shot), and Z313 (the third shot). The demonstrable defect in blur or jiggle analysis is that although a gunshot will produce a blur (and hence, the absence of a blur is very strong circumstantial evidence of the absence of a gunshot), a blur obviously does not necessarily have to be caused by a gunshot. Any number of other things—a cough, an unintentional nudge (Zapruder's secretary was right next to him), a gust of wind, movement of Zapruder's feet, even his efforts to keep an object in frame—could also cause a blur. Zapruder himself testified before the Warren Commission that his images weren't very clear for the simple reason that his camera movements were magnified by the telephoto lens setting he was using. "Did you ever have binoculars," he asked, "and every time you move, everything is exaggerated in the move? That's one reason why they're kind of blurred, the movement" (7 H 572). Further, the emotional reaction of what one sees through the viewfinder could also easily cause a startled reaction. Indeed, Zapruder testified how he reacted to the sight of the impact of the bullet on Kennedy's head ("I started . . . yelling, 'They've killed him'") (7 H 571–572).^{*} This would explain the fact that Alvarez, Hartmann, and Scott all detected blurs in the Zapruder film not only around the time of the head shot at Z313, but also around Z330–334, a second later, when he was fully absorbing the horrific sight of the president's head having exploded in front of him. In fact, though the overwhelming weight of the evidence shows that only three shots were fired in Dealey Plaza, the two experts from the HSCA photographic panel saw six blurs on the Zapruder film, the weakest of which was around

^{*}The depth of Zapruder's emotion is evident in the fact that he broke down *eight months* after the event while testifying before the Warren Commission: "I saw his head open up and blood and everything came out and I started—I can hardly talk about it [the witness crying] . . . I used to have nightmares. The thing would come every night. I wake up and see this [referring to frames from his film] . . . It was an awful thing and I loved the president, and to see that happen before my eyes—his head just opened up and shot down like a dog—it leaves a very, very deep . . . impression with you. It's terrible" (7 H 571, 575, 576). Zapruder's son, Henry, said his father was so devastated by what he saw "that he never looked through a camera again" (Thomas, "At War over a Tragic Film," p.29).

Z290–292, a time when there is no evidence at all that a shot was fired (6 HSCA 30). Because of all of the above variables and imponderables, and because there is no known way to distinguish a blur or jiggle caused by an involuntary reaction from one caused by, for instance, a voluntary pan/search movement, blur or jiggle analysis can never be conclusive on the number or timing of the shots fired in Dealey Plaza and should not be given great weight.

- 490 **FBI’s conclusion (based on test-firing the Mannlicher-Carcano):** On November 27, 1963, just four days after the assassination, three FBI firearms experts (there was no assertion by the Warren Commission that they were also expert riflemen—these were simply the experts who examined Oswald’s Mannlicher-Carcano rifle and his revolver to determine if they were the murder weapons, although one senses that one of the firearms experts, Robert A. Frazier, was also an expert rifleman) tested Oswald’s Mannlicher-Carcano mostly to determine the speed and the accuracy with which it could be fired at short range. In testimony before the Warren Commission, Frazier said that each of them, using the telescopic sight, fired three shots at close stationary targets, one firing in 9 seconds, another in 7, and he in 6 seconds. But then he went on to say that he alone fired two series of three shots at a short-range target (twenty-five yards) with the primary purpose being to determine the speed with which the rifle could be fired and the secondary purpose being accuracy, and he got the rounds off in 4.6 and 4.8 seconds. Frazier testified that *starting* from the firing of the first round, firing two additional shots in 4.6 seconds “is firing this weapon as fast as the bolt can be operated, I think.” Thus, the conclusion of 2.3 seconds per round. And Frazier’s accuracy wasn’t that bad. Though all six shots were high and to the right of the aiming point (all six shots hit the target), this was because of a defective scope, which Frazier said he could have compensated for if he had wanted to by firing low and to the left, but didn’t. However, the important thing is that in one three-shot burst, the bullets landed within a two-inch circle, indicating accuracy. (3 H 402–407, 410, WCT Robert A. Frazier; CE 550, 17 H 246, target with six holes in it)

Frazier testified that on March 16, 1964, he again fired the Mannlicher-Carcano, this time at four targets one hundred yards away, and got off three rounds for each target in 5.9, 6.2, 5.6, and 6.5 seconds. On the four targets, the three bullets, all landing high and to the right of the aiming point (but hitting the target), hit within a three- to five-inch circle. (3 H 404–405, 407, WCT Robert A. Frazier; CE 551–554, 17 H 247–248, bullet holes in four targets)

- 490 **“possible for two shots to be fired within 1.66 seconds”:** On the more interesting question of the *accuracy* with which one can fire two shots within 1.66 seconds, the HSCA Report, upon scrutiny, is not clear at all. It states, “During the acoustical reconstruction performed for the Committee [on August 20, 1978], the Dallas Police Department marksmen in fact used iron sights and had no difficulty in hitting the targets” (HSCA Report, p.83). But this is almost a worthless statement since it doesn’t say how fast the shooters were operating the bolt and firing (i.e., “no difficulty hitting the target” begs the question as to the timing, a question the HSCA does not answer in its report). Moreover, the report gives no citation for this assertion.

When the HSCA did address itself to the timing question, it said that on

March 21, 1979, at the Lorton Correctional Facility firing range in Virginia, "four expert marksmen" from the Washington, D.C., police department, using the iron sights, fired a rifle "similar to" Oswald's from a two-story tower at targets located at the distances from the sniper's nest the committee believed Kennedy to be at when he was hit. One of the four hit the target in shots one and two and missed the third shot, "taking 2 seconds between shots 1 and 2." Another expert hit one of three targets, with the time between two shots being 1.9 seconds. The committee went on to say that "it is apparently difficult, but not impossible—at least with only minimal practice with the firearm used—to fire three shots, at least two of which score 'kills,' with an elapsed time of 1.7 seconds or less between any two shots, even though, in the limited testing conducted, no shooter achieved this degree of proficiency." (8 HSCA 183–185; 2 HSCA 106)* The omission of this fact in the HSCA Report was not one of the committee's finer moments, making the vague, confusing language the committee did use in its report almost seem intentional.

But this is all moot. Not only has the single-bullet theory been proved by all the evidence, but as set forth in the main text, Oswald had *more* time than 1.66 seconds to fire his first and second shots. It has to be noted that the HSCA got all caught up in the 1.66-second requirement because of Dr. James Barger, the acoustics specialist who analyzed the Dallas police Dictabelt recording of sounds and transmissions around the time of the shooting in Dealey Plaza and convinced the majority of the committee that there was only 1.66 seconds between the first two "impulse patterns" on the recording. Hence, unless there was a second gunman, Oswald had to have fired the first two shots, one of which missed, in 1.66 seconds. (HSCA Report, p.83; 2 HSCA 105; 8 HSCA 183) But as we'll see, the acoustic analysis has since been completely discredited.

490 **"fire faster with the open iron sights":** There is another consideration. "Once you increase your magnification from one power [human eyesight] to four power [Oswald's telescopic sight]," a Los Angeles Police Department firearms expert said, "you have to pay the price of a more limited view. When using the iron sights, the breadth of your view or peripheral vision is only limited by your eyesight, not by the scope" (Telephone interview of Los Angeles Police Department firearms expert by author on July 18, 2005). The farther away from the muzzle you get, the less a consideration this is.

However, a master sergeant in charge of marksmanship training at the Marine Corps school in Quantico, Virginia, told the Warren Commission that if Oswald had used the scope on his rifle, it would have been a distinct advantage over the iron sights in not only slow but also rapid fire, but he did not address himself to the issue as to which sight (telescopic or iron) enabled one to fire more quickly, his emphasis seeming to be on accuracy. The testimony didn't address the issue of whether

*HSCA chief counsel Robert Blakey, who was present with his chief deputy, Gary Cornwell, at the test firing at Lorton, reported in a March 22, 1979, letter to "All Committee Members," that "it is not difficult to fire two consecutive shots from a Mannlicher-Carcano within 1.66 seconds, and to 'point aim,' if not carefully 'sight' it, on the target on each shot. Cornwell fired the rifle twice in 1.2 seconds and I fired it twice within 1.5 seconds. In both cases, the second shot missed, but was close to the silhouette. In fact, my second shot only missed the silhouette by 2 inches" (8 HSCA 185).

trying to fire as quickly with a telescopic sight as one can do more naturally with the iron sights interferes with accuracy. (11 H 307, 310, WCT James A. Zahm)

- 491 **one small piece of circumstantial evidence . . . that Oswald used the telescopic sight:** A piece of circumstantial evidence going in the direction that Oswald did not use the scope is that a gunsmith at the Aberdeen Proving Ground told the FBI on April 6, 1964, that “the scope [telescopic sight] as we received it was installed as if for a left-handed man” (CE 2560, 25 H 799). Oswald, of course, was right-handed. A firearms expert from the Los Angeles Police Department said the above-quoted language “doesn’t even make sense to me,” telling me that scopes are “not installed for left- or right-handed people.” But he said if there was such a thing, he couldn’t imagine how it would inhibit or interfere with Oswald’s use of the scope. (Telephone interview of Los Angeles Police Department firearms expert by author on February 4, 2005) And the HSCA firearms panel said, “There is no such thing as a left- or right-handed telescopic sight,” though the telescopic sight on the Carcano was mounted on the left side of the rifle (7 HSCA 371). In any event, since at the short distances Oswald was firing at he would not only be faster but also at least as accurate using the iron sights rather than the scope, the likelihood is that he used the iron sights (Telephone interview of Monty Lutz by author on May 14, 1986).

In testimony before the Warren Commission, Marguerite Oswald said that she and her son Robert were left-handed, and also, “Lee was left-handed. Lee wrote left-handed and ate right-handed.” Because Lee and Robert went squirrel hunting, she said, “Robert would know if Lee shot left-handed.” (1 H 163) Robert Oswald, who said he himself wrote left-handed but did everything else right-handed, said, “Mother was wrong,” on Lee being left-handed. “I do not know whether she was just confused at that moment, whether she had really forgotten, or whether the whole idea of Lee being left-handed had been planted in her mind by someone else.” (Oswald with Land and Land, *Lee*, p.193) In his testimony before the Warren Commission, Robert Oswald said that Lee “was right-handed . . . I have never known him to handle anything—throw a baseball, football, et cetera, fire a rifle, or do anything, left-handed.” He also wrote “right-handed.” When continued to be pressed on the matter by Warren Commission counsel, he said Lee “most certainly” was right-handed and he could say this “without qualification . . . At no time did I ever know him to do anything left-handed.” (1 H 293–294) Marina also said that Oswald was right-handed (CE 1401, 22 H 763). It should be added that the rear sling swivel of Oswald’s Carcano was mounted on the left side of Oswald’s Carcano (6 HSCA 78, 87). The firearms expert for the LAPD told me that “the rear sling swivel for a right-handed person would be mounted on the left side of the rifle,” and vice versa (Telephone interview of Los Angeles Police Department firearms expert by author on February 4, 2005). Also, as with all military rifles, Oswald’s Carcano “has a right-handed action” (7 HSCA 371–372), meaning the bolt action is on the right side of the weapon. Though a left-hander could certainly learn to fire a right-handed bolt-action rifle with a fair amount of speed, it is much more natural and easier for a right-handed person to do so. Indeed, the HSCA firearms panel said that “a right-handed action [rifle] would be difficult for a left-handed individual to operate” (7 HSCA 372).

- 491 **causing the shots to land “high and slightly to the right”:** But that’s assum-

ing the assassin was aiming at the center of Kennedy's head, the most natural assumption, of course. However, assassination researcher Jerome B. Agel has a dramatically different viewpoint. "Oswald's misaligned rifle," he wrote me, "was aimed at the most exciting, most admired person in the motorcade, the glamorous, glorious First Lady. Its bullets, streaking inexorably high and to the right of the target, struck President Kennedy by mistake." (Letter by Jerome Agel to author dated August 24, 1996) Apart from his theory being way far out in left field (Agel says Oswald was a lifelong misogynist who saw, in the crosshairs of his rifle, his wife and mother), Agel doesn't seem to be troubled at all by the fact that JFK was not "slightly to the right" of Jackie, but several feet away. In 1977, Agel actually coauthored a nonfiction novel on the subject, *22 Fires*, which was published in paperback by Bantam and got several good reviews.

- 493 **piece of junk:** The conspiracy theorists have even alleged that the Mannlicher-Carcano ammunition was, as conspiracy theorist Sylvia Meagher says, "old and unreliable" (Meagher, *Accessories after the Fact*, pp.112–113). But what's Meagher's point? Since we know that the assassin who killed Kennedy did, in fact, use Mannlicher-Carcano ammunition, does she not realize that if her allegation were in fact true it would conflict with her main argument that important dark forces were behind the assassination? Would groups like the CIA or mob, who allegedly hired the assassin to kill Kennedy, give the assassin cheap ammunition that might misfire?

In any event, the evidence is overwhelming that the ammunition used to kill Kennedy was, as FBI firearms expert Robert Frazier testified, "very dependable" (13 H 437–438; see also 3 H 449, WCT Ronald Simmons). The Warren Commission pointed out that in "over 100 rounds of this ammunition" fired by the FBI and the Infantry Weapons Evaluation Branch of the U.S. Army, "there were no misfires" (WR, p.193). Remarkably, Dr. John K. Lattimer and his assistants fired "700 rounds of the same type of cartridge as those used by Oswald . . . without a single failure to fire on the first attempt" (Lattimer, *Kennedy and Lincoln*, pp.288–289).

- 493 **Oswald's particular Carcano [footnote]:** The Carcano arrived in America, as part of a shipment of 520 cartons of rifles to Adam Consolidated Industries Inc. in October of 1960, and by October 24 it was in a boarded warehouse in Jersey City, New Jersey. Eventually, the weapon came to be owned by Crescent Firearms, which sold it to Klein's Sporting Goods. (HSCA Record 180-10108-10177; Wheeler, "Cursed Gun—The Track of CE2766"; CE 2562, 25 H 801–803)

On December 31, 1964, gun collector John J. King of Denver, Colorado, agreed, by contract, to purchase the Carcano and Oswald's .38 caliber Smith & Wesson revolver from Marina for \$45,000. He gave her \$10,000 up front with the balance of \$35,000 to be paid if he got clear title to the weapons. However, the FBI had seized the Carcano and revolver right after the assassination and refused to relinquish possession of them to King, claiming that the Carcano and Oswald's revolver "had been forfeited to the United States" by virtue of their having been purchased in violation of the Federal Firearms Act when Oswald used a fictitious name to buy them. On February 21, 1966, a federal judge in Dallas agreed. An assistant U.S. attorney told the *New York Times* that one effect of the judge's ruling was that Oswald had shot President Kennedy with a weapon owned by the U.S. government (*New York Times*, February 22, 1966, p.10).

The propriety of the FBI's position with King was solidified by congressional legislation on November 2, 1965 (Public Law 89-318, 79 Stat. 1185), providing that "the national interest requires that the United States acquire all right, title, and interest in and to certain items of evidence, to be designated by the Attorney General . . . which were considered by the President's Commission on the Assassination of President Kennedy, and requires that those items be preserved by the United States." The Carcano and the revolver were, of course, designated as protected items by the U.S. attorney general, and on November 1, 1966, the U.S. government acquired formal title to the two weapons. They are presently at the National Archives. For those wishing to read about King's lawsuit against the U.S. government, claiming he was the lawful owner (rejected by the courts), see 250 F. Supp. 410 (1966); 292 F. Supp. 767 (1968); 364 F.2d 235 (1966); and 406 F.2d 1170 (1969). With respect to Marina's separate lawsuit against the U.S. government to receive "just compensation" for all of her husband's personal effects (including the two weapons), which the FBI had seized for investigatory purposes, pursuant to a special master's valuation of the fair market value of the personal effects, Marina received \$17,729.37 (*Porter v. United States*, 473 F.2d 1329, 1338 [1973]). By the way, Marina got to keep the \$10,000 advance from King since King's contract with her did not provide for a return of the money if Marina was unable to deliver clear title to him (*New York Times*, February 22, 1964, p.10).

A footnote to all of this is that William Suchur, the owner of International Firearms Company of Montreal, informed the FBI on March 12, 1964, per a letter from J. Edgar Hoover to the Warren Commission of April 22, 1964, that "in the 1930's Mussolini ordered all arms factories to manufacture the Mannlicher-Carcano rifle. Since many concerns were manufacturing the same weapon, the same serial number appears on weapons manufactured by more than one concern. Some bear a letter prefix and some do not" (CE 2562, 25 H 808). However, no other Mannlicher-Carcano with a serial number of C2766 has ever surfaced, although one with a serial number of 2766 without any prefix did. That Carcano was sold by a Montreal firm to a firm in St. Albans, Vermont, which in turn sold it on July 5, 1962, to a firm called Aldens in Chicago. The weapon's history beyond this point was not determined by the FBI because Alden's records were not available. (CE 2562, 25 H 801-803, 807-811) However, even if another Mannlicher-Carcano did surface with the same serial number as Oswald's, C2766, it would be irrelevant since we know one with that serial number was sold and sent to Oswald, was found in the sniper's nest, and was proved to be the murder weapon.

494 **three expert riflemen:** In a perfect example among many, many others of Warren Commission assistant counsels having brilliant legal minds, but not having trial experience, which would tell them they have to establish time and place with all witnesses, Melvin Aron Eisenberg, the assistant counsel who handled the questioning on the test firing, after asking his witness, "Did you conduct a test" with the Carcano? and getting a "yes" answer, didn't ask the automatic follow-up questions, "When" and "Where" did you conduct the tests? Earlier, the witness, on his own, volunteered that rifle tests were conducted at the Aberdeen Proving Ground. Eisenberg didn't ask where this was located, but its in Aberdeen, Maryland, and we can assume that the tests with Oswald's Carcano were also conducted there. Although, as indicated, Eisenberg did not ask the witness, Ronald Simmons, when

the tests were conducted, inasmuch as Simmons testified on March 31, 1964, we can assume that the tests had to have been conducted, of course, before that date, most likely sometime in February or March of 1964. It's unlikely they took place in 1963, since not too much time was left in 1963, and also, these tests were conducted for the Warren Commission, and the first formal meeting of the Warren Commission staff didn't take place until January 20, 1964.

We don't even know the full names of the riflemen who participated in the tests, Eisenberg not asking Simmons who they were. But Simmons, on his own (the way exasperated Warren Commission researchers frequently get their information), volunteered that one was a "Mr. Hendrix," the other a "Mr. Staley," and the other a "Specialist Miller" (3 H 390, 442, 446).

But one way or another, through their own in-depth questioning and more precise FBI reports, the Warren Commission elicited all the information about the case any reasonable person could ever hope for, and then some.

But while we're on the subject, surprisingly, even the lawyers on the Commission staff who *had* trial experience, like Joe Ball and Albert Jenner, often found it difficult to ask the automatic preliminary questions of time and place (which sometimes have absolutely critical importance), and for the researcher the information frequently has to be secured from other sources. For example, oftentimes the witness, without being asked, had the common sense to volunteer the information. An example as to time that can be multiplied many times over is that Joe Ball, in questioning Dallas police detective Guy Rose about his going out to the residence of Ruth Paine on the afternoon of the assassination, never asked Rose, "Approximately what time did you arrive at the Paine residence?" (7 H 227-230, WCT Guy F. Rose). And Albert Jenner, questioning Mrs. Paine, also couldn't find it within himself to ask her what time the detective arrived (3 H 78, WCT Ruth Hyde Paine). But Paine later volunteered, "It [when the police arrived] was now after school or this babysitter would not have been there, which brings us to 3:30 perhaps" (3 H 80). The researcher can also learn the approximate time was 3:30 p.m. from the report Detective Rose submitted with his two fellow officers (CE 2003, 24 H 292).

496 **argument by conspiracy theorists that no one has ever duplicated what Oswald did:** The feasibility of anyone, including Oswald, firing with the requisite accuracy within a given period of time caused a flap prior to the trial in London. I had asked my firearms expert, Monty Lutz, to see if he could duplicate what Oswald did, and to put his test firing on film with audio. On June 13, 1986, in Fond du Lac, Wisconsin, he fired at stationary targets located fifty-seven, seventy-two, and eighty-seven yards from him, and in one series of shots, and with the clock starting to run with the first shot, he hit all three targets in 3.6 seconds. On two of the series, he was able to squeeze off the second round in only 1.5 seconds after the first shot, though he missed the target. Associates of his from the Wisconsin Crime Lab filmed his test firing. A few weeks before the trial, the producer, Mark Redhead, called to say that his people had found a military range in Wales where they could substantially approximate the Dealey Plaza firing conditions and he wanted Lutz to attempt to duplicate what Oswald did on film for the jury. He felt the film test would be "sensational" for the trial. I agreed it would be, but I told him I was against it, and the reason was obvious. Lutz might have a bad day, and if he did, his inability to do what Oswald did could itself raise a reasonable doubt

of Oswald's guilt in the jury's mind. It was just too much of a risk for me to take. Besides, I told Redhead, I already had a film of Lutz beating Oswald's time which I intended to present to the jury. Redhead wasn't too happy with this, wanting Lutz to do it "again" while being filmed by his people. We each agreed to think about the matter.

Two days later he called back and said some union in England wouldn't permit me to show my film at the trial because it was filmed in Wisconsin with nonunion people (as it turned out, when Redhead saw Lutz's film he didn't think it was of sufficient quality to show to the jury anyway), and he asked me again to let Lutz be filmed. I told him the best I could do was this: Let the defense get its own expert to fire over there in Wales. If he couldn't duplicate what Oswald did, the defense would obviously call him to so testify. I was confident my cross-examination of the defense expert would neutralize whatever advantage the defense intended to gain by the failure.* And I told Redhead that if the defense expert succeeded, the defense just as obviously would not call him as a witness, and I agreed not to call him either. So there was no way for the defense to lose, I said. But Redhead did not like my proposal. He was persistent and wanted Lutz to try to duplicate Oswald's marksmanship and timing in Wales for the London jury. In the interim I had been talking to Lutz and he was eager to let London Weekend Television film his effort in Wales, being very confident he could repeat his Wisconsin expertise. Because of Redhead's persistence and Lutz's eagerness and confidence, and because I knew that if Lutz succeeded it would definitely help my case, I told Lutz I would not refuse to let him do it, but in all deference to his marksmanship ability, I was opposed to the British test and it was my professional advice and opinion that he not do it. Lutz said he would follow my advice, and that was the end of that. I did, however, have Lutz testify before the London jury about the test he took in Wisconsin and the results, without the accompanying film. (Testimony of Monty Lutz, Transcript of *On Trial*, July 24, 1986, pp.456–458)

- 496 **Oswald qualified as a sharpshooter in the Marines:** When Oswald fired for the record in the Marines, the four positions were standing, kneeling, sitting, and prone. And Oswald was the most accurate in the sitting position at two hundred yards (CE 239, 16 H 644, 663; CE 239 being the record book for Oswald's firing a 212: 11 H 304). Author Gerald Posner seems to suggest that Oswald probably was in such a seated position at the time he shot Kennedy (Posner, *Case Closed*, p.226 footnote). In view of the fact that two Rolling Readers book cartons and a larger carton were positioned at the sniper's nest window, one on top of each other, and the top one, a Rolling Readers carton, was used as an obvious gun rest (CE 1301, 22 H 479; WR, p.140), the height of these boxes would seem to have precluded Oswald from firing from a sitting position. In the Warren Commission's attempted reconstruction of the shooting on May 24, 1964, FBI agent Robert Frazier said he was "sitting on a [book] carton [seen close to the left rear of the three cartons in Commission Exhibit No. 1301, a photo taken shortly after the assassination] with my left elbow resting on the boxes stacked in front of the window." Question: "Did

*But if Lutz couldn't duplicate in Wales what Oswald did, it, of course, would be much harder for me to cross-examine him—assuming the judge would even let me do it on the rationale that Lutz was a "hostile" witness to me on this issue.

that position represent to you the most likely position which the rifleman assumed on November 22, 1963, based upon the positioning of the various boxes?" "Yes, sir." (5 H 167) Such a position would not quite be the same as the sitting position Oswald was in when he shot for record in the Marines, where the rifle is between the legs and each elbow is locked in snugly by the knees. It should be noted that whether or not Oswald, at the time he shot Kennedy, was seated on the carton Frazier was on, while he was waiting for the motorcade to come by it would seem that one of the places he almost undoubtedly would have lighted on was the carton of books to the left rear of the three cartons at the window. And it probably would have been at that time that he left his right palm print on the top northwest corner of the box. (WR, p.138)

- 498 **angle of declination from the rifle:** Since the angle of declination of the bullet that struck the president in the back was scientifically determined to be around 20 degrees, it is curious how much higher estimates of the angle of decline were made. FBI agents James Sibert and Francis O'Neill, who were present at the autopsy, wrote that Dr. Humes determined the bullet entered at a downward angle of 45 to 60 degrees (ARRB MD 44, FBI report of Sibert and O'Neill, November 26, 1963, p.4; ARRB MD 47, Affidavit of Francis X. O'Neill Jr., November 8, 1978, p.4). According to O'Neill, the doctors seemed confident of that angle (ARRB Transcript of Proceedings, Deposition of Francis X. O'Neill, September 12, 1997, pp.131–132). Dr. Humes later told the HSCA that his comment during the autopsy about the bullet striking at a 45- to 60-degree angle was a "guesstimate" he based on the nature of the abrasion collar surrounding the wound and not because of anything he felt with his finger (ARRB MD 19, Memorandum to File, Andy Purdy, August 17, 1977, p.8). And Dr. Finck told the Warren Commission that the angle of declination was "within 45 degrees from the horizontal plane" (2 H 380).

On December 5, 1963, the Secret Service conducted its own separate inquiry in Dealy Plaza into the trajectory of the bullets that struck Kennedy by conducting a reconstruction of the crime with a man and woman in a limousine simulating the president and his wife (Connally and his wife were not simulated), and a motion picture camera in the sniper's nest window capturing the movement of the vehicle at several key points. The Secret Service also analyzed the Zapruder film, various still photographs, statements of witnesses, interviews with the Parkland doctors, and the clinical and autopsy records. It concluded that because of unknown factors such as the *exact* position of posture, both horizontal and vertical, of the President at the instant each of the projectiles entered his body, the speed and force of the bullets, the incline and speed of the automobile . . . and other variables," the "precise trajectory of bullets striking President Kennedy cannot be positively ascertained." All the Secret Service was willing to say was that "both of the bullets which struck the president were fired from a position to the rear of and above" the president. (CD 87, pp.1–2, Control No. 633, December 12, 1963; Secret Service photo album: CE 875, 17 H 870–895; *New York Times*, December 6, 1963, p.18)

- 499 **the bullet that struck Kennedy in the upper back:** Thomas Canning's analysis of the trajectory for the bullet that pierced the president's back and neck relied primarily on two still photos to help determine the orientation of the president's

back when he was hit, which was almost immediately after the pictures were snapped: one by Robert Croft, which corresponded to Zapruder frame 161, and another by Phillip Willis, which matched Z202. The Croft photo, in particular, was helpful because, Canning told the HSCA, “it shows the form of [the president’s left] shoulder fairly clearly.” Although the Croft photo, taken from the president’s left side, doesn’t actually show the president’s right shoulder, Canning points out that “we know that he has not turned sharply to his right. He is looking forward . . . The key information here is the way in which he is seen to hunch forward. There is a considerable curvature of his back. Despite his torso leaning forward, he held his head in an essentially level position.” (2 HSCA 175–176) The Willis photo shows not only that the president’s head is turned rather sharply to his right by Z202, but also that his shoulders had not turned much. From these photos and a study of Zapruder frames 160 to 200, Canning concluded that when he was shot, the president’s “upper torso” was “hunched forward somewhere between 11 and 18 degrees forward of vertical . . . and that his shoulders were either facing straight ahead in the car or were turned slightly to the right of straight ahead.” (2 HSCA 176)

- 500 **a downward trajectory of 25 degrees below horizontal:** A still photograph taken by Hugh Betzner Jr. (corresponding to Z186), from a position behind and to the left of the limousine, fixes the relative positions of the two men. Governor Connally is not visible in the picture, apparently hidden by the right shoulder of a spectator who stepped in front of Betzner just as he snapped the shutter. (This can be seen in the background of Zapruder frames 171 to 186.) However, the relationship of the parts of the limousine that *are* visible from Betzner’s perspective makes it possible to determine the governor’s position relative to the president, who is seen sitting in the backseat. To establish Betzner’s line of sight, the photographic panel, in a sketch, drew a straight line from Betzner’s camera position, across the edge of the handhold on the left rear corner of the trunk, past the tip of the president’s left shoulder, to the right edge of the window frame just in front of the right rear door. (JFK Exhibit F-143, 2 HSCA 183; Betzner photograph: JFK Exhibit F-136, 2 HSCA 182, upper left photo) Although, as indicated, the governor is not seen in the photograph, it is clear that he must be seated to the left and the president (who is visible) to the right of Betzner’s line of sight.

Two stereophotogrammetric studies (which involved viewing pairs of Zapruder frames in a stereoscopic viewer to produce a single three-dimensional image), one performed by Itek Corporation in 1976 and the other undertaken by the HSCA photographic panel in 1978, confirmed that Kennedy was seated close to the right inside surface of the car while Connally was seated well within the car. (As referred to earlier in the book, a six-inch gap separated Connally’s jump seat from the right door [6 HSCA 49]. The jump seat was also lower than the backseat, so the governor was three inches lower than the president [6 HSCA 54] and four to eight inches to the left of a line extending straight forward from the president [6 HSCA 49].) Based on these studies, Thomas Canning’s team fixed the distance from the exit wound in the president’s throat to the entrance wound in the governor’s back at approximately twenty-four inches. The slope over that distance was determined to be 22 degrees below true horizontal. Adding the 3-degree downward slope in the road, Canning came up with a trajectory of 25 degrees below true horizontal for

the slope of the bullet as it passed forward from Kennedy's neck to Connally's back. (6 HSCA 55)

There is no consistency in the estimates of the degree of declination of the bullet entering Connally's back. For instance, during a September 1978 meeting with Governor Connally, HSCA forensic pathology panel chief Dr. Michael Baden, in a brief and unscientific examination, measured the difference between the governor's entrance and exit wound scars and found the angle of declination, while the governor was in an anatomic position (i.e., sitting upright), to be "downward at approximately a 45-degree angle to the horizontal" (7 HSCA 240). The HSCA forensic pathology panel later erroneously reported Dr. Baden's angle of declination to be approximately 10 degrees (rather than Baden's reported figure of 45 degrees) (7 HSCA 150). This 45-degree angle of declination of the bullet entering Connally's body is consistent with Dr. Finck's estimate of the angle of declination of the bullet entering Kennedy's back (2 H 380, WCT Lt. Col. Pierre A. Finck). But during Governor Connally's appearance before the Warren Commission, Dr. Robert Shaw measured the angle of declination between the governor's entrance and exit wounds and concluded that the bullet proceeded through the governor's chest on a downward angle of 25 degrees (4 H 137, WCT Gov. John B. Connally Jr.). The 45-degree angle of declination is also inconsistent with the 35-degree angle of decline through Connally's body estimated by the FBI (CD 827, p.2, Letter, J. Edgar Hoover to J. Lee Rankin, April 16, 1964; FBI Record 124-10029-10010, FBI Laboratory Report, April 22, 1964, p.3; CD 1066, p.283), and far different from the Warren Commission's estimate that the bullet that entered Kennedy's back, and presumably passed through his body on a straight line toward Connally's back, was on a downward trajectory of 17.50 degrees (WR, p.107).

500 **"It seems almost inevitable"**: Thomas Canning's conclusions unequivocally put him in the single-bullet, no-conspiracy camp. But conspiracy theorists like to point out (e.g., *Probe*, September–October 1998, p.11) that in a letter he wrote to HSCA general counsel G. Robert Blakey, after complaining about things like "the staff lawyers" of the HSCA who "clearly were working in the tradition of adversaries," Canning concluded by saying, "Permit me to end my not altogether complimentary letter by saying that . . . on balance the entire effort would be justified solely by the strong indication of conspiracy at the Plaza." Since Canning couldn't possibly be saying (and he didn't say) that his conclusion about the single-bullet theory was actually wrong, he necessarily must have been referring to the HSCA's acoustic conclusion of a grassy knoll shot, which his work did not include, and which he may have assumed, at the time, was true. Though Canning's letter to Blakey was dated January 5, 1978, which was before the HSCA acoustic tests were conducted in the summer of 1978, the 1978 date on the letter is wrong, an example of people commonly still using the previous year's date on letters written at the start of the New Year. The postmark on the envelope of Canning's January 5 letter is stamped January 6, 1979, and a "JFK Routing Slip" for the letter (Routing Slip 014258) is dated January 13, 1979. (HSCA Record 180-10115-10143)

501 **Canning's trajectory analysis may not have been perfect**: One demonstrable error was introduced into Thomas Canning's head wound trajectory calculations (but it does not alter the validity of his general conclusion) because of his

reliance on the calibration photograph said to match Z312. As stated in the main text, Canning found that a trajectory based on Kennedy's head wounds intersected the Texas School Book Depository at a point eleven feet west of the southeast corner of the building and fifteen feet above the sixth-floor windowsill (6 HSCA 41–42). However, Dale Myers, a computer animator and student of the assassination, points out that Canning's team apparently failed to accurately position the president's head before calculating a firing source. "Their error is due to a calibration photograph which was created to help them position Kennedy's head at Zapruder frame 312," Myers said. "A replica of the president's head was constructed, and a series of photographs taken of it, to help determine the exact position of Kennedy's head at the moment of the head shot. [6 HSCA 37–38] The panel then chose the photograph which they felt best matched Zapruder frame 312. Unfortunately, the photograph they selected, and which their trajectory analysis was based upon, *doesn't* match Zapruder frame 312, particularly in the pitch, or forward nod, of the president's head." (Interview of Dale K. Myers by author on October 28, 2002)

Indeed, the issue of a mismatch between the photographic panel's calibration photograph and Zapruder frame 312 came up during Canning's 1978 testimony when House Select Committee member Christopher J. Dodd mentioned that Kennedy's head had a "much more severe pitch" in Z312 than seen in the panel's calibration photo. Canning explained that the "interpretation of [Kennedy's] features is certainly one of the major sources of potential error," in calculating a trajectory. However, he did not specifically address the issue of the obvious differences in pitch between Z312 and the panel's calibration photograph. (2 HSCA 193)

The photographic panel's error can be illustrated by comparing its calibration photograph with Zapruder frame 312 (see calibration photograph in 6 HSCA 38 and Z312 in the photo section of this book). It is readily apparent, even to the casual viewer, that Myers and Dodd are correct. However, any new trajectory based on a more precise orientation of Z312 would most probably easily fall within the very large margin of error for the head wound trajectory set forth by Canning in his calculations. See photo section of book.

503 **we already knew the full truth about the assassination:** As technology has continued to evolve, computers have been brought to bear on the concepts of the single-bullet theory. For instance, investigators for the 1988 PBS television program *Nova* used a computer model to illustrate how a bullet might have passed through Kennedy and Connally. Their efforts, however, made no attempt to match up their computer model to known photographs of the shooting. As alluded to in the main text, in 1992 the American Bar Association hired Failure Analysis Associates (FAA) to create computer animations of the shooting for a mock trial at its annual convention in San Francisco. The FAA computer experts used the Zapruder film to fix the positions of Kennedy and Connally but only in the key frames of the film. Neither the *Nova* nor the FAA computer studies attempted to create an animated computer model that matched the *entire* filmed record as captured by Abraham Zapruder's camera. Emmy Award-winning computer animator Dale Myers took on that challenge with the belief that the resulting computer re-creation of the Zapruder film would, for the first time, allow historians to exam-

ine the entire motorcade through Dealey Plaza in *three* dimensions. As Myers explained, all photographs and films, including the Zapruder film, are by nature two-dimensional (i.e., they have no depth).

To ensure a high degree of accuracy, Myers based his three-dimensional computer models on the historic record. Blueprints of the Texas School Book Depository Building, created for the Dallas Historic Foundation's 1978 project to restore the building, were used for the first time to create a finely detailed computer model of the infamous building. Crime scene photographs taken by the Dallas Police Department that fateful weekend allowed the precise placement of all the boxes that surrounded the sniper's nest window. A survey map of Dealey Plaza, and calibration photographs taken by Myers, were used to build a model of Dealey Plaza, Elm Street, and its surrounding structures. The original blueprint of the modified 1961 Lincoln convertible in which the president was riding designed by the Hess & Eisenhardt Company of Cincinnati, Ohio, served as a guide in modeling the presidential limousine. Clay busts of both President Kennedy and Governor Connally were sculpted from photographs and converted into computer models.

The result of Myers's efforts is a remarkably compelling view of the assassination of President Kennedy that is consistent with the Warren Commission's and HSCA's conclusion that Kennedy and Connally were, indeed, struck by the same bullet, Myers concluding at frame Z223. (Dale K. Myers, "Secrets of a Homicide: Exploring the JFK Assassination," VTU, November 1994, pp.37-45; Dale K. Myers, "Secrets of a Homicide: The JFK Assassination," © 1995-2004; Interview of Dale K. Myers by author on October 28, 2002)

- 504 **the idea that the Zapruder film might have been tampered with:** Perhaps the first book to allege that the Zapruder film was tampered with was an unpublished manuscript by Fred Newcomb and Perry Adams titled "Murder from Within." The 1974 work, which dealt with many other pro-conspiracy issues, was circulated in the conspiracy community (Vincent Palamara, "The Secret Service: On the Job in Dallas," in Fetzer, *Murder in Dealey Plaza*, p.172). But at that time it was not embraced by conspiracists, who believed that the untampered-with Zapruder film itself showed a conspiracy. (*Fourth Decade*, September 2000, p.8). Only in very recent years has the notion that the Zapruder film was altered caught on in the mainstream conspiracy community.
- 505 **"there have never been any missing frames":** The Warren Commission's published sequence of Zapruder's frames (in volume 18) was taken from color slides of the original film and was furnished to the Commission by *Life* magazine. These slides did not include frames 208 to 211—thus, the reason why frames 208 to 211 were not reproduced in the sequence published by the Warren Commission. However, the so-called missing frames were included in all copies of the film made before the original at *Life* magazine was damaged, including the Commission's own intact copy, which it made from a Secret Service first-generation copy. (5 H 138, WCT Lyndal L. Shaneyfelt) In fact, the Warren Commission *did* publish its copy of Z210 (one of the "missing" frames) as part of another Commission exhibit in the volumes (CE 893, 18 H 89). However, by definition, these first- and later-generation copies could not have quite the clarity of the original frames that were accidentally destroyed at *Life*. After the release of the missing frames by *Life* magazine, critics also complained that the frames lacked the portion of the image that was recorded

in the original film's sprocket-hole area (which had been routinely masked out during the copying process). Conspiracy buffs began claiming that there was a "strong possibility" that the images in the intersprocket area of these frames "showed spectators or Secret Service agents reacting to a bullet striking the sidewalk" (Shaw with Harris, *Cover-Up*, p. 125), or that amateur photographer Phil Willis might have been seen in the sprocket area lowering his camera after taking a picture "as a startle reaction" to a shot that hit Kennedy at the time when the Warren Commission "said Oswald could not have fired" (Grodan and Livingstone, *High Treason*, p.186).

In addition to the four missing frames eventually accounted for by *Life* magazine in 1967, there are two additional missing frames (Z155 and Z156) that *Life* officials never mentioned. Presumably, these were damaged during the same film-handling mishap. In any case, they too exist in the three color copy prints made by a Dallas laboratory on the day of the assassination.

505 **alterationists:** One of the leading proponents of the alteration theory, Jack White, a former advertising art director, photographer, and self-proclaimed darkroom expert, who admits not being an expert in motion picture photography and who says that anybody with "a good eye and a little common sense" can overcome the need for motion picture expertise and make valid observations by examining the Zapruder film one frame at a time, claims that the approximately twenty spectators standing alongside the north curb of Elm Street at the beginning of the Zapruder film are part of the forger's handiwork, being nothing more than a still image of the crowd repeated over and over across a seventy-four-frame portion of the film. White contends that the fraud is betrayed by the fact that "not a single person moved an arm or [a] leg, waved, or changed position to any noticeable extent." (Jack White, "Evidence . . . or Not? The Zapruder Film: Can It Be Trusted? 20 Years of Thoughts About the Authenticity of the Zapruder Film," in Fetzer, *Assassination Science*, pp.213, 215) However, a simple stabilization technique (in which camera jitter is removed from the motion sequence) reveals plenty of movement and activity throughout the seventy-four frames (including the crowd applauding the presidential party), which of course disproves White's ridiculous allegation.

Two other alteration theorists, Mike Pincher and Roy Schaeffer, claim to have found a discrepancy in the blinking pattern of the presidential limousine's front-mounted emergency lights. According to the two, the emergency lights were controlled by an electronic circuit and should have blinked once every 0.41 second (the equivalent of about seven Zapruder frames)—as determined by measuring the blinking pattern in the Robert Hughes film, an amateur film showing the presidential limousine on Main Street about two minutes before the assassination. But, according to Pincher and Schaeffer, an analysis of Zapruder frames 133 through 181 shows each light is on for eight to ten frames, not seven. (Mike Pincher and Roy L. Schaeffer, "Case for Zapruder Film Tampering: The Blink Pattern," in Fetzer, *Assassination Science*, pp.227–228, 236–238) From this, they conclude that the film was originally recorded at 48 frames per second—not the 18.3 average reported by the FBI—and that the forgers systematically excised material from the film in a "frame-by-frame manner" so that the film speed was "reduced to its present 18.3 [frames-per-second] status" (Pincher and Schaeffer, "Case for Zapruder

Film Tampering," in Fetzer, *Assassination Science*, p.224).^{*} Why would all this editing be done? Pincher and Schaeffer only say that the frames were cut to conceal the "activities of specific actors" in the presidential limousine, adding, "It is beyond the scope of this paper to explore these conspiratorial specifics" (Pincher and Schaeffer, "Case for Zapruder Film Tampering," in Fetzer, *Assassination Science*, p.226).

Pincher and Schaeffer's analysis is seriously flawed. First of all, they base their timing of the blinking pattern, as indicated, on what is seen in the Robert Hughes film, yet, unlike the Zapruder film, no tests were ever performed to determine the frame rate of the camera Hughes was using that day. Without the frame rate, it is impossible to calculate the timing of the pattern. Second, the Hughes film shows that the blinking pattern is *not* evenly spaced, as Pincher and Schaeffer contend. The Hughes film shows the left-side light is on for seven frames, while the right-side light stays on for *ten* frames. Third, it is nearly impossible to obtain, for comparison purposes, an accurate blinking pattern from the Zapruder film. Why? Unlike the Hughes film, which shows the limousine in deep shadows, the Zapruder film depicts the limousine in bright sunlight and at an ever-increasing angle to Zapruder's camera, which makes it nearly impossible to tell (especially in the later portions of the film) whether the emergency lights are on or off at any given moment. Even so, an examination of the earliest portion of the Zapruder film (Z133–175), when the blinking pattern is more easily discernible, only *confirms* the pattern observed in the Hughes film—which of course would mean that no alteration had been performed on the Zapruder film, as Pincher and Schaeffer claim.

Other alterationists contend that a great many of the frames are composites—combinations of two or more images made to appear as one. Here's just a small sampling of their charges: (1) Between frames Z193 and Z194 the camera moves left, which, according to critics, should produce a blur but doesn't. (In fact it does.) (2) Between frames Z194 and Z195 the motorcade occupants appear clearly, even though both the background and the foreground are blurry in Z195. (Actually, the occupants are blurry in both frames, more so in Z195. And both frames contain blurred backgrounds and foregrounds, more so in Z195. The reason is because Zapruder pans left in Z193–194, then reverses direction, panning right in Z194–198. The first frame of this reversal is Z195. Subsequent frames—Z196–198—contain even more blurring.) (3) The Stemmons sign is blurred in Z212 but the masonry wall holes in the background are quite well defined. (In fact, Z212 contains the splice previously referred to in the text—the sign is from Z212, but the background wall is part of Z208.) (4) Between Z198 and Z199, Zapruder pans left, yet Z199 shows no blurring. (In fact, it does, which can be demonstrated by comparing it with Z200, which is relatively clear.) And so on and so on. (Mantik, "Special Effects in the Zapruder Film," in Fetzer, *Assassination Science*, p.315) It should not be forgotten that Richard Trask, perhaps the leading authority on the Zapruder film, says that quite apart from all of the above, the Zapruder film naturally

^{*}Others believe that a 48-frames-per-second film was cut down to a 12-frames-per-second speed, then filled in with composite frames (combinations of two or more existing frames to create a third) to return the speed to about 18 frames per second (David W. Mantik, "Special Effects in the Zapruder Film: How the Film of the Century Was Edited," in Fetzer, *Assassination Science*, p.331).

produced a clear frame followed by several fuzzy ones (Trask, *Pictures of the Pain*, p.123)

Other amateur film experts claim that the film shows a number of “impossible” events, including a 150-degree head turn allegedly made by limousine driver Bill Greer in one-eighteenth of a second (Z302–303) (White, “Evidence . . . or Not?” in Fetzer, *Assassination Science*, p.217). An examination of the film, however, shows Greer’s head turning about 80 degrees (not 150) during the Z302–303 period and that the total head turn of approximately 160 degrees takes about a quarter of a second (Z300–304).

506 **limousine came to a complete stop:** The unpublished 1974 manuscript by Fred Newcomb and Perry Adams, “Murder from Within,” contains interviews by the authors with witnesses, the majority of whom thought the limousine had stopped. As indicated in an earlier endnote, witnesses who said that the limousine “slowed” are the ones who are correct in their recollection. The Zapruder film (as well as the Nix film) shows that the limousine slows just before the head shot, but never stops.

506 **“painted on” what looked like a large exit wound:** David Lifton says that for this painting to have taken place, the Zapruder film would have to have been “bumped [up] to” a 35-millimeter film and then a “matte artist” would have to have been employed to “draw pictures on what was already there and thus change the configuration of wounds on President Kennedy’s head” (Lifton, “Pig on a Leash, a Question of Authenticity,” in Fetzer, *Great Zapruder Film Hoax*, p.345). Another leading alterationist, Harrison Edward Livingstone, who has become quite knowledgeable about the film, and goes considerably beyond Lifton in his analysis, agrees with Lifton on this basic point. He writes, “The film shows the upper right side of the President’s face blowing out—a large, balloon-shaped object,” which he calls “the Blob.” He actually goes on to say that “there is no medical or physical way to explain what is seen in the film other than to postulate that the Blob is *drawn onto the film* to make it appear that a shot from behind has removed part of his face.” (Livingstone, *Killing the Truth*, p.77)

But Richard W. Burgess of the Department of Classical Studies at the University of Ottawa (like, I would assume, *all* sensible people) does not agree. In addition to noting that “I have personal knowledge of the sorts of processes and effects that were available to film-makers in 1963 and I can state categorically that the Zapruder film has not had anything added to it or removed from it apart from the splices that everyone knows about,” he finds the hypothesis set forth by Livingstone and Lifton ludicrous on its face. He writes that such an alteration “would result in a ridiculously amateurish mess that would not fool a four-year-old, even in the hands of a skilled miniature painter under a microscope.” Burgess tells of the enormous complexity, and ultimate futility, of such an endeavor. He writes, “Any attempted modification would necessitate [as Lifton says] the enlargement of the film to 35 mm (to maintain clarity, and reduce changes in color saturation and balance, contrast, and grain), various types of optical printing with traveling mattes, and then reduction back to 8 mm. The conspirators would have to begin by rear-projecting each frame onto the back of an animator’s drawing table and tracing each successive frame of Kennedy onto a piece of paper. This is known as rotoscoping . . . Then an animator would have to animate the ‘blob’ by drawing it

onto the successive rotoscoped images of Kennedy's head. These drawings would then be transferred to animation cels and painted. The area around the painted wound on each cel would then be painted black. Another set of cels would then be copied, but with the wound painted black and the rest of the cel clear. These images would then be filmed with an animation camera onto two sets of film, one with the wound surrounded by black (film 1) and the other with a black blob floating in mid-air on clear film (film 2). This is a traveling matte. Next the Zapruder film enlargement would be run through an optical printer with film 2 on top in correct frame register, producing film 3. This film would show a black hole where the wound should be. Film 3 would then be rewound and film 1 (the wound surrounded by black) would be run through the printer exposing film 3 again. Since black does not expose the film, the surrounding black of film 1 wouldn't expose the already exposed Zapruder film and, if the copying of the cels was done exactly and the job was done properly on a high quality optical printer, the painted wound would fit right into the unexposed hole in film 3 like a moving jigsaw puzzle piece. Film 3 is reduced back to 8 mm and there you have it: faked Zapruder film.

"Unfortunately," Burgess writes, "this would and could never work, for a number of important reasons." He goes on to give several independent reasons, just one of which being the poor quality of the image to start with resulting in a final version that would be "so murky as to be almost useless, even with fine grain, low contrast 35 mm masters and specialized color duping film, a new development in 1963." He then goes on to discuss "the problem of registration," keeping each frame in the same relative position. He writes that "it was easy . . . to describe the process of rotoscoping and optical printing, but it would have been impossible for anyone to have been able to maintain perfect registration of the [fake] wound on the head. Without perfect registration the wound would move around on the head, as if it weren't attached. This goes for movement in all three dimensions. Not only would the animated [fake] wound have to move back and forth and up and down in perfect synchronization with Kennedy's head, but it would also have to shift with changes in depth and angle; it would have to show foreshortening in exact calibration with Kennedy's head movements. This is impossible since even a half a grain's shift would cut the animated wound free of Kennedy's head and make it look like some grotesque free-floating balloon. In the film, the wound is firmly part of Kennedy's head. Indeed, part of the flap in front actually flops about in reaction to the violence of Kennedy's head movements. Such virtually invisible 'finessing' in a process already unbelievably complex is simply impossible." (*Fourth Decade*, September 1994, pp.5-7)

507 **In the "Alice in Wonderland" world of conspiracy buffs:** A necessary line told by the buffs to sell their snake oil is that the techniques for performing these alterations have been around for years. They cite a scene from the 1903 silent classic *The Great Train Robbery*, in which a locomotive appears to be bearing down on the audience through a window; or the 1933 horror classic *King Kong*, in which humans seem to be battling a giant gorilla; or (their favorite) the 1964 Disney classic *Mary Poppins*, which utilized (for its day) cutting-edge traveling mattes to combine animated characters with live-action footage. (David W. Mantik, "Special Effects in the Zapruder Film: How the Film of the Century Was Edited," in Fetzer, *Assassination Science*, p.334) But, none of these examples are the type capable

of producing the flawless kind of results that are alleged to have been accomplished in the Zapruder film. In fact, matte lines and film registration errors give away these efforts, both being examples of problems with early special effects. Matte lines were the result of a slight mismatch between the matte (which masked out a portion of the image) and the image replacing the “hole” left by the matte. These matte lines—appearing as black, and sometimes blue lines—could be seen surrounding the portion of the image that had been altered. Special effects wizards eventually determined that the mismatch causing the matte lines to become visible was due to errors in film registration (as indicated, the ability to keep each frame in the same relative position during the exposures). Here’s why: Motion picture film contains sprocket holes that run alongside the edge of the film. A gear in the camera uses these holes to grab and advance the film as each frame is exposed. The microscopic differences between the size of the sprocket holes and the teeth on the gear that moves the film through the camera cause small slippages in the film as each frame is advanced. These differences become apparent when two pieces of film are locked together (as is necessary in any special effects technique utilizing a traveling matte), because two pieces of film that are run through the same camera will not line up, or “register,” exactly the same, frame to frame. The result of these registration errors is that the added or altered portions of the image appear to move around in relation to the rest of the scene. This problem was eventually reduced for large-format films (i.e., 35-millimeter film or larger) by adding a second set of sprocket holes opposite the existing set and/or increasing the number of sprocket holes, both of which helped prevent the film from slipping. Small-format films (like the 8-millimeter film used in Zapruder’s camera) are unable to accommodate additional sprocket holes because of the films’ original size.

The reality is that even today, it is highly doubtful that any of the most modern technological advances available in film and photography could do what the buffs said was done over four decades ago. It unquestionably could not have been done back then.

Assuming, just for the sake of argument, that some supersecret technology did exist in 1963, *when* would the conspirators have accomplished all these tasks? Not even the conspiracy theorists who hold to the alteration theory agree on a time frame. Mike Pincher and Roy Schaeffer believe that the Zapruder film was extensively edited “within an approximate five-hour time period between the assassination itself and the debut of the film to the news media the following morning” at Zapruder’s dress shop (Mike Pincher and Roy L. Schaeffer, “The Case for Zapruder Film Tampering: The Blink Pattern,” in Fetzer, *Assassination Science*, p.221). In what would be a defiance of all the evidence showing that *Life* magazine came into possession of the original Zapruder film on November 23, the morning after the assassination, Harrison E. Livingstone says that the nephew of Zapruder’s partner, Erwin Schwartz, told him that *Life* never got the original until November 27. Livingstone doesn’t say the nephew is correct, only observing that if he were, this would have given “the conspirators plenty of time to alter the film before *Life* got it.” (Livingstone, *Killing Kennedy*, p.117) Dr. David Mantik believes the alterations may have been accomplished between the initial weekend and January 27, 1964, when a *copy* of the Zapruder film was

screened for the Warren Commission (Mantik, "Special Effects in the Zapruder Film," in Fetzer, *Assassination Science*, p.268), or February 25, 1964, when the original film was screened for the Commission (David W. Mantik, "Paradoxes of the JFK Assassination: The Zapruder Film Controversy," in Fetzer, *Murder in Dealey Plaza*, p.334).

One thing alterationists do agree on is *where* the work was done—the National Photographic Interpretation Center (NPIC) in Washington, D.C., an office of the Central Intelligence Agency (CIA). According to Pincher and Schaeffer, the original, out-of-camera Zapruder film was flown out of Dallas around 4:00 p.m. on the day of the assassination and arrived at the NPIC that evening "not long after 10:00 p.m.," where it was reviewed, partially edited, rephotographed with a camera similar to Zapruder's, and duplicated three times with an optical printer (a camera that takes a picture of a film, frame by frame, resulting in a duplicate original) before 3:00 a.m.—a span of five hours—then returned to Zapruder in Dallas by the Secret Service around 7:00 a.m. the next day, and was sold by Zapruder an hour later to *Life* magazine representative Richard Stolley. (James H. Fetzer, "The Zapruder Film: Seeing but Not Believing," in Fetzer, *Assassination Science*, p.209; Pincher and Schaeffer, "Case for Zapruder Film Tampering," in Fetzer, *Assassination Science*, pp. 224–225) Yet, Pincher and Schaeffer do not offer one shred of documented evidence to support this fantastic chain of events. All they present as evidence of their claims is a series of CIA documents, released in 1982 under the Freedom of Information Act to assassination researcher Paul Hoch, which reflect the preparation of four briefing boards (blow-up prints of selected Zapruder frames mounted on a large board [Weisberg, *Photographic Whitewash*, pp.299–303; Wrone, *Zapruder Film*, pp.28–29, 105, 132]) relating to the NPIC's analysis of the Zapruder film (four briefing boards: CIA Record 104–10135–10151, May 13, 1975, unnumbered p.4). Pincher and Schaeffer allege that these documents are evidence that the CIA secretly altered and copied the Zapruder film.

But even Doug Horne, the conspiracy theorist extraordinaire from the Assassination Records Review Board (ARRB) who in 1997 interviewed Homer A. McMahon and Ben Hunter, the two CIA employees (not agents) at the NPIC who received, worked on, and analyzed the Zapruder film in Washington, D.C., said in his report that "in response to clarification questions" by him, "McMahon said that at no time was the amateur movie copied *as a motion picture film*, and that the only photographic work done at NPIC was to make color prints." Of what? "Of selected still frames," Horne was told. But why at the NPIC? Horne said McMahon, the manager of the NPIC color lab in 1963, told him that William Smith, the Secret Service agent who delivered the Zapruder film to him at the NPIC, said the film was sent there because it was known that the NPIC had state-of-the-art enlarging equipment, which Kodak did not have. The selected frames were enlarged "40 times" their original size for analysis purposes at the NPIC. Horne even noted that McMahon's and Hunter's handwritten contemporaneous notes (e.g., "shoot internegs" [a color negative of a color frame], "print test," "make three prints") clearly referred "to the production of *still* frames . . . rather than to the reproduction of the *film* as a *motion* picture." Hunter added that the "NPIC did not [even] have that capability for color *movies*." (Doug Horne, "Interviews with Former NPIC Employees," in Fetzer, *Murder in Dealey Plaza*, pp.312, 315, 319–320)

Where does all of this leave Pincher, Schaeffer, and all the other alterationists? Out of the game before the first ball has been thrown.

When did all this activity at the NPIC take place? A starting point should be when CIA records show the date the Secret Service delivered the Zapruder film to the CIA's NPIC? But they don't. In 1975, the Rockefeller Commission, which was investigating CIA activities within the United States, asked the CIA for documents pertaining to the NPIC analysis of the Zapruder film, including those establishing when it took place, but the CIA couldn't locate any document or documents to nail this down. So the commission contacted Captain Pierre Sands, who received the film from the Secret Service, and Sands, in May of 1975, twenty-two years *before* the ARRB inquiry, couldn't recall. But the CIA noted Sands's telling the Rockefeller Commission in a deposition that the analysis was "several days after the Kennedy assassination." (CIA Record 104-10135-10151, May 13, 1975, unnumbered pp.12, 21) And the handwritten notes on charts accompanying the briefing boards containing analysis of the frames to determine when the bullets were fired have no date on them. At one point McMahon told Horne that he started work on the film, which he said he was sure was the original, around 1:00 in the morning (no date given), but then corrected himself and said it was more like 8:00 p.m. In any event, he said the NPIC work and analysis was done "1 or 2 days" *after* the assassination, and involved working throughout the night. According to McMahon, Smith said "he had personally picked up the film from the amateur [Zapruder] who had exposed it, had it flown to Rochester [New York] for developing, and then couriered it to Washington, D.C. to NPIC for analysis." McMahon's thirty-four-year-old recollection that he was dealing with the original and his remembering the details of the delivery of the film are very questionable, particularly since he acknowledged that he had various health-related memory problems. (Horne, "Interviews with Former NPIC Employees," in Fetzer, *Murder in Dealey Plaza*, pp.312, 319) It has been well established that the original film was developed at Kodak in Dallas, not Rochester, New York,* and that two copies were given to Secret Service agent Forrest V. Sorrels in Dallas, one of which, not the original (which Zapruder had), made its way to the NPIC for analysis.

Hunter told Horne that the work at NPIC was done "2 or 3 days" after the assassination, although he said at the outset of the interview that his memory of the events

*But since Kodak is so associated with Rochester, New York, McMahon could easily have assumed, thirty-four years later, that he heard Rochester. However, conspiracy theorist David Lifton, who believes that not only Kennedy's body was altered but also the Zapruder film, writes that although the original film was, indeed, processed at the Kodak plant in Dallas, a copy of the film was altered at "Hawkeyeworks, a top secret Kodak facility in Rochester," and thereafter passed off by the forgers as the "original." He even quotes ARRB fellow conspiracist Doug Horne as telling him that when the word *Hawkeyeworks* was allegedly used by some unidentified CIA employee in an ARRB interview and he, Horne, wanted to pursue the matter to learn whether the Zapruder film had ever been to Hawkeyeworks, he was told that if he pursued the matter he would lose his job. Horne also told Lifton that the CIA succeeded in having the "classified term" *Hawkeyeworks* deleted from the ARRB report. (David S. Lifton, "Pig on a Leash, a Question of Authenticity," in Fetzer, *Great Zapruder Film Hoax*, pp.387-388, 413) Lifton doesn't bother to point out that not only wasn't the supposedly super-secret term *Hawkeyeworks* in the ARRB final report, but neither was there even any reference to Rochester (which would seem to have been a benign reference). And the obvious reason why there was no reference to Rochester or Hawkeyeworks is that the ARRB apparently found that the Zapruder film had only been to the NPIC in Washington, D.C. (Final Report of the ARRB, p.126) In any event, do Lifton and Horne really want to add the ARRB to the already terribly long list of groups that were part of the cover up in the assassination?

was "extremely fuzzy." As opposed to McMahon's recollection that William Smith delivered the film to the NPIC, Hunter said a "Captain Sands," head of security at the NPIC, had, and it was his strong impression they were working with the original, though he didn't think there were images between the sprocket holes (which would, of course, be present with the original), and described the film as "not high resolution." Hunter added that it was his belief that the majority of the NPIC notes analyzing the Zapruder film were created during a second session by others at the NPIC after he and McMahon did their original work. (Horne, "Interviews with Former NPIC Employees," in Fetzer, *Murder in Dealey Plaza*, pp.314–316)

Hunter's recollection of a second session appears to be accurate. Both Hunter and McMahon later reviewed the NPIC handwritten working notes on the original briefing boards and agreed that only one of the six pages of working notes contained their handwriting. Although the handwritten notes of the analysis of the briefing boards are silent as to the date or dates of the analysis, two of them conclusively establish that at least they could *not* have been written before around December 2, 1963, since right at the top of one of them are the words "18 FPS [frames per second] . . . *Life Magazine*," and on the other, "Based on 18FPS as Reported in *Life Magazine*," and the 18 frames-per-second rate was first printed in the December 6 edition of *Life* (which went on the stands around December 2), the November 29 edition of *Life* containing no reference to the 18 frames-per-second rate. These two charts may have been produced at the second session Hunter recalled as having taken place without his or McMahon's participation. ("18 frames a second": Mandel, "End to Nagging Rumors," p.52F; Horne, "Interviews with Former NPIC Employees," in Fetzer, *Murder in Dealey Plaza*, pp.321–324; Trask, *National Nightmare*, pp.298–304; CIA Record 104-10135-10151, unnumbered pp.6–7, 10, 15–16)

But all of this is irrelevant, since, as indicated, the NPIC was not equipped, as Pincher and Schaeffer claim, to duplicate *any* kind of color motion picture film, which the Zapruder 8-millimeter home movie was. Over the course of well over forty years, no evidence has ever emerged to dispute this fact.

Pincher and Schaeffer weren't just wrong on whether the NPIC had the *capability* of altering the Zapruder film. Their reconstruction of *when* the Zapruder film was altered ignores the known whereabouts of the original Zapruder film and the three copies made in Dallas during the late afternoon and evening of November 22, 1963. Though we don't know when the Secret Service delivered the Zapruder film to the NPIC, we do know it was not on the night of the assassination. But as indicated, according to Pincher and Schaeffer, the original Zapruder film was delivered to the NPIC in Washington, D.C., "not long after 10:00 p.m." on the night of the assassination. (It is important to the alternationists' argument that the original Zapruder film was altered, since the alteration of a copy could immediately be exposed as a fraud when it was later compared with the original.) But we know that it wasn't until about 10:00 p.m. Dallas time (11:00 p.m. in Washington) that Zapruder, who continued to hold the original film in Dallas, even released two of the three copies made of the film to the head of the Dallas Secret Service office, Forrest Sorrels. One of those copies was forwarded to Secret Service chief James Rowley in Washington, D.C., and was likely the one later delivered to the NPIC by Secret Service agent Bill Smith. In fact, the note by special

agent Max Phillips that accompanied the film mentioned that “Mr. Zapruder is in custody of the ‘master’ film. Two prints were given to SAIC Sorrels, this date. The third print is forwarded.” Phillips gave the time as “9:55 p.m.” on November 22. (CD 87, p.66, handwritten note, Secret Service agent Max D. Phillips to Chief Rowley, November 22, 1963, 9:55 p.m.; Weisberg, *Whitewash II*, p.141) As indicated, the copy of the Zapruder film forwarded to Rowley was one of the two copies given to Sorrels (Memorandums of Forrest Sorrels on January 22, 1964, and James Rowley on January 27, 1964, in Wrone, *Zapruder Film*, pp.279–280). The other copy given to Sorrels was loaned to the Dallas FBI late that night or early Saturday morning, November 23 (Trask, *Pictures of the Pain*, p.81). Therefore, since the original Zapruder film could not have been in Washington, D.C., at around 10:00 p.m. on the evening of the assassination, as the alternationists claim, Pincher and Schaeffer are not only out of the ball game with their theory, they can’t even get inside the ballpark.

As set forth in the main text, the master or original Zapruder film never left the physical possession of Zapruder until some time after 9:00 a.m. in his office, on Saturday, November 23, 1963, the day after the assassination. In a phone conversation the previous evening, Zapruder had agreed to meet at his office with Richard Stolley, the representative of *Life* magazine, which was seeking to purchase the exclusive rights to the film. After Zapruder projected the film for Stolley and some Secret Service agents, Stolley, seeing that other members of the media (in competition with *Life* for the rights) were arriving in Zapruder’s office, asked to speak to Zapruder in private, where after a brief negotiation Zapruder signed a contract to sell the print rights to the film to *Life* for \$50,000. In an article in *Esquire* magazine in 1973, Stolley wrote that after Zapruder signed the contract, “I picked up the original of the film and the one remaining copy and sneaked out a back door of the building. I wanted to be elsewhere when Zapruder faced my distraught rivals.” The original film was immediately flown to *Life*’s Chicago headquarters, where selected frames of the film were to be included in its revamped November 29 issue. (Stolley, “What Happened Next . . .,” pp.134–135; Secret Service got two original copies and *Life* got original and the third original copy: 5 H 138, WCT Lyndal L. Shaneyfelt; Trask, *Pictures of the Pain*, pp.83–85; see also AP reporter Dave Taylor’s account of the Saturday-morning activity in Zapruder’s office, in Hlavach and Payne, *Reporting the Kennedy Assassination*, p.17)*

So we see that the *original* Zapruder film, which the forgers would have had to have as a sine qua non to their alteration plans, was never out of the physical pos-

* Author Richard Trask has postulated that, contrary to what is believed, Zapruder retained the third copy of his film until all rights, that is, motion picture and television rights (as indicated, only print rights had been negotiated November 23), had been sold to *Life* on Monday, November 25, for a total of \$150,000. According to Trask, it was this copy that was shown to CBS reporter Dan Rather on Monday (Trask, *Pictures of the Pain*, pp.85–86, 89). However, Josiah Thompson, an authority on the film (having been a consultant to *Life* magazine, which originally owned it), says that “the Secret Service called up Dallas TV station KRLD on the afternoon of Monday, November 25, 1963, and asked if they had a projector to show a 16 mm. color print of the Zapruder film. The TV station said ‘yes.’ The Secret Service came over. Dan Rather was in the studio at the time and viewed the film in the company of studio people and the Secret Service. The print of the film seen by Dan Rather on Monday, November 25th, originated with the Secret Service and not with Abraham Zapruder” (Thompson, “The Disinformation Series Part III—Chronology: The Provenance of the Film,” January 9, 2001, p.4, available at <http://www.jfkresearch.com/Tink/tink.html>).

session of Abraham Zapruder and *Life* magazine during the period when the alteration supposedly took place.

Conspiracy theorist David R. Wrone, who wrote a book entirely on the Zapruder film, rejects the alterationists' position, concluding that "no opportunity existed in the solid chain of custody [of the original film] to enable conspirators to snatch the film . . . Abraham Zapruder . . . controlled the original film from the time Zapruder recorded it [in] Dealey Plaza until he sold it in [his] office the morning of November 23 . . . Time Inc. absolutely controlled the original thereafter."* To pull off the alteration of the film the alterationists contend took place, Wrone writes that on the evening of November 22, the "conspirators would have had to enter Zapruder's home, locate the film, steal it, whisk it to the airport, and fly it to Washington in an almost three-hour flight. Then another team would have had to meet the plane, take the film, and speed it to a laboratory, where yet another team altered the frames . . . To alter the film, hundreds of frames had to be minutely examined and the appropriate ones modified and touched up, a time-consuming process requiring quality work . . . Then a flight home of almost three hours would be required to deliver the faked film to Dallas, rush to Zapruder's home, break in again, and replace the film," the latter, forged film being sold a few hours later to *Life* magazine. (Wrone, *Zapruder Film*, pp.123–125)

- 508 **many Dealey Plaza spectators [footnote]:** And there were others the conspirators would have had to worry about, such as freelance photographer Jim Murray, who was in the plaza at the time of the motorcade (looking out a window of the Dallas County Criminal Courts Building), and who, although taking no photos of the motorcade itself, ended up taking, per author Richard Trask, "more photographic frames of the confused aftermath at Dealey Plaza than any other photographer that day" (Trask, *Pictures of the Pain*, pp.203, 490). Seeing Murray snapping photos all over the plaza, how could the conspirators have known when he had started doing so?
- 509 **not any of the many others:** Robert Hughes had his film developed on Monday, November 25, and voluntarily took the film to the Dallas FBI office on November 26 (CE 2591, 25 H 873; Trask, *Pictures of the Pain*, p.269), long after most of the alteration theorists claim the conspirators had done all their dirty alteration work to the Zapruder film at a CIA lab in Washington, D.C., on the evening of the assassination. And it wasn't until Sunday evening, November 24, that Charles Bronson took his film to the Eastman Kodak Company in Dallas to be developed, the FBI seeing the film the next day at Eastman (Dallas FBI agent Milton Newsom memo to SAC Dallas on November 25, 1963, File 89-43-493; Trask, *Pictures of the Pain*, p.287). Why would the conspirators blithely ignore people like Hughes and Bronson and their respective films? And what about the other films? Marie Muchmore brought her film, at that point undeveloped, to the Dallas office of the UPI on November 25, telling an initially disbelieving employee that she had

*Wrone makes a point of how diligent Zapruder was in ensuring throughout the day of November 22, 1963, that no one altered or made an unauthorized copy of his original film, going to the extent of securing notarized affidavits to this effect from the Eastman Kodak Company in Dallas after it processed the film that day, and from Jamieson Film Company in Dallas after it made three copies of the film for him. Further, Zapruder and his partner at his dress company, Erwin Schwartz, watched the technicians as they did their work. (Wrone, *Zapruder Film*, pp.123–124, 281–283, 315 note 18)

film of the motorcade in Dealey Plaza. UPI purchased the film from Muchmore for \$1,000 that day and the very next day it was shown on WNEW-TV in New York City. (Schonfield, "Shadow of a Gunman," p.46; Trask, *Pictures of the Pain*, p.205) Orville Nix voluntarily turned his film over to the Dallas FBI on December 1, 1963, saying he wanted the film to be returned to him as soon as they made a copy, and he received his film back on December 4 (CE 2109, 24 H 539; FBI Record 105-82565-2722, FBI Airtel from Hoover to SAC, Dallas, on March 24, 1964; Trask, *Pictures of the Pain*, pp.188, 191). Within days, Nix sold his film to UPI for \$5,000 (*Dallas Morning News*, July 15, 1991, pp.1, 2, 6C; Trask, *Pictures of the Pain*, p.188). As to Mark Bell's film, assassination researcher and author Richard Trask* writes that "the next week [after the assassination] Bell brought his film down to a camera store on Main Street to have it developed. Although he is presently unsure of just how or when *Life* magazine first found out about his film, a 1967 *Life* article indicated Bell brought his film to Dallas *Life* correspondent Patsy Swank. This occurred probably in early 1967. It seems clear that Bell never let it be known to authorities that he was a witness or had film, and it wasn't until 1967 that his film received any public notice" (Trask, *Pictures of the Pain*, p.268). As far as is known, the authorities never came into possession of Tina Towner's film until the HSCA did in 1978, although three frames of young Tina's film appeared in the November 24, 1967, edition of *Life* magazine (6 HSCA 13; Trask, *Pictures of the Pain*, pp.219-220, 221 note 1). As far as the film sequences taken by Weigman, Couch, Underwood, and Darnell, all were immediately taken back to their stations and recorded for posterity by being shown that afternoon on their respective media outlets.

- 510 **Zavada concluded:** Critics contend that Roland Zavada's report doesn't rule out the possibility that the "conspirators" simply reshot doctored frame enlargements with Zapruder's Bell & Howell camera, or a similar model (Doug Horne, "Interviews with Former NPIC Employees: The Zapruder Film in November 1963," in Fetzer, *Murder in Dealey Plaza*, p.329). But this explanation would require an unlikely event—the magnification of each frame of Zapruder's original 8-millimeter film to a size large enough that the resulting images could be rephotographed without including the original film's sprocket-hole area. You'll recall that Zapruder's camera captures imagery in the sprocket-hole area, which was never intended to be seen or projected. Since any attempt to use Zapruder's camera to rephotograph a forgery would also result in the sprocket-hole area being exposed to the forged imagery, the conspirators' enlargement and alteration would have to carefully exclude the original film's sprocket-hole area lest the original, unaltered imagery surrounding those sprocket holes be seen and the forgery detected, then reshoot that altered enlargement so that a sufficient amount of the altered imagery could spill into the sprocket-hole area of the forgery. How much of the original film's tiny image area (an area just 0.192×0.145 inch—five times smaller than a postage stamp) could be used in the final recon-

*Trask's magnificent 1994 book, *Pictures of the Pain*, which I've quoted from often in this book, was the result of ten years of meticulous research on the photographic history of the assassination. Presented in a coolly objective way, the book's 638 pages are chock-full of much information and detail Trask unearthed that had never been previously published. The book is an absolutely invaluable reference that has been widely relied upon by the assassination research community.

struction? Just 0.192×0.097 inch—33 percent *smaller* than the original. Enlarging this fraction of the original image to fill the width of forged 8-millimeter film (both image area and intersprocket area) would result in film grain (i.e., the minute dots that make up an image) that was more than 30 percent larger than normal (a fact easily detectable), as well as a final image sequence that wouldn't match the optics of Zapruder's camera. None of these elements of forgery were found in Zapruder's film.

- 511 **altering all other films:** As we have seen, a favorite conspiracy alterationist argument is that forgery of the Zapruder film took place at the National Photographic Interpretation Center (NPIC) in Washington, D.C. Although there is no evidence that any alteration took place there, we do know that a copy of the Zapruder film was delivered to the center either on the evening of the assassination or shortly thereafter. (See earlier discussion.) But where, I ask the alterationists, do they claim the forgers altered the Hughes, Bell, Nix, Muchmore, Towner, Martin, and Bronson films to make them perfectly consistent with the altered Zapruder film, which they are? Their growing assassination literature on the alteration of the Zapruder film is conspicuously silent on this point. They don't even allege that any of these films were altered at the NPIC, or even that they were brought there. Indeed, nearly all of the alterationists don't even talk about any alteration ever being done anywhere to these other films. One exception among the steadily increasing number of alterationists is David Lifton, who acknowledges that "it is implausible, if not impossible, to believe that, if the Zapruder film was altered, that other films were not also altered . . . The *complete* photo record had to be altered, not just one record [the Zapruder film]" (David W. Lifton, "Pig on a Leash, a Question of Authenticity," in Fetzer, *Great Zapruder Film Hoax*, p.416). But then Lifton, who had written in numbing detail about the complexities of altering the Zapruder film and where it was altered, doesn't go on to write one paragraph, one sentence, or even one word about the forgers actually coming into possession of all or any one of these other films, and where and when they altered them. I can't imagine why he didn't.

- 513 **Oswald was born:** The document reprinted in the Warren Commission volumes (CE 800, 17 H 685) that was seized from Oswald's room on Beckley Street pursuant to a search warrant on the afternoon of the assassination (Potts Exhibit A-2, 21 H 142), is not, as the Dallas Police Department listed it (21 H 142), Oswald's birth certificate. It is merely a certification by Henry Lanauge, the deputy recorder of New Orleans, that Oswald's birth on October 18, 1939, had been recorded in book 207, folio 1321 of the recorder's office on October 25, 1939. Indeed, the document is not even denominated "Birth Certificate," but instead, "Recorder of Births, Marriages and Deaths," and there is no attestation on the document of Oswald's birth by his doctor or the hospital. Whether or not this document is the one Marguerite was referring to when she would later write (see text) that her son Lee had taken "his birth certificate" with him to Russia is not known. In October of 1961, the U.S. Immigration and Naturalization Service made an effort to locate Oswald's birth certificate and was unable to do so. (CE 1070, 22 H 21) Author John Armstrong made a diligent search of the records in New Orleans for Oswald's birth certificate but was also unable to locate it. He did find a declaration by Harvey F. Oswald, one of Lee's paternal uncles, dated October 25, 1939, and attested to by Naomi Drake, the deputy registrar, that Lee was born on October 18, 1939, at French Hospital, and learned that in Louisiana such a declaration is allowed in lieu of a birth certificate, but normally only when the birth occurred outside of a hospital and without a doctor, which was not the situation here. (Armstrong, *Harvey and Lee*, pp.16–17, 533; copy of declaration of birth: *Fourth Decade*, May 1997, p.18) Armstrong, a committed conspiracy theorist, writes ominously that "a birth certificate for Lee Harvey Oswald has never been made public," the implication being that if it exists, the unnamed conspirators are suppressing it (instead of destroying it) because the certificate itself holds some kind of a key (along with a thousand other keys) to the assassination, which, of course, is nonsense. (Or is he suggesting that perhaps Oswald was never born, being simply a CIA clone manufactured in a Dr. Strangelove–type CIA lab?) Apparently, the certificate did surface in 1963—that is, if we can assume that a reporter for the *New York Times* can tell a birth certificate from a document that isn't one. Reporter Fred Powledge, ostensibly speaking from firsthand knowledge, wrote that "Oswald's birth certificate, which records his birth date as October 18, 1939, lists his mother's maiden name as Marguerite Claverie and his father's name as Robert Oswald" (Fred Powledge, "Oswald below Average in Junior High," *New York Times*, December 3, 1963, p.34). And when Oswald himself applied for a tourist card at the Mexican consulate in New Orleans on September 17, 1963, in the block for "Documents Submitted to Prove Nationality (Birth Certificate, Affidavit of Birth . . .)", Oswald printed "BIRTH CERTIFICATE" (CE 2481, 25 H 677).
- 514 **they separated:** Clem Sehrt, a close friend of Edward Pic's since high school, told the FBI that Marguerite had been unfaithful to Pic with a New Orleans salesman named V. J. Knoblock (CE 2207, 25 H 87, FBI interview of Clem Sehrt on December 23, 1963). Whether, assuming the story is true, Pic was aware of this and whether it played a part in the divorce is not known. If we're to accept Pic's

testimony before the Warren Commission at face value, it was not the reason for their divorce.

- 515 **Lee Harvey Oswald:** One of the myths about Oswald is that before the assassination he only went and was known by the name Lee Oswald, and only became known to the world as Lee *Harvey* Oswald after the assassination. But this is not true. Although he usually signed his name Lee H. Oswald, there were occasions when he did not, signing his name “Lee Harvey Oswald” (e.g., CE 912, 18 H 108). Indeed, in a letter he wrote to Texas senator John G. Tower in 1962, he commenced the letter by writing, “My name is Lee Harvey Oswald, 22, of Fort Worth” (CE 1058, 22 H 6; see also CE 913, 18 H 109). In fact, in the U.S. Marines, some of his squad mates in Santa Ana called him by his middle name (8 H 320, WC affidavit of Paul Edward Murphy). See also 1 H 306, WCT Robert Edward Lee Oswald.
- 516 **at the end of September moved to a smaller home:** Mrs. Fred Huff, the owner of the Congress Street property, said she had rental records for Marguerite dating from November 10, 1940, but she said Marguerite could have moved into Huff’s house earlier since her records prior to that date had been destroyed (FBI interview of Mrs. Fred C. Huff on December 9, 1963). The FBI said that records of the New Orleans Retail Credit Bureau reflect Marguerite had moved into the Congress Street house on September 28, 1940 (CE 2201, 25 H 80).
- 516 **March of 1941:** The house on Bartholomew Street was purchased on March 5, 1941 (CE 2197, 25 H 76). Mrs. Fred Huff, the owner of the Congress Street property, said her records showed that Marguerite paid the rent there up to March 9, 1941 (FBI interview of Mrs. Fred C. Huff on December 9, 1963).
- 545 **an old childhood friend:** The childhood friend, whom Marguerite hadn’t seen since back then, was Clem Sehrt, who worked at his father’s neighborhood bakery when one of the bakery’s customers was the Claverie family. Though the false-affidavit incident happened in 1955, only eight years before the assassination, Sehrt told the FBI a month after the assassination that he had not seen or heard from Marguerite “in over twenty years” (CE 2207, 25 H 87–88, FBI interview of Clem Sehrt on December 23, 1963). If Sehrt did not tell the truth, as appears to be the case, it may be because of his background, per the HSCA, as an associate, lawyer, and financial adviser to a New Orleans banking executive named Louis J. Russell, who in turn was a friend of New Orleans mobster Carlos Marcello. New Orleans Crime Commission chairman Aaron Kohn said that Sehrt and Russell “were long involved in a number of highly questionable undertakings, both business and political.” (9 HSCA 99–101)
- 552 **Oswald’s brief proximity to the U-2:** Of the considerable number of marines who have at one time or another discussed their memories of Oswald with researchers, only one mentioned Oswald with respect to the U-2. Author Edward Epstein writes that Lieutenant John E. Donovan, one of Oswald’s team chiefs during a stint two years later at the El Toro radar station in California, “remembers clearly that Oswald called his attention to radar images of the U-2, and that this incident took place at Cubi Point” in the Philippines (Epstein, *Legend*, p.280 note 2). Donovan, who had given all indications before the Warren Commission of being solid (having a bachelor of science degree in foreign service from Georgetown University, attending one year of medical school, teaching physics at Ascension Academy, and being a captain in the Marine Corps Reserve), apparently decided to make

a fool out of himself at some point thereafter. In his testimony before the Warren Commission in 1964, the unmistakable inference is that he only knew Oswald in California. Indeed, when Warren Commission counsel asked Donovan, “You had not known Oswald in Japan?” he answered, “If I knew him in Japan, I don’t remember.” But in 1978, twelve years later, Donovan proceeded to tell the HSCA that at some time after his Warren Commission testimony (perhaps in the mid-1970s when he said he was a consultant for Epstein’s book, which was published in 1978, during which time Donovan may have been trying to justify his existence as a consultant to Epstein), he refreshed his recollection—he didn’t say how, or why his memory would improve with the passage of so many years—and suddenly he not only recalled being stationed with Oswald in Japan, Formosa, and the Philippines, but also clearly remembered a host of incriminating things about Oswald, saying Oswald was very interested in the U-2 airplane in the Philippines (which wasn’t even there when Oswald was) and took photographs of troop deployments, fighter aircraft, ammunition bunkers, and F-86 aircraft in Formosa. He also said Oswald allegedly had a liaison with an effeminate boy in Formosa, frequented the Queen Bee Bar in Japan, and may have developed intelligence contacts in Japan. In addition, he claimed he saw Oswald in the company of a stunning Eurasian girl in Japan.

Donovan tried to cover for his newfound memory, which included many other things he didn’t tell the Warren Commission (including “suspicious” incidents, among which was that in California Oswald was seen talking to a wealthy [was he dressed like a millionaire?] Japanese man who allegedly traveled to the Soviet Union along the same route Oswald later took), by saying that his superiors had told him only to answer the questions asked. But Commission counsel questioned Donovan in depth, affording him many opportunities to tell everything he knew about Oswald’s background, including at the end of his testimony when counsel said, “If you have nothing more to add . . .” Indeed, at the beginning of Donovan’s testimony counsel told him that he was being called to testify “because we think that you might be able to tell us something about the background of Lee Harvey Oswald, whom I believe you knew when you were both members of the Marine Corps.”

In any event, how would the advice to only answer the questions include being told to say, when he was asked if he knew Oswald in Japan, “If I knew him in Japan, I don’t remember”? (8 H 289–291, 303, WCT John E. Donovan; HSCA Record 180-10071-10157, HSCA staff interview of John Donovan on April 7, 1978, pp.1–2)

It’s the John Donovans of the world—too many of whom I’ve had to deal with in my writing of this book—who are largely responsible for this book’s incredible length.

Since Donovan lost the credibility he seemed to have early on, his statement to Epstein and the HSCA about Oswald and the U-2 cannot be given any weight. In fact, Daniel Patrick Powers, a member of Oswald’s unit, MACS-1, at Cubi Point, told the Warren Commission that while his unit was at Cubi Point, there “was actually no radar site setup at that area,” and although at one point the U-2 was in a hangar at Cubi Point, this was “after” Oswald had left Cubi Point for the mainland (8 H 280–281). With respect to the issue of whether there was a radar setup at Cubi Point during the few months in late 1957 and early 1958 when Oswald’s unit was there (CE 1961, 23 H 796), Epstein himself apparently never believed

Donovan when Donovan told him that “Oswald called to his attention *radar images* of the U-2” at Cubi Point, because he goes on to write, “However, other officers and enlisted men from Oswald’s unit [whom Epstein interviewed] remember that their unit did *not* set up radar operations at Cubi Point at that time [the time Oswald was there]” (Epstein, *Legend*, p.280 note 2).

Since conspiracy theorists have made such a major issue out of Oswald’s presumed knowledge of the U-2, it has to be pointed out that the existence of the plane was no secret. Anyone who happened to be near any one of the bases from which it operated would have been able to see it land and take off. As far as the Soviets knowing about it, at one base at Giebelstadt in West Germany, pilots had often noticed a long, black limousine parked at the end of a runway. A simple license plate check revealed that the car was registered to an embassy of an Eastern Bloc country. And, as indicated, the official newspaper of the Red Air Force, *Soviet Aviation*, referred to it as “the black lady of espionage.” There had been mentions of the plane in the *Los Angeles Times* and the *New York Journal-American*, and the March 1958 issue of *Model Airplane News* printed drawings of the aircraft, observing that “an unconfirmed rumor says that U-2’s are flying across the Iron Curtain taking aerial photographs.” (Powers with Gentry, *Operation Overflight*, pp.61, 65)

For the Soviets, the problem was not finding out that such a plane existed, or even its capabilities. They needed to shoot one down. Francis Gary Powers and his fellow U-2 pilots, then flying the distinctive plane out of Turkey, assumed that Soviet intelligence already knew how many U-2 planes the United States had. And they knew that the Soviets were aware of the overflights because the U-2’s electronic monitoring equipment had shown that the Soviets were firing rockets at them. (Powers with Gentry, *Operation Overflight*, pp.65–66)

555 **a reinvestigation into Schrand’s death:** The Office of Naval Intelligence report said the investigation, which included a reenactment of the shooting, “disclosed that all of the wounds on Schrand’s body [“a gaping hole with ragged edges beveled inward in the left axilla [armpit]” and “a series of approximately 5/4 inch perforations centered about 2 inches from the left base of the neck on top of the left shoulder”] were parallel to the vertical axis of his body. Also, the position of the powder burns . . . indicated that Schrand’s left arm was in a lowered attitude, with the weapon between it and the left side of his body. As a result, it was deduced that for anyone to have shot Schrand would have necessitated his lying flat on the concrete parking area. The location of the wound with reference to the length of the weapon and the complete absence of anything in the immediate vicinity that could have been used to extend Schrand’s arm reach tended to rule out the possibility of his having committed suicide . . . On 15 May 1964, a ‘drop test’ was conducted at Ordnance School, MCS, Quantico, Va., using three Winchester Model 12 riot-type shotguns. The guns were dropped in a vertical position (muzzle up), cocked and with the safety off, from a height of 24 inches to a concrete deck. Each weapon was dropped 10 times. Two weapons fired twice out of the ten drops and the third five times.” (CD 1042a, p.4, May 26, 1964; description of wounds: CD 492, p.17, February 18, 1958)

“The scuttlebutt at that time,” Daniel Powers told the Warren Commission, “was that [Schrand] was shot under the right arm [actually it was under the left arm] and it came up from underneath the left neck, and it was by a shotgun which we were authorized to carry while we were on guard duty.” Powers mimed using

the gun as a crutch as he continued, “We could never [figure out] how a guy could have shot himself there other than he was leaning on it this way, and boom, it went off.” (8 H 280)

The most vivid account of the incident was told to author Edward Epstein by James R. “Bud” Persons, who was on guard duty that night at another hangar, an empty one. Shortly after the officer-of-the-day passed on his routine check of the guard post, Persons heard bloodcurdling screams from Schrand’s post a scant fifty yards away. “The screams were like some wild thing . . . I knew I wasn’t supposed to leave my post, no matter what happened, but I just said, ‘hell, the guy’s in trouble,’ and took off over there.” He found Schrand lying in a pool of blood on the concrete, about six feet from his riot gun.* A scattering of Christmas candy appeared to have been blown from Schrand’s shirt pocket. (Epstein, *Legend*, p.75)

Donald Camarata, who had also been with Oswald and Schrand since Jacksonville, said, “Either en route back to the United States or subsequent to my return, I heard a rumor that Oswald had been in some way responsible for the death of Martin Schrand. I have no personal knowledge of any such involvement. I do not remember who told me this rumor and am not even certain I heard it from more than one person” (8 H 316, WC affidavit of Donald Peter Camarata).

The rumor that Oswald might have somehow been involved in the shooting seems based on two notions, that some of his comrades in arms found him a peculiar and not too likable character, and that he allegedly (never confirmed) was also on guard duty that night—although, given the penalties for leaving one’s post, that actually makes it less, rather than more likely that Oswald had anything to do with it. For his part, Epstein interviewed nine officers and enlisted men who were at Cubi Point that night and was unable to find any evidence of Oswald’s involvement. (Epstein, *Legend*, p.284 note 11)

- 558 **September 16:** The Marine doctor who interpreted Oswald’s medical records for the Warren Commission, Captain George Donabedian, testified that Oswald first sought medical attention on September 10 for the burning sensation during urination, but Donabedian may have said September 10 because there is one nearly illegible entry in Oswald’s medical records that could be read as September 10. However, typed records clearly say September 16, although it’s possible Oswald first saw someone at Atsugi about his problem on September 10. Later in his testimony, Donabedian said that Oswald “went to one of the outlying dispensaries” on “16 September” and “he was sent to the mainside dispensary to get the smear taken.” But on September 16, 1958, Oswald was at sea, and unless there were several outlying dispensaries on his ship, AKA 105, *and* Oswald was helicoptered back to Atsugi to have a smear taken, none of which makes sense, the doctor’s testimony was incorrect on this point. (8 H 313, WCT Captain George Donabedian; Donabedian Exhibit No. 1, 19 H 601–605; at sea on September 16: CE 1961, 23 H 797)

*Second Lieutenant Hubert B. Cherrie, the squadron duty officer that night, gave a different version of the scene. He told the Marine Corps investigators at Cubi Point in 1958 that when he arrived in his jeep within minutes of the shooting, he saw “Schrand lying face up . . . It appeared to me that he had fallen on top of his weapon for it was underneath his legs.” Schrand was still alive. He called an ambulance but Schrand was dead on arrival at the hospital. Corporate of the Guard Ronald L. Rowe was with Cherrie in the jeep, and he told Marine Corps investigators that when he and Cherrie arrived, Schrand was unconscious and did not move; however, he groaned about two or three times. When Rowe examined the weapon Schrand was carrying at the time, it had one discharged shell in the chamber. (CD 492, pp.13–14)

558 **Oswald's arrival back at Atsugi from Taiwan:** But see HSCA Report, page 220, which says that Oswald's military records indicate that he "had not spent substantial time, if any, in Taiwan," and that except for his "3 ½ month period of service in the Phillipines," the records showed he had always remained at Atsugi with the rear guard unit. Oswald's medical records for his treatment of the gonorrhea, which show him receiving treatment from September 10, 1958, through November 3, 1958, a period when his unit was in Taiwan, cannot be used to resolve the discrepancy, since his medical chart would follow him and the entries on the chart by naval doctors could have been made on Taiwan as well as at Atsugi. But Oswald himself said he was in "Formosa" (now Taiwan) in an interview with a UPI reporter on November 14, 1959. (CE 1385, 22 H 705) And contrary to what the HSCA says, Department of Defense records say that Oswald embarked with his unit from Yokosuka, Japan, on September 14 for the "South China Sea area" and the unit was at "Ping Tung, North Taiwan on 30 September 1958; returned to Atsugi on 5 October 1958" (CE 1961, 23 H 795–797).

A zany conspiracy theorist, John Armstrong, has come up with his own solution to the problem the HSCA has raised. Unbelievably, Armstrong maintains that there were two Oswalds involved in this apparent discrepancy, each of whom looked almost exactly like the other, and with almost identical names—Lee Harvey Oswald and Harvey Oswald. The real Oswald, Lee Oswald, remained back in Atsugi in a rear guard unit, and his impersonator, Harvey Oswald, per Armstrong, was sent to Taiwan. Really. This is actually in his book (Armstrong, *Harvey and Lee*, pp.201–202).

564 **Oswald never left the base:** When Warren Commission counsel told Nelson Delgado that two FBI reports said he told them Oswald used to go to LA every two weeks, he said the reports were wrong, that "*I used to go to Los Angeles every other week.*" Question: "But not Oswald?" "No." "And you are sure you told that to the FBI?" "Positive. No question about that at all." (8 H 259)

564 **an odd visitor at the main gate:** Years later, Gerry Patrick Hemming, a soldier of fortune and enemy of Castro with very limited credibility (see later endnote), would claim that it was he talking to Oswald outside the gate at El Toro, that he had met Oswald earlier inside the Cuban consulate in Los Angeles, and confronted him about it that night at El Toro (Newman, *Oswald and the CIA*, pp.104–105).

566 **He was accepted:** Oswald never did attend Albert Schweitzer College. The Swiss Federal Police reported on October 1, 1960, that no one of Oswald's name or any "person possibly identical with the subject" was "registered for the courses beginning October 2" (Letter from Legat, Paris, to Director, FBI, October 12, 1960).

567 **he had not been a source of any income to her:** In Robert Oswald's book, *Lee*, he writes that his brother "had been generous with Mother from the time he joined the Marines, arranging to have a regular allotment taken out of his pay and sent to her every month" (Oswald with Land and Land, *Lee*, p. 94). But military records are clear that this was not so, the only month that Oswald had any money taken out of his military pay to be sent to his mother being August of 1959 (Folsom Exhibit No. 1, 19 H 661).

574 **interviewed in his hotel room:** Oswald told the U.S. embassy in Moscow on July 8, 1961, that the interview took place "in his room at the Metropole Hotel" in Moscow on the third day after his arrival in Moscow, which would place the

interview on October 19, 1959 (CE 935, 18 H 138). But Oswald was still at the Hotel Berlin on this day, not moving to the Metropole Hotel until October 28, 1959 (CE 24, 16 H 95).

578 **started calling him “Alik”:** However, Marina Oswald’s biographer, Priscilla McMillan, says that Oswald’s nickname of Alik was given to him later by his coworkers in Minsk (McMillan, *Marina and Lee*, pp.88, 409).

579 **Richard E. Snyder, the senior consulate official:** For an eleven-month period during 1949–1950 while he was on the waiting list for a foreign service appointment with the State Department, Richard Snyder had worked for the CIA in one of its clandestine branches (CIA Document 609-786, p.2; Russo, *Live by the Sword*, p.103; HSCA Report, p.214). However, Snyder testified before the HSCA that after discontinuing his brief employment with the CIA in March of 1950, he had no further contact with the agency other than a letter he wrote to the agency in 1970 or 1971 inquiring about working for it on a contractual basis. The HSCA reviewed Snyder’s files at the State Department, Defense Department, and CIA and, despite the fact that his CIA file had once been “red flagged,” and the CIA had, the committee felt, no adequate explanation for it, the committee said that all of the files were “consistent with [Snyder’s] testimony.” Moreover, “a finding that he was in contact with Oswald on behalf of the CIA was not warranted.” (HSCA Report, pp.214–215)

580 **a few American defection cases:** Although American defections were very rare, particularly in the pre-Gorbachev era, two other Americans had recently defected to the Soviet Union, Nicholas Petrulli of Valley Stream, Long Island, and Robert Webster of Cleveland, Ohio. Petrulli had no Communistic sympathies or ideological leanings toward the Soviet Union nor any grievances against the United States. He was simply an American laborer who was on a \$965 organized tour of Western Europe and the Soviet Union and decided to stay in Russia when he felt the country presented a good opportunity for gainful employment. He actually formally renounced his citizenship at the U.S. embassy in Moscow. But he soon changed his mind, the U.S. State Department declared him legally incompetent and returned his U.S. citizenship to him, and he returned to his home in New York a month before Oswald arrived in Russia. (*New York Times*, November 1, 1959, p.3; 12 HSCA 445–446)

Webster was a Rand Corporation employee who made several trips to the Soviet Union in preparation for a U.S. exhibition in Moscow in 1959. While in Russia he acquired a girlfriend, the hostess at a hotel suspected of being a KGB agent, and told her he wished to divorce his wife and return to Russia to marry her. Originally, the Soviets tried to discourage Webster from defecting but when he convinced them he could help them make the Rand spray gun, they actually accepted his application for Soviet citizenship and for a while attempted to use his defection for propaganda purposes. But Webster tired of the game and decided he wanted to go home, returning to the United States under the Russian immigrant quota in May of 1962. (12 HSCA 449–451; *New York Times*, November 1, 1959, p.3)

580 **whatever knowledge he had:** Was Oswald’s alleged offer to furnish information to the Soviets a violation of the espionage laws of this country, specifically Title 18 U.S. Code Section 794, which makes it a crime punishable “by death, or by imprisonment for any term of years, or for life,” to “deliver . . . or attempt to deliver . . .

information relating to national defense . . . to any foreign government”? (It would not be treason since the courts have held that aid to the foreign power has to take place while the United States is “in a state of open hostility” with the country to whom the aid was given or offered [attempted treason], and the “cold war” with the Soviets would not seem to qualify.) The Department of Justice told the HSCA that there would have been serious obstacles to such a prosecution. “The only ‘evidence’ that Oswald ever offered to furnish information to the Soviets,” the department said, was Oswald’s “own reported statement to an official at the U.S. Embassy in Moscow. That statement, of course, was contradicted by his denial to the FBI, upon his return to the United States, that he had ever made such an offer. In the prosecution of a criminal case, the Government cannot establish a *prima facie* case solely on a defendant’s unsupported confession. The Government must introduce substantial independent evidence which would tend to establish the trustworthiness of the defendant’s statement. See *Opper v. United States* 348 U.S. 84 (1954). Accordingly, in the absence of any information that Oswald had offered to reveal classified information to the Soviets, and lacking corroboration of his statement that he had proffered information of any kind to the Russians, we did not consider his prosecution for violation of the espionage statutes.” (JFK Document 008241, Letter from Robert L. Keuch, Department of Justice, to HSCA, May 9, 1978; HSCA Report, p.210)

- 581 **the CIA received:** The Warren Report said that the CIA also received a copy of the October 31, 1959, cable but the citation the report gives for this (CE 2752, 26 H 131) does not say the CIA received the subject cable. What Commission Exhibit No. 2752, an undated CIA memorandum to Warren Commission general counsel J. Lee Rankin, does say is that the CIA received “Foreign Service Dispatch No. 234, dated 2 November 1959, relative to Lee Harvey Oswald.” This dispatch was sent out by Richard Snyder to the State Department in Washington, D.C., on November 2 and is a much fuller recitation of the events of October 31 than the short October 31 cable. (November 2, 1959, dispatch: CE 908, 18 H 97–99; CIA memorandum to Rankin: CE 2752, 26 H 131)
- 582 **New York Times:** Like the UPI story, the *Times* story was datelined October 31, 1959, from Moscow, but it was from the Associated Press and only quoted what Oswald had told the U.S. embassy: “‘I have made up my mind, I’m through,’ said Lee Harvey Oswald, 20 years old of Fort Worth, slapping his passport on the desk” (*New York Times*, November 1, 1959, p.3).
- 586 **a real interview with him:** In Aline Mosby’s notes of her interview of Oswald in his hotel room on November 14, 1959, she implies, though she does not state, that this was her first interview of Oswald when she says, “I had heard at the American Embassy that a young American named Lee Harvey Oswald, 20, had walked in Oct. 30 [actually October 31], slapped his passport on the consular officer’s desk, and announced he’d ‘had enough of the United States’” (CE 1385, 22 H 701). She may not have referred to her encounter with Oswald in his hotel room on October 31 because it was not a real interview, but the circumstantial evidence is overwhelming that she did, in fact, talk to Oswald very briefly on October 31, 1959. First, we have Oswald’s diary entry of October 31 where he says that after sending another reporter (“Goldstene”) away that day, “a half hour later another reporter Miss Mosby comes. I answer a few quick questions after refusing an inter-

view” (CE 24, 16 H 97). And his November 15 diary entry reads, “I have Miss Mosby’s card [which she obviously had left with him on October 31] so I call her.” Also, Mosby’s colleague at United Press International, Robert Korengold, admits that when he went to see Oswald (which Richard Snyder said was on the same day [October 31] Oswald had come into Snyder’s office [Interview of Richard Snyder by John Newman on July 4, 1994; Newman, *Oswald and the CIA*, pp.7, 530 note 32]), he could not get anything at all out of him except Oswald saying he knew what he was doing and did not wish to talk to anyone, and that he told Mosby about Oswald as soon as he returned to his office. He said Mosby had interviewed Oswald, though he didn’t say when. (CE 3098, 26 H 707–708) However, we know that UPI filed a story that same day (October 31) saying that Oswald told a UPI reporter in his hotel room that he was defecting for “purely political reasons” (CE 833, 17 H 789), which would have had to be what he told Mosby.

Mosby’s version of the chronology of events, which she gave to an HSCA staff member nineteen years later, is almost assuredly incorrect. She said in late October 1959 she was at the U.S. embassy “looking for a story.” When they told her about a young American who wanted to renounce his U.S. citizenship, she claims she searched the Moscow hotels frequented by foreigners and located Oswald. She said she only interviewed him once (she didn’t say when, but the definite implication was in late October) and only saw him on one later occasion at a Moscow theater but did not speak to him. (HSCA Record 180-10077-10168, May 29, 1978, pp.1–2) Mosby’s statement to the HSCA is not only in direct conflict with Oswald’s contemporaneous notes, and her colleague Korengold’s affidavit to the Warren Commission back in 1964 (since Korengold had been to Oswald’s hotel room and knew where he was, we have to believe his story that he told Mosby), but even conflicts with the date she filed her story on her interview with Oswald, November 14, 1959. (CE 2716, 26 H 90; Korengold’s affidavit: CE 3098, 26 H 707–708, September 14, 1964)

589 **a career in the CIA:** Conspiracy theorists throughout the years have suggested that Priscilla Johnson McMillan was a CIA operative. The HSCA, aware of this allegation, looked at the CIA file on her. “There was information in McMillan’s file,” the HSCA said, “that on occasion during the years 1962–1965 she had provided cultural and literary information to the CIA. None of this information was, however, suggestive in any way of a clandestine relationship. Accordingly, there was no evidence that McMillan ever worked for the CIA or received the agency’s assistance in obtaining an interview with Oswald” (HSCA Report, p.214). In McMillan’s testimony before the HSCA, when she was asked whether, on any of her three visits to the USSR between 1955 and 1962, she was in contact with anyone she knew to be affiliated with the CIA for the purpose of helping them while overseas, she answered, “Never.” Question: “During your visits to the Soviet Union, did you ever give information or assistance to anyone whom you know to be affiliated in some way with the CIA?” “No, I did not.” (HSCA 180-10117-10140, pp.8–9)

597 **stuffed with odd bits of information:** The first material in the various government files consisted of Richard Snyder’s communications from the Moscow embassy to the State Department; the memo from the embassy’s naval attaché to the chief of naval operations, which took particular note of Oswald’s threat to disclose confidential information to Soviet authorities; John McVickar’s memo to the

file about Priscilla McMillan's interview; and communications from Robert Oswald and John Pic intended for Lee himself. These were preserved by the State Department and included in the Warren Commission's volumes of evidence.

The first true FBI intelligence file on Oswald was opened by the bureau with its receipt of Aline Mosby's UPI story of October 31, 1959, which was released by the Washington Capital News Service. The single newspaper clipping became the first item in the file, numbered 105-82555. (CE 833, 17 H 789; CE 834, 17 H 804; Oswald's file number: Newman, *Oswald and the CIA*, p.11) When the bureau checked its records on October 31, it found "no information identifiable with Oswald other than a service fingerprint card" taken upon his entry into the Marine Corps. On November 2, the FBI learned that there was no "derogatory information . . . in the [U.S. Marine Corps] files concerning Oswald," and a quick check with the Office of Naval Intelligence that same date revealed they had no record of Oswald. (CE 2718, 26 H 92; CE 833, 17 H 789)

At the same time, a "stop," a sort of warning flag, was placed on Oswald's name in the FBI's Identification Division, which would alert the bureau if Oswald attempted to reenter the United States under a different identity. Given the possibility that he could be recruited by Soviet intelligence services and thereafter be returned to America, he was regarded as a possible "security risk." (CE 833, 17 H 789)

Concerning the CIA, the HSCA, which presumably had access (see "CIA" section of book for new doubts by HSCA chief counsel G. Robert Blakey) to all the CIA's files on Oswald and the assassination, mostly unredacted and irrespective of how high their security classification (HSCA Report, pp.196-198; HSCA Hearings on Legislative and Administrative Reform, vol.1, p.155), looked into and reported on a number of questions regarding those files, including the meaning of abstruse notations on some documents, why Oswald's 201 file was "restricted" on a need-to-know basis, whether documents were missing from the 201 file, and the possibility of the agency maintaining dual files on the subject. Committee members found satisfactory answers to these questions, while keeping open the possibility that they had not in fact seen everything. There was no evidence in what they had seen to suggest that anyone was using Oswald as an agent, and most of the anomalies could be traced to arcane filing practices or, in at least one flagrant case, outright error: the 201 file was opened in the name of Lee *Henry* Oswald and maintained that way until after the assassination. CIA personnel explained that the wrong name would not have prevented anyone looking for information on Lee Harvey Oswald from finding the file, and that is no doubt correct since data base design usually allows for misspellings and other errors, but the fact that the agency never figured out that it had the name wrong does bespeak a rather low level of interest in the subject. (HSCA Report, pp.200-207)

- 601 **"no one can say you are responsible"**: Ella German may have been right enough that Lee's Soviet acquaintances would not hold him responsible for the U-2 spy plane, but she did not reckon with assassination conspiracy theorists in America who like to imagine that Lee may have been somehow involved in the U-2 program (Summers, *Conspiracy*, pp.173-177). Oswald inadvertently seems to have given them a toehold. In a letter to his brother Robert nearly two years later, in mid-February 1962, he wrote, "I heard over the voice of america they

released Powers, the U2 spy plane fellow. Thats big news where you are I suppose. He seemed to be a nice, bright, American-type fellow, *when I saw him in Moscow*" (CE 315, 16 H 871).

Dennis Ofstein, one of Lee's coworkers at the Jagers-Chiles-Stovall photographic laboratory in Dallas in the fall of 1962, also thought Lee had told him that he had been in Moscow for a May Day parade (10 H 203, WCT Dennis Hyman Ofstein), and conspiracy theorists have assumed that this was May Day 1960 (May 1, 1960), the very day Powers was brought down. (The other two May Days Oswald spent in the Soviet Union are otherwise accounted for.) Of course, Francis Gary Powers was not in Moscow at the time of the parade. He was still near where he was shot down, hundreds of miles away at Sverdlovsk, and was flown to Moscow, a three-hour-plus flight, later in the day. (Powers with Gentry, *Operation Overflight*, p.98) Author Anthony Summers speculates that Oswald might have been brought to Moscow later, when Powers was imprisoned in Lubyanka, to peep into Powers's cell to see if he could identify him as a pilot who had flown from Atsugi (Powers hadn't). Summers finds it curious that Oswald doesn't mention the U-2 incident in his Historic Diary, and of the three Mays Days he spent in Russia, only the one of May 1, 1960, is not accounted for in his diary. (Summers, *Conspiracy*, p.176) But there are many other long gaps in the diary as well (see, for example, the two very next entries, each of which covers two months, June-July and August-September, or the entry for January 4 through January 31, 1961—that four-week period is covered by a single entry) (CE 24, 16 H 100–102).

Ofstein's testimony is hardly conclusive. He did not know Oswald well, only as a fellow employee for a few months, and was reporting a conversation that was over a year old. He might have misspoken in his testimony or misremembered what Oswald said, or Oswald might have misinformed him, as he so often did with people. For instance, Ofstein reported that Oswald had told him that his wife was White Russian (from Belorussia) (10 H 203, WCT Dennis Hyman Ofstein), but he only *met* Marina in Belorussia, she was not *from* there. Oswald's second May Day (May 1, 1961) in the Soviet Union was the day after his wedding night in Minsk. Marina recalled that the day after their wedding she and Lee tried to take a shortcut through Minsk's Stalina Square, blocked off for the parade, on their way to visit a pair of her old friends. Although her Uncle Ilya was on duty there in the square, in full uniform, he would not let the young couple through. "At home you're my niece," he told her. "Here, I'm on duty." According to her account, they did not see the actual parade that day. (McMillan, *Marina and Lee*, p.111)

By Lee's third May Day in the USSR in 1962, Francis Gary Powers had already been exchanged for Soviet spy Colonel Rudolph Abel and was no longer in the Soviet Union. Conspiracy theorists have therefore settled on May Day 1960 as the likely date of an otherwise unreported trip to Moscow by Oswald.

Until recently, the only evidence against this theory was Oswald's diary entry of May 1, 1960, that he was in Minsk on May Day 1960 watching the parade (CE 24, 16 H 100), but the theorists have dismissed the whole entry as fiction written long after the fact to disguise the presumed Moscow trip. However, the recently released KGB surveillance records indicate that the KGB was quite sure that Lee was buying 200 grams of vanilla cookies in Minsk on May 1, 1960, and had Oswald under surveillance in Minsk that day starting at 7:00 in the morning and ending at

1:50 a.m. on May 2 (Mailer, *Oswald's Tale*, p.101). And there is no other record of Oswald going to Moscow that May Day of 1960.

Yet Lee, in a sense, did “see” Powers in Moscow. Almost everyone in the Soviet Union at that time did—the elaborate show trial in Moscow’s immense Hall of Columns, which started on August 17 and ended on August 19 with Power’s conviction and ten-year sentence, was televised in its entirety. (Powers with Gentry, *Operation Overflight*, pp.159–160, 162, 195) It was of extraordinary interest to Soviet citizens, as was the wreckage of Powers’s plane, which was not only displayed as a tourist attraction in Moscow’s Gorky Park, but also sent on tour to many other Soviet cities. Powers addressed the court in English in his own defense, with a Soviet interpreter for the court and the public. (Powers with Gentry, *Operation Overflight*, pp.189–190)

If Oswald had gone to Moscow to observe Powers, it would have to have been in a two-and-a-half-month period between May Day and August 17, 1960, when the trial started. There is, however, no mention of this fact in Oswald’s diary or, as far as we know, the KGB files, and none of Oswald’s friends or coworkers have ever reported that he was absent from Minsk at that time, nor did any of the handful of people who knew him in Moscow see him there. Some conspiracy theorists see someone who “looks like” Oswald in the audience at the trial, but it is bizarre to imagine that an agent on a highly secret trip to Moscow would present himself in a place where he would be photographed, filmed, and televised to a worldwide audience. The story is just one of the many will-o’-the-wisps conjured up by the conspiracy-minded from the inevitable curiosities of the historical record.

Remarkably, there are some conspiracy theorists, suspecting Oswald of being a double agent for the CIA and KGB, who think he may have had a hand in the shooting down of the U-2, furnishing the KGB with radar secrets that enabled Russia to do it (Anson, “*They’ve Killed the President!*” p.174). Apart from the fact that this conjecture has not a speck of evidence to support it, it should be mentioned that Marina Oswald testified before the HSCA that she did not recall whether or not Lee Harvey Oswald had ever even spoken to her about the Powers incident. Note that if Lee would later admit attempting to murder Walker to Marina, we can assume he would have very proudly boasted of having a hand in the shooting down of the U-2, and if he had, surely Marina would have remembered this. (12 HSCA 365)

- 608 **March 17:** It is not 100 percent clear when or even where Lee and Marina met, though March 17, 1961, at the Palace of Culture is likely correct. That is the date and place Oswald wrote in his diary (CE 24, 16 H 102), and the date and place Marina told her biographer, Priscilla McMillan (McMillan, *Marina and Lee*, p.72). But Marina told the Warren Commission that she met Oswald on March 4, 1961, at the Palace of Trade Unions (1 H 90).
- 613 **several other lies:** Marina’s friend in Dallas, Katya Ford, told the FBI that Marina said to her that she had been told by Oswald that when he first came to Russia in 1959 he worked for an American exhibition (of some product, I imagine) in Moscow (CD5, p.259, FBI interview of Katherine Ford on November 24, 1963). Since there is no evidence of Oswald doing this, this may simply have been one of the many lies he told Marina when he met her.
- 614 **“my longing to return to America”:** In a diary entry for the previous month, May 1961, he wrote of his not having told Marina “of my desire to return to US”

(CE 24, 16 H 103). But there is another matter that cannot be reconciled with this. Among Oswald's personal effects found in Dallas after his arrest was a letter to Oswald dated May 31, 1961, on the letterhead of the Patrice Lumumba Friendship University in the USSR apologizing "for delaying our answer to your application for enrollment" at the university. The letter went on to say the university could not grant his request because it "was established exclusively for the youth of underdeveloped countries of Asia, Africa and Latin America." The date that Oswald applied to the university is not known, though the indication from the letter sent to him is that some time had elapsed between the application and May 30, 1961 (CD 107, pp.61–62, January 13, 1964).

Oswald's application may have been an insincere attempt on his part to convince Marina he intended to stay in the Soviet Union, or there may have been some point after meeting Marina when, for however short a time, he actually gave some thought to staying in Russia.

- 624 **latter part of October:** Oswald's diary said Marina had a *four*-week vacation, and she returned to Minsk on November 2 (CE 24, 16 H 104). But Marina says her vacation was only three weeks (more believable) and she returned around October 23 (1 H 98, WCT Marina N. Oswald; CE 1403, 22 H 780).
- 625 **their exit visas had been granted:** Though it wasn't received in Washington until or shortly before January 26, 1962, Oswald wrote an undated letter (believed by the Warren Commission to have been in late December, but in any event at some time before he learned the Soviets were going to grant Marina and him exit visas) to Senator John G. Tower of Texas stating that he was an American citizen and that the Soviet government was refusing "to permit me and my Soviet wife . . . to leave the Soviet Union." The letter asked Tower to raise "the question of holding by the Soviet Union of a citizen of the U.S., against his will and expressed desires." The letter was forwarded to the U.S. State Department, which took no action on the matter, none being needed by that time. (CE 1058, 22 H 5–6; WR, p.709)
- 629 **Marina's application for a visa had been approved:** Unbeknownst to Lee and Marina, this approval was almost withdrawn. To understand what happened, one has to realize that the petition for a visa for Marina was actually made by Oswald on Marina's behalf, Marina being the beneficiary of Oswald's petition (CE 1066, 22 H 16). As the wife of an American citizen, Marina was legally entitled to a non-quota immigrant visa. Knowing, however, that if it did not approve Oswald's petition for Marina, Oswald would most likely stay in the Soviet Union with her, the U.S. Immigration and Naturalization Service (INS) found a way to keep Oswald from coming back to America even though, on his own (since the State Department had ruled that Oswald had not expatriated himself and renewed his American passport), he was free to do so. The INS decided to invoke a section of the Immigration and Naturalization Act [Section 243(g)], which it normally waived, that prohibited the issuance of immigrant visas to those in countries which have unduly delayed accepting the return of persons sought to be deported from the United States. In 1953, the Soviet Union had been designated such a country. (WR, p.761; 11 H 186, WCT Virginia H. James) On January 30, 1962, the district director of the San Antonio office of the INS concluded that Oswald's current declaration that he had learned his lesson and wanted to return to the United States was "not sufficient to relieve the doubts which have arisen regarding his loyalty to the United States.

[Therefore], sanctions [i.e., Section 243(g)] will not be waived and the petition [of Oswald for an immigrant visa for Marina] will be denied” (CE 1067, 22 H 16–17).

Actually, this was just a recommendation from the INS’s San Antonio office to its Washington, D.C., headquarters, and when an officer (Morton M. Levine) in the Visa Office of the State Department saw the recommendation, he scratched a note on it and sent it to the INS headquarters that “political desk of opinion, we’re better off with subject in U.S. than in Russia,” presumably setting forth the belief that someone like Oswald could stir up more anti-American sentiment in Russia than if he were back home (CE 1066, 22 H 16; Morton M. Levine: CD 363, p.48). But Levine’s recommendation was ignored, and the Washington headquarters of the INS agreed with the position of the San Antonio office that Section 243(g) not be waived and the petition be denied. On February 23, 1962, the assistant commissioner of the INS in Washington advised the INS office in San Antonio that since Oswald was an American citizen and Marina was his wife, the correct disposition of the matter was that “the petition should be approved” but that there should be an endorsement under the “Remarks” portion of the petition that “waiver of sanctions imposed under Section 243(g) of the Act is not authorized.” (CE 1065, 22 H 15) Pursuant to this, on February 28, 1962, the San Antonio office approved the petition, but inexplicably in the “Remarks” section of its letter to Oswald in Minsk, which he received on March 15, there is no reference to the non-waiver. Instead, the words “Enclosed is your marriage certificate submitted to support the visa petitions” were typed in. (CE 1103, 22 H 55)

Nevertheless, the reality is that the INS was not going to allow Marina in the country, and the petition itself, which was not sent back to Oswald, presumably contained the non-waiver of sanctions language in it.

On March 27, 1962, Michel Cieplinski, the acting administrator in the Department of State, wrote a letter to Raymond F. Farrell, the INS commissioner, seeking a reversal of the INS ruling. “I appreciate the difficulty this case presents for your Service, because of Oswald’s background,” the acting administrator said. “However, if the Embassy at Moscow is unable to issue Mrs. Oswald a visa, it would appear that she and indirectly the Oswalds’ newborn child are being punished for Mr. Oswald’s earlier indiscretions . . . More important, however, is the possibility that if Mrs. Oswald is not issued a visa by the Embassy, the Soviet Government will be in a position to claim that it has done all it can to prevent the separation of the family by issuing Mrs. Oswald the required exit permission” but that this country was “preventing her from accompanying her husband and child. This would weaken the Embassy’s attempts to encourage positive action by the Soviet authorities in other cases involving Soviet relatives of U.S. citizens.” (James Exhibit No. 6, 20 H 243–244)

Obviously, the INS chewed long and hard on this intervention by State because it wasn’t until May 9, 1962, a month and a half later, that the INS decided to reverse its position, allowing Marina (and derivatively Oswald) to enter the United States (WR, p.766; CE 1777, 23 H 383).

640 **Monday:** That same day, June 18, 1962, Oswald attempted once again to have his Marine Corps undesirable discharge set aside. He submitted an “Application for Review of Discharge or Separation from the Armed Forces of the United States” in which he included a four-and-one-half page handwritten “Brief in Support of

Application,” which is dated April 28, 1962, when we know he was still in the Soviet Union. Oswald said he “had not violated any laws or regulations pertaining to my prolonged residence abroad and . . . I am a loyal U.S. citizen.” He said the action taken against him was “arbitrary” and had resulted in “a discharge improperly issued.” What is curious about his brief is a statement near the very end of it that the purpose of his application was to have his undesirable discharge set aside so he could “*remain* a member of the U.S.M.C.R.”—that is, remain a member of the *reserve*. He went on to say, “I would like to include a request for the recommendation for *reenlistment* regardless of the finding’s of the [Review] Board” on his current application. (CE 2661, 26 H 14–17; WR, pp.710–711) If this was an attempt by Oswald to reenlist for active duty in the Marines, it came out of the blue, in that there is nothing else in the record to indicate he ever wanted to do so.

- 652 **Oswald under surveillance [footnote]:** One allegation that Oswald was being watched appeared in *The Minority of One* in 1964. Writer Eric Norden said that the *New York Post* of November 25, 1963, reported that William Kline, assistant agent in charge of U.S. Customs at Laredo, had told the paper that Oswald’s movements at the border were watched at the request of a “federal agency [in] Washington” (Eric Norden, “The Death of a President,” *Minority of One*, January 1964, p.18). In a Warren Commission affidavit, Kline denied under oath he had ever told any reporter any such thing (15 H 640; see also 15 H 640–641, WC affidavit of Oran Pugh; Meagher, *Accessories after the Fact*, pp.313–314).
- 652 **where he stayed between October 19 and November 3:** Gary E. Taylor, a member of the Russian emigré community, told the Warren Commission on March 25, 1964, that he thought either Oswald or Oswald and Marina may have lived at the “Coz-I-Eight” (actually, Cozi-Eight) apartments at “1404 North Beckley” (actually, 1306 North Beckley) during this period. Taylor had gone there around the subject time based on some “vague directions” he had been given (presumably by Oswald) to go there, and when he went back to locate the place for the FBI, the Cozi-Eight apartments “stuck” in his mind. (9 H 88–89). Although it’s possible that Oswald may have stayed at the Cozi-Eight during the period in question, it is unlikely. In the first place, Taylor was much more unsure of the location when he spoke earlier to the FBI. The FBI’s report of a February 27, 1964, interview of him reads, “Taylor reiterated that he had no knowledge of a place of residence for Oswald for the period mentioned above [“October 19, 1962 to November 3, 1962”]; however, he thought that he once went looking for the Oswalds somewhere along N. Beckley, Dallas. He added that he recalls passing by the Cozi-Eight Apartments, 1306 N. Beckley, and he suggested this as a possible place of residence for the Oswalds, although he had no basis and fact to believe this” (CD 735, p.331, FBI interview of Gary Taylor on February 27, 1964). Most importantly, the resident manager of the Cozi-Eight apartments at the time, Mrs. Johnny Perez, and the owner of the apartments, Sam Morris, said Oswald never lived there (CD 735, FBI interviews of Mrs. Johnny Perez and Sam Morris on February 28, 1964, pp.332–333).
- 653 **Jaggers-Chiles-Stovall:** Conspiracy theorists have made much of the fact that Jaggers-Chiles-Stovall did some classified work for the Department of Defense involving the making of maps. According to Robert L. Stovall, a cofounder and owner of the firm, the company set words, letters, and figures in type for the label-

ing of maps and charts, although the typeset legends were not correlated by the firm to the maps themselves. In any case, all such work was carried out in a separate department of the company by personnel who had security clearances, and an ordinary employee like Oswald had no access to that department or the material used or produced there. (10 H 168–169, WCT Robert L. Stovall) Dennis Ofstein told the Warren Commission that Oswald had once asked him if he knew anything about “microdot” printing—a means of reducing type or photographs to a very small form. Oswald told him spies sometime sent messages and pictures this way under a postage stamp. But Ofstein told him he knew nothing about this, and didn’t know whether Oswald had read about this or acquired knowledge of it some other way. (10 H 208) Stovall told the Warren Commission that Jagers did not do microdot work, had no equipment to do it, and had no knowledge of it at all (10 H 169–170).

- 671 **he was dropped from the class:** Oswald’s teacher, Gladys Yoakum, told the FBI that the school had a policy of dropping students after four absences, and so Oswald was dropped on April 8, 1963, the last class he attended being, she believed, on March 28, 1963. Yoakum remembered Oswald as being unkempt with dirty fingernails. (CD 7, p.171, FBI interview of Gladys Yoakum on December 5, 1963) Apart from a brief period in New Orleans, when he was getting dirty while working at the coffee company and lost interest in his personal hygiene, the record is consistent throughout Oswald’s life, from witness after witness, of his always appearing neat and clean. Yoakum’s observation stands out as an exception until one realizes that Oswald most likely went to his class directly from work in a photograph lab at Jagers, which at least would have accounted for his dirty fingernails.
- 681 **writing out a document, a political statement:** This document, seemingly Oswald’s political manifesto, is printed out on nine pages of lined paper. There were also several additional pages on which he tried to sketch out, more in outline form, the principles of a new form of government. These are headed as follows: “A system opposed to the communist.” “A system opposed to the Capitalist in that:” and “The Atheian [Atheistic? Not necessarily, since there’s no reference to God or religion] system.” The last is the most comprehensive. It is an outline under the single numeral “1” and the words “Democracy at a local level with no centralized State.” The headings beneath are as follows: “A. That the right of free enterprize and collective enterprize be gauranteed. B. That Fasism be abolished C. That nationilizism be excluded from every-day life. D. That racial segregation or discriamation be abolished by law. E. the right of the free, uninhibited action of religious insitutions of any type or denomination to freely function G. Univeral Sufferage for all persons over 18 years of age. H. Freedom of desimanation [dissemination] of opions [opinions] through press or declaration or speech. I. that the desemanation of war propaganda be forbidden as well as the manufactor of weapons of mass destruction. J. that Free compulsory education be universal till 18. K. nationalization or communinizing of private enterprize or collective enterprize be forbidden. L. that monopoly practices be considered as capitalistic. M. That combining of separate collective or private enterprizes into single collective units be considered as communistic. N. That no taxes be levied against indivuals O. That heavy grauated taxes of from 30% to 90% be leveled [levied] against surplus profit gains. R. that taxes be collected by a single ministry subordanite to indival com-

munities. that taxes be used solely for the building or improvement of public projects.” (CE 98, 16 H 431–433) (There are no letters F, P, Q, or U in the outline.)

Among other notes are thoughts of “general disarmement and aboliation of all armies except civil police force armed with small arms”; “higher pensions independt of amount of work”; and, somewhat startling given the fact that the writer was sitting within inches of his own small arsenal, “pistols should not be sold in any case, rifes [rifles] only with police permission,” but then the incongruous “shotguns free” (CE 98, 16 H 434).

These documents give an interesting glimpse of not only Oswald’s fantasy life—it may have been around this time that he told Marina he would be “Prime Minister” in twenty years (1 H 22, WCT Marina N. Oswald)—but also what his conversation with others must have been like.

- 688 **when Oswald practiced shooting the new gun:** Priscilla McMillan, author of *Marina and Lee*, has Lee shooting his rifle on April 3 and 5, 1963, but gives no citation for either date (McMillan, *Marina and Lee*, pp.347–348).
- 690 **Wednesday, April 10, 1963:** Marina’s memory as to the sequence of some of the events surrounding the Walker shooting are understandably foggy, and I have gone with what she told her biographer, Priscilla McMillan, if for no other reason than that she would have had more time, with McMillan helping her, to determine the sequence. In Marina’s testimony before the Warren Commission, she said Oswald had told her on the Monday after the shooting that he had lost his job two days after the Walker shooting, and in response to a leading question by Warren Commission counsel, “On the day of the Walker shooting did he appear to go to work as usual?” she answered, “Yes.” Question: “And when did he return that day, do you recall?” Answer: “Late at night, about 11.” Then Marina contradicts herself within her testimony when, in answer to the follow-up question, “He did not come home for dinner then, before?” she said, “Yes, he *had* come home, and then left again.” (1 H 18, 36; see also CE 1401, 22 H 756)
- 694 **setting fire to the pages he had written:** In his book *Who Killed Kennedy?* Thomas Buchanan asserts that since General Walker’s name and telephone number were in Oswald’s notebook, it could be inferred that Oswald and Walker knew each other (CE 2585, 25 H 862). Buchanan’s book is riddled with factual errors, and the allegation that Walker’s phone number and name were in Oswald’s notebook seems to be one of them. As we’ve seen, Oswald destroyed his Walker notebook, so how could Buchanan know this? But since Buchanan stated it as a fact, the Warren Commission seemed to accept it when it said, “Although Oswald’s notebook contained Walker’s name and telephone number . . .” (WR, p.663). But it gives no citation for this. And the FBI, by *only* focusing in on Buchanan’s inference that Walker and Oswald knew each other, seemed to concede, by implication, that Walker’s name and phone number were in Oswald’s notebook (CE 2585, 25 H 862). However, both the Warren Commission and the FBI said there was no evidence that Walker and Oswald knew each other (WR, p.663; CE 2585, 25 H 862), and Walker testified he had never even heard of Oswald’s name before he was shot at (11 H 416, WCT Maj. Gen. Edwin A. Walker).

When Buchanan referred to Oswald’s notebook, could he have meant Oswald’s address book, which was not destroyed and had many names and addresses in it? If so, I have been unable to find Walker’s name and phone number in the address book (CE 18, 16 H 37–70).

695 **the Walker bullet was fired from Oswald's Carcano:** As expected, the conspiracy theorists have had fun with the Walker shooting, and just as predictably, there was fodder for their ruminations. The first suspect in the Walker shooting was a drifter named William Duff whom Walker had befriended, letting him stay at his home in return for what Duff called being a "batman," an officer's servant. He was not living with Walker on April 10, 1963, and allegedly told the daughter of an anonymous lady who called a secretary in Walker's office that he had been in on the shooting of Walker. (11 H 413–414, WCT Clyde J. Watts) The Dallas police investigated Duff's possible involvement in Walker's shooting and he was absolved by the police of any involvement in the shooting (CE 2524, 25 H 732). Among other things, Duff took and passed a polygraph test in which he denied involvement in the attempt on Walker's life (CE 2001, 24 H 44).

More tantalizing, two days before the shooting, and a couple of hours before Walker returned to Dallas from Operation Midnight Ride, Robert Alan Surrey, a printing salesman and associate of the general, drove to his house about eight-thirty or nine in the evening. He saw two men around the house "peeking in windows." Both men, white males, were well dressed in suits, dress shirts, and ties, both men were in their thirties, one around five feet ten inches to six feet tall and weighing 190 pounds, the other around the same height and weighing about 160 pounds. Neither, he said, looked like Oswald. Surrey also noticed a dark-colored Ford sedan, brown or maroon, without license plates, parked in the alley. When the men got in the car and drove off, Surrey followed them into downtown Dallas. Eventually they made an odd turn, which suggested that they had spotted him and were doubling back, and Surrey gave up the tail. He reported the incident to Walker the next morning, and Walker reported it to the police, but nothing came of it, and there was no license number to trace. (5 H 446–449; CE 1953, 23 H 760)

One of the photos Oswald took of the back of Walker's house shows a light-colored car parked there, and the area where the rear license plate would normally be mounted had been torn out of the print. The hole in the photograph is not confined to the small license plate area. It is a very large hole, encompassing almost one-third of the rear trunk area. (CE 5, 16 H 7–8) The car, which appears to be a 1957 Chevrolet, was tentatively identified by Surrey as belonging to Charles Klihr, one of the many volunteers who worked with Walker, though Surrey wasn't positive (5 H 437). When Warren Commission counsel asked General Walker, who could not identify the car himself, if he remembered Surrey's telling him that he was able to identify it "as Charles Klihr's car?" Walker replied, "No. I don't remember that he identified the car" (11 H 411–412). The police verified that Klihr owned a car of similar make and year but the Warren Commission neglected to contact Klihr to ask him if it was his car in the photo (Newman, *Assassination of John F. Kennedy*, p.144). As far as I know, the ownership of the car was never established, though *Case Closed* author Gerald Posner, without citation, says the car was "determined" to belong to Klihr (Posner, *Case Closed*, p.117 footnote).

It is likely that the hole was accidentally torn out by someone, perhaps even Oswald. But Marina, who might have been expected to notice a hole in the middle of the photograph when Oswald showed it to her, testified that she had not seen any hole in the photo when Lee showed the photo to her. On the other hand, she also testified that it also was not there when the FBI showed her the photograph months after the killing of the president. (11 H 294–295) However, two of the six

detectives from the Dallas police who found the print among Oswald's possessions in a cardboard box at Ruth Paine's garage on November 23, 1963, clearly remember noticing the hole at that time (CE 1351, 22 H 582–583). The issue can never be resolved, but it has been suggested that Oswald himself made the hole to prevent identification of the car, presumably because it belonged to a supposed accomplice. But it makes no sense at all that a conspirator planning to assassinate General Walker would have parked his car directly behind Walker's house in broad daylight, and even less likely that his supposed co-conspirator, Oswald, would have included it in one of his surveillance photographs if he had. Moreover, if Oswald were trying to cover up, why wouldn't he have made it easy on himself by simply disposing of the entire photograph?

From this meager collection of facts, conspiracy theorists have constructed a case that Oswald must have worked with accomplices. Even author Albert Newman, who does not believe that Oswald had accomplices in the Kennedy shooting, thinks he did in the Walker shooting. His theory manages to account for all four of the cars described. Oswald, Newman thinks, must have been one of the two men described by Surrey in the brown or maroon Ford two days before the shooting, even though Surrey did not identify either of the two men as Oswald (CE 1953, 23 H 760; 5 H 448, WCT Robert Alan Surrey). Two of the cars in the church parking lot the night of the shooting were driven, per Newman, by look-outs, and one of them also served as the getaway car. The car in the photograph identified as Charles Klihr's also belonged to one of the accomplices, per Newman. Oswald, per Newman, may have met one or more of these accomplices six months earlier, in October 1962, when he was supposed to be at the YMCA but wasn't—Newman implies that he was staying with one of the accomplices who lived in Oak Cliff. Newman bolsters his accomplice theory with another observation, that bus service from Walker's neighborhood, for instance, was thin or non-existent at that hour of the night—although it was at least two hours after the shooting before Oswald turned up at Neely Street, in which time we know he could have walked home. (Newman, *Assassination of John F. Kennedy*, pp.160–161, 317, 336–341, 348)

The main trouble with Newman's theory is that there is no evidence whatsoever for any of it. No one saw Oswald on the night of the shooting. No one saw the brown or maroon Ford or the car identified as Klihr's on the night of the shooting. Neither of the two men in the church parking lot, who were described by Coleman in great detail, clearly resembled Oswald. Moreover, both apparently were drivers and we know Oswald didn't drive. (See main text.) Also, although sightings of Oswald became as common after the assassination as sightings of Elvis have been for years, no one ever reported seeing Oswald with anyone whom one could even postulate as being an accomplice, either in October 1962, in April 1963, or any time in between.

The only virtue of Newman's theory is that there is no way to prove it wrong. However, as a theory it remains considerably less plausible than the account of the incident Lee himself told Marina, and it requires a much different Lee Oswald than the one we know from the story of his life. For instance, Lee worked at Jagers-Chiles-Stovall for months without being able to establish even a casual relationship with any of his coworkers apart from Ofstein, and he couldn't even bring himself to eat lunch with him or accept a ride home in Ofstein's car. It challenges

logic that the very antisocial, contact-shy Oswald would somehow have become an intimate of not just one but several would-be assassins, intimate to the point of agreeing to be the shooter in their plot to assassinate General Walker.

695 **retrieved his rifle from its hiding place:** An allegation of the conspiracists is that Oswald had “buried his rifle in dirt,” and they feel that if he had, the rifle, when found on the sixth floor of the Texas School Book Depository Building, would show evidence of it. Marina told the Secret Service on December 10, 1963, that Oswald had buried the rifle in a field near Walker’s home (Letter from Forrest Sorrels to Jesse Curry dated December 26, 1963, p.2). She told her biographer, Priscilla McMillan, that when she asked Oswald what he did with the weapon, he said he had “buried it” (McMillan, *Marina and Lee*, p.353). He did not say *in the dirt*, and he may have buried it under some leaves in the field. He may have also used the word *bury* (assuming Marina even remembers the precise word he used and used the proper translation of it—since they usually spoke in Russian—to McMillan) as a generic verb for “hide.” Without a handy shovel, he would have had difficulty burying it “in the dirt.” In any event, even if he did bury it in the dirt, it’s a non sequitur to conclude that he would have been incapable of disassembling the weapon thereafter and cleaning it completely.

696 **“I like target shooting”:** George de Mohrenschildt told the Warren Commission that it was at this point (not at the bottom of the stairs, as Marina recalls) that he said to Lee, only in jest, but nonetheless knowing how much Lee disliked General Walker, “Are you then the guy who took a pot shot at Walker?” George said that Lee “shriveled” at his joke and didn’t say anything, but he had a peculiar smile on his face, and George knew at the time that the remark had an effect on Lee (9 H 249), although this may be the clarity of hindsight. Also, it would have been remarkable if George had really noticed the profound effect his remark had on Lee and then neither said nor did nor apparently thought anything more about it. Although Marina clearly remembers it, George denied asking Lee at any time that night, “Lee, how is it possible you missed?” (9 H 249–250).

There is another disagreement about this night. Marina told Priscilla McMillan that the discovery of the rifle by Jeanne didn’t take place on April 13, the night before Easter, but earlier on April 4 or 5 when Jeanne visited Marina alone while George was in New York (McMillan, *Marina and Lee*, p.349). But Jeanne told the Warren Commission that the night before Easter was the first time she had been to the Oswalds’ apartment. When asked, “Had you been there before?” she responded, “No.” “That is the first time you had ever been there?” Warren Commission counsel persisted. “Maybe I was [there before]. I don’t think so.” (9 H 314–315; see also Mailer, *Oswald’s Tale*, pp.521–522) And Jeanne’s recollection is the same as her husband’s, that she told George about the rifle she had just seen, and it was at this time that her husband asked Lee if he had taken “a pot shot at Walker by any chance?” (9 H 317)

Author Priscilla McMillan is convinced that Jeanne de Mohrenschildt discovered the rifle not the night before Easter when she and her husband visited the Oswalds, but a week or so earlier, when she believes Jeanne visited Marina by herself (McMillan, *Marina and Lee*, p.349). The main reason she believes this is, she says, “the rifle was not in the apartment on April 13. Oswald dug it up on April 14” (McMillan, *Marina and Lee*, p.607 note 16). If we accept the premise that the rifle incident happened on April 13, as both de Mohrenschildts recall, then Oswald

would have had to retrieve his rifle earlier that day, Saturday. Is there any support for this? Although a December 12, 1963, FBI report summarizing an interview with Marina the previous day reads that Oswald brought the rifle back “on the Sunday following the night of the assassination attempt” (CE 1403, 22 H 777), Marina testified before the Warren Commission, “As I remember, it was the weekend—*Saturday or Sunday* when Lee brought the rifle back home.” Also, Marina remembers that Lee burned his notes on the plan to murder Walker “three days after this happened” (referring to the attempt on Walker’s life), and that her husband “destroyed” the notes “approximately an hour after he brought the rifle home” (11 H 292–294). Three days after the Walker attempt would be Saturday, April 13, the day before Easter.

The Warren Commission also concluded the rifle incident happened on April 13 (WR, pp.282–283, 724).

697 **proved to be written by Oswald:** The “Hunter of Fascists” phrase had been traced over, making it very difficult to identify either the original handwriting or the overwriting (2 HSCA 242). The photograph was not available to the Warren Commission since it was only discovered in 1967 (12 HSCA 253), but it was studied by the HSCA, who questioned Marina about the phrase many times (2 HSCA 242–244, 265, 291–292, 294–296, 305–306). At one point, she admitted that the sarcasm implicit in the phrase certainly sounded like her, but she could not recognize the handwriting as her own (2 HSCA 315–316). De Mohrenschildt believed it was Marina’s handwriting, “again making fun of her husband, jeering Lee’s very serious anti-fascist feelings” (12 HSCA 256). Marina’s biographer, Priscilla McMillan, also believes it was Marina who wrote the phrase (McMillan, *Marina and Lee*, p.362).

699 **the incident:** Somewhat ironically, it was Oswald’s own brother Robert who brought the Nixon incident to the attention of the authorities. As indicated in an earlier endnote, after the assassination Marina became very close to James Martin, who served as her financial adviser, and she lived with him and his wife for awhile. Sometime in early January 1964, Marina confided to Martin about the Nixon incident, and on a visit to Martin’s house by Robert Oswald on January 13, 1964, Martin told Robert what Marina had told him. Later that day while driving Marina to the cemetery to visit Lee’s grave, Marina confirmed to Robert what she had told Martin. Robert brought it to the attention of his lawyer, and on the advice of his lawyer, Robert turned over his diary, containing the reference, to the FBI on February 18, 1964. He also told the FBI the information in an interview on February 19, 1964, and retold the story to the Warren Commission on February 21, 1964. (1 H 482, 486, WCT James Herbert Martin; 1 H 332–337, 339, WCT Robert Edward Lee Oswald; CE 323, 16 H 915, Robert Oswald’s diary; CE 1357, 22 H 596, FBI interview of Robert Oswald on February 19, 1964; see also FBI Record 124-10021-10370, FBI interview of Robert Oswald on February 27, 1964)

700 **Thursday, April 25:** Conspiracy theorists have questioned this date because of a passing remark made by Lillian Murret (8 H 135) that “Lee had come to my house on a Monday” (Monday being April 29), which implied a gap of four days between his arrival in New Orleans on April 25 (after leaving Dallas on the evening of April 24) and his arrival at the Murrets’ house. For instance, Anthony Summers (*Con-*

spiracy, p.262) calls this “unaccounted for” period “a minor mystery.” But Murret was talking about another event at the time and Warren Commission counsel had no reason to question her apparent slip of the tongue that Oswald had arrived on a Monday. By that Monday, April 29, Oswald had already visited the Louisiana Division of Employment Security office *on the preceding Friday*, wearing a suit and tie (1 H 475, WC affidavit of John Russell Rachal), which he would not have had until he unpacked his bags at the Murrets. Lillian Murret testified that he had no adequate clothes until Dutz Murret drove Lee back to the bus station on the evening of the day he arrived to help him recover his luggage from storage. When he called her on the phone earlier in the day, she asked him where he was and he said “the bus station,” and she said he “came right on out” on the streetcar from the station, arriving wearing a “sport shirt and a very poor pair of pants.” When Warren Commission counsel asked her if he had a “suit coat on,” she answered, “No, he didn’t.” Question: “What luggage did he have when he arrived at your home?” “I don’t think he came with anything over to the house . . . I think he was only carrying a little handbag, they call it.” (8 H 133–134)

- 701 **William B. Reily and Company:** Although there is no question that Oswald worked for William B. Reily and Company Inc. at 640 Magazine Street (CE 1894, 23 H 696–697; 11 H 473–474, WC affidavit of Emmett Charles Barbe Jr.), there is some indication that within the Reily company, Oswald worked for the Standard Coffee Company, the “house-to-house sales branch” of William B. Reily and Company (CE 1894, 23 H 697; CE 2189, 24 H 879). Oswald’s alleged lover, Judyth Vary Baker, says she and Oswald were first hired by the Standard Coffee Company, which she said was “a subsidiary of Reily,” and the two of them worked there for one week before being “transferred together” to the Reily company (Baker, *Lee Harvey Oswald*, p. 181). There is no independent evidence to corroborate Baker’s assertion.
- 702 **a sign at 4907:** Although the Warren Commission and the FBI would say that Oswald resided at 4905 Magazine Street in New Orleans (e.g., WR, p.726; CE 833, 17 H 794, FBI report of April 6, 1964), Oswald’s apartment was apparently at 4907 Magazine, since this is the address he always gave (e.g., Cardigan Exhibit No. 14, 19 H 287; CE 2966–A, 26 H 448; Lee [Vincent T.] Exhibit No. 8–A, 20 H 531) when he wasn’t giving the Murrets’ address, and if he lived at 4905 it would be unlikely he would use the address 4907, even for his Fair Play for Cuba Committee mailers. Why would he want prospective members of his committee to submit applications or make inquiries to an apartment in which he did not live? Additionally, New Orleans court records list Oswald’s address as 4907 Magazine (Lee [Vincent T.] Exhibit No. 6, 20 H 527), and Marina told the FBI (CE 1781, 23 H 387), and apparently Priscilla McMillan (McMillan, *Marina and Lee*, p.389), that she and Lee lived at 4907. Warren Commission counsel played around with three addresses (4911, 4907, and 4905 Magazine) in his questioning of Mrs. Jesse Garner, who was the manager, with her husband, of the apartments on Magazine, and though establishing that the Garners lived at 4911 Magazine (the FBI introduced yet another address, 4909, saying the Garners lived there [CE 826, 17 H 755]), he couldn’t manage to ask her where the Oswalds lived. However, the inference from the fact that neighbors could see Lee inside reading is that the Oswalds lived in the front apartment, and Mrs. Garner said that was number 4907. She said that 4905 Magazine was to the rear. (10 H 265, WCT Mrs. Jesse Garner) On the other

hand, Mr. Garner said Oswald lived at 4905, and he and his wife lived at 4911 (10 H 276, WC affidavit of Jesse J. Garner).

- 702 **Marina enjoyed Ruth's friendship and liked her:** By the time Marina testified before the Warren Commission, she had grown to dislike Ruth. However, when she told the Warren Commission, "I did not like her too well" (1 H 19), she was referring, from the context of her testimony, to when she was living with Ruth. But the circumstantial evidence of all Ruth was doing for her at that time, their later letters to each other when Marina was in New Orleans in which Marina expressly told Ruth, "I like you" (CE 408, 17 H 91), and the fact that the main thing Marina cites for not liking Ruth (Ruth, per Marina, wanting attention and publicity after the assassination) had not yet happened, causes one to conclude that Marina was sloppily conflating the two periods of time.
- 707 **"Osborne":** Although the person at Mailers Service Company who dealt with Oswald, John I. Anderson, the son of the owner, was able to identify Oswald for the FBI from a photo as the individual representing himself to be Lee Osborne (CE 1411, 22 H 800), Myra Silver, the secretary at Jones Printing Company who dealt with "Osborne," when shown a photo of Oswald by the FBI on December 3, 1963, was unable to identify him (CE 1410, 22 H 797). And Douglas Jones, the owner of the company, told the FBI that although he could not be sure the man who ordered the printing of the handbills was not Oswald, he did not think it was. He thought the man was a "husky type person" on the order of a laborer. (HSCA Record 180-10109-10086, FBI interview of Douglas Jones on December 3, 1963)
- 707 **FPCC:** The Fair Play for Cuba Committee was "founded in 1960, had started to disintegrate before the assassination," and "after the murder, final plans were made for liquidation" (Hispanic American Report, December 1963, p.1154; Scott, *Crime and Cover-Up*, p.53 note 29a).
- 716 **around July 25:** The review board met and reached its decision on July 10, 1963. The Warren Report says that Oswald received notice of the board's conclusion on July 25, 1963, but the citation they give for this shows no date of receipt or even when the notice was sent to Oswald (WR, p.727; Folsom Exhibit No. 1, 19 H 688-692). The likelihood is that the original letter notifying Oswald of the board's decision (Folsom Exhibit No. 1, 19 H 689) had a date on it that did not come through in the copy in the Warren Commission volumes.
- 720 **August 5, 1963:** There are some conflicts with respect to the dates that the New Orleans FBI contacted Mrs. Garner and Mrs. Murret. Lee left for New Orleans on April 24, 1963 (2 H 457, WCT Ruth Hyde Paine), and Marina joined him there on May 11 (18 H 139, WCT Lillian Murret). Agent Hosty testified that he learned in mid-May the Oswalds were no longer at the Neely address, and that on June 17 the New Orleans FBI office informed him that they were now living in New Orleans (4 H 444).* And also Mrs. Garner, in her testimony before the HSCA, said that

*Hosty gave the date of June 17 in his testimony before the Warren Commission and there is no indication he was reading the date from an official FBI document in front of him. It's possible he was off on the date, or it's a typographical error for June 27, since in the FBI report prepared by New Orleans special agent Milton Kaack, the first date he indicates learning of Oswald's presence in New Orleans was June 26 (CE 826, 17 H 755). If he learned about Oswald's presence in New Orleans on June 17 or earlier from some other source, his report does not mention this. Hosty testified that it wasn't until "early August" that he received a *verification* from the New Orleans FBI office that Oswald was living in New Orleans (4 H 444), consistent with Kaack's report that he spoke to Mrs. Garner on August 5, 1963 (CE 826, 17 H 755).

the FBI came to her door “about a month” after the Oswalds moved into their apartment on Magazine Street (HSCA Record 180-10014-10364, Mrs. Garner’s testimony before the HSCA on May 5, 1978, p.10). Since Oswald moved in on May 9, and Marina a few days later, this would put the FBI visit to Mrs. Garner around June 10, close to the time Hosty says he was contacted by the FBI office in New Orleans. Of course, Hosty only says he was informed by the FBI office in New Orleans that Oswald was apparently living in the city, *not where*, whereas Mrs. Garner maintains the FBI came to her door around this time. Yet New Orleans FBI agent Milton Kaack’s report says he didn’t speak to Mrs. Garner until August 5, almost two months later. Absent any other evidence, one would normally have to go with Kaack’s official FBI report, which is specific as to the date, and assume that Mrs. Garner, trying to recall, fifteen years later, when the FBI first came to her door, was simply off by about two months.

But there’s another conflict on dates involving Kaack that throws into question the accuracy of his report with respect to dates. Mrs. Murret told the Warren Commission that Lee and Marina came to the Murrets’ home to visit on Labor Day (September 2, 1963), and “the next day or the day following that,” two FBI agents came to her door asking if the Oswalds lived there, and when she told them they didn’t, they asked her if she knew where they lived. She told them and they returned the next day to tell her that “a lady with a station wagon was there,” whereupon Mrs. Murret told them about Ruth Paine and her relationship to the Oswalds. (8 H 146–147) Mrs. Murret’s dates have a problem because Ruth Paine didn’t arrive in New Orleans with her station wagon until a few weeks later, on September 20 (3 H 5, WCT Ruth Hyde Paine). Kaack’s FBI report says the contact with Mrs. Murret was only once, on October 1, 1963 (CE 826, 17 H 755). In this case, Kaack’s date seems even more inaccurate than Mrs. Murret’s, since how could it be that the agents would return the next day to tell her about Ruth Paine’s station wagon being parked in front of the residence, which we know is true, and still have this incident take place around the first of October, a week *after* Ruth Paine left New Orleans with Marina? I would like to say that Mrs. Murret’s version was correct, and she was only off on the dates. But to do so I have to say that Kaack’s FBI report stating that he visited Mrs. Murret “on October 1, 1963” is incorrect, which is difficult to do. The other curious point is that unless Mrs. Murret is incorrect in her recollection that the agents asked her if the Oswalds lived there at the time, why would the two agents (one of whom we can assume was Kaack) be asking her this when Kaack had already confirmed on August 5, 1963, per his same report, that Oswald and Marina were living at 4905 (believed to be 4907) Magazine Street?

The conflict in the above dates would appear to be irreconcilable at this point in time and the only thing that is certain about the mess is that the contradictions in the dates do not seem to have any relevance or consequence to the story of the case.

- 724 **FPCC members whose names and addresses he did not know:** In his book, *Case Closed*, Gerald Posner writes that a “leftist professor at Tulane, Leonard Reissman . . . was later found to have one of Oswald’s handbills in his car.” But he gives no citation for this. (Posner, *Case Closed*, p.153 footnote) However, when New Orleans police lieutenant Francis Martello interviewed Oswald on August 10, Oswald told him that meetings of the Fair Play for Cuba Committee had been held

on Pine Street in New Orleans, though he gave no address. The name of Reissman came to Martello's mind because Reissman lived on Pine Street and was reportedly a member of the New Orleans Council of Peaceful Alternatives, an anti-nuclear bomb group that caused Reissman to be in the subversive file of the FBI in New Orleans. Martello thought there might be some tie-in between Oswald's FPCC group and Reissman, particularly since he recalled that FPCC literature was found in the 1000 block of Pine Street, which was near the residence of Reissman at 1121 Pine. When Martello asked Oswald if he knew Reissman or had meetings at Reissman's house, Oswald never gave him a direct answer, but Martello felt from Oswald's reaction that there was possibly a connection between Oswald and Reissman. (CE 1942, 23 H 738, FBI interview of Francis Martello on November 29, 1963; 10 H 54-55, WCT Francis L. Martello; see also CE 2520, 25 H 729; Reissman in subversive files: CE 3094, 26 H 705)

In a November 24, 1963, FBI report, just two days after the assassination, there's a one-sentence assertion that while Ruth Paine was in New Orleans, she had "introduced Oswald to Dr. Leonard Reissman who is associated with a communist front organization." The source is given as John Rice, the special agent in charge of the FBI office in New Orleans. (HSCA Record 180-10111-10434, November 24, 1963) It's not clear how Rice came into possession of this information, but the day after the assassination, Mrs. Lillian Murret told the Secret Service that when Ruth Paine came to her house with Marina after the trip from Texas, Paine had mentioned Reissman as being a friend of hers, and Oswald mentioned that he knew, or was acquainted with, Reissman (CE 3119, 26 H 765-766).

When the FBI interviewed Reissman on December 2, 1963, in Palo Alto, California, where he was working in the Center for Advanced Study of Behavioral Sciences at Stanford University, he said he could not recall ever having met Oswald, did not know of the existence of the FPCC, and added that the people who resided in the area where he had lived on Pine Street in New Orleans were "extremely conservative," and he felt it "inconceivable" that anyone he could think of in his neighborhood "would allow [an] organization of that nature to hold meetings" in their home (CE 3128, 26 H 791).

There is no indication what course Professor Reissman taught at Tulane, but Oswald's aunt, Lillian Murret, recalls his telling her that he had gone to the home of a professor of languages at Tulane (or the professor came to Lee's house) to show slides. (8 H 147, WCT Lillian Murret; see also, 8 H 170, WCT Marilyn Dorothea Murret). But no evidence has ever surfaced to confirm this.

Since another professor at Tulane, Forrest E. La Violette, had allegedly been in possession of FPCC literature at some point in 1962, Martello also asked Oswald if he knew La Violette, but Oswald was evasive and would not divulge any further information about his group (CE 1942, 23 H 738).

One thing is fairly clear, however. Although there is no evidence that the New Orleans chapter of the FPCC consisted of any member other than Oswald, it appears that Oswald did make it out to the campus of Tulane University with his leaflets. Harold Gordon Alderman, a Tulane student, said that in the summer of 1963, a fellow student, Hugh Murray, mentioned to him that he had picked up an FPCC leaflet being handed out on campus, possibly at the library. Alderman, who was sympathetic to the FPCC goals and had picked up its literature in New York

City, asked Murray if he could see the literature. When Murray gave it to him, Alderman saw the name A. J. Hidell and P.O. Box 30061 on it, and he tacked it on the door of his apartment. After the assassination, Alderman called the New Orleans FBI office and offered to furnish the leaflet to them, but agents told him they already had the handbill. (HSCA Record 180-10067-10349, FBI interview of Harold Alderman on November 26, 1963, pp.1-2)

- 725 **Emile Bruneau:** Bruneau has been cited as one of Oswald's possible connections to the New Orleans mob (see, for instance, Summers, *Conspiracy*, pp.312-313). Bruneau, who was described as a "big-time gambler" by New Orleans Crime Commission director Aaron Kohn, and was an associate of New Orleans mobster Nofio Pecora, told the HSCA that he had known Dutz Murret for many years, had "stood for" Dutz and his wife when they got married, and had been a godfather to their son Eugene, though their families never visited with each other. Bruneau said that Dutz's main job was as a "checker of freight on the riverfront," he assumed for a steamship line, and was also a "gambler" in the "bookmaking business." Bruneau, who went on to become president of the World Boxing Association, said that on the subject occasion, one of the women in the Murret family called him to get Oswald paroled. He had never heard of Oswald before, and called someone—he can't remember who—who had parole power. Although he said "all elected officers and judges" had parole power, other public officials did too. He made that one call and never heard about the matter anymore, saying that no one, not even the FBI, had interviewed him about it prior to the HSCA investigation. (HSCA Record 180-10105-10407, HSCA deposition of Emile Bruneau on November 6, 1978, pp.6-9, 11-12, 15-16, 18, 31)
- 741 **resumé of points:** It is not 100 percent certain whether Lee first prepared the resumé to persuade the Cuban authorities they should accept him into Cuba or whether he initially prepared it for another purpose and then ended up using it for his Cuban adventure. In *Marina and Lee*, Priscilla McMillan writes that sometime in late August of 1963, "Lee acquired the *Bulletin* of the New York School for Marxist Study for the fall term of 1963. And he spent time composing a detailed resumé of his life, including his various activities: 'Radio Speaker and Lecturer,' 'Street Agitation,'" and so on (McMillan, *Marina and Lee*, p.455). McMillan, though not stating, could be seen to imply that Oswald prepared this resumé to gain admission into the New York School. But she drops the subject abruptly and gives no citation for the New York School for Marxist Study reference. A pamphlet from the school was found in Oswald's Beckley apartment after the assassination (9 H 421, WCT Ruth Hyde Paine).
- 745 **tourist card number 24085:** Conspiracy theorists thought they were on to something when they learned that on the very same day that Oswald applied in New Orleans for his Mexican tourist card, September 17, 1963, the person who got the tourist card immediately preceding his (number 24085) was—hope against all hope—someone with CIA connections. Number 24084 was issued to William G. Gaudet, a New Orleans editor of a weekly newsletter, *Latin American Report*. When the buffs also discovered that Gaudet's name was mysteriously missing from a list of people who got their Mexican tourist cards that same day in New Orleans, they just knew they were on to something big. But it was all for naught. The HSCA learned that like several other assassination figures (e.g., Clay Shaw, George de

Mohrenschildt), Gaudet was neither a CIA agent nor an operative* but simply one of thousands of Americans who volunteered to furnish information on their foreign travels to the nonclandestine Domestic Contact Service of the CIA. Also, although Gaudet had observed Oswald at the New Orleans Trade Mart, he did not know him and did not travel to Mexico at the same time as Oswald, Gaudet leaving on September 19, 1963, a week before Oswald. (HSCA Report, pp.218–219; CD 75, p.588, FBI interview of William Gaudet on November 27, 1963) Moreover, the list of people getting Mexican tourist cards in New Orleans on September 17, 1963, which included Oswald and his card number, was furnished to the U.S. embassy in Mexico City on June 9, 1964, by the Mexican Ministry of Foreign Affairs (HSCA Report, p.218; CE 2123, 24 H 663–664, 674, 682, 685, 691). The unwitting Warren Commission simply published that incomplete list (which omitted names in addition to Gaudet’s), a list it did not prepare. And the most cursory review of that list reveals that it focused in on those Americans who entered Mexico and whose destination was Mexico (CE 2123, 24 H 663–691). Gaudet’s destination wasn’t Mexico, but Central America. His Pan American flight out of New Orleans only landed in Merida, Mexico, before continuing on to Central America (WC Record 179-40005-10179, December 2, 1963; CD 75, p.588).

And the Warren Commission did not, as some conspiracy theorists have alleged, expunge Gaudet’s name from the records. The fact of his being issued a fifteen-day tourist card in New Orleans on September 17, 1963, was preserved for posterity in Warren Commission document number 75, pages 573, 588, and 652, declassified by the FBI in 1975. And the list of people receiving tourist cards in this document, for some reason, omitted Oswald’s name, though Oswald having gotten a Mexican tourist card that day is in the Warren Report (WR, p.730) and in several of the volumes (e.g., CE 2478, 25 H 674; CE 1143, 22 H 153; CE 2119, 24 H 558–559).

* Authors Stephen Schlesinger and Stephen Kinzer gave conspiracy theorists some hope in a 1982 book about the CIA-supported coup in Guatemala in 1954, in which they wrote, “A weekly ‘Latin American Report’ for journalists and businessmen was spun off, written by William Gaudet, who was one of the several actors in the unfolding Guatemalan drama said to have had simultaneous connections with both United Fruit [of Boston] and the Central Intelligence Agency” (Schlesinger and Kinzer, *Bitter Fruit*, p.82). But such a vague allusion does not make a conspiracy. Parenthetically, when Gaudet was interviewed by two conspiracy theorists, Bernard Fensterwald and Allan Stone, in 1975, and the allegation that his magazine was a front for the CIA was brought up, he strongly implied this was not so when he said, “Well, I mentioned [the allegation] to my wife. She says, ‘I wish I’d known that in time, because maybe they could have picked up some of the tabs that we owed when [we] closed [the newsletter] in 1969.’” (HSCA Record 180-10112-10394, May 13, 1975, p.12) If readers have a lot of time on their hands to throw away, I would recommend Fensterwald and Stone’s interview of Gaudet. Although they were trying to prove a conspiracy in the assassination, and Gaudet’s connection to the CIA, and although Gaudet even admitted his association with the CIA in New Orleans, the inept interviewers never got around to asking Gaudet the simple question of what, specifically, he did for the CIA. But on his own he eventually suggested that his connection was informing the agency of developments in Latin America he had learned of through his travels related to his newsletter, which is what Gaudet also told the HSCA. Almost the entire, dreadful sixty-two-page interview is replete with the most obvious of foundationless speculation by Gaudet. Among other things, he tells his interviewers that just watching Oswald distribute his leaflets outside the Trade Mart, he formed the opinion that Oswald appeared to be “a miserable creature” and “a nut,” and although he never personally met Oswald, he found it “inconceivable” Oswald could have pulled off the assassination. We also learn from Gaudet that the anti-Castro Cubans in New Orleans whom he had met had the greatest respect for CIA agent E. Howard Hunt, and although he never knew Hunt personally, he was very confident that after the assassination the CIA probably asked Hunt what had happened “in connection with a conspiracy [to kill Kennedy] among the Cubans,” and Gaudet said, “I’m sure Hunt knows who was involved” in the assassination. These things are nice to know. (HSCA Record 180-10112-10394, pp.4, 7, 9–11, 13, 16–17, 30, 37, 54; see also Committee to Investigate Assassinations, *Assassination of JFK by Coincidence or Conspiracy?* pp.228–230)

- 748 **bus number 304:** There is some confusion as to the number of the Continental Trailways bus that took Oswald to Laredo. The Warren Report doesn't mention bus number 304 and suggests, without expressly saying so, that bus number 5133, which Oswald boarded in Houston, is the same bus that took him to Laredo, probably because Oswald bought a ticket for Laredo in Houston (WR, pp.323, 732). Likewise, the FBI suggests, without expressly saying, that the Houston bus Oswald boarded took him to Laredo (CE 2191, 25 H 4, 6). But the Secret Service was very express and specific and said the route, based on the published bus schedule, was "Houston [to] Laredo via Corpus Christi," and bus number 5133 passengers transferred to bus number 304 at Corpus Christi, 304 taking the passengers to Laredo (CE 2534, 25 H 749–751).
- 753 **a document "in proof of his membership":** Señor Alfredo Mirabel Diaz, the Cuban consul in Mexico City at the time of Oswald's visit, recalled to the HSCA in 1978 that Oswald's documents had been brought to his desk and among them he said he saw a card attesting to Oswald's membership in "the Communist Party of the United States." Mirabel was surprised that the card seemed very new—and that Oswald carried such a document. Mirabel himself had been a Communist for some years at that point, but it was not the custom for Cuban party members to carry identification. (3 HSCA 173, 176) The outgoing Cuban consul, Eusebio Azcue, also said he saw a membership card of Oswald's in the American Communist Party (3 HSCA 130–131).
- 754 **Oleg Nechiporenko:** Nechiporenko's presence and role in the Oswald affair became known only on March 25, 1992, when, accompanied by a Hollywood agent, Brian Litman, he held a press conference in Moscow shortly before the publication of his book on the Oswald affair. Three other former KGB colonels attended the press conference, all represented by Litman and all planning to write their memoirs. "We must earn money. Otherwise we will not survive," one said. (Associated Press, March 25, 1992; United Press International, March 26, 1992; "The Spies Who've Come in for the Gold," *Los Angeles Times*, March 26, 1992, pp.F1, F8) Nechiporenko was declared persona non grata by the Mexican government on March 18, 1971, when he was connected to a pro-Communist, extremist group that was arrested two days earlier in the resort town of Cuernavaca. The group's stated goal was the overthrow of the Mexican government, and Nechiporenko left Mexico on March 21, 1971. (Nechiporenko, *Passport to Assassination*, pp.292–295)
- 756 **threw Oswald out:** It is not 100 percent certain that this incident took place on Friday, September 27. Eusebio Azcue thought it took place on Saturday, September 28 (3 HSCA 133). But Silvia Duran, who dealt with Oswald the most, was even more adamant that everything, including this incident, took place on one day, Friday, September 27 (3 HSCA 49–51). Because Oswald's visits to the Cuban and Soviet consulates, and the sequence of what was said, and to whom, is understandably fuzzy, the Warren Commission, probably realizing it couldn't resolve the exact sequence of events (e.g., "then, or possibly even before . . ."), covered the entire Oswald Cuban-Russian consulate issue in less than one and a half pages. The report indicates that this incident happened Friday, September 27 (WR, pp.734–735), but then says that Oswald "contacted the Russian *and Cuban Embassies again* during his stay in Mexico," but gives no source other than "Confidential Information" (WR, pp.735, 868 footnote 1170). Although we know

Oswald did go to the Russian embassy the following day, Saturday, it's possible that the inclusion of the Cuban embassy in the Warren Report was merely loose writing. In addition to the conclusion of Duran and the Warren Commission that the incident of the heated argument took place on Friday, we also have the supporting recollection of Colonel Oleg Nechiporenko of the Russian embassy that Duran called him on Friday afternoon to find out if his people "had promised" Oswald, as Oswald claimed, a Russian visa, and he told her no and that it would take four months for Oswald to get one (Nechiporenko, *Passport to Assassination*, pp.66, 74). So by Friday afternoon, all the ingredients or factors necessary to have the subject heated confrontation with Oswald already existed, and it is likely it took place at that time, not the following day.

- 759 **Dolores Ramirez de Barreiro:** A much briefer reference to de Barreiro in CE 2121, 24 H 586, is possibly incorrect, not just because of its brevity, but because it quotes her as saying she saw Oswald three or four times, but that he only ate there once.
- 759 **Oswald was never seen with anyone else:** After the assassination a masonry contractor named Ernesto Lima Juarez, who stayed at the hotel a day between September 15 and October 1, 1963, said that he had seen Oswald conversing socially on one or two occasions with four Cuban residents of the hotel (CE 2569, 25 H 822). However, the FBI was told by several employees at the hotel that all of the Cubans had left the hotel before Oswald arrived (CE 2569, 25 H 822). Another report quotes Lima as saying he saw Oswald talking to two black Cuban residents at the hotel, but later saying he was quite certain he had never seen Oswald, and the FBI concluded that Lima had no information that would merit further investigation (CE 2787, 25 H 174–175, 177; see also CE 2451, 25 H 596; WR, p.868 footnote 1176).
- 760 **seat number 12 for him under the name "H. O. Lee":** Although we know from all the circumstantial evidence as well as eyewitness statements that Oswald (i.e., "H. O. Lee," with reservation and purchase order number 14618 for seat number 12) left on the 8:30 a.m. Transportes del Norte bus number 332 out of Mexico City on October 2, 1963 (CE 2121, 24 H 601–603, 605–606 [reflecting that ticket number 13688 ended up being used for seat 12], 608; CE 2456, 25 H 605–607; CE 2530, 25 H 740; CE 2121, 24 H 595, 598 [Oswald left hotel very early on the morning of October 2, 1963]), there seems to be no apparent explanation for the name "OSWLD [*sic*]" on the list of passengers for the 1:00 p.m. trip on Transportes Frontera bus number 340 out of Mexico City for Monterrey and Nuevo Laredo, and no passengers on that trip identified Oswald as being on the bus (CE 2535, 25 H 752; CE 2121, 24 H 619–622; CE 1143, 22 H 154–155; WR, p.736). It was the opinion of the ticket salesman and the dispatcher for the bus line, Francisco Alvarado, that the name "OSWLD" had been made by the baggage handler, Lucio Lopez Medina. But Alvarado was quite certain that the individual designated on the list as "OSWLD" did not purchase a ticket and did not travel on the 1:00 p.m. bus. Indeed, no ticket number was recorded for "OSWLD," and a search of the company's records in Monterrey failed to locate a ticket stub that was not otherwise accounted for in connection with that trip. (CE 1143, 22 H 154–155; see also CE 2121, 24 H 620; CE 2453, 25 H 599)

Another anomaly is that though we know Oswald was on the 8:30 a.m. bus from

Mexico City to Laredo, his name does not appear on the manifest or passenger list for that trip (CE 2121, 24 H 601–602). All that appears for seat number 12 is the name “Chihuahuenses,” for the ticket agency, Agencia de Viajes Transportes Chihuahuenses, that sold Oswald his ticket. The only explanation (though unsatisfying and not understandable without knowledge of the practices and procedures of the bus terminal) given for this by Ricardo Medina Beltran, the manager of the Mexico City terminal for the bus line Oswald traveled on, is that “seats no. 12 and no. 15 had been reserved for another bus line or travel agency and [his] company would have no record with respect to the identities of the occupants of those seats.” (CE 2121, 24 H 601–602, 604)

762 **they didn’t talk about Cuba any longer:** For the possibility that as late as October of 1963, Oswald may have still been promoting his Fair Play for Cuba agenda and tried to get a letter of his to the editor of the *Dallas Times Herald* published (apparently it wasn’t) in which he demanded that America quit picking on Cuba, see Greene, *Chance Encounters*, pp.175–176.

765 **“only days before November 22, 1963”:** For years it was believed that Oswald saw the two films, *Suddenly* and *We Were Strangers*, on the Saturday evening of October 19, 1963 (e.g., McMillan, *Marina and Lee*, pp.475–476; Davison, *Oswald’s Game*, pp.224–225). But author John Loken did some good research, and although he couldn’t quite get his pen, pencil, or typewriter to clearly say that the *Dallas Morning News* TV listings showed that these films were *not* shown the weekend of October 19–20, this is the necessary implication of his writing. And indeed, the TV listings for these two days (which are not printed in Loken’s book) do not show these films listed (*Dallas Morning News*, October 19, 1963, sect.1, p.8; *Dallas Morning News*, October 20, 1963, p.L-6). Loken’s research showed, however, that *We Were Strangers* was listed as being shown in Dallas on the evening of October 12 at 10:00 p.m. on Channel 11, and the following day, Sunday, at 1:00 p.m. (and Marina told the Secret Service that Lee had seen this movie “twice” [CE 1790, 23 H 403]). So apparently, Oswald saw these two movies his first weekend at the Paine residence. Indeed, Marina told the Warren Commission on February 5, 1964, when her memory was fresher than when she later talked to author Priscilla McMillan, that her husband had watched the two movies “before [her daughter] Rachel’s birth,” which she said was “some five days” before (1 H 71). Rachel was born October 20, and October 12 and 13 (Saturday and Sunday) fit Marina’s recollection much more, of course, than October 19 does.

Interestingly, Loken’s research did not show that *Suddenly* was shown in Dallas at the time *We Were Strangers* was, or at any other time between early October and the day of the assassination. However, he pointed out that last-minute substitutions are frequently made in TV showings. Also, Oswald could have seen *Suddenly* on a more remote TV station in Austin or Texarkana that Ruth Paine’s TV set picked up. (Loken, *Oswald’s Trigger Films*, pp.20–21, 24–30, 65–66) However, we know that Oswald saw *Suddenly*, at least at some time, because Marina accurately described what the movie was about, and she also said he saw it on the same night as the Cuban film (*We Were Strangers*). As the Secret Service agent wrote after Marina described the movie, “The way Marina Oswald was describing the . . . picture, it leaves very little doubt that this picture is entitled ‘*Suddenly*’ starring Frank Sinatra.” (CE 1790, 23 H 403; McMillan, *Marina and Lee*, p.475)

The Secret Service did its own research on this issue and found that *We Were Strangers* was shown on Channel 11 in Dallas on Saturday, October 12, at 10:00 a.m. (an error—the movie TV listings for October 12 published in *Oswald's Trigger Films*, p.65, show the time as 10:00 p.m.), and Sunday, October 13, at 1:00 p.m. The only showing of *Suddenly* on Dallas TV the agency could find during the general time in question was on February 26, 1963, at 10:30 p.m. on Channel 11. (CD 87, December 12, 1963)

- 778 **Monday was Veterans Day:** It is not absolutely certain that Oswald came out to Irving with Wesley Frazier that Friday evening, November 8. Frazier seems to think he did because he recalls Oswald telling him that he was going “to take a driving test” on one of the weekends he drove Oswald to Irving (2 H 217, WCT Buell Wesley Frazier). And we know Oswald did go to try to get his learner’s permit that Saturday, November 9, 1963 (11 H 153-154, WC affidavit of Ruth Hyde Paine). And Ruth Paine recalls Oswald “writing something [his letter to the Russian embassy in Washington, D.C.] on the early morning of Saturday” November 9 (3 H 41, WCT Ruth Hyde Paine), which would suggest that he had spent the previous night there.

However, Marina told the FBI that Oswald wasn’t happy with his job at the Book Depository Building and called her on November 8 (Friday) to tell her he wouldn’t be coming to Irving that night because he was going to apply for a job at some photographic company the next day. Oswald didn’t get the job, per Marina, and if Marina was correct, we can assume Oswald somehow found transportation out to Irving afterward on that Saturday, November 9. (CE 1794, 23 H 411; CE 1821, 23 H 480) Ruth Paine confirmed that there was one weekend when Oswald came to Irving on Saturday, not Friday evening, but she wasn’t certain what weekend it was, though she thought it was on the weekend of November “the 1st to the 3rd” (3 H 41, WCT Ruth Hyde Paine).

- 782 **letter was postmarked:** The copy of the postmark on page 34 of volume 16 of the Warren Commission is faint and only the number “2” is shown fairly clearly after “NOV”. The empty space before the number ”2” was undoubtedly filled by the number “1” on the original, as page vii of volume 16 says. Further circumstantial evidence that the postmark date was November 12, not November 2, is that the envelope (CE 16) is in volume 16, page 34, the next page after Commission Exhibit No. 15, which is the November 9 letter (16 H 33). Also, no other letter is known to have been written by Oswald to the Soviet embassy on November 2, 1963, or on any other day in November.

- 785 **Wednesday, November 20:** In 1993, Hugh Slough, one of the tenants at 1026 North Beckley, told author Gus Russo that on Wednesday evening, Oswald, who usually stayed in his room and didn’t socialize, appeared in the living room during the evening newscast. “On television, they were announcing that they were about to show the final plans for Kennedy’s parade route on Friday. Suddenly, Oswald came out of his room, stood behind the couch, staring intently at the television set. They were showing the exact parade route, the turns—where it was going to go right past the School Book Depository. Jerry [Duncan, employed at the service station across the street, who had come over to socialize with Slough, and had previously met Oswald] kept trying to introduce me to Oswald, and frankly couldn’t get his attention. He was just completely absorbed by the news. Nothing else seemed to matter. And when it was over—it didn’t last more than five

minutes—Oswald just turned around and went straight back into his room. I never got a chance to be introduced to him.” (Interview of Hugh Slough by Gus Russo on June 6, 1993; Interview of Jerry Duncan by Gus Russo on July 2, 1993; Russo, *Live by the Sword*, p.269) Because this story by Slough surfaced apparently for the first time thirty years after the alleged event, it’s credibility must be viewed with caution, although author Russo says that Duncan confirmed Slough’s story when he later interviewed Duncan (Interview of Gus Russo by author on May 16, 2006).

787 **getting an apartment in Dallas:** Fourteen years after her Warren Commission testimony, Marina’s memory had faded to the point that in describing, in broken English, the same incident, she said, “Well, I think maybe I try my best to remember. I think that prior to that maybe we had disagreement or argument about something like him hiding . . . his real name from the landlady and maybe we had argument over that. I thought maybe he came just to make up, you know.” Question: “What did you discuss when he came Thursday evening, can you recall? Did you speak about that, using the fictitious name?” Marina proceeded to summarize the whole incident in just one sentence, and the result was a distortion of what she told the Warren Commission and her biographer, Priscilla McMillan, years earlier: “Well, we were looking forward and talking about renting an apartment for us, and I would like to be with him—it was very big imposition to live with Mrs. Paine, and I thought we just should live as a family, and like that, we discussed for us all move together.” (2 HSCA 267, Testimony of Marina Oswald before HSCA on September 13, 1978) Yes, Marina did want to move back with Lee, and to that extent her HSCA testimony is consistent with her Warren Commission testimony. Where the distortion comes about, either through a faded memory or more probably in this case what happens through severe condensation of a matter, is the weak possible implication in her HSCA testimony that it was her idea to move back with Lee, and after she broached it to him he agreed.

788 **any married couple:** Returning to the question of whether, after all is said and done, Lee and Marina truly loved each other, it is probable Lee did love Marina, in his way, and we’ve seen he professed love for her while he was alive. And in a 1988 interview with *Ladies’ Home Journal*, Marina said, “In [Lee’s] behavior, he was capable of acting like a wild dog. But he was a very loving father, and he loved me.” For her part, we know Marina has given conflicting and ambiguous answers through the years to the question of whether she loved Lee, but her statement to the *Ladies’ Home Journal* seems the clearest and most heartfelt. “I loved him, and I grieved when he died. There’s always a question asked of me: ‘Did you love the man?’ Yes, I loved him. They asked me, ‘How can you love an assassin?’ I didn’t fall in love with the assassin, I fell in love with the man . . . Whenever Lee was hurt,” Marina continued, “I felt physical pain for him. With Kenneth [the man she married, divorced, but continued to live with], I don’t feel that way. But I feel very comfortable. It’s a different kind of love. When you’re young you are more passionate.” (Blythe and Farrell, “Marina Oswald, Twenty-five Years Later,” pp.188, 236–237)

- 790 **Klein's Sporting Goods:** Consistent with the unavoidable errors and discrepancies that so frequently accompany monetary transactions involved in the sale of products, Louis Feldsott, president of Crescent Firearms in New York City, told the Warren Commission he sold Oswald's Carcano, serial number C2766, to Klein's in Chicago on June 18, 1962 (11 H 205, WC affidavit of Louis Feldsott), yet William Waldman, vice president of Klein's, said the subject Carcano was part of a shipment of one hundred rifles sent to them by Crescent on February 15, 1963 (over eight months after it was sold to Klein's?), and received by Klein's on February 21, 1963 (7 H 363; Waldman Exhibit No. 2, 21 H 693). Since we don't have the Crescent Firearms document Feldsott based his affidavit on, we can rely on the aforementioned document we *do* have from Crescent showing the Carcano being part of a February 15, 1963, shipment by Crescent that was received by Klein's on February 21, 1963 (Waldman Exhibit No. 2, 21 H 693; see also Waldman Exhibit No. 3, 21 H 698). So either Feldsott's affidavit was incorrect, or Crescent actually *shipped* the hundred rifles to Klein's more than eight months after it *sold* the rifles to Klein's.
- 790 **a total of \$21.45:** William Waldman testified that he did not know when Oswald's money order of \$21.45, which Klein's received on March 13, 1963, was deposited in Klein's account at First National Bank of Chicago, but he believes it probably was part of the company's \$13,827.98 deposit that same day because Klein's deposit slip shows a check or money order for \$21.45 (7 H 367; Waldman deposit slip: Waldman Exhibit No. 10, 21 H 706-707). But the bank's acknowledgment (receipt) of the deposit for this same amount, in a document marked "Extra Copy," is dated (written in, not time stamped) "2-15-63" (Waldman Exhibit No. 10, p.706). This makes no sense and must be a clerical error because it is in conflict with the \$13,827.98 Klein's deposited with the bank on March 13, 1963.
- 790 **advertisement by Klein's in *American Rifleman* magazine:** The Warren Commission overlooked putting the *American Rifleman* advertisement in its volumes. But conspiracy theorist Sylvia Meagher points out that the advertisement was for a \$12.88 Carcano (\$19.95 with scope) that was 36 inches long, weighed 5½ pounds, and had a catalog number of C20-T750, though we know the \$19.95 Carcano that was sent to Oswald was 40⅓ inches long and weighed 8 pounds, which was closer to the 40-inch Carcano weighing 7 pounds advertised in the November 1963 ad in a different magazine, *Field and Stream*. But Meagher fails to state the significance of this discrepancy. (Meagher, *Accessories after the Fact*, p.48 footnote; fact that Oswald ordered his Carcano from a February 1963 Klein's advertisement in the *American Rifleman* magazine: Waldman Exhibit No. 8, 21 H 704; CE 773, 17 H 635; WR, p.119; 7 H 366, WCT William J. Waldman; advertisement reprinted in "In the Works: Tighter Laws on Gun Sales," p.4; see also the August 26, 1965, edition of *Life* magazine; *Field and Stream* ad where yet a different catalog number, C20-750, is used for the Carcano: Holmes Exhibit No. 2, 20 H 174, viii; 7 H 294, WCT Harry D. Holmes; length and weight of Oswald's Carcano: 3 H 395, WCT Robert A. Frazier) In other words, so what? We know Oswald was shipped his Carcano, serial number C2766 (whether or not it was the same weapon he had

ordered, and whether or not he was even aware he received a Carcano a little over 4 inches longer and 3½ pounds heavier than he had ordered), we know it was found in the sniper's nest, and we know it was the murder weapon.

- 790 **The rifle:** There is some ambiguity about the adjustable sling that was found on Oswald's Carcano rifle. FBI firearms expert Robert A. Frazier told the Warren Commission that the sling "was not in any way similar to a normal sling for a rifle," and appeared to be one that Oswald had fashioned "from some carrying case, camera bag, musical instrument strap, or something of that nature" (3 H 397; WR, pp.553–554).^{*} Inasmuch as the sling in the backyard photos (Commission Exhibit Nos. 133-A and 133-B) isn't very clear from the photographs, it is not known whether it is the same sling that was on the rifle at the time of the assassination, but FBI expert Lyndal Shaneyfelt thought it was not. Shaneyfelt told the Warren Commission that the sling in the backyard photos, best shown in 133-B, appeared to be "a different sling than is presently on the rifle." He felt the 133-B sling also appeared to be of a homemade variety, having "the appearance of being a piece of rope that is tied at both ends." (4 H 289) If Shaneyfelt is correct, this indicates that Oswald went from one homemade sling, at the time of the backyard photos, to another one before the assassination.

Fifteen years later, the HSCA said that the FBI had purchased a replica of Oswald's Carcano (CE 542) "in order to compare the method of mounting the telescopic sight." The HSCA said further that the "black leather strap" on the replica was "consistent in length, design, and construction with the strap on the CE 139 [Oswald's Carcano] rifle" (7 HSCA 366; replica: CE 542, 17 H 241, x). If this is true, it would mean that Oswald had not, as Frazier believed, put together a homemade sling for his rifle. But my guess is that this was an error, like others, that crept into the text of an HSCA volume. First, the HSCA gives no source for its statement. Second, Frazier was the point man for the FBI on this issue in 1963 and 1964, and was the one who ordered the replica. For the HSCA to say, fifteen years later, that in effect Frazier didn't know what he was talking about, and that others at the FBI found the sling that came from the seller of the replica to be almost identical to Oswald's, makes little sense. Further, Frazier said Oswald's sling consisted of "two straps" (3 H 397–398), whereas the HSCA said Oswald's sling was a "black leather strap" (7 HSCA 365–366).

- 790 **its cheap Japanese telescopic sight:** The telescopic sight had been sold to Klein's Sporting Goods by Martin B. Retting, the owner of Retting Gun Shop in Culver City, California. Retting told the Secret Service he was the sole importer of gun sights that bore the inscription (as Oswald's Carcano did) "4 × 18 Coated, Ordnance Optics Inc., Hollywood, California." (CE 1331, 22 H 528)
- 792 **a rifle clearly marked "CAL. 6.5":** The Warren Commission's firearms experts did not accept the stamping as proof of the rifle's caliber—they chambered a 6.5-millimeter round and checked it for fit, then made a sulfur cast of the inside of the barrel (CE 540, 17 H 238) from which they measured both the diameter between lands (the "flats" between grooves) and the depth of the rifling grooves with a

^{*}It is not known if Oswald used the sling when firing at Kennedy. Though Frazier testified the sling was "too short," if Oswald did use it, it would have helped him, even in its crude form, in steadying his aim (3 H 397).

micrometer. In this manner, they determined that the stamping was correct, that the rifle barrel was indeed a 6.5-millimeter caliber—the equivalent of an American .25 caliber (i.e., just over a ¼-inch diameter) barrel. (3 H 392, WCT Robert A. Frazier)

793 **she had taken the photos:** Marina Oswald gave two different dates for when the photos were taken. First, she told the FBI and Warren Commission that they were taken in late February or early March 1963 (CE 1401, 22 H 751; 1 H 15–16). In a subsequent FBI interview she recalled taking the pictures in late March or early April (CE 1404, 22 H 785; see also WR, pp.125–128; 1 H 118; 2 HSCA 320). The evidence amassed by FBI agents tended to support Marina’s second account. They learned that the rifle and pistol had been shipped from two separate mail-order houses on the same date, March 20 (WR, pp.127, 174). The Communist newspapers Oswald is holding were dated March 11 (the *Militant*) and March 24 (the *Worker*), and the FBI learned they were mailed on March 7 and 21, respectively, by second-class mail. Also, the U.S. post office told the FBI that such mail would normally arrive in Dallas from New York City six or seven days later. So even the *Worker* would have arrived in Dallas by March 27 or 28. (15 H 690–692, WCT Lyndal L. Shaneyfelt; Shaneyfelt Exhibit Nos. 20, 21, 22, and 22–A, 21 H 461–464; see also WR, pp.127–128) Finally, Marina recalled taking the photos on a Sunday, about two weeks before Oswald’s attempted murder of General Edwin Walker on April 10 (1 H 118). The Warren Commission concluded it was likely that the photos were taken on Sunday, March 31, 1963 (WR, p.128; 2 HSCA 320).

793 **his Imperial Reflex camera:** The ownership of the Imperial Reflex camera is clear. Oswald’s brother Robert went to Ruth Paine’s home on December 8, 1963, and picked up a box of Oswald’s personal belongings that for whatever reason the Dallas police had not seized during their search of the Paine residence. Among many other things, the box contained the Imperial camera, described by the Warren Commission as a “relatively inexpensive, fixed-focus, one-shutter-speed, box-type camera.” Robert knew the camera well, his brother having left it with him in Fort Worth before he left for Russia in 1959, and regaining possession of it when he returned to America in 1962. Saying it did not occur to him that anyone would be interested in the camera, Robert kept it until the FBI learned from Ruth Paine on February 19, 1964, that he had picked up a box of his brother’s belongings, and then Robert turned the camera over to the FBI on February 24, 1964. (CE 2713, 26 H 86; CE 2557, 25 H 793; WR, p.593; camera: CE 750, 17 H 524)

But the ownership of another camera of Oswald’s (where he got it and whether it was even a camera) has been surrounded by confusion, a confusion that exists to this day. In a search of Ruth Paine’s garage on November 23, 1963, pursuant to a search warrant, Dallas detective Guy F. Rose seized a “sea bag” of Oswald’s that contained, among other items, a small German-made Minox camera, used as a “spy camera” by both the Allies and the Axis in the Second World War. Rose described it as about the size of “a half-pack of cigarettes,” and he said it was loaded with film. (7 H 231, WCT Guy F. Rose; Eric Golz, “Oswald Camera Disappeared during FBI Investigation,” *Dallas Morning News*, June 15, 1978) On November 26, when Rose and his partner, R. S. Stovall, received a “Property Clerk’s Invoice or Receipt” for all of Oswald’s personal property that they turned over to the Dallas Police Department’s Property Bureau, item number 375 listed “One Minox cam-

era,” and item number 377 listed “two rolls of apparently exposed Minox film” (CE 2003, 24 H 340).

At some point within the next month or two—Rose did not specify—he says that the FBI “tried to get me to change the records,” claiming it wasn’t a camera but a “light meter,” in photography an instrument for measuring the intensity of light (Earl Golz, “Oswald Camera Disappeared during FBI Investigation,” *Dallas Morning News*, June 15, 1978). But former FBI agent Warren de Brueys, who with fellow agent Vincent Drain delivered to the FBI in Washington, D.C., all of Oswald’s personal belongings that had been seized and turned over to them by the Dallas Police Department, told *Dallas Morning News* reporter Earl Golz in 1978, without any reservation, that there was no effort not to disclose anything. “That would be the furthest thing from our minds at that time,” he said, but added that there were “limitations as to what I can say. I signed the secrecy agreement before leaving the Bureau” (Earl Golz, “Oswald Pictures Released by FBI,” *Dallas Morning News*, August 7, 1978). De Brueys and Drain’s November 27, 1963, inventory lists a “Minox Lightmeter” for item number 375 (item number 377 was listed as two Minox cassettes, one containing film, and two containers with unexposed Minox film) (HSCA Record 180-10083-10101, November 27, 1963, p.17), which differs from the description in the Dallas Police Department property list. And in a January 27, 1964, memo, FBI agent Thomas Lenihan in Washington, D.C., wrote that the item the Dallas Police Department turned over to the FBI (de Brueys and Drain) “should be listed as a Minox light meter,” not a camera.

“But I know a camera when I see it,” Rose said, “[and] the thing we got at Irving out of Oswald’s seabag was a Minox miniature camera. No question about it” (Earl Golz, “Oswald Camera Disappeared during FBI Investigation,” *Dallas Morning News*, June 15, 1978; Sneed, *No More Silence*, p.340). And Bill Alexander, the chief felony prosecutor for the Dallas district attorney’s office, told me he personally saw the object and it was “definitely a Minox camera” (Telephone interview of William Alexander by author on March 15, 2004).

The conspiracy community naturally is convinced that the FBI took this position because the Minox camera was a spy camera, and such a fact would point to an intelligence connection with Oswald, something conspiracy theorists have always maintained existed (e.g., Fonzi, *Last Investigation*, p.10).

Alexander dismisses this inference as being incorrect. “The Minox camera was very popular back then. Because of its small size it was ahead of its time. I had one myself, and in fact it’s about fifteen inches from me on my desk right now. Maybe the intelligence community used this camera, but so did a lot of other people” (Telephone interview of William Alexander by author on March 15, 2004).

But what has complicated the matter further is that on January 31, 1964, the FBI did acknowledge obtaining a Minox camera from the Paine residence, but the bureau said it belonged to Ruth Paine’s husband, Michael, not Oswald (FBI Record 124-10156-10098, January 31, 1964, pp.1–2). Apparently this small German-made camera was not that uncommon, and was not—as conspiracy theorists would want us to believe—only used by those in intelligence work.

In a matter that some conspiracy theorists have erroneously thought applied to Oswald’s Minox camera, Earl Golz of the *Dallas Morning News* wrote that “the serial number of the Minox camera reportedly obtained from Mrs. Paine by the

FBI was listed as 27259, which did not exist among any of the Minox cameras distributed for commercial sale in this country, according to Kurt Lohn, then in charge of distribution for Minox Corp. in New York. All Minox cameras distributed in this country had six digits starting with serial number 135,000, Lohn said, so 27259 ‘is not a registered number . . . not a valid number’” (Earl Golz, “Oswald Camera Disappeared during FBI Investigation,” *Dallas Morning News*, June 15, 1978).

In early August 1978, pursuant to a Freedom of Information Act request, the FBI released to the public thirty-five photographs from Oswald’s Minox camera (HSCA Record 180-10108-101081, June 12, 1978, copies of the thirty-five photos). About twenty of the photos, per the *Dallas Morning News’s* analysis, show civilian scenes, apparently in Europe, and five military scenes, which the *Morning News* assumed were either in the Far East or in Central America (Earl Golz, “Oswald Pictures Released by FBI,” *Dallas Morning News*, August 7, 1978).

As the reader can see, no one has nailed down the facts with respect to the Minox camera issue, but since it was a camera that was owned by civilians as well as those in intelligence work, and since there’s no evidence that Oswald was ever employed by any U.S. or foreign intelligence agency, this whole issue seems to be a lot to do about nothing. Even conspiracy theorist Anthony Summers suggests that if Oswald had a Minox camera, he may have acquired it while working at Jagers-Chiles-Stovall (Summers, *Conspiracy*, p.159). One point is clear. The HSCA has confirmed that there is a Minox camera at the National Archives related to the Kennedy assassination, though it’s not clear whether it’s the supposed Oswald camera or Michael Paine’s camera (12 HSCA 390). When conspiracy theorist John Armstrong went to the National Archives in 1998 to photograph the Minox camera, he said, “It appeared as though it had been filled with an unknown material to prevent it from being opened, and to prevent anyone from observing the serial number or the possible initials of Dallas police officers who found a Minox camera in Ruth Paine’s garage” (Jim Hargrove, “National Archives Stonewalls Research on Minox Camera,” posted on the Internet, June 14, 2002). In other words, instead of simply disposing of the little camera, the evil conspirators who murdered Kennedy put it in the archives and by trying to prevent it from being opened, hope that the Armstrongs of the world won’t be able to find the information they’re seeking from it. It should be noted that although Armstrong obviously suspects that there’s something very suspicious about Oswald owning such a camera, he says he himself has “owned several Minox cameras.” By the way, John, where were *you* at 12:30 p.m. on November 22, 1963? What did you say, John? Tulsa, Oklahoma? Can you prove it?

793 **the photographs were not composites:** Quizzed about the photographs that had appeared in *Life* magazine and other publications, Lyndal Shaneyfelt testified that all of the publications had retouched the rifle to clarify details, a common practice in the publishing industry at the time (4 H 290–294, 15 H 687–690). Several of the publications furnished the Commission with the prints they had used, or described their retouching efforts in correspondence to the Commission. Except for the admitted retouching, the pictures were identical to the original. (WR, p.127; CE 746-A–E, 754, 17 H 517–521, 527)

794 **many identifying scratches, marks, and gouges:** The photographic panel took twenty-one new photographs of the rifle in the National Archives under different

lighting conditions to record twenty-two distinctive marks visible in the 1963 photographs (6 HSCA 66).

794 **large gouge in the forestock:** The distinctive forestock gouge visible in various photographs of the rifle taken after the assassination, and which established that the rifle found on the sixth floor is the same one possessed by the National Archives today, is readily apparent on the rifle Oswald is holding in the backyard photographs. Though FBI experts told the Warren Commission in 1964 that the forestock gouge in the backyard photos was too faint to alone identify the rifle as the same one found on the sixth floor, the HSCA's forensic photographic specialist said the mark was "unique" to the weapon and said he "considered this mark to be a random patterning sufficient to warrant a positive identification" (2 HSCA 428; 6 HSCA 88). In reaching its conclusion, the HSCA noted that the FBI and Warren Commission did not have access to all of the same photographic prints, some high quality, available to the HSCA's photographic panel, including a first-generation enlargement of Commission Exhibit No. 133-A found among the personal effects of Oswald's friend, George de Mohrenschildt; another print of 133-A pulled from a negative found by Dallas detective Richard Stovall in Mrs. Paine's garage; two prints of 133-C, one from the widow of Dallas police officer Roscoe White, the other from Stovall; and Exhibit No. 134, a very good enlargement from the original negative of 133-A, which the FBI had apparently not considered in its 1964 analysis (6 HSCA 107; 2 HSCA 322, 350-351, 428-429).*

794 **forty years of allegations:** The idea that police might have switched rifles to frame Oswald jumped a notch in the mid-1970s when conspiracy theorist Jack White, a former Fort Worth advertising executive and graphic artist with an intense interest in the photographic evidence surrounding the Kennedy assassination, noticed that the alleged assassination rifle looked different in many of the photographs taken of it that weekend. After measuring and comparing the dimensions of the rifle (i.e., length from the muzzle to the trigger guard, stock length, etc.) as it appears in several different photographs, White concluded that more than one weapon had been presented by police as the murder weapon (2 HSCA 343-344).

The HSCA photographic panel realized at the outset that many Warren Commission critics, like Jack White, had failed to take into account the effects of perspective when an object is photographed. The panel pointed out that when a camera lens projects an image of our three-dimensional world onto a two-dimensional sheet of film negative, the result can make parallel lines in space appear to con-

*HSCA photographic expert Cecil Kirk discovered yet *another first-generation* print just a few days before he testified to the HSCA in September 1978. Kirk went to the National Archives to have a look at Commission Exhibit No. 134, an 8 x 10 inch enlargement of 133-A. To his amazement, it was not, as previously thought, a second-generation copy of a copy but a first-generation print from the original negative, identified with a rubber stamp as the Dallas Police Department photograph that Captain Fritz showed Oswald. (2 HSCA 359-360)

The only negative seen by the Warren Commission and the FBI had been the one for 133-B (WR, p.127; 2 HSCA 350-351). Yet, the enlargement Fritz showed to Oswald proves, according to Kirk, that the Dallas police had *two* negatives at one time—the negative for 133-A as well as for 133-B. Further, since both prints from the photograph designated as 133-C turned up years later among the belongings of retired police officers, it would seem that the Dallas police, contrary to the record, had been in possession at one time of a total of *three* different negatives. The widow of Dallas police officer Roscoe White said he had purloined the photograph during the course of his employment as a photographer for the department (2 HSCA 321; FBI Record 124-10001-10396). As with 133-A, the negative to 133-C has never been found (2 HSCA 354).

verge and join at the horizon, when in reality we know they remain an equal distance apart. Likewise, when an object, like Oswald's rifle, is tilted away from the camera and photographed, the resulting image can make the part of the rifle closest to the camera appear larger, and the opposite end smaller, than it is in reality (6 HSCA 63–64; 2 HSCA 409). Someone laying a ruler on the resulting two-dimensional photograph, as Jack White did, is going to get different measurements depending on the angle of the rifle to the camera. To prove this fact, the panel undertook extensive “tilt” studies using photogrammetrical mathematics, which allowed them to compute and compare the true dimensions of ten distinctive features on the Mannlicher-Carcano for any given degree of tilt.

But White, one of the leading conspiracy proponents of the theory that the backyard photographs were fakes,^{*} had much more to say when he was invited to testify before the HSCA in 1978 and detail his work for committee members. White explained that he had spent five years scrutinizing the backyard images and came to several conclusions: that the backgrounds in all three images[†] were “virtually identical,” which meant, he said, that the camera had to have been on a tripod or other stable support, rather than handheld as Marina Oswald testified; that the heads of Oswald in Commission Exhibit Nos. 133-A and 133-B were “identical to one another with the exception of the lip area,” which showed “strong signs of retouching”; that when the three backyard photographs are resized so that Oswald's head is identical in height and width, the body lengths differ (suggesting some kind of composite); that Oswald's face, from a point just above the chin, as seen in 133-A and 133-B, is made from a single photograph, not two different photographs of the same individual; that Oswald's chin was pointed with a slight cleft, whereas the man in the backyard photos has a square chin (further indicating that Oswald's face has been “pasted” onto another at the chin line); that the shadow under Oswald's nose didn't move as it should when the head tilts (another indication that a single photo of Oswald's face had been used to produce both “fakes”); and that the photographs were “extremely sophisticated” fakes, though not so sophisticated as to escape White's detection. When asked by the committee why he thought the fake photographs had been made, White replied, “It is fairly obvious . . . that they were made to implicate

^{*}Two other experts had made public statements attesting to the “fakery” of the backyard photos by the time of the HSCA's analysis. The 1978 BBC television documentary *The Assassination of President Kennedy: What We Know Now That We Didn't Know Then* featured an interview with British forensic photography expert Malcolm Thompson, who examined copies of two of the backyard photos and concluded they were fakes (6 HSCA 219–225; 2 HSCA 322). After reviewing the HSCA photographic panel's report, Thompson deferred to the committee's conclusions, explaining that his own conclusions were based on copies of the photographs, not the originals that the HSCA had utilized (6 HSCA 177). Another photo expert, J. M. Pickard, appeared in a Canadian Broadcasting Company segment of *The Fifth Estate*, and denounced the backyard photos as fakes. However, Pickard, a photographic expert with the Department of Defense in Canada, told the HSCA staff that he spent less than one hour preparing for his public comments on the show and had made no scientific analysis of the photos before rendering an opinion. (2 HSCA 347)

[†]It should be asked that if conspirators were to use a fake photograph to frame Oswald, why would they take all these photos—thereby increasing the risk, by each photo, of their fakery being detected—when just one photo would accomplish their purpose? Marina did the normal thing in taking several photos of her husband holding the Carcano. But what reason would the conspirators have for taking multiple photos? Even if it was to ensure that they at least got one good photo, after they got their good photo, why wouldn't they destroy the others?

Oswald in the alleged assassination by tying him to the assassination weapon” (2 HSCA 323–325, 333).

White’s presentation to the committee was undermined when he admitted, under questioning, that he had never examined the original photographs, and didn’t know how many generations the copies he used in his analysis were removed from the originals (2 HSCA 337–338). More important, after White said, “I am not a physicist or any sort of a scientist who could determine anything relating to the perspective [of the backyard photographs]. We don’t know how close the rifle is to the body. We don’t know how close the camera is to the subject, so it would be virtually impossible for just a plain citizen like me to interpret the perception of this photograph,” HSCA counsel Mickey Goldsmith asked, “Have you had any training in analytical photogrammetry [the mathematical science of compensating for the effects of perspective in two-dimensional images]?” White answered, “No.” “Have you had any training in forensic photography?” “No.” And when asked “Did you compute photogrammetrically—,” White interrupted the question by asking, “What is ‘photogrammetrically’? Describe to me what ‘photogrammetrically’ is.” Goldsmith, not deigning to even answer such a question from someone who was presenting himself as a photographic expert, asked, “Do you know what photogrammetry is?” White: “No.” Goldsmith, who had heard enough, said, “I have no further questions. Thank you.” (2 HSCA 338–339, 344) So White was clearly out of his depth, though he was a hero to his fellow conspiracy theorists.

Jack White’s less-than-scientific findings collapsed when he was followed to the witness stand by two experts from the committee’s forensic photography panel: Calvin S. McCamy, chairman of the photographic standards management board of the American National Standards Institute, and Sergeant Cecil W. Kirk, head of the District of Columbia’s Metropolitan Police Department’s photographic services unit. McCamy’s and Kirk’s testimony represented the findings of the committee’s panel of twenty-two experts as well as those of independent consultants at the Rochester Institute of Technology, the University of Southern California Image Processing Institute, the University of California Los Alamos Scientific Laboratory, and the Aerospace Corporation (2 HSCA 348–349).

McCamy and Kirk set forth how the HSCA photographic panel, in resolving the issues raised by conspiracy theorists over the years, subjected the single surviving negative (133-B) and the prints of all three photographs to highly detailed analysis (2 HSCA 349–371; 397–424). The experts were easily able to determine that the first two prints, the ones found in Mrs. Paine’s garage, were “drugstore” prints. (The printers used in such automated fast photo operations leave marks readily discernible to the naked eye [2 HSCA 352].) All the other prints, all slightly to substantially larger, were printed manually using an enlarger. The panel also determined that the surviving negative for 133-B showed signs of amateurish processing—the emulsion on its surface had been “torn” during development (indicating someone had touched it during the processing); there were artifacts (dirt and hair) in the emulsion (indicating the negative was processed by hand or had been processed in a container too small for the size of the film); and the negative had been improperly washed, leaving water spots on it (2 HSCA 353). The enlargement of 133-A found in de Mohrenschildt’s effects, the corresponding one

obtained from Detective Stovall, and the police enlargement Captain Fritz showed to Oswald all revealed the same kind of damage, so it must have occurred to the negative the prints were produced from—a negative that was now missing (2 HSCA 358–359). Microscopic analysis of the two 133-C prints revealed that they too were first-generation prints, from a negative that had suffered the same kind of mishandling (2 HSCA 354).

The HSCA experts (as was the FBI's Lyndal Shaneyfelt back in 1964) were certain that the backyard photographs were taken, as Marina Oswald testified, with Oswald's Imperial Reflex camera *to the exclusion of all other cameras*. The twenty-two-member panel compared test photographs taken with the subject Oswald camera against the backyard photographs and found unique scratches and imperfections, known as frame edge markings, identical to both. (6 HSCA 155, 161) Additionally, the large-scale enlargement of 133-A found among de Mohrenschildt's personal effects had been produced from the negative without being cropped in any way, which gave the photographic panel the advantage of seeing the black border of the negative from which it had been made.* Again, the frame edge markings were identical to test negatives shot in Oswald's camera. (6 HSCA 161)

In reaching their conclusion, the photographic experts also used the principles of photogrammetry to resolve the question of fakery. (Photogrammetry is a well-established science widely used by many professionals, including aerial surveyors, mapmakers, architects, and even orthodontists who use it to study the positions of teeth.) Panel member Calvin McCamy, who supervised the committee's analysis of the backyard photographs, testified that a vanishing-point analysis of the backyard photographs proved, without question, that the photographs are *not* composites, as critics claimed. McCamy explained that the vanishing point in a photograph is the point at which parallel lines (e.g., railroad tracks receding into the distance) appear to converge. In the case of the backyard photographs, the shadows cast by objects in the scene were used to determine the vanishing point. "The sun is very distant," McCamy testified, "so far away that we can consider it to be at infinity, and as a result, if we draw a line from an object to the shadow of the object . . . one should expect that these parallel shadow lines should converge at the vanishing point" (2 HSCA 409). When McCamy applied this technique to the backyard photographs, he discovered that all of the shadow lines did, indeed, intersect at the same vanishing point. This would not have been the case if the photographs had been composites, as the critics claim (2 HSCA 409–412; 6 HSCA 167–170). If any part of the photo had contained a portion of another superimposed photo taken when the sun—or other source of light—had been at a slightly different position, the shadow lines would not have converged at the same point.

One aspect of the photos that has troubled critics is the fact that the shadow under Oswald's nose does not change position even though the head is tilted differently in each photo. Although the vanishing-point analysis correctly accounted for that, the panel went further and asked the Rochester Institute of Technology to create an exhibit that would make it clear to anyone as to how that can happen.

*Normally, as in the "drugstore" prints of 133-A and 133-B, this area is cropped and replaced with white borders, which are considered more aesthetically pleasing to the eye.

The institute's experts photographed the head of a mannequin under harsh overhead lighting, which cast very strongly delineated shadows. When the head was vertical and facing directly toward the camera, the nose shadow pointed directly downward toward the centerline of the lips. When the head was tilted only slightly to the left, the shadow moved quite noticeably, pointing toward the left side of the mouth. However, when the head, while still tilted to the left, was rotated slightly toward its right, the shadow swung back and once again pointed directly toward the centerline of the lips. Without moving the head further, the photographers then moved the camera slightly to the left, just enough to compensate for the earlier rotation of the head, and restored the full frontal view of the face, with the shadow still pointing directly toward the center of the lips. It was a very simple demonstration of the effect seen in the backyard photographs, one a high schooler could duplicate out in the yard on a sunny day. Again, contrary to critics' claims, there was nothing whatsoever unusual about the shadow under Oswald's nose. (2 HSCA 412–414; 6 HSCA 193–197)

Photogrammetric analysis also eliminated critics' suspicions that the dimensions of Oswald's body changed from photo to photo while the size of his head remained constant. The panel determined that Oswald's head length did, in fact, measure differently in each of the photographs, but said that critics had failed to consider variations in posture as well as the effect of tilt on the apparent length of a photographed image—again, central to the mathematics of photogrammetry (6 HSCA 174–175).

Next, the photographic panel tackled one of the great obsessions of the conspiracy theorists—the claim that a faint line visible on one of the photographs (133-A), which cut irregularly across Oswald's chin, betrayed the point at which Oswald's head had been superimposed onto someone else's body and chin.* While it seems absurd that anyone would join a head to a chin instead of following some natural line in the photograph—like the shirt collar, for instance, which would have better disguised the deception—the committee's photographic experts examined the first-generation prints under magnification. First, it was apparent that the line was more visible in second- and third-generation prints than in first-generation prints, owing to a buildup in contrast as copies were made. (Contrast is seen as the difference between light and dark shades in a photographic image. As contrast builds in successive copies, the light areas grow lighter, the dark areas darker. That is why copied documents are more difficult to decipher in successive generations.) Second, the line proved not to be photographic at all—it was much finer and more continuous than the photograph's grain would have allowed. Third, it was more than a line across the chin. It looped down from the ear, crossed the chin, looped down again, and then back up to the ear, forming a continuous loop. The panel determined that the “line” was, in fact, the edge of a water spot, caused by a fine deposit of minerals left on the negative. Other such lines were discernible all over the photo, including on the shirt and on the butt of the rifle. Though the negative of 133-A was no longer available, the same lines were visible in all the same places in all three

* An offshoot of this claim is that the photos seem to show a square chin, while other photos reveal Oswald's chin to be rather pointed, with a pronounced cleft. This too the panel easily refuted. What looks like the lower edge of Oswald's chin is in fact simply where the shadow cast by the sun begins. The lower part of the chin, with the cleft, is in such heavy shadow that it is virtually invisible. (2 HSCA 402, 408–409)

of the first-generation prints, which meant that the water staining had been on the original negative (similar to 133-B), not just the prints. (2 HSCA 399–400)

In addition, both the negative and the prints were scanned into a computer and digitized, which allowed the images to be seen with artificially enhanced contrast and to be analyzed with regard to the structure of the grain—the tiny black dots that appear black or dark gray when large and close together, or that create areas of white or light gray to the naked eye when they are small and farther apart. Again, no significant variations, as would be expected from composite photos, were found. (2 HSCA 405–407) Prints of varying density made from the single recovered negative (133-B) revealed a great deal of detail in the shadows that had been invisible before, including individual leaves of the bushes and their shadows, little stones on the ground, and even the detail on a newspaper lying on the ground. Severely underexposed prints made by the panel revealed detail in the highlights that had been washed out in normally exposed prints. (2 HSCA 402–405)

An unexpected dividend of the backyard photographs came with the panel's discovery that the camera had been moved slightly from shot to shot. The panel determined this fact by comparing the distance between a foreground fence post and background fence pickets, as well as a background door, seen in each of the photographs. This indicated not only that the photos had been taken with a handheld camera, as Marina Oswald testified, but that the three backgrounds were not identical, as some critics have claimed. Further, and more significant, it allowed any two of the photos to be viewed—as with some of the autopsy photos—as a stereoscopic pair, giving a powerful illusion of three dimensions. “We were able to view the pictures stereoscopically,” McCamy said. This in itself, asserted McCamy, was an insurmountable argument against fakery, because any retouching of either photo would have revealed itself by destroying the illusion of depth in that area of the photograph. If the background had merely been rephotographed, as Jack White and other critics charged, the image would look no different under stereo viewing than it did to the naked eye, quite two-dimensional. (2 HSCA 415–419; 6 HSCA 175–176) In stereo it was possible to see that a bush in the background had very few leaves (destroying another buff claim that the bush was in full bloom and therefore the picture couldn't have been taken in March 1963 as Marina testified), because the perception of depth made it easy to distinguish the real leaves from their own shadows behind them.

In its final report, the HSCA photographic panel went well beyond what the critics had even considered on the issue of fake photos. For instance, the panel discovered that shadows visible in the photographs could be used to determine the sequence in which the photos were taken. Three linear shadows cast by telephone or power lines lying outside the visible area of the images fell across a post in the background. A knot in the wood at that point acted like an index on a sundial. As the sun moved across the sky, the three parallel shadows moved across the knot, clearly indicating that the shots were actually taken in reverse order to their exhibit numbers, C first, then B, then A. (2 HSCA 414) Presumably, there could have been other photos taken in between (Marina's testimony doesn't make clear how many photos were originally taken), but if more than the three had been taken, they have never been recovered. The analysts even saw evidence of “learning” by the photographer—on the first shot the person taking the photograph pressed

the shutter release in such a way as to rotate the camera slightly, causing a circular blur that increases toward the outer edges of the picture. In the second photo the person held the camera more steadily, but cut Oswald's feet off at the bottom of the frame. On the third try the photographer got it right. (2 HSCA 415; 6 HSCA 171–172) All of these details support Marina Oswald's testimony that she took the photographs with Oswald's handheld camera.

The panel also noted "several practical considerations" that reinforced its conclusion that there was no fakery in the backyard photographs. The panel pointed out that the FBI had established that Oswald would have had both of the newspapers seen in the photographs by March 27 or 28. On April 5, Oswald autographed the print George and Jeanne de Mohrenschildt found among their belongings, and he was fired from the photo laboratory where he worked—and where he had access to a darkroom—the next day. The panel determined that the film used to produce the print, as well as the print itself, was probably developed and processed by an amateur. The panel guessed that Oswald did it himself—a likely assumption. Besides the obvious question of why Oswald would have signed a fake photo of himself (even if the photos had been such sophisticated and clever fakes that they were able to survive the scrutiny of the entire twenty-two-member forensic photography panel), the time period within which the fakes would have to have been created was unthinkable short, around ten days. Moreover, the counterfeiters would have had to have gotten access to Oswald's rifle (sent from Chicago on March 20, and hence, not likely to have reached Dallas before March 23 or 24), his pistol, the newspapers, and the backyard within this short period of time, which the panel considered to be "unlikely"—a grand understatement. In addition, it bears repeating that common sense tells us the plotters would not have bothered to make *three* fake photographs, tripling the chances that the fakery would be detected, when one photo would have served the same purpose (6 HSCA 177). In addition to two similar but not identical photographs giving the photographic panel the opportunity to view them stereoscopically, thereby confirming authenticity (something the *sophisticated* "conspirators" apparently didn't think about), the panel said that evidence that the smaller versions of 133-A and 133-B were printed by a drugstore-style photo lab argues strongly against the idea of a sophisticated plot to fake the images. After all, would the conspirators really give their handiwork to a drugstore to print? (2 HSCA 419, 422; 6 HSCA 176–177)

- 795 **The de Mohrenschildt print:** At the time the HSCA examined the de Mohrenschildt print, additional handwritten notations had been added to the back of the photo. In the lower right corner were the words "Copyright G. deM" (for George de Mohrenschildt), the author of which remains unknown. On the left side were the initials "JJM" and the date "4/1/77" (2 HSCA 372–373, 388).

Marina, whose handwriting, by her own account, changes "a few times a day," at first thought she might have written the words, in Russian, "Hunter of Fascists. ha, ha, ha," telling the HSCA, "It would sound like me." But, on second thought, she realized that some of the letters were formed in a way uncharacteristic for her. In fact, it seemed to her to be more like something a foreigner unfamiliar with Russian might have written. (2 HSCA 242–243) Joseph P. McNally, one of the committee's three handwriting experts, confirmed that impression. The phrase had originally been written in pencil, and then, because it had either been erased or

grown faint from age or wear, it had been written over, again in pencil, obliterating most of the original writing. McNally thought the person who wrote over it was probably not really conversant with the Cyrillic alphabet. The overwriting was also slow, hesitant, very uncertain, almost certainly a tracing. McNally even thought it probable that the Russian word for *hunter* had been written by one person, the remainder added by another, and the whole eventually retraced by yet a third hand. (2 HSCA 386–387)

- 795 **when he testified at the 1996 wrongful death civil suit against Simpson:** During the O. J. Simpson wrongful death civil trial, Robert Groden testified that “some people on the committee,” referring to the HSCA photographic panel, agreed with his conclusion that the backyard photos were fake and that subsequent to his analysis “photographic experts for the Royal Canadian Mounted Police and Scotland Yard” also agreed with his conclusions (Transcript of testimony of Robert Groden, *Goldman, et al v. O. J. Simpson*, January 6, 1997, pp.67–68). In fact, Groden offered the only dissenting view to the photographic panel’s conclusion that the backyard photographs were genuine (6 HSCA 295). As we saw in a footnote to an earlier endnote, one of the two experts Groden was apparently referring to, Malcolm Thompson, later recanted his position and said he agreed with the conclusion of the HSCA’s photographic panel. The other, J. M. Pickard, admitted that he made no scientific analysis of the photographs before offering his position of fakery. These facts were discussed during the HSCA’s public hearings held on September 14, 1978 (2 HSCA 322, 347), nearly four months *before* Groden submitted his lone dissenting opinion on January 3, 1979 (6 HSCA 295).
- 797 **the Simpson case:** An intriguing sideshow involved another prominent assassination conspiracy figure, David Lifton, who not only was a spectator in the courtroom but also was accused by Simpson’s attorneys with supplying the plaintiffs with derogatory information against Groden. They persuaded the judge to order Lifton out of the courtroom. (Transcript of testimony, *Goldman, et al v. O. J. Simpson*, January 6, 1997, pp.1–4)
- 797 **Marina recalled seeing the rifle:** On December 16, 1963, Marina told the FBI that although she saw the rifle in her home in both Dallas and New Orleans, to her best recollection she never saw Lee cleaning the rifle or holding it in her presence in New Orleans. She stated that she didn’t think that Oswald ever went out and practiced firing the rifle in New Orleans because, as a rule, he stayed home when he was not working. When he did go out, she did not see him take the rifle, and to her knowledge, he did not have any ammunition for the rifle in either New Orleans or Dallas and never spoke of buying any. (CE 1403, 22 H 778) Testifying to the Warren Commission on February 3, 1964, Marina finally admitted that she saw Oswald sitting on their screened-in porch in New Orleans with the rifle several times a week, after his arrest for distributing leaflets, adding, “I don’t know what he did with it” (1 H 21–22). Later in her testimony she stated that she could hear him working the bolt action of the rifle (1 H 54). Asked to describe his actions more fully, Marina replied, “I cannot describe that in greater detail. I can only say that Lee would sit there with the rifle and open and close the bolt and clean it. No, he didn’t clean it at that time. Yes—twice he did clean it . . .” then, “. . . I don’t know exactly how he practiced, because I was in the house, I was busy. I just knew that he sits there with his rifle. I was not interested in it.”

798 **a bag, handmade:** The paper bag was lying in the sniper's nest in the southeast corner of the sixth floor, parallel to the box on the ground on which Oswald's right palm print was found. It was approximately six inches from the south wall—that is, it was lying between the box and the wall, parallel to both. The open end of the folded bag was on top, the open end facing the west and almost touching an iron pipe, one of two pipes adjacent to the south wall. (CD 897, p.150, FBI interview of R. L. Studebaker on March 10, 1964; 7 H 143, WCT Robert Lee Studebaker; Oswald's right palm print on box: CE 1301, 22 H 479) Robert Studebaker neglected to take a photo of the bag, but drew a diagram of the location of the bag in the sniper's nest for the FBI (7 H 143–144, WCT Robert Lee Studebaker; diagram: Studebaker Exhibits F and G, 21 H 647).

798 **“no marks on this bag”:** The late conspiracy theorist Sylvia Meagher argued that the rifle found on the sixth floor of the Book Depository Building “was in a well-oiled condition.” Therefore, she argues, “it is difficult to understand why a well-oiled rifle carried in separate parts would not have left distinct traces of oil on the paper bag.” Meagher's problem is that the support for her assertion that the rifle was in a well-oiled condition on November 22, 1963, Commission Exhibit No. 2974, is weak. (Meagher, *Accessories after the Fact*, p.62) Exhibit No. 2974 is an August 20, 1964, letter from FBI Director J. Edgar Hoover to the Warren Commission. Though the letter speaks generally of the rifle being in a well-oiled condition, when it gets specific it only says that “the firing pin and spring of this weapon are well-oiled.” The pin and spring would not be on the exterior of the weapon and, hence, would not leave oil residue on the interior of the paper bag.

Moreover, the FBI only says that *as of the date of the report*, August 20, 1964 (nine months *after* the assassination), the weapon was well-oiled. The FBI report referred to the “present” well-oiled condition of the weapon. True, the report said, “No oil has been applied to the weapon by the FBI,” but it added, “However, it is *not known* whether it was oiled by any other person having this rifle in his possession.” (CE 2974, 26 H 455) And, for instance, we know that marksmen for the Department of the Army test-fired the weapon forty-seven times at some time before March 31, 1964 (several months *before* Hoover's letter), the date Ronald Simmons, chief of the Weapons Evaluation Branch of the Department of the Army, testified before the Warren Commission on the test-firing. And the test-firers for the army may very well have oiled the Carcano before they fired it. (47 rounds fired: 3 H 449; Simmons testified on March 31, 1964: 3 H 390)

798 **identical to the materials used to construct the bag:** In a 1980 article in Penn Jones Jr.'s conspiracy newsletter, *Continuing Inquiry*, critic Jack White claimed that the FBI had “sanitized” a document relating to the FBI's examination of the paper and tape used to construct the bag found in the Depository, and hence, was part of the “cover-up” to hide the truth about the assassination. White reported that two nearly identically worded FBI documents, found by a researcher at the National Archives, offered two opposite conclusions regarding the source of the paper Oswald allegedly used to construct the bag. One version stated that paper samples obtained from the Depository shipping area on November 22 were found to have the *same* observable characteristics as the brown paper bag recovered from the sixth-floor sniper's nest. A second version said that the paper samples were found “*not* to be identical” with the paper gun sack discovered at the scene of the

shooting. (Jack White, "The Case of Q-10 or the FBI Cover-Up Is in the Bag," *Continuing Inquiry*, February 22, 1980, pp.1–2)

Although White crowed that the documents "cast doubt on the credibility of the official story," and his allegations have subsequently been used by a parade of critics in many conspiracy books, magazine articles, and Internet postings as "proof" of the FBI's willingness to alter evidence in the Kennedy case, the two documents are no doubt examples of a misunderstanding that was cleared up by the Warren Commission in early 1964. In a March 12, 1964, letter, Warren Commission general counsel J. Lee Rankin asked FBI Director J. Edgar Hoover to settle the two ostensibly contradictory FBI reports. Rankin wrote, "We are in doubt. Please submit a report . . . as to the tests made and the conclusions drawn." (FBI Record 124-10045-10081, Letter from J. Lee Rankin to J. Edgar Hoover, March 12, 1964, p.1; see also FBI Record 124-10022-10200) A week later, on March 19, Hoover responded that *both* reports were correct. The first report, dated January 7, 1964, referred to samples obtained from the Depository on December 1, 1963 (nine days after the assassination). By then, the shipping department had replaced its roll of wrapping paper with a fresh roll, since the fall period was its "heavy shipping season." Consequently, the samples obtained by the FBI in December did not match the characteristics of the paper bag found on the day of the shooting. The second report, dated January 13, 1964, related to samples taken from the Depository on November 22, the day of the assassination. These samples were found to be "similar in color to [the bag recovered from the sixth floor]" and were "similar in appearance under ultraviolet fluorescence, as well as in microscopic and all other observable physical characteristics." However, Hoover noted that while the paper bag found on the sixth floor could have been made from the materials available at the Depository, the paper and tape did not contain any watermarks or other significant, unique, identifying features. Consequently, the paper bag could have been constructed from similar materials "obtained from many paper dealers, or from other users." (FBI Record 124-10022-10199, Letter from J. Edgar Hoover to J. Lee Rankin, March 19, 1964, pp.1–2; see also FBI Record 124-10045-10082; CD 897, pp.157–168; CE 1965, 23 H 816)

- 798 **The packing tape:** FBI agents procured samples of packing tape from Klein's Sporting Goods in Chicago for comparison purposes, to explore the possibility that the paper bag had been shipped with the rifle. It had not. FBI agent James C. Cadigan determined that the knurled markings on the tape taken from Klein's tape dispenser produced 30 knurled markings per inch, while the Depository dispenser produced 25 markings per inch—identical to the tape used to construct the bag found on the sixth floor (4 H 91–92, WCT James C. Cadigan).

With regard to the wrapping paper, it was determined that the composition of the paper used by the Depository varied from roll to roll, even though it was of the same manufacture (4 H 96, WCT James C. Cadigan). Since the Depository exhausted a roll of paper around every four working days a month (4 H 96; CE 1965, 23 H 816; but see WR, p.136, which says every three working days), and because samples taken from the Depository shipping room on the day of the assassination matched the homemade bag found on the sixth floor, it seems probable that the gun bag had been made not more than four days before the shooting. However, the Warren Commission cautioned that because it was possible that up to two

rolls of paper (both virtually identical in composition) could be produced during the manufacturing process from a single batch of paper, “one cannot estimate when, prior to November 22, Oswald made the paper bag” (WR, p.136).

- 799 **rented room on North Beckley was already fitted with curtains and rods:** A photograph published on page 96 of conspiracy author Robert Groden’s book *The Killing of a President* purports to show housekeeper Earlene Roberts supervising the installation of curtain rods in Oswald’s room after his arrest as part of the “framing of Lee Harvey Oswald.” Actually, the photo depicts a curtain rod being *reinstalled* after Dallas police bent the original rod while searching Oswald’s room on November 22. (CD 705, April 2, 1964, Letter from Rankin to Hoover)
- 799 **curtain rods:** In 1996, conspiracy authors Ray and Mary La Fontaine, in their book *Oswald Talked*, congratulated themselves on their *discovery* of photographs of curtain rods found in 1993 among the newly released files of the Dallas police. “No evidence could be found that the photos were ever turned over to the Warren Commission,” they wrote of the curtain rods that appeared to have been dusted for fingerprints (La Fontaine and La Fontaine, *Oswald Talked*, pp.371–372). The La Fontaines located former Dallas police crime-lab lieutenant J. C. “Carl” Day in 1993 and quizzed him about the photos, but Day “couldn’t remember where the curtain rods had been found” (La Fontaine and La Fontaine, *Oswald Talked*, pp.371–372). The impression the authors leave the reader with is that they *may* have been found in the Book Depository Building, which would support Oswald’s claim to Wesley Frazier that he brought them to work on November 22. According to the La Fontaines, they asked Day to compare the clearest print (on one of the rods) visible in the photo—a right thumbprint—with a photo of Oswald’s right thumbprint, and although the print did not appear to belong to Oswald, Day could not conclusively rule out Oswald as a possible source of the print. The authors then reportedly had three other fingerprint experts from other cities examine the print, with equally inconclusive results. In summation, the authors noted that a researcher later found “a report signed by Carl Day stating that the prints are not Oswald’s.” (La Fontaine and La Fontaine, *Oswald Talked*, p.372)

If the La Fontaines had turned to the testimony of Ruth Paine on page 424 in volume 9 of the Warren Commission Hearings and Exhibits, they would have learned that their allegation was without merit. Paine was questioned at her home by the Commission’s assistant counsel Albert Jenner in the presence of Secret Service agent John J. Howlett on the night of March 23, 1964. At that time, Mrs. Paine took Jenner and Howlett into her garage, where she pointed out two curtain rods that she had in storage and which she had testified about the previous week. The curtain rods were marked as Paine Exhibit Nos. 275 and 276 on the spot and turned over to Agent Howlett. As it turns out, the La Fontaines never mentioned the fact that the “report signed by Carl Day” was a follow-up to this meeting with Mrs. Paine. The resulting 1964 “report,” actually a Dallas Police Identification Bureau form, shows that “2 curtain rods—white enamel (4pcs) marked 275 & 276” were submitted by Howlett to the ID bureau to “check for prints.” Lieutenant Carl Day received the specimens, did the analysis, and noted “1 legible print—does not belong to Oswald.” The form shows that the curtain rods were returned to Howlett on the morning of March 26, 1964. Although the submission form appears to show the specimens arriving on the morning of March 15, 1964—an impossibility under

the circumstances—the remainder of the information relates precisely to the events surrounding the curtain rods recovered from Mrs. Paine’s garage on the night of March 23. (CE 1952, 23 H 756, Dallas Police Identification Bureau form; photo of Paine’s two curtain rods: Paine [Ruth] Exhibit Nos. 275 and 276, 21 H 4; 9 H 396, 424, WCT Ruth Hyde Paine)

Both Frazier and his sister, although saying the package found in the sniper’s nest was “similar” in color to the one they saw Oswald carrying on the morning of the assassination (2 H 240, WCT Buell Wesley Frazier; 2 H 249, WCT Linnie Mae Randle), described the package they had seen Oswald carrying as being shorter than what would have been needed for the disassembled rifle—a fact that conspiracy critic Sylvia Meagher called “the central weakness of the Commission’s thesis” that Oswald carried the murder weapon into the Depository the day of the assassination. Linnie Mae Randle, who first saw Oswald with the package from her kitchen window and then from her kitchen door on the morning of the assassination, described the package as a “heavy brown bag, heavier than a grocery bag” that was “more bulky” toward the bottom (where the butt of the rifle would be) than it was on the top. She also thought the bag might have been about 27 to 28 inches long—the bag found in the Depository was actually 38 inches in length, while the 40½-inch rifle, disassembled, measured 34⅔ inches. When shown the bag found beneath the sixth-floor window, Randle recalled that the bag she saw Oswald with was around the same width. (2 H 248–250, WCT Linnie Mae Randle; CE 2008, 24 H 407–408; 34⅔ inches: 3 H 395, WCT Robert A. Frazier; Meagher, *Accessories after the Fact*, p.54–57)

Wesley Frazier, who first saw the package lying on the backseat of his car and later in Oswald’s hand as he carried it into the Depository, recalled the package as being about 2 feet long, “give and take a few inches” (2 H 226). He showed agents of the FBI how much space on the backseat of his car the package occupied, and they measured the length at 27 inches. He also thought Oswald’s package might have been an inch or two narrower than the dimensions of the actual bag found on the sixth floor. (CE 2009, 24 H 408–410) However, he added that the bag “could have been the sack or package” he saw in Oswald’s possession but he did not feel he was “in a position to definitely state” it was.

The Warren Commission concluded that Frazier and Randle probably erred in their recollections of the length of the bag (WR, p.134), and it was understandable the two had done so. Neither Frazier nor his sister, the only two people who saw Oswald with the package, suspected that it was of any significance. They therefore had no reason to note its dimensions for later recall. Frazier caught only a glimpse of the package on the backseat as he got behind the wheel of his car. After arriving at the Depository, Oswald got out first and remained ahead of Frazier by from twelve to ultimately fifty feet (by the time Oswald reached the Book Depository Building) as they walked toward the building (the first time, he said, that Oswald had ever walked in front of him into the building). During the walk, the package was partly obscured by Oswald’s hand, arm, and shoulder as he carried it. (CE 2009, 24 H 409; 2 H 228, WCT Buell Wesley Frazier) Frazier said he “didn’t pay much attention” to the package because he didn’t have “any reason to doubt his [Oswald’s] word” that it contained curtain rods. He said he “was walking along there looking at the railroad cars and watching the men on the diesel switch them

cars and I didn't pay too much attention on how he carried the package at all." (2 H 228–229, 241–243) Frazier reiterated these points at the London trial (Transcript of *On Trial*, July 23, 1986, p.33).

Despite the foregoing, conspiracy theorists (e.g., Lane, *Rush to Judgment*, pp.142–147; Roffman, *Presumed Guilty*, pp.57, 162–167; Hurt, *Reasonable Doubt*, p.96) have seized on Frazier's and Randle's descriptions of the length of the bag as proof that it couldn't have contained Oswald's rifle. In particular, they've focused on Frazier's statements that Oswald carried the bag with one end tucked up under his right armpit and the opposite end, presumably the butt of the rifle, cradled in his right hand. As they point out, Oswald's Mannlicher-Carcano couldn't possibly have been carried in this manner. Even when disassembled, the rifle was nearly 35 inches long, and the Warren Commission conceded (apparently in view of Oswald's height) that "the disassembled rifle was too long to be carried" in the way Frazier described. (2 H 243–244, WCT Buell Wesley Frazier; WR, p.134) Yet, Frazier's statements that the rifle was tucked under Oswald's armpit is hardly as definitive as the critics claim. While Frazier's description of how Oswald carried the rifle was consistent in all of his statements to investigators (CE 2009, 24 H 409, FBI interview of Wesley Frazier on December 1, 1963; 2 H 228, 229, 239, 243, WCT Buell Wesley Frazier), it was clearly inferable from his Warren Commission testimony that this was only an *assumption* on his part based on his limited view. Frazier told the Commission that "the only time" he saw the way Oswald was carrying the package was from the back, and that all that was visible was "just a little strip [of the package] running down" along the inside of Oswald's arm (2 H 240). Under Frazier's supervision, the FBI measured the length of that visible portion to be 9 × 1 inch (CE 2009, 24 H 409). Since he could only see this small portion of the package under Oswald's right arm, and because he didn't notice any part of the package sticking above his right shoulder ("you couldn't tell that he had a package from the back"), Frazier *assumed* that it must have been tucked under his armpit, telling the Commission, "I don't see how you could have it anywhere other than under your armpit" (2 H 243). Although the critics have been quick to embrace Frazier's conclusion, it should be repeated that he told the Commission over and over (no less than five separate times) that *he didn't pay much attention to the package or to the way Oswald carried it* (2 H 228, 229, 239, 241, 243).

Just as importantly, Frazier told the Warren Commission that "I couldn't see much of the bag from him walking in front of me. Now he could have had some of it sticking out in front of his hands because I didn't see it from the front." Question: "Now, you said that some of the bag might have been beyond his hands?" "Yes, sir. I said it could have, now I am not saying it was." "In other words, it [the bag] could have been longer than his hands?" "Right." But later, Frazier said the bag could have extended "widthwise, not lengthwise," and that he did not think "it was longer than his hands." (2 H 240–241) In other words, and understandably, Frazier was confused.

So we don't even know, for sure, how Oswald was carrying the rifle in front of his body, which Frazier could not see. At the London trial I asked Frazier, "So the bag could have been protruding out in front of his body and you wouldn't have been able to see it?" and he responded, "That's true" (Transcript of *On Trial*, July 23, 1986, p.35). The most likely scenario was postulated well by CBS News anchor

Dan Rather, who rhetorically told his audience, “You can decide whether Frazier, walking some fifty feet behind and, in his own words, not paying much attention, might have missed the few inches of the narrow end of such a package sticking up past Oswald’s shoulder” (Transcript of *CBS News Inquiry: The Warren Report*, part I, June 25, 1967, p.6, CBS Television Archives).

While we may never know the precise way in which Oswald carried the package into the Depository Building that morning, we are assured by all of the evidence subsequently discovered on the sixth floor (i.e., the bag itself inside the sniper’s nest, Oswald’s fingerprints on the bag, the fact that curtain rods were not in the bag—Oswald himself later denying saying they were, etc.) that he did so. As the Warren Commission concluded in 1964, all of this hard, physical evidence overwhelmingly outweighs Frazier’s tentative memory and description. Moreover, despite the slight discrepancy in length, the general description of the bag given by Frazier and his sister matched the bag found in the sniper’s nest.

One important footnote to this issue: Michael Paine saw the blanket that enveloped the rifle several times on the garage floor of the Paines’ home. He even moved it and had the impression it contained some type of camping equipment. (2 H 415) We don’t know if at this point in time Oswald had disassembled his rifle. But we can assume that he hadn’t yet wrapped it in the brown paper bag that was found in the sniper’s nest. Was it wrapped in another paper bag or package at this earlier time? At one point in Paine’s testimony, he said that what he would come to believe was Oswald’s rifle was in “a *package* wrapped in a *blanket*” (2 H 414). This somewhat contravenes the testimony of Marina Oswald and Ruth Paine, both of whom only referred to seeing a blanket, not also a package (1 H 119, WCT Marina N. Oswald; 3 H 20–22, WCT Ruth Hyde Paine). And Michael Paine told his friend, Raymond Krystinik, that the rifle was wrapped up in a blanket, although Warren Commission counsel, in his follow-up questioning of Krystinik, ignored Krystinik’s description and referred to it as a package (9 H 476, WCT Raymond Franklin Krystinik). When Warren Commission counsel, during later testimony of Michael Paine, asked Paine, “Did you ever see a *package* wrapped in a *blanket* lying in the garage?” Paine answered ambiguously: “Yes, that is one of the clearest things in my mind . . . One of [Oswald’s] *packages*” in the garage “was this *blanket*.”

In any event, Michael Paine told Warren Commission counsel that the package (blanket?) was “about 30 inches long.” When counsel asked him to indicate on a desktop an estimate of the length of the package (blanket) he had guessed was about thirty inches long, the length Paine indicated was measured by Warren Commission counsel to be 37½ inches. (9 H 437–438)*

800 **Shortly after the rifle was discovered:** These events were documented in part by WFAA-TV cameraman Tom Alyea (WFAA-TV Collection, Sixth Floor Museum at Dealey Plaza).

800 **Day decided to photograph them:** Lieutenant J. C. Day subsequently took five

*A far less reliable indication of the length was when Michael’s friend, Raymond Krystinik, estimated, with his hands, the length of the bag that Paine had indicated with his hands around four months earlier. Warren Commission counsel said that Krystinik’s hands were spread approximately 27 inches apart. (9 H 475–476, WCT Raymond Franklin Krystinik)

photographs of the trigger housing, shining a light on it from various angles to bring out the ridge detail in the fingerprint traces (Savage, *JFK First Day Evidence*, p.101). Three of the five negatives were released to the FBI the night of November 22 (4 H 275 WCT J. C. Day). Two of three prints made from the negatives became Warren Commission Exhibit Nos. 720 and 721 (17 H 502–503). R. W. “Rusty” Livingston, a former detective with the Dallas police crime lab, later revealed that he had retained original prints of all five negatives, which were first published in Gary Savage’s 1993 book, *JFK First Day Evidence* (pp.101, 104).

- 800 **the fingerprints:** Although there is a difference of opinion among experts as to whether the age of fingerprints can be determined from their appearance alone, some say that the prints on Oswald’s rifle must have been “fresh” because it is unlikely that they would have lasted very long on the trigger housing’s smooth, oily, metal surface. FBI expert Sebastian Latona testified that some experts base the freshness of prints on the way the print develops; however, he pointed out, this leads to a question of the definition of *fresh* (i.e., an hour, a day, a week, a month?). In Latona’s opinion, the age of a print cannot be based on its appearance. (4 H 30) Arthur Mandella, a New York City Police Department fingerprint expert and consultant to the Warren Commission, agreed, testifying that it was impossible to tell the age of a print, especially on wood or steel, when no other prints are found around it. If multiple prints are located, an expert might be able to deduce the freshness of one to another by the speed with which the prints become visible as they are dusted with fingerprint powder—the newer prints developing first. (4 H 54)
- 800 **lifting “a faint palm print”:** Questioned as to why he didn’t *photograph* the palm print first before he attempted to lift it, Day told the FBI that “he had no reason for not photographing this palm print first before attempting to lift it other than in the interest of time.” He later added that it was his “customary practice to photograph fingerprints in most instances prior to lifting them, but in some cases where it was felt by him that he could make a lift, he would go ahead and make the lift and then photograph the print in question.” (CE 3145, 26 H 832)
- 800 **stop working on the rifle:** The source of Captain George Doughty’s directive was Dallas police chief Jesse Curry (CE 3145, 26 H 832).
- 801 **he pointed out to the FBI man the area where the palm print was:** In a 1998 book, Lieutenant Day told essentially the same story. “I told him, ‘There’s a trace of a print here’ and showed him where it was. It was just a verbal communication to him. I didn’t have time to make any written reports. I just gave it to him and he signed for it without saying anything” (Sneed, *No More Silence*, p.238).
- 801 **“FBI had pretty well taken over the case”:** Three days later, on November 27, 1963, Vincent Drain and fellow FBI agent Warren de Brueys returned the rifle, along with all of the other evidence the Dallas Police Department had gathered on the case (“about four or five baskets full of . . . stuff”), once again to the FBI crime lab in the Justice Department building in Washington, D.C., this time to be kept indefinitely by the FBI (Sneed, *No More Silence*, pp.250–251, interview of Vincent Drain).
- 801 **palm print of Oswald’s:** Lieutenant Day probably chuckled to himself when an FBI agent showed up at his house the week after the assassination. The agent thought that Day must have found the palm print *after* the rifle was returned to Dallas on November 24, because if Day saw it before, as he claimed, the agent was envision-

ing Hoover “going into orbit” when he found out the FBI experts missed it. After Day explained what happened, he felt it got the FBI off the hook. (Sneed, *No More Silence*, p.239; Savage, *JFK First Day Evidence*, p.110) Day said that “the great problem with the investigation was that there were too many people involved . . . To me, it would have been much better if this investigation would have been handled in a routine manner all the way through without all the confusion . . . But again, there were too many fingers in the pie” (Sneed, *No More Silence*, pp.239–240).

802 **fabricating the palm print:** Conspiracy author Mark Lane, in his book *Rush to Judgment*, charges that Lieutenant Day declined “to make a written signed statement” regarding the lifting of the palm print (Lane, *Rush to Judgment*, pp.155–156). But this is misleading. The full text of the 1964 FBI report that Lane cites makes it clear that Day did not refuse to do so, only that he “preferred to let the written report” he had already submitted on the subject, in a four-page, typed, and signed summary of the whole matter, to Dallas deputy police chief G. L. Lumpkin “speak for itself,” and would rather “elaborate” on this report “orally.” Indeed, the FBI saw no need to press the matter further. (CE 3145, 26 H 829)

803 **the palm print Day had lifted had come from Oswald’s rifle:** Of course, this finding hasn’t satisfied the buffs. Many conspiracy theorists insist the palm print was fabricated during the five days between the time the rifle was returned to the Dallas police (November 24) and the time the palm print lift card turned up (November 29). Specifically, critics charge that the palm print was created by carrying the rifle to the morgue and wrapping Oswald’s dead hand around the rifle barrel. In fact, filmmaker Oliver Stone included a scene in his movie *JFK* that depicts just such an event. Stone’s source for this ridiculous story is this statement in conspiracy theorist Jim Marr’s book *Crossfire*: “In 1978, FBI Agent Richard Harrison confirmed to researcher Gary Mack that he had personally driven another bureau agent and the Oswald rifle to the Miller Funeral Home [in Fort Worth]. Harrison said at the time he understood that the other agent intended to place Oswald’s palm print on the rifle for ‘comparison purposes’” (Marrs, *Crossfire*, p.444).

FBI agent Richard Harrison died on November 26, 1995. When I asked his son, Richard Harrison Jr., a Dallas lawyer, about the allegation, he said his father had told him everything about his participation in the investigation of Kennedy’s murder. “My dad never went to the funeral home. That didn’t happen.” He added that his father never worked in the fingerprint section of the FBI. (Telephone interview of Richard Harrison Jr. by author on February 21, 2000)

When I called Gary Mack to comment on this story, he said the FBI agent who told him this was not Harrison, as Marrs said (“I’ve never heard of Richard Harrison,” Mack said), but FBI agent J. Doyle Williams. When I finally was able to locate Williams by phone at his home in Fort Worth, he told me he had never met Mack, the story was not true, and he had never gone to the funeral home where Oswald was. When I called Mack back with this information, he said he must have been wrong about the name, J. Doyle Williams, but he said some FBI agent definitely told him this, although he didn’t know who it was if it wasn’t Williams. (When, per my suggestion, Mack later wrote Marrs to ask him to check his notes about his conversation with Mack, Mack told me Marrs never got back to him.)

I told Mack that although I was not questioning that he spoke to some FBI agent

about Oswald's prints being taken at the funeral home, there was no doubt in my mind that the agent could not have told him what Mack said he did. "Why do you say that?" Mack asked me. "For two reasons," I said. "Number one, there's no evidence whatsoever that the FBI framed Oswald, and number two, if they did, they'd certainly never, in a million years, confess to you that they did." "Oh, no," Mack said, "this agent never indicated to me that they framed Oswald. He never suggested to me that they had done anything wrong at all." "Gary, if he told you they brought the Carcano out to the morgue to place Oswald's palm print on it, that is telling you they were trying to frame him." I explained to Mack that I knew from my experience in law enforcement that it is very common for the police to go out to the morgue to get a fingerprint or palm print exemplar from a dead person. In fact, I personally recall one case where they literally peeled a decedent's skin off his palm to bring it back to their office. But they don't take the gun or knife (or club, bottle, etc.) out to the morgue. They have a latent fingerprint or palm print on the gun or knife and the whole purpose of going to the morgue is to get a fingerprint or palm print exemplar to see if it matches up with the latent they already have on the gun or knife. There would be no conceivable reason to take the gun or knife out to the morgue *other than* to frame the dead man by putting his prints on it. "What the agent undoubtedly told you, Gary, is that they went out to the morgue to get Oswald's prints for comparison purposes with those found, or which might be found, on the Carcano." Mack said it was over twenty years ago but it was his best recollection the agent said they took the Carcano to the morgue. (Telephone interviews of Gary Mack by author on February 21, 2000, and February 28, 2003; Telephone interview of J. Doyle Williams by author on February 24, 2000)

To summarize the relevant times: Oswald, as we know, was shot by Jack Ruby at around 11:20 a.m. on Sunday, November 24, 1963, and was declared dead at Parkland Hospital that afternoon at 1:07 p.m. After the autopsy at Parkland Hospital, his body was released from Parkland sometime between 10:00 and 10:30 p.m. to be transported to Miller Funeral Home in Fort Worth, where it remained throughout the night and next day until its burial at a Fort Worth cemetery around 4:00 p.m. on Monday, November 25. (Price Exhibit No. 32, 21 H 249–250; Eddowes, *Oswald File*, p.136) However, a *Fort Worth Press* article on November 25, 1963, indicates Oswald's body didn't leave Parkland until 11:00 p.m., which would make his arrival at the funeral home in Fort Worth, about thirty miles away, after 11:30 p.m. The FBI took possession of Oswald's Carcano rifle at 11:45 p.m. on Friday, November 22, 1963. It was then flown back east to the FBI lab that night, and examined at the lab on Saturday morning, November 23. (WR, p.123) It was sent back to Dallas on Sunday, November 24, and transferred back to the Dallas police at 3:45 p.m. (CD 5, pp.159–161; 4 H 262, WCT J. C. Day).

Although I could find no FBI report indicating it, the FBI probably did, in fact, take Oswald's prints at Miller Funeral Home on the morning of November 25, 1963. Even though the Dallas Police Department already had two sets of Oswald's prints (prints taken at 9:00 p.m. on November 22, 1963: CE 627–629, 17 H 282–284; 7 H 284–285, WCT W. E. Barnes; 7 H 288, WCT J. B. Hicks; prints taken after midnight on November 23, 1963: 4 H 248, WCT T. L. Baker; Curry, *JFK Assassination File*, p.78), and the authorities also had earlier prints of his, in a case of this enormous magnitude it would be very understandable that they would

take them once again to make double and triple sure they had everything they would possibly need. Moreover, it appears the FBI itself did not have its own set of Oswald's prints, and during this period immediately following the assassination, it is well known that each of the various law enforcement agencies was trying to shift blame for the assassination away from itself to the others, and hence, did not want to rely on anyone other than itself. Although, as indicated, I could find no *report* of Oswald's prints being taken, fingerprint *cards* are reproduced in the Warren Commission volumes on Oswald, indicating prints were taken of him on November 25, 1963, after he died, though no block on the cards indicates *where* they were taken. Also, it is ambiguous as to what agency took the prints. Although the cards are FBI cards, the "contributor" is listed as "Chief, Police Department, Dallas." (CE 630, 633-A, 645, 17 H 285, 287, 294) The ambiguity is not clarified in the Warren Commission testimony of Sebastian Latona, the supervisor of the Latent Fingerprint Section of the Identification Division of the FBI. Referring to the November 25 fingerprints of Oswald as a "second submission," he said that only fingerprints of Oswald, not palm prints, were taken, but he does not say by whom or where (4 H 6-7; CE 630, 17 H 285).

When author David Lifton interviewed Paul Groody, the funeral director at Miller Funeral Home, on July 29, 1980, and asked him if the FBI had taken Oswald's prints at the morgue, he responded, "Oh, yes, yes, I was there. That's exactly what they did. I was not in the room at the time, but I had to clean up his fingers after they got through fingerprinting him. They put black gook on his fingers, and they [couldn't] get it off, so they [left] it up to me to clean his fingers off. So they did fingerprint him." When Lifton asked if Oswald had ink on his palms too, Groody said, "It was a complete mess of his entire hand, which would lead me to believe that they did take prints of his palms." Groody said the fingerprinting took about half an hour and took place sometime between when he completed the embalming at 1:30 a.m. and 5:00 in the morning of November 25. So if we're to believe Groody, FBI agents apparently took Oswald's prints. Did they bring the Carcano with them? Groody told author David Lifton that the agents never had a "rifle or a rifle barrel" with them (Lifton, *Best Evidence*, p.356 footnote). Oliver Stone, of course, never gave his audience any of the above information. All his audience saw was some member of law enforcement planting Oswald's palm print on the rifle. One may ask why I would cite Lifton as a source for this information when I have virtually laughed at his theory about the Kennedy assassination. That's missing the point. I have found Lifton to be perhaps the most meticulous researcher in the conspiracy community. It's the totally unbelievable inferences he has drawn *from* his research that I have attacked.

So not only common sense, but also all the available evidence shows that the agents who took Oswald's prints did not bring his Carcano out to the funeral home.

Assuming that Groody was right about the time he saw FBI agents at the morgue (between 1:30 and 5:00 in the morning), other FBI agents may have gone to the morgue that day, not at night, but later in the morning, again however, without taking Oswald's Carcano with them. The reason I say this is that Gary Mack, who gave birth to the story, says he has personally seen television news footage on WBAP, the NBC affiliate in Dallas-Fort Worth, of two FBI agents walking into the funeral

home on the morning of November 25, and he told me, “One was carrying a small bag about the size of a crime-lab kit and the other was carrying a camera. Neither was carrying a rifle” (Telephone interview of Gary Mack by author on February 21, 2000). Jack Mosely, a reporter at the time for the *Fort Worth Press*, an afternoon daily, was at the Miller Funeral Home on the twenty-fifth, and wrote for his paper that day that “an FBI team, with a camera and a crime lab kit, spent a long time in the morgue.” Mosely, now the editor of the Fort Smith, Arkansas, *Southwest Times Record*, told me the FBI agents arrived at the morgue “somewhere between eight and nine in the morning, though I could be a little off on this.” When I asked Mosely to elaborate on what he saw outside the funeral home on November 25, 1963, he said that by “FBI team” he only meant “two agents.” He added that many members of the local and national press were there when the two agents arrived. Did they carry any rifle or rifle barrel into the funeral home? “No, they did not carry any rifle or rifle barrel with them into the funeral home.” What did he mean by their having “spent a long time in the morgue”? “Oh, about twenty to thirty minutes,” he said. I asked him about the size of the crime-lab kit he had seen one of the agents carry in. “It was a very small lab kit, about six by ten inches. No way on earth could anyone have put a rifle or disassembled rifle into that little bag or kit. There’s no merit at all to the rifle story.” Mosely told me he heard someone say at the time that the agents were there to “get Oswald’s fingerprints.” (Telephone interview of Jack Mosely by author, March 20, 2000)

Although I was never able to ascertain, for sure, the identity of the FBI agents who took Oswald’s prints at the morgue, I believe I was able to identify the agents who went to the morgue in the morning but who may or may not have been (depending on the accuracy of Groody’s recollection as to time) the same ones who took Oswald’s prints: Robley Madland, Malon Jennings, and possibly Tom Carter (deceased). Madland told me they arrived “around nine to ten in the morning.” Jennings could only recall it was in the morning. Madland said the sole purpose of going to the morgue was to take photos of Oswald’s left wrist where he cut himself during his suicide attempt in Moscow. But Madland said, “If he cut himself, it was not a serious suicide attempt because there were no visible scars.” (Of course, Oswald had already been embalmed, and his skin being almost white with all the blood removed from his body, the scar may not have been so visible. Moreover, we know from Oswald’s autopsy report that he had a “transverse one and three-quarter inch slightly raised white scar on the volar aspect of the left wrist” that the medical examiner, Dr. Earl Forrest Rose, concluded “might possibly be associated with a suicide attempt.”) (CE 2778, 26 H 161)

When I asked Madland about the taking of Oswald’s fingerprints at the morgue, he said Oswald’s prints “may have been taken” but he didn’t think so. As to the taking of Oswald’s rifle or any other rifle out to the morgue, he said, “No. Who came up with a story like that?” Jennings told me Oswald’s prints “probably were taken” but he couldn’t remember for sure, though he clearly remembers the taking of photos. As to taking Oswald’s rifle or any other rifle to the morgue, he said, “Of course not.” Jennings only recalled going to the morgue with Madland. Madland recalls going there with Jennings and Carter. (Telephone interviews of Robley Madland and Malon Jennings by author on April 5, 2000) Neither Madland

nor Jennings worked in the fingerprint section of the FBI, and Madland recalls that Carter didn't either, this fact suggesting that perhaps two separate teams of FBI agents went to the morgue on the day in question.

In summary, we don't know if Groody and Mosely were talking about the same FBI agents (either Groody or Mosely, looking back many years later, may have simply forgotten the time of day when the agents were at the morgue), or whether there were two sets of agents who went to the morgue. But one thing is clear. There is absolutely no evidence to support what Oliver Stone showed his audience—a man, presumably an FBI agent, putting Oswald's palm print on his rifle at the morgue.

806 **Craig's immediate discovery:** Even though Craig's version of events doesn't add up to planted evidence, Dallas deputy sheriff Luke Mooney, who discovered the shells, suggested in 1964 that Captain Fritz had picked the shells up *before* crime-lab personnel arrived—a real surprise, if true. “He was the first officer that picked them up, as far as I know,” Mooney said, “because I stood there and watched him go over and pick them up and look at them.”* Mooney suggested to the Warren Commission that this took place *before* photographs of the shells were taken when he said that when he first saw the three shells, shell B in Commission Exhibit Nos. 510 and 512 (17 H 221, 223), Dallas police photographs of the three shells in the sniper's nest, was a little closer to shell C, the implication being that after Fritz picked up the shells he didn't put shell B back in the same place he found it (3 H 286–287). And in an interview for a 1997 book, Mooney said, “As I recall . . . the hulls were not right against the baseboard under the window sill [as shells A and B are in 510 and 512]. One was about a foot from the other and the third was further away” (Sneed, *No More Silence*, p.226).

Captain Fritz, however, denied moving the shells, testifying before the Warren Commission that he ordered the officers present “not to move the cartridges [actually, cartridge cases], not to touch anything until we could get the crime lab to take pictures of them just as they were lying there and I left an officer assigned there to see that that was done” (4 H 205). Though I don't automatically discount Mooney's version of events, I do find it pretty hard to believe that Captain Fritz, a thirty-year veteran and highly regarded leader of the Homicide and Robbery Bureau, would be foolish enough to move evidence at a crime scene, in full view of everyone, before photographs had been taken (even a rookie cop, having just gone through training at the police academy, would know he wasn't supposed to do this),[†] then instruct the men around him not to do what he had just done. Further, in a later interview for a book, Mooney changed his story and said Fritz only picked up “one” of the shell casings “to see what caliber it was” (Sneed, *No More Silence*, p.226). I doubt Fritz would have even done that before photographs were taken of the crime scene, but even if he did that we can assume he put the shell back in the same place he had picked it up from.

* In later years, WFAA-TV cameraman Tom Alyea, who was trapped inside the Depository when police sealed it, made a similar claim about the shells being moved. Alyea said that Fritz picked up all three shells and held them in his hand while Alyea filmed them. But this part of the film Alyea claims he shot has never surfaced—a highly unusual circumstance considering that much of Alyea's film was broadcast *unedited* over WFAA-TV the weekend of the assassination. In any event, if he in fact saw Fritz pick up the shells it probably was *after* the crime scene photos had been taken.

[†] On the other hand I have to admit that the disturbance of a crime scene before the crime-lab people arrive is unfortunately almost as common as bad debt. One example: In the Manson murder case, the first officer arriving at the murder scene saw horn-rimmed glasses near two trunks in the living room of actress Sharon Tate, one of the victims. By the time the Los Angeles police criminologists arrived, the glasses somehow ended up on top of a desk. Two pieces of gun grip, first seen near the entryway, ended up under a chair in the living room. As stated in a Los Angeles Police Department report, “They were apparently kicked under the chair by one of the original officers on the scene. However, no one is copping out.” But when the disturbance of a crime scene occurs, it is almost invariably by young, uniformed officers, virtually always the first members of a police department to arrive at the scene, not by very experienced plainclothes detectives or their superiors, like Captain Fritz.

What perhaps is the strongest evidence against Mooney's contention that Fritz moved the shells before Commission Exhibit Nos. 510 and 512 were taken is that he said that once he discovered the shells he put his head out the window "and called down to Sheriff Decker and Captain Fritz . . . to send up the crime lab" (Sneed, *No More Silence*, p.226). So Fritz wasn't even there on the sixth floor at the time. But the Dallas police photographer, Robert Lee Studebaker, said he was, and that when he arrived on the sixth floor "they hadn't found anything" yet. Studebaker went on to say that as soon as they found the shells, "we [he and Lieutenant Day] went over there and took photographs" (7 H 139, WCT Robert Lee Studebaker), which we can assume would have been at least a few minutes before Captain Fritz even arrived on the sixth floor.

- 806 **the three empty shells:** Conspiracy author Noel Twyman lifted the allegation of planted shells to new levels in his 1997 book *Bloody Treason*, arguing that only *two* empty shells were found, not three, proving that at least one bullet had been fired from somewhere other than the sixth-floor sniper's nest, and therefore, a conspiracy existed to kill the president. As proof of his charge, Twyman pointed to a Dallas police document published in the Warren Commission volumes which listed a number of items that were turned over to the FBI laboratory on the night of November 22. On the list are two "6.5 spent rounds"; however, the number "2" has been replaced with a handwritten number "3." (CE 2003, 24 H 260) The alteration was originally mentioned in J. Gary Shaw and Larry Ray Harris's 1976 book, *Cover-Up*, after Shaw and Harris discovered a copy of the unaltered version of the document among the files of the Texas Department of Public Safety (Shaw with Harris, *Cover-Up*, pp.159–160). Twyman acknowledged that he originally intended to ignore the handwritten change since it might be explained by a simple correction of an "honest mistake," but changed his mind when another researcher discovered more "evidence" allegedly supporting Twyman's theory. The evidence, per Twyman, had been "buried and suppressed in the National Archives under the guise of national security,"* and consisted of two negatives (along with eight prints) showing only two 6.5-millimeter shell casings (and one live 6.5-millimeter round) that had been turned over to the FBI laboratory by the Dallas police on the night of the assassination. The negatives and photographs, stuffed into an envelope and signed by FBI special agent J. Doyle Williams, were apparently taken by the bureau as part of the documentation of the evidence that was submitted to them by the Dallas police. (FBI File 89-43-1A [28], Evidence Envelope dated November 22, 1963, National Archives; Crime Scene Search Form, November 22, 1963, box 9, folder 4, items 31 and 32, DMA; CE 2011, 24 H 411) Twyman said the images were "conclusive evidence that there were only two empty cartridges" found on the sixth floor—and hence, a conspiracy (Twyman, *Bloody Treason*, pp.90–91). Twyman also noted that the FBI lab report on the shells, returned to

*This is a favorite theme of conspiracy theorists—documents and photographs "buried" in the National Archives or in the Warren Commission's twenty-six volumes of hearings and exhibits. If we're to believe the theorists, it apparently never crossed the minds of the alleged conspirators who killed Kennedy to simply get rid of the evidence that could convict them. Unlike nearly all ordinary conspirators, Kennedy's killers intentionally and knowingly left evidence behind in the archives and the Warren Commission volumes that could expose them—evidence that only the conspiracists are smart and industrious enough to uncover.

Dallas police chief Jesse Curry on November 23, also only mentioned two cartridge shells and one live round (Twyman, *Bloody Treason*, p.93; see also CE 2003, 24 H 262).

Unbeknownst to his readers, all Twyman had managed to prove was something that has been a well-known and established *fact* for years: that on the night of November 22 the Dallas police turned over to the FBI only two of the three cartridge cases they had recovered from the sixth floor, along with the live round found in the rifle's firing chamber. The third shell (along with Oswald's wallet, identification, and notebook) was retained by Captain Fritz (who, let's not forget, was in charge of the investigation at this point) "to be used," Fritz said, "for comparison tests" since his office was trying to determine where the cartridges had been bought. Fritz kept the shell in his desk drawer until the early morning hours of November 27, when it was turned over to FBI agent James P. Hosty Jr. (7 H 404, WC affidavit of John Will Fritz; CE 2003, 24 H 347)*

Still, Twyman had one more "bombshell" to drop on this issue—one that is still making the rounds among neophyte conspiracy buffs. According to Twyman, the Warren Commission, in its absent-mindedness, published photographic proof of the cover-up, proof that had been glossed over by all of the conspiracy theorists before him. According to Twyman, two photographs, designated by the Warren Commission as Commission Exhibit Nos. 510 and 512 and published in volume 17 of the Warren Commission Hearings and Exhibits (CE 510, 17 H 221; CE 512, 17 H 223), demolished the government's claim that three empty cartridge cases were found below the sniper's nest window. Both photos are multigenerational prints of two Dallas police photographs taken of the spent hulls lying in the sniper's nest on the afternoon of November 22. Despite the fact that both photographs were shown to Dallas deputy sheriff Luke Mooney, who identified them as photographs of the *three* empty shells he found (3 H 286–287), Twyman charges that Commission Exhibit No. 510 shows only *two* empty shells and what "appears to be one [unfired] live round of ammunition," circled and, he says, erroneously identified as a third shell, shell "A."

According to Twyman, Exhibit No. 510 wasn't the only proof of conspiracy that the Warren Commission had managed to accidentally publish for all the world to see. In addition, he tells his readers, the second photo (CE 512) of the three objects beneath the window contains a "crude attempt of forgery." The conspirators, you see, had attempted to conceal the fact that there were only two empty cartridge cases or shells and one live round of ammunition by darkening the area around the live round, shell "A," to make it look like a third shell. How does Twyman explain the buffoonery of the Keystone Cop conspirators he has created? He writes, "Somehow, both the authentic photo and the forged photo slipped through to the Commission. The plotters were human. They were caught in their own web" (Twyman, *Bloody Treason*, pp.97, 114–115).

*Lieutenant J. C. Day stated that one rifle cartridge case recovered at the Book Depository Building on November 22, 1963, was turned over to FBI agent Vince Drain on November 27, 1963 (CE 2011, 24 H 411). (Years later, Day said he had turned the shell over to "one of Captain Fritz's detectives" [Sneed, *No More Silence*, p.232].) The handwritten receipt shows that "one 6.5 mm rifle hull" was turned over to FBI agent James P. Hosty Jr., not Drain, and by Captain Will Fritz (CE 2003, 24 H 347).

As you might have guessed, Twyman’s allegations, based on an unclear, multi-generational copy of the original print, are groundless. He could have saved a lot of paper and ink (and much embarrassment) by taking a look at the original Dallas police crime-lab photographs that Commission Exhibit Nos. 510 and 512 were based on.* As the original photographs clearly show, Twyman’s supposed “live round” is, in fact, exactly what the record has always shown—an empty cartridge (DMA, Negative No. 91-001/329 for CE 510, and Negative No. 91-001/039 for CE 512, per letter from Dallas City archivist John Slate to author on April 19, 2005). What Twyman apparently mistook for a bullet in Exhibit No. 510 is a scrap of paper or debris lying in the crack between the floor and the wall. In Twyman’s fuzzy, multigenerational version of the police photograph, it looked like a bullet sticking out of the end of the empty cartridge case. Twyman’s additional evidence of forgery in Commission Exhibit No. 512 also turns out to be something far less sensational—an obvious (even in the Warren Commission’s printed version) photographic artifact that doesn’t appear in the original Dallas police prints. In the end, Twyman’s “powerful and persuasive” (*Bloody Treason*, p.97) proof of fabricated and planted evidence is nothing more than proof of Twyman’s poor research on this issue, although by and large I found him to be a better researcher than most conspiracy authors and theorists.

Apart from the fact that the photographic evidence proves there were three shells found in the sniper’s nest, Deputy Sheriff Mooney, who entered the sniper’s nest shortly after the shooting in Dealey Plaza, testified he saw three shells on the floor there (3 H 284, 286). And Dallas police lieutenant J. C. Day, who arrived at the sniper’s nest not too long after, also testified he saw three shells there (4 H 249–250; Sneed, *No More Silence*, p.232). So what is Twyman’s point? That both Mooney and Day committed perjury and lied under oath, each deciding to become accessories after the fact to the president’s murder? If that’s not what he’s willing to say, then again, what’s his point?

Before we move on, it should be noted that the police photographer, Robert Studebaker, may have taken only one photograph of the interior of the sniper’s nest that showed all three shells on the floor *before* the boxes were moved to dust for fingerprints, and that’s Studebaker Exhibit A (21 H 643). John Slate, the Dallas City archivist, told me that the negative for this photo is DMA Negative No. 91-001/081. (The only other photograph Studebaker took *before* the moving of the boxes [Studebaker Exhibit B, 21 H 644; CE 511, 17 H 222] did not show much of the interior of the sniper’s nest and only picked up two of the three shells.) See the photo section in this book for the print from Negative No. 91-001/081, showing all three shells. Two original prints were made from this negative, numbered 91-001/390 and 91-001/355, and new negatives were made from these two prints. Slate said that the Dallas Municipal Archives has two other original negatives in its collection, numbered 91-001/329 and 91-001/039, and believes they most probably were taken at the same time as 91-001/081 because their images are so similar. (Letter from John Slate to author on April 19, 2005, p.1; taken at same time: Telephone interview of John Slate by author on April 19, 2005) What Slate says makes sense

*The original photographs, and many others that were part of the Dallas police investigation, are readily available for inspection (or to make copies of) from the Dallas Municipal Archives (DMA).

in that it is hard to believe that Studebaker only took one photograph that picked up most of the interior of the sniper's nest before the boxes were moved slightly for the taking of latent fingerprints. But there is evidence to the contrary, though it is slightly ambiguous, in Studebaker's testimony before the Warren Commission, where he refers to the "pictures" he took "before they [the boxes] were moved." When assistant Warren Commission counsel then asks, "You mean [Studebaker] Exhibit A and B?" Studebaker replies, "A and B." Elsewhere, counsel asks, "Do you have any pictures of the boxes *before* they were moved *other than those you have showed me?*" Studebaker replies, "Just those two," to which counsel says, "Those are Exhibits A and B?" Studebaker doesn't say counsel is wrong, only answering, "We have probably got one down there I can get you that is a lot better print than that. If you want a better print, I can get it for you." (7 H 140–141) It's hard from this to infer that Studebaker did in fact take one or more other photos of the sniper's nest before the boxes were moved. So it appears that Studebaker Exhibit A (which Slate says is slightly "cropped" from Negative No. 91-001/081) may be, remarkably, the only photograph he took of the three shells *before* the boxes were moved.* However, Studebaker testified that Lieutenant Day also took two photographs *before* the boxes were moved (7 H 139), and the two copies that Slate referred to (DMA Negative No. 91-001/329, which corresponds to a cropped Commission Exhibit No. 510, and DMA Negative No. 91-001/039, which corresponds to a cropped Commission Exhibit No. 515) may be the photos taken by Day.

Warren Commission critic and author Josiah Thompson, who focused in on one of the three shells, one that had a dent on its mouth, made another allegation suggesting that there was something phony about the three cartridge cases left behind in the sniper's nest. Thompson noted that the FBI discovered chambering marks on the base of the dented shell (marked by the Warren Commission as Commission Exhibit No. 543; see 7 HSCA 387, figure 8B) indicating that it had been loaded and extracted from a rifle (though not necessarily Oswald's) "at least three times" prior to being fired. Independent expert Joseph D. Nicol, superintendent of the Bureau of Criminal Identification and Investigation for the state of Illinois, concurred with the FBI finding, testifying before the Warren Commission that these markings (as well as three additional marks on the dented cartridge case he found that were not found on any of the other cartridge cases, including those from test cartridges fired by the FBI in Oswald's rifle) represented "a practice or dry-run loading . . . and unloading" of the cartridge in Oswald's gun "at least three times" before it was fired (CE 2968, 26 H 449; 3 H 509). Thompson points out that one of these marks was identified as having come from the magazine follower (the

*There is a slight possible discrepancy that I am unable to resolve. Of the two photographs Studebaker took of the sniper's nest before the boxes were moved, only Studebaker Exhibit B shows the open window, and it doesn't appear to be open as much as in the two photos taken by *Dallas Morning News* photographer Tom Dillard within seconds of the shooting (Studebaker Exhibit B, 21 H 644; Dillard Exhibits A and B, 19 H 563–564). One explanation may be that the angles of the subject photos are completely different, Studebaker's photo being from the top looking down, and Dillard's photos from the bottom looking up. Another possibility, though unlikely, is that although no boxes had been moved before Studebaker took his two photos, someone may have lowered the window a bit. But it's hard to see why anyone would do this.

spring-tensioned lever that pushes a cartridge up in the clip) in Oswald's rifle. "Yet, [a] magazine follower [pushes up] and marks *only the last cartridge in the clip*," Thompson wrote, "a position that must have been occupied on November 22 not by the dented case but by the live round subsequently found in the chamber." Thus, he reasoned, the mark on the dented shell "could not have been incurred on November 22." (Thompson, *Six Seconds in Dallas*, pp.143–145; see also CE 2968, 26 H 450)

Thompson's source for his conclusion is a letter of June 2, 1964, to the Warren Commission, in which FBI Director J. Edgar Hoover wrote, "If *two or more* cartridges are loaded into the clip of [Oswald's rifle], only the bottom [last] cartridge will be marked by the magazine follower." Yet this same letter makes clear that all three empty cartridges showed evidence that they had been loaded into and extracted from the chamber of a weapon more than once. Marks on two of the three empty cartridge cases (CE 544 and 545, FBI designations C7 and C38) found in the sniper's nest indicated they had been loaded and extracted from a weapon "at least twice," while marks on the dented empty cartridge (CE 543, FBI designation C6) suggested it had been loaded and extracted "at least three times."* (CE 2068, 26 H 449–450) Thompson ultimately concluded that although two of the three empty cartridge cases found on the sixth floor "may have been ejected from Oswald's rifle, the third [the dented shell] . . . is most likely an extra, *unfired* shell and possibly a deliberate fake" (Thompson, *Six Seconds in Dallas*, p.146).

Thompson's suggestion that the dented shell hadn't been fired in or ejected from Oswald's rifle ignores an incontrovertible fact. As previously indicated, all three cartridge cases were proved to have been *fired in Oswald's rifle to the exclusion of all other rifles in the world*. FBI firearms expert Robert Frazier and independent expert Joseph Nicol found that all three cases (including the dented case) were engraved with the unique microscopic impressions of the bolt face and firing pin of Oswald's rifle.† (3 H 415–419, 421, 423–428, WCT Robert A. Frazier; 3 H 505, WCT Joseph D. Nicol; CE 559, 561–565, 17 H 250, 252–254; 7 HSCA 363, 368) Since we know that the three shells were *fired in Oswald's rifle*, by definition, and of necessity, we know that they *had* to have also been *ejected from the rifle*.

Thompson states that Hoover, in his 1964 letter to the Commission, in effect contradicted Frazier's testimony that all three empty cartridges had been "fired

*Hoover's letter said his office was unable to state with 100 percent certainty that the marks on the extractor (which extracts a cartridge case from the chamber of the rifle) and ejector (which ejects the case from the weapon) on the three cartridge cases had been produced by Oswald's rifle to the exclusion of all other weapons, though Oswald's Mannlicher-Carcano was among those that could have caused the markings. The letter said, however, that marks from the magazine follower and chamber on one of the cartridge cases were produced by Oswald's rifle, the magazine follower marks on a second one were produced by Oswald's rifle, and the chamber and bolt marks on the third cartridge case were produced by Oswald's rifle.

†The unique microscopic impressions of the bolt face and firing pin were created during the manufacturing process of Oswald's Carcano, with further unique impressions on the pin and face caused by use, mishandling, and corrosion. The impressions on the firing pin are left on the primer, located on the base of the cartridge case, when the pin strikes the primer. The primer contains a detonable mixture. When the trigger is pulled and the firing pin strikes the primer, this ignites the mixture, which in turn ignites a propellant powder (gunpowder) in the cartridge. The extreme gas pressure of the powder pushes the bullet through the barrel and at the same time pushes the cartridge case rearward against the bolt face, leaving the bolt face impressions on the base of the cartridge case that firearms experts say are as individual and unique as a fingerprint. (Telephone interview of LAPD firearms expert by author on June 2, 2006)

in” Oswald’s rifle (3 H 416). Thompson writes that Hoover “explicitly states that only one cartridge case, C7 [CE 544], had a set of marks ‘identified as having been produced by contact with the *bolt* of C14 [Oswald’s rifle],’” and therefore, Hoover’s letter “conflicts with earlier testimony furnished by FBI firearms expert Robert Frazier” (Thompson, *Six Seconds in Dallas*, p.173 note 3). But seizing on the fact that only one cartridge case, per Hoover’s letter, had bolt face markings on it that could definitely connect it to the bolt of Oswald’s Carcano to conclude that the other two cartridge cases did not come from Oswald’s rifle is a non sequitur. Surely Thompson, who possesses one of the most substantive and objective minds ever produced by the conspiracy community, knows that several markings other than those from the bolt face of a rifle (e.g., ejector, extractor, firing pin, chamber, and magazine follower) can prove that an empty cartridge is connected to a subject rifle. For instance, Thompson neglects to tell his readers that, as previously indicated, Hoover’s letter said that chamber marks on a second of the three cartridge cases (CE 545) were found to have been produced by Oswald’s rifle, and magazine follower marks on the dented shell (CE 543) were found to have been produced by Oswald’s rifle (CE 2968, 26 H 449–450).

In any event, on the issue of whether Hoover’s letter supports, in any way, the proposition that the three cartridge cases found on the sixth floor were not fired in Oswald’s Carcano, and hence “conflicts” with Frazier’s testimony, it should be noted that Hoover’s letter only addressed itself specifically to the Commission’s request, which was to “determine if [the three empty cartridges and one live round] had been loaded into and *extracted from* [Oswald’s] rifle *more than once*” (CE 2968, 26 H 449), *not* whether the three empty cartridges had been *fired in* Oswald’s rifle to the exclusion of all other weapons, as Frazier and Nicol testified. So there is no conflict between Hoover’s letter and Frazier’s testimony. And to repeat, a cartridge fired in a weapon, by definition, has to extract and eject its case *from* the weapon. Clearly, the totality of evidence (including the fact that the vast majority of witnesses in Dealey Plaza heard three shots being fired) shows that the three shells found beneath the sixth-floor window were fired in *and extracted from* Oswald’s Carcano rifle.

Perhaps Thompson’s most quoted allegation is that the dent in the lip of Commission Exhibit No. 543 (cartridge case) would have prevented it from holding a projectile and therefore it couldn’t have been fired on the day of the assassination. Thompson went to great lengths to explain that it was “extremely unlikely that CE543 was dented *after* being ejected from Oswald’s rifle” (by striking an object or being stepped on), even pointing out in a footnote that he had “thrown hundreds of similar [cartridge] cases against a wall and never succeeded in denting one” (Thompson, *Six Seconds in Dallas*, p.144). It apparently did not occur to Thompson that the cartridge might have been dented *while* being ejected from the rifle. The HSCA firearms panel reached that very conclusion in 1978, finding that out of every four test rounds fired from Oswald’s Mannlicher-Carcano, one cartridge case had “a similar deformation of the mouth,” concluding that the dent was caused *not before or after* the bullet was fired, but “when the cartridge case was ejected from the rifle” (1 HSCA 454; 7 HSCA 371). Firearms expert Monty Lutz testified that this characteristic denting was especially likely to occur when the rifle’s bolt action was operated forcefully, as would be expected when the weapon was rapidly fired (1 HSCA 454).

- 806 **Science can only prove:** FBI firearms expert Cortlandt Cunningham testified that there is no way to connect a particular bullet (which *can* be linked to a specific weapon by a firearms test) with a particular cartridge case (3 H 476).
- 807 **Commission Exhibit No. 567:** In 1996, John T. Orr Jr., chief of the U.S. attorney general's Antitrust Division's Atlanta office, and a student of the assassination, asked his office to examine fibrous tissue adhering to Commission Exhibit No. 567 as well as four smaller pieces of organic material that had been detached from the bullet at some time in the past (Letter, John C. Kenney, Acting Assistant Attorney General, to Louis J. Freeh, Director, FBI, January 25, 1996, p.1). The firearms panel of the HSCA had originally recommended the tests in 1979, but the recommendation was not contained in the HSCA's final report (Joseph Schuman, Associated Press, August 14, 1998). In addition to seeing if the organic material could be connected to the president or Connally by DNA, the testing was to see if the fibers embedded in the nose of the bullet were consistent with the president's coat, shirt, and tie, and/or Connally's coat, shirt, and trousers, which, if true, would suggest that the bullet hadn't followed the course concluded by the Warren Commission (i.e., hadn't passed through the president's skull).

The Department of Justice asked the Assassinations Records Review Board (ARRB) to arrange for the examination, and the latter asked the National Archives, which had custody of the bullet fragment, to work with them in facilitating the testing. Specialists at the following agencies were asked to participate in the examination: the FBI laboratory in Washington, D.C.; the Armed Forces medical examiner; the Department of Pathology and Laboratory Medicine of the Maimonides Medical Center (Brooklyn, New York); the Armed Forces DNA Identification Laboratory; and the Smithsonian Center for Materials Research and Education. On January 21, 2000, the National Archives released the December 14, 1999, report of the specialists, titled "Further Scientific Examination of JFK Assassination Evidence." The report concluded that the fibrous material adhering to the nose of Commission Exhibit No. 567 consisted of "paper fibers and unidentified proteinaceous material of non-textile origin; and accordingly, did not originate from the clothing of John F. Kennedy or John B. Connally." Where *did* the fibrous material come from? The report states that the exhibit was stored at the archives in a "seamless metal can lined with cotton batting." However, microscopic examination of the batting "was found to be dissimilar to the fibrous materials recovered from [the] CE567 bullet nose fragment." The examiners left open the possibility that the fibrous material possibly came from batting in a container at the time of the "original collection of CE567," noting that "the current batting bears no visible trace of blood or other bodily fluid." Unfortunately, the unidentified proteinaceous material recovered from the nose of the bullet fragment "was deemed unsuitable, due to its fibrous aspect, for either histological sectioning or DNA analysis."

The panel of specialists and scientists said that "the four smaller fragments of organic material were determined on microscopic examination to consist of human skin and tissue, but it was not possible to establish the precise body area of origin. DNA analyses of these tissue fragments yielded inconclusive results; accordingly, no comparison of the questioned human tissue with known sources [i.e., DNA samples from Kennedy and Connally family members] is currently possible." (NARA Report, "Further Scientific Examination of JFK Assassination Evidence,"

December 14, 1999, pp.1–4, 6; Letter, Michael R. Zimmerman, Director of Clinical Laboratories, Maimonides Medical Center, to Jerry D. Spencer, MD, Armed Forces Medical Examiner, September 16, 1998, p.2; see also DOJCD Record 186-10006-10449, FBI Memorandum to John C. Keeney, Acting Assistant Attorney General, June 3, 1996, pp.2–3, 6–7)

As observers have pointed out, since we know the bullet that hit President Kennedy in the head did not pass through his or Connally's clothing, if the microscopic fibers tested *had* been found to come from Kennedy's or Connally's clothing, that would almost necessarily mean that in addition to Commission Exhibit No. 399, the bullet that the Warren Commission and HSCA concluded had passed through the clothing and bodies of Kennedy and Connally, another bullet (a third one from which Commission Exhibit No. 567 was a fragment) must have also been fired. And if this third bullet wasn't the first bullet that was fired around Z frame 160 and believed to have missed the car and its occupants, it would most likely have come from a second gunman. So the fact that Exhibit No. 567, which the Warren Commission and HSCA believe was a fragment of the bullet that struck Kennedy in the head, had no clothing fibers on it, though not conclusive by itself, is consistent with the single-bullet theory of the Warren Commission and HSCA. (See *Fort Worth Star-Telegram*, January 22, 2000, p.5A)

Though not a part of the test coordinated by the National Archives, one can only wonder why Commission Exhibit No. 399 did not have any blood residuum on it. My only guess is that the blood traces that must have been on it were removed by someone early on at the Dallas crime lab or elsewhere almost as a matter of course. In all the evidence bullets I handled in court in murder cases during my prosecutorial career, none had any visible blood on them. The only reference in the Warren Commission volumes to this issue was in the questioning of FBI firearms expert Robert Frazier by Commission counsel Melvin Eisenberg. Question: "Did you prepare the bullet [CE 399] in any way for examination?" Answer: "No, sir, it was not necessary. The bullet was clean and it was not necessary to change it in any way." "There was no blood or similar material on the bullet when you received it?" "Not any which would interfere with the examination, no, sir. Now there may have been slight traces which could have been removed just in ordinary handling, but it wasn't necessary to actually clean blood or tissue off the bullet." (3 H 428–429) Interestingly, Frazier testified that with respect to the two main bullet fragments found in the presidential limousine, Commission Exhibit Nos. 567 and 569, "there was a very slight residue of blood or some other material adhering, but it did not interfere with the examination. It was wiped off to clean up the bullet for examination" (3 H 437).

807 **firearms expert:** Two additional FBI experts in the field of firearms identification, Cortlandt Cunningham and Charles L. Killion, analyzed all the bullet evidence in this case. Although they did not testify before the Warren Commission, their findings were the same as those of Frazier and Nicol. (WR, pp.84–85; 7 H 591, WC affidavit of Cortlandt Cunningham; 7 H 591, WC affidavit of Charles L. Killion; 3 H 440, WCT Robert A. Frazier)

808 **Carcano was the weapon that murdered the president:** In a fictional trial of Lee Harvey Oswald that noted conspiracy theorist and assassination researcher Walt Brown crafted into a book, the judge concluded that the subject Carcano

weapon “did not kill John Kennedy,” finding, among other things, that a witness “exaggerated the worth of that weapon when he called it junk.” The judge proceeded to exclude the Carcano from evidence, and since the prosecution had built its case around the weapon, the prosecution, feeling it had no other credible case against Oswald, joined Oswald’s lawyers in asking the judge to direct the jury to find Oswald not guilty, which he did, neither side ever making a final argument. (Brown, *People v. Lee Harvey Oswald*, pp.583–587) Isn’t that lovely?

808 **the nearly intact bullet found on a stretcher at Parkland Hospital:** As already touched on, about the time the president arrived at Parkland Hospital, Darrell C. Tomlinson, a senior engineer at Parkland in charge of heating and air-conditioning, was asked by the hospital’s chief engineer to operate the emergency elevator in the south section of the building, shuttling it between the emergency room on the ground floor and the operating rooms on the second floor (6 H 129, WCT Darrell C. Tomlinson; HSCA Record 180-10088-10206, Transcript of telephone interview of D. C. Tomlinson by Raymond Marcus, July 25, 1966, p.8). In his March 20, 1964, testimony before the Warren Commission, Tomlinson said that when he arrived at the ground-floor location, he found a gurney (a stretcher on wheels) in the elevator. He pulled it out and pushed it against the south wall, opposite the elevator doors, next to another gurney that was already partially blocking the entrance to a men’s restroom. At about 1:20 p.m., after several trips on the elevator, Tomlinson came down in the elevator from the second floor and noticed that the stretcher blocking the restroom door had been pushed out into the narrow corridor, apparently by someone who had used the restroom. To keep the hallway clear, Tomlinson stepped off the elevator and pushed the stretcher back against the wall. As it bumped the wall, Tomlinson heard a “clink” of metal on metal. He walked over and saw a bullet lying between the pad and the rim on the top of the stretcher. (6 H 130–133; Tomlinson Exhibit No. 2, 21 H 673; Thompson, *Six Seconds in Dallas*, p.158 footnote) * In a June 12, 1964, interview, Tomlinson told the

*In 1977, the HSCA spoke to a man whom conspiracy theorists contend knows the “truth” about how the bullet was discovered. Nathan Pool, an elevator maintenance man, told the HSCA he had been instructed by his district service manager on November 22 to go to Parkland Hospital “to make sure there was no trouble with the elevator.” Upon arrival at about 1:15 p.m., Pool claimed he was taken to the emergency-room elevator by a Secret Service agent, who introduced him to a second agent, who then instructed Pool “to permit no riders to board the elevator without prior clearance.” The second agent reportedly remained stationed outside the elevator on the emergency-room level. Pool recognized Darrell C. Tomlinson, whom he knew, operating the elevator. Pool said that there was only one stretcher outside the elevator and that only one trip was made up in the elevator prior to the discovery of the bullet. When the stretcher was moved, Pool heard an object fall, bent over to pick it up, and discovered a bullet, which, based on his familiarity with guns, he judged to be 6 millimeters in diameter, bronze, long, pointed, and smooth. He told the HSCA that the bullet didn’t look like it had hit anything. A Secret Service agent was reportedly within ten feet when Pool discovered the bullet. Pool then gave the bullet to Tomlinson, asking him not to mention his name to anyone. Pool said he didn’t know whom Tomlinson gave the bullet to because Tomlinson “went around a corner to deliver it,” although earlier in the interview Pool said Tomlinson gave it either to a Secret Service agent or to Mr. O. P. Wright. (HSCA Record 180-10089-10189, Memorandum, Belford Lawson to Robert K. Tanenbaum, regarding telephone interview of Nathan Pool, January 12, 1977, pp.1–3)

Although critics have tried to make something out of this report, Pool’s account offers nothing substantially different from Tomlinson’s. In both cases, the bullet was discovered on or near a stretcher whose origin remains a little vague. If anything, Pool’s story is far less credible than Tomlinson’s. First, Pool never explained why he waited fourteen years to come forward. Also, although he told the HSCA that he was “personally taken back to the elevator by . . . a Secret Service agent who *introduced* [me] to a second . . . Secret Service agent,” significantly, Pool’s name doesn’t appear in *any* Secret Service report. Moreover,

FBI that he called over O. P. Wright, the personnel officer of Parkland Hospital who was a former deputy chief for the Dallas Police Department, and pointed the bullet out to him (CE 2011, 24 H 412; Lifton, *Best Evidence*, p.591).*

Wright left the bullet on the stretcher, told Tomlinson not to let anyone touch it, and went to look for a federal officer to take charge of it. In what has to be, if true, one of the incongruities of the investigation, Wright says he was unable to get an FBI or Secret Service agent interested enough to come and take a look at the spent slug, so Wright returned to the elevator vestibule, picked up the bullet, and put it in his pocket. A half hour later, he managed to get it into the hands of Secret Service agent Richard E. Johnsen (Transcript of *CBS News Inquiry: The Warren Report*, part IV, June 28, 1967, p.7, CBS Television Archives; Thompson, *Six Seconds in Dallas*, pp.155–156; CE 1024, 18 H 799–800), who brought the bullet back to Washington aboard Air Force One and submitted it to James Rowley, the chief of the Secret Service. Rowley, in turn, sent it on to the FBI laboratory that night. (CE 1024, 18 H 799–800; CE 2011, 24 H 412)

808 **“magic bullet”**: Mark Lane devoted an entire chapter of *Rush to Judgment* to this bullet, under the title “The Magic Bullet,” claiming that it “constitutes the *only* link between the rifle and the assassination,” on the demonstrably false assertion that “experts agree” that the two fragments found in the limousine (and discussed earlier) “are hardly suitable for identification purposes” (Lane, *Rush to Judgment*, p.76). To back this up he cites the 1952 book *Modern Criminal Investigation* (Lane, *Rush to Judgment*, p.424 footnote 70), whose authors couldn’t possibly have analyzed the evidence in the Kennedy assassination *eleven years before it happened*, all the while ignoring the fact that the firearms experts who *did* examine the two large fragments for the Warren Commission had no trouble tying them to Oswald’s rifle. And as we have seen, the five firearm experts who reexamined the two fragments for the HSCA in 1978 also had no difficulty linking the fragments with Oswald’s rifle to the exclusion of all other weapons (7 HSCA 369).

810 **at impact on Kennedy’s upper back [footnote]**: In his testimony before the

Pool recalled only one trip being made in the elevator prior to discovering the bullet and that trip involved taking a Secret Service agent to the second or third floor. Yet Tomlinson testified that numerous trips were made in the elevator, *all* involving hospital personnel (6 H 131–132). Additionally, as indicated, Pool claimed he discovered the bullet ten feet from a Secret Service agent, yet he says Tomlinson had to go “around the corner” to find someone to give it to. Also, Pool claimed he picked the bullet up off the floor and gave it to Tomlinson, who presumably gave it to O. P. Wright. Yet, Wright reported that Tomlinson pointed out the bullet *as it lay on the stretcher*, exactly where Tomlinson testified he found it (CE 2011, 24 H 412). The only *hint* that Pool might have even been there is that Tomlinson inexplicably switched from “I” to “we” when telling his story to the Warren Commission (6 H 131). Exactly what Tomlinson meant by “we,” or whether it referred to Pool, as critics contend, or O. P. Wright, or some third party, or was simply speaking loosely, was never explored.

*In a July 1966 interview with conspiracy theorist Raymond Marcus, Tomlinson claimed that he picked the bullet up and put it in his pocket and that about “fifteen to twenty minutes” later he gave it to O. P. Wright, who “came by there” (HSCA Record 180-10088-10206, Transcript of telephone interview of D. C. Tomlinson by Raymond Marcus, July 25, 1966, pp.2-3). Tomlinson also told CBS in 1967 that he picked the bullet up and put it in his pocket (Transcript of *CBS News Inquiry: The Warren Report*, part II, June 26, 1967, p.15, CBS Television Archives). However, Tomlinson’s 1966 and 1967 statements contradict his 1964 sworn testimony before the Warren Commission, and are at odds with the recollections of O. P. Wright, who said that Tomlinson pointed the bullet out to him, and that he (Wright) was the one who eventually picked up the bullet and took charge of it (CE 2011, 24 H 412; Transcript of *CBS News Inquiry: The Warren Report*, part IV, June 28, 1967, p.7, CBS Television Archives).

Warren Commission, Dr. Alfred G. Olivier, Sturdivan's superior who conducted the tests at the Edgewood Arsenal in 1964, did not go into the matter of the decreasing velocity of the bullet as it traversed Connally's body, but he did with respect to Kennedy's body, and his numbers varied a little from Sturdivan's. Without referring to the muzzle velocity of a bullet from Oswald's Carcano, he said the velocity of bullets from the Carcano entering materials simulating Kennedy's back after the bullets traveled 180 feet (the approximate distance of the limousine from the sniper's nest at the time Kennedy and Connally were struck by the same bullet) averaged 1,904 feet per second. The exit velocity from the simulation of Kennedy's body averaged 1,772 to 1,798 feet per second, depending on the substance (gelatin, horse meat, goat meat) through which the bullets passed. (5 H 77-78; WR, p.91)

- 811 **“This is the behavior of a full *metal* jacketed bullet”**: In 1964, at the request of the Warren Commission, an extensive series of tests (on substances simulating live human bodies—gelatin blocks, horse meat, and goat meat for Kennedy's neck, and “an animal” [unidentified] and “bone structures” for Connally's rib and wrist bone) were conducted by the Wound Ballistics Branch of the U.S. Army Chemical Research and Development Laboratories at Edgewood Arsenal, Maryland, by Dr. Alfred G. Olivier, under the general supervision of Dr. Arthur J. Dziemian, with consultation from Dr. Frederick W. Light Jr. They all came to the same conclusions reiterated later by Sturdivan as to the approximate lessening velocity of the bullet as it passed through Kennedy's and Connally's bodies, the yawing or tumbling of the bullet after it exited Kennedy's body, and the predictable extent of the injuries to the governor's rib and wrist bone, finding damage to the test objects “very similar,” per the Warren Report, to those inflicted on the governor (WR, pp.583-584; 5 H 74-90, WCT Alfred G. Olivier; 5 H 90-94, WCT Arthur J. Dziemian; 5 H 94-97, WCT Frederick W. Light Jr.; 1 HSCA 400, 407-409, 411-412, 423, 425-426, Testimony of Larry Sturdivan before HSCA on September 9, 1978). Most importantly, they concluded that it was probable that one bullet caused all the injuries to Kennedy and Connally (5 H 84, WCT Dr. Alfred G. Olivier; 5 H 92, WCT Dr. Arthur J. Dziemian; 5 H 95, WCT Dr. Frederick W. Light Jr.).

All that Dr. Olivier said with respect to the damage sustained by the bullet itself in passing through Kennedy's neck is that it remained “pretty stable” in its flight through the three mock-ups—gelatin, horse meat, and goat meat (5 H 76-78). But he did not say how pristine the bullet remained, only implying that there was little, if any, damage to it because of its stable flight, and the Warren Commission did not publish a photo of the bullet, only showing the entrance and exit holes the bullet made to the goat skin on both sides of the substance the bullet penetrated (CE 850, 17 H 846). As to the bullet that was fired through the carcass of a goat that broke one rib of the goat in simulation of Connally's rib injury, it was “flattened” a little more than the bullet that actually hit Connally, although like the Connally bullet the lead core extruded from the base of the bullet in the same way. Larry Sturdivan explained to the HSCA that this is the first thing that happens when a bullet begins to deform. Under great pressure, the jacket of the bullet begins to peel off and “the softer lead is extruded through the only opening, that is, the opening in the base.” (5 H 78-80, WCT Dr. Alfred G. Olivier; CE 851-852, 17 H 847-848;

Sturdivan: 1 HSCA 411–412) The photo of the bullet looks similar to Commission Exhibit No. 399, the bullet that actually hit Connally (CE 853, 17 H 849).

With respect to the head wounds inflicted on the president (as we know, other than the small entrance wound to the back of the president's head, there was a very large exit wound to the right side of his head measuring a little over five inches in its greatest diameter), from a distance of 270 feet (the approximate distance from the sniper's nest to Kennedy when he was struck in the head) the ballistics experts at the Edgewood Arsenal fired shots with the same type of rifle and bullets Oswald is believed to have used into cadaver skulls filled with a 20 percent gelatin substance and covered with simulated hair. The general results were illustrated by the findings on one skull, which was struck at a point "most nearly approximating the wound of entry on President Kennedy's head" (WR, p.585). Dr. Olivier, who supervised the tests, told the Warren Commission that "this particular skull blew out the right side [of the test skull] in a manner very similar to the wounds of the president . . . We found that this bullet . . . could make the type of wound that the president received" (5 H 89).

But in looking at the photographs of the side and front of the damaged test skull (CE 861–862, 17 H 854), Drs. John Lattimer, Gary Aguilar, Cyril Wecht, and Rex Bradford noted that the test bullet actually caused appreciably more damage to the right side of the test skull than the bullet to the right side of Kennedy's head (Lattimer, *Kennedy and Lincoln*, p.182; Aguilar, Wecht, and Bradford, "Neuroforensic Analysis of the Wounds of President John F. Kennedy," unnumbered pp.2–3). In his testimony, Dr. Olivier gave a nod to this fact by saying that with the test skull, "you don't have the limiting scalp holding the pieces [of the skull] in," but he said that the damage to the test skull and Kennedy's skull was "essentially a similar type" (5 H 89).

In preparation for the trial in London, I had my firearms expert, Monty Lutz, conduct a test wherein he fired a 6.5-millimeter Mannlicher-Carcano Western Cartridge bullet through a twelve-inch block of gelatin with a three-quarter-inch block of plywood behind the gelatin. The recovered bullet, with little damage to it, was shown to the jury in London. (Transcript of *On Trial*, July 24, 1986, pp.447–448)

Remarkably, prior to 2004, no one had ever attempted to replicate the bodies of Kennedy and Connally as much as technologically possible; fire a Western Cartridge bullet (from the same batch and lot numbers as Commission Exhibit No. 399) at the bodies from a Mannlicher-Carcano rifle like Oswald's located at the height and distance from the target that Oswald's rifle was; seek to replicate the path of the bullet through their respective bodies; see whether the bullet could have caused all of Kennedy's and Connally's wounds; and see what condition the bullet ended up in. But Eric Nelson's Creative Differences production company in Studio City, California, on a project funded by the Discovery Channel, finally did it, using an Adelaide, Australia, company called Anatomical Surrogate Technologies to conduct the experiment. The company constructed surrogate torsos with the same builds as Kennedy and Connally and sat them in the target area in the same way they were sitting, per the Zapruder film, at frame 223. With a "ballistic expert" firing the bullet to help ensure it entered the torso at the same spot it

entered Kennedy's, the bullet emerged slightly more damaged than Commission Exhibit No. 399 in that it had a somewhat pretzel-like shape, though it remained virtually intact. The reason for the increased damage to the test bullet is that it didn't quite go through the two bodies in the identical path of Exhibit No. 399, mostly because the test shot entered the surrogate torso of Kennedy a little bit farther to the left than where the actual shot entered Kennedy's back. While the actual bullet only glanced off one of Connally's ribs, the test bullet directly struck and broke two of Connally's surrogate ribs, traveling sideways at the time it broke both ribs. Indeed, because of this, the bullet slowed down to the point where after hitting Connally's surrogate wrist it only had enough energy to bounce off the governor's surrogate thigh, with no penetration at all.

The Adelaide ballistics expert concluded that based on the test, "I would put my money on the fact that one rifle with one shot, striking the back of Kennedy up in the shoulder there, easily, comfortably was capable of [causing] the seven individual wounds" of Kennedy and Connally. The Adelaide bullet, though it directly struck two ribs, weighed 158 grains, meaning it lost just .6 grain more than Commission Exhibit No. 399, the Dealey Plaza bullet, even though the latter bullet only struck a glancing blow to Connally's right rib. Certainly, the relatively intact Adelaide bullet showed that the limited damage to Commission Exhibit No. 399 was not inconsistent at all with its having caused all of the wounds to Kennedy and Connally. ("JFK—Beyond the Magic Bullet," *Unsolved History*, Discovery Channel, November 14, 2004; weight of bullet being 158 grains: Letter from Dr. Chad Zimmerman to author dated April 30, 2005, unnumbered p.11; Letter from Dr. Chad Zimmerman to author dated July 15, 2005, p.1)

- 811 **the bullet had come from the stretcher used by Governor Connally:** The Commission's conclusion that the bullet had come from the governor's stretcher was based more on common sense than established fact. Darrell Tomlinson was not 100 percent sure which of the two stretchers (the one he took off the elevator on the ground floor or the one he saw in the corridor of the ground floor) the bullet was found on. His best recollection was that it was on the stretcher that was already in the corridor outside the elevator, *not* the Connally stretcher he took off the elevator. (6 H 131–133, WCT Darrell C. Tomlinson)

We know that the stretcher Tomlinson pulled from the elevator was the one used by Connally. Upon arrival at the hospital, two stretchers were wheeled out to the limousine. The president and the governor were lifted onto these stretchers and taken into Trauma Rooms One (the president) and Two (the governor). After some initial treatment (6 H 84, WCT Dr. Robert Roeder Shaw; 6 H 116 WCT Ruth Jeanette Standridge), the governor was taken on his stretcher to a second-floor operating room (6 H 117, WCT Ruth Jeanette Standridge). There, at about 1:00 p.m., Connally was lifted off the stretcher and placed on the operating table (CE 392, 17 H 16; Manchester, *Death of a President*, p.217; 6 H 121, WCT Jane Carolyn Wester; 6 H 126). A nurse pushed the used stretcher toward the elevators and turned it over to an orderly, R. J. Jimison (6 H 122, WCT Jane Carolyn Wester), who wheeled the stretcher the remaining distance into the elevator and closed the door (6 H 125–126, WCT R. J. Jimison). A moment later, the elevator, with Tomlinson on it, returned to the ground floor, where Tomlinson pulled the stretcher from the elevator and pushed it against the wall (6 H 129, WCT Darrell C. Tomlinson).

Critic Mark Lane builds on Tomlinson's uncertainty as to which stretcher he found the bullet on by stating that "there were many unauthorized persons at the hospital" that afternoon (Lane, *Rush to Judgment*, p.80), then cites Jack Ruby's reported appearance at the hospital as an example, clearly implying that Ruby was there to "plant" the bullet as part of a conspiracy to frame Oswald for Kennedy's murder.

The unclear chain of custody surrounding Commission Exhibit No. 399 has only added fuel to the critics' allegations. Four people had handled the bullet between the time it was found at Parkland Hospital and when it was later turned over to the FBI laboratory, but only FBI agent Elmer Lee Todd, the last in the chain, marked the bullet with his initials and could therefore positively identify it as the bullet retrieved from the stretcher (CE 2011, 24 H 412). Although, as indicated, two of the Commission's firearms experts, Robert Frazier and Joseph Nicol, later confirmed that the bullet had been fired in Oswald's Mannlicher-Carcano rifle to the exclusion of all other weapons (WR, p.85), critics complained that no one could say for sure how the bullet ended up on a stretcher at Parkland Hospital, a stretcher that possibly, one critic says, may not have been connected to the case. Author Josiah Thompson wrote in his 1967 book *Six Seconds in Dallas* that the bullet was "very likely found on a stretcher used for a cut and bleeding two-and-one-half-year-old child" (Thompson, *Six Seconds in Dallas*, p.161), a reference to Ronald Fuller, who was admitted to Parkland's emergency room fourteen minutes after the president and governor. Fuller, who was bleeding profusely from a fall, was treated briefly on a stretcher in a hallway near the nurses' station before being carried into Major Medicine for further attention. Whether Fuller's bloodied stretcher was then rolled thirty feet into the elevator corridor, where Tomlinson might have encountered it, is unknown. Thompson, who three pages earlier considers the act "very likely," is forced to acknowledge, "We do not know for certain that it was Ronnie Fuller's stretcher on which CE399 subsequently was found . . . As with most aspects of this case, final certainty again eludes us" (Thompson, *Six Seconds in Dallas*, p.164). Thompson doesn't address the issue of why a 6.5-millimeter Mannlicher-Carcano bullet, the exact type used to kill Kennedy and injure Connally, would have any conceivable reason for ending up not on Kennedy's or Connally's stretcher, but the stretcher of an infant. Indeed, he doesn't ask himself why *any* kind of bullet would end up on the child's stretcher when the child wasn't shot, unless, that is, Thompson wants us to believe that the sophisticated framers of Oswald goofed on a rather mundane duty, planting the bullet on the wrong stretcher.

The whole issue of what stretcher the bullet was found on, Connally's or some unknown person's, is a giant nonissue. Since we know that the bullet was fired from Oswald's Carcano rifle, and we know it wasn't found on Kennedy's stretcher, it had to have been found on Connally's stretcher. Indeed, that it was found on Connally's stretcher is one of the few points in the Kennedy assassination that virtually everyone, even most conspiracy theorists (with a shaky dissent from Josiah Thompson), agrees on. It's just that the anti-conspiracy theorists believe the bullet ended up on Connally's stretcher after striking him, and the conspiracy theorists claim it was planted on Connally's stretcher by the conspirators who killed Kennedy.

- 812 **Dr. Nichols:** This is the same John Nichols who figured out the well-kept secret of the president's adrenal insufficiency by comparing two 1954 *New York Times* articles on then Senator John F. Kennedy's hospitalization for spinal surgery resulting from his World War II injury, with the medical case records of a man, supposedly aged thirty-seven, with Addison's disease who had a sacroiliac fusion on the same date and at the same hospital Kennedy had his surgery (Nichols, "President Kennedy's Adrenals," pp.129–130).
- 812 **Neither of them, however, were originally successful in convincing the FBI to release the fragments for analysis:** In November 1973, Nichols, who was doing research at the National Archives, ran across Hoover's letter, describing the inconclusive results of the FBI's 1964 neutron activation analysis (NAA) test, and forwarded it immediately to Guinn. The two scientists then filed a Freedom of Information Act request in an attempt to get the numerical data behind the FBI's tests. The following year, the Supreme Court upheld a lower court's decision that denied Dr. Nichols access to the government-held evidence—the actual bullet fragments ("Pathologist Never Gave Up Theory on Kennedy Killing," *Kansas City Times*, November 30, 1978, p.2c). Eventually, however, Nichols did receive seventy pages of FBI special agent John Gallagher's raw data under the Freedom of Information Act and turned the notes over to Dr. Guinn for analysis (1 HSCA 556, 564). Dr. Guinn, who testified for the prosecution at the London trial, testified before the HSCA in 1978 that Gallagher's "numbers appeared to bounce everywhere . . . To just pick an example here, for one particular specimen, one time he measured it and found it to be 977 parts per million antimony. Another time he measured it, but the result was only 676. The numbers just bounced around . . . I concluded they had done careful work, in general, but it somehow didn't make sense" (1 HSCA 560).
- 813 **Mannlicher-Carcano ammunition:** In 1964, Dr. John Nichols had obtained several boxes of ammunition from all four of the lots that had been produced by the Western Cartridge Company in 1952 for the U.S. Army. Nichols had tested them by firing them in his own Mannlicher-Carcano rifle, painstakingly assembled over the course of three hundred hours from the parts of thirty other rifles, a perfect instrument for testing the optimum firing characteristics of the rifle. Valued at over \$25,000, the rifle was stolen from Nichols's office in 1977 and was never recovered. (1 HSCA 539; "Pathologist Never Gave Up Theory on Kennedy Killing," *Kansas City Times*, November 30, 1978, p.2c)
- 813 **Three of these were not suitable for testing, and the examination of two others:** One unsuitable specimen (FBI Q-609) was what was left of the lead residue that had been on a section of curbstone cut away from Dealey Plaza which was thought to have been struck by a bullet fragment. The FBI had scraped the section to get a sample for its spectrographic analysis. What remained on the curbstone was a barely visible smudge. Guinn felt that any further scraping would have produced a sample composed mostly of cement, providing little hope of identifying it with a particular bullet. (1 HSCA 495) A second unsuitable specimen was the large copper-jacket fragment found on the floor on the right side of the driver's seat in the limousine (CE 569). It contained no lead—the substance Guinn was seeking to analyze (1 HSCA 496). As we have seen, however, the copper jacket already bore enough barrel markings to positively link it to Oswald's rifle through

ordinary firearms identification means (3 H 435, WCT Robert A. Frazier). The third specimen (CE 841) was actually no longer available. The container had once held some very tiny particles scraped from the inside surface of the limousine windshield, where a bullet fragment had struck. The specimen had apparently been used up during the FBI's earlier spectrographic analysis. Although neutron activation analysis (NAA) can be applied to samples as unimaginably minute as a billionth of a gram, and still detect trace elements in concentrations as low as one part per billion (1 HSCA 509), Guinn was unable to find anything inside the container, even under magnification (1 HSCA 496). Guinn examined two additional specimens. One was a sample of the unfired bullet (CE 141) found in the chamber of Oswald's rifle. Guinn's NAA revealed parts per million antimony and silver within the normal ranges for Mannlicher-Carcano ammunition. The other one (CE 573) was the mutilated bullet that had been fired at General Edwin Walker in April 1963, over seven months before the assassination of the president. Guinn's analysis of a sample determined that it was a Mannlicher-Carcano bullet (1 HSCA 501-502).

814 **all five specimens had come from just two bullets:** After he had seen from his own results that only two distinct bullets were in evidence, Dr. Vincent Guinn took another look at the 1964 neutron activation analysis (NAA) results obtained by FBI agent John Gallagher. Guinn discovered that they were not as erratic as he had originally thought. Gallagher had been comparing apples with oranges, mixing a wide variety of test conditions together to draw his conclusion instead of focusing on one set of conditions. When Guinn separated the data by test conditions, the 1964 results fell into the same two distinct bullet groups that Guinn had discovered in 1977. Gallagher had gotten the same results as Guinn, but simply hadn't interpreted them correctly. (1 HSCA 560) In his 1977 report to the HSCA, Guinn explained, "The FBI reported the results of its tests as inconclusive due to the wide variety of absolute values obtained each time a sample was tested. These results, however, were under differing test conditions. It is necessary to compare the results obtained under a given set of conditions, rather than a comparison of all the values under all conditions, to reach the conclusion that only two bullets are present" (1 HSCA 531).

Asked during his testimony before the HSCA to provide a degree of certainty to his conclusion that the fragments from Connally's wrist originated from the stretcher bullet, Guinn stated, "I wish I could put a number on it, as we often can do, that is, calculate a probability, but we really don't have the background information to make a numerical calculation in this case. One can only show what information we do have, and that is that you simply do not find a wide variation in composition within individual [Western Cartridge Company, or WCC] Mannlicher-Carcano bullets, but you do find wide composition differences from bullet to bullet for this kind of bullet lead. Thus, when you find two specimens that agree this closely, you can say it looks indeed like they are pieces from the same bullet." Question: "Would you state that your conclusion is more probable than not, highly probable, or what is the degree of certainty of your conclusion?" Guinn: "I would say highly probable, yes." (1 HSCA 505) Later in his testimony, when HSCA counsel asked Guinn, with respect to the three fragments removed from Connally's wrist, "So it is your testimony that it is very unlikely that these were fragments from two different bullets?" he responded, "It would be extremely

unlikely. You can imagine that certainly there are some WCC Mannlicher-Carcano bullets that are of essentially the same composition, and hence that pristine bullet [CE 399] might be one bullet that just happened to have the same composition as a different bullet that fractured the wrist, for example, but it is very, very unlikely” (1 HSCA 554–555).

At the London trial, it was obvious that Guinn was just being professionally cautious in testifying on the record only that it was *highly improbable* or even very unlikely that the Connally wrist fragments came from a bullet other than the stretcher bullet. In private conversations, he indicated to me he had no doubt at all that the three fragments came from the stretcher bullet. The main difference between the fragments and the bullet is that the wrist fragments had 797 parts per million antimony and the stretcher bullet had 833, a difference of only 36. I asked him at the London trial, “Does this difference militate against your conclusion that the wrist fragments came from the stretcher bullet?” Guinn: “No.” Guinn went on to explain that there is always a “measurement uncertainty . . . and you can’t tell whether real numbers are a little higher or a little lower than that. And when you take this into account, these two numbers are indistinguishable from one another.” Question: “So any time you . . . conduct an NAA examination of a bullet fragment you would probably come up with different parts per million, is that correct?” “Yes, even [with] the *same* piece [sample], if you ran it over and over again.” (Transcript of *On Trial*, July 24, 1986, pp.508–509)

With respect to Kennedy, I later asked Guinn, “Since we know from your analysis that the two bullet fragments removed from President Kennedy’s brain came from the same bullet that the front seat fragment came from [as indicated in an earlier endnote, the second front seat area fragment, CE 569, had no lead for Guinn to analyze], and since we also know from the firearms people that this front seat fragment came from a bullet fired from Oswald’s rifle, by definition, the bullet fragments removed from the president’s brain came from a bullet fired from Oswald’s rifle, is that correct?” “That is a correct statement, yes.” (Transcript of *On Trial*, July 24, 1986, pp.513–514)*

Because the firearms people had also proved that the stretcher bullet was fired from Oswald’s rifle and Guinn’s tests showed that all of the specimens he was given added up to only two bullets, I asked, “What you’re saying from your neutron activation analysis is that there may have been fifty people firing at President Kennedy that day, but if there were, they all missed. Only bullets fired from Oswald’s Carcano rifle hit the president. Is that correct?” “That’s correct. That’s a correct statement, yes.” (Transcript of *On Trial*, July 24, 1986, pp.511–513)

Apart from all the other evidence in this case, in summary, the NAA scientific

*Eighteen years later, Larry M. Sturdivan and K. A. Rahn made essentially the same point and extended it by pointing out that therefore (and assuming, of course, that NAA evidence is conclusive, which it is not) the hotly disputed issue of the “location of the rear head wound is irrelevant.” The reasoning, they note, “is very simple. Since NAA ties the tiny fragments from JFK’s brain . . . to the large fragment found in the front seat, and since ballistics shows that the front-seat fragment came from Oswald’s rifle (in the depository behind Kennedy), the front-seat fragment originated in the depository, passed through the head from rear to front and deposited tiny fragments along the way, and came to rest in the front-seat. Since we know where it started, where it ended, and that it passed through the head along the way, the details of its entrance and exit in the head are not needed to determine the source of the shots.” (Sturdivan and Rahn, “Neutron Activation and the JFK Assassination, Part II,” p.220)

evidence tells us that all of the recovered bullet fragments, as well as the nearly intact bullet from Parkland Hospital, comprised two and *only* two bullets, both of which had been fired from Oswald's rifle to the exclusion of all other weapons in the world. More significantly, from the NAA evidence alone, it was now possible to state, with a high degree of probability, that the so-called pristine bullet, the "magic" bullet (CE 399), had indeed been the bullet that smashed into Governor Connally's wrist.*

For years, NAA conclusions matching a crime scene bullet with a bullet independently connected to a defendant (e.g., found in a box inside his home) have been based on the premise that each batch of bullet lead (i.e., the "source") is unique in the concentration of its trace elements. And, therefore, if there was a "match" between the crime scene bullet and the bullet independently connected to the defendant, the matched bullet must have come from the same source and been manufactured at the same time and place. If true, the assumption is that when the defendant purchased the bullet that has been independently connected to him, he most likely also purchased, at the same time, the crime scene bullet.

Although no one has successfully challenged the findings of Dr. Guinn in the Kennedy assassination, emerging empirical evidence seems to support the proposition that the aforementioned premise may not be true, at least not anymore. For instance, a metallurgical study by four chemists (one, an FBI metallurgist for twenty-four years before retirement) of the compositional data on lead from leading suppliers from 1987–1988 and 1998–2000 revealed that "bullets with indistinguishable [trace elements] could have come from *different* lead sources" produced at different times and places (Randich, Duerfeldt, McLendon, and Tobin, "Metallurgical Review of the Interpretation of Bullet Lead Compositional Analysis," pp.174, 190). Indeed, in a Kentucky case in October 2002, FBI crime-lab examiner Kathleen M. Lundy conceded on cross-examination something that would have been heretical years earlier, that bullets which appear chemically indistinguishable in their elemental composition can come from different batches of lead, that is, not have a common source (Charles Piller and Robin Mejia, "Science Casts Doubt on FBI's Bullet Evidence," *Los Angeles Times*, February 3, 2003, pp.A1, A16).

This reality was confirmed in 2004 after a year-long study, commissioned by the FBI, by a group of scientific experts working under the aegis of the National Academy of Sciences (NAS). Although the group concluded that two bullets with the same chemical composition were more likely to have the same origin, that probability could not be accurately measured, and hence, "an expert should not testify as to the probability that a crime scene bullet came from the defendant." The group said, as the earlier studies did, that bullets from different sources can share trace elements in nearly identical amounts. (Board on Chemical Sciences and Technology, *Forensic Analysis, Lead Evidence*, National Research Council, February 10,

*The FBI was unable to determine where Oswald bought the ammunition used in the assassination. Agents located only two gun shops that sold 6.5-millimeter Mannlicher-Carcano ammunition in the Dallas-Irving, Texas, area. However, neither gun shop owner had any recollection of having sold ammunition to Oswald. (CD 778)

2004; *Los Angeles Times*, February 11, 2004, p.A12; *New York Times*, February 11, 2004, p.A17; see also *Pittsburgh Tribune Review*, November 22, 2003, p.A3)*

The conspiracy community has been quick to seize on the new findings about NAA as a weakness in the case against Oswald (e.g., Letter from Dr. Gary Aguilar to author dated February 19, 2003). But it is not clear at all how these findings, even if valid, negate Guinn's conclusions, particularly since Guinn testified that unlike other manufactured bullets, which he found to have a homogeneous elemental composition even when they came from the same batch or source, Mannlicher-Carcano ammunition manufactured by the Western Cartridge Company (CE 399 and the bullet fragments in the Kennedy case) had different elemental compositions (particularly in antimony content) *from bullet to bullet within the same box* (normally consisting of twenty rounds) of ammunition. (1 HSCA 494–495) In the context of this considerable diversity, when the Connally stretcher bullet (CE 399) still matches up in its elemental composition with the three bullet fragments removed from Connally's wrist, the inference seems irresistible that the fragments came from the stretcher bullet.

Moreover, even if the new findings shake the foundations of traditional NAA premises, the authors of these findings themselves do not contend that NAA is no longer a valid scientific forensic tool, saying only that the language used for bullets with indistinguishable elemental concentrations should be reduced from a "highly probable" match to "could have" a common source (Randich, Duerfeldt, McLendon, and Tobin, "Metallurgical Review of the Interpretation of Bullet Lead Compositional Analysis," p.191). Additionally, we are *not* dealing with a situation in the Kennedy case—common enough elsewhere—where the crime scene bullet (here, the fragments from the limousine and Connally's wrist) *differs markedly* from the bullet connected to the defendant (here, CE 399), in which case we could say they did not have a common origin.

Indeed, even if the new findings were to render NAA, and hence Guinn's conclusions, invalid, we *do* know that the stretcher bullet was fired from Oswald's rifle to the exclusion of *all* other weapons. Since *that* is definite, what is the likelihood that a bullet found on *Connally's* stretcher, which we know was fired from Oswald's

*K. A. Rahn and Larry M. Sturdivan wrote a two-part article on NAA that was published in 2004 and is excellent except for one fact. They remarkably ignored the findings of the metallurgical study by the four chemists, Erik Randich and his colleagues, published in 2002 in *Forensic Science International*. (Rahn and Sturdivan, "Neutron Activation and the JFK Assassination, Part I," pp.205–213, and Sturdivan and Rahn, "Neutron Activation and the JFK Assassination, Part II," pp.215–222) (They were not able to address themselves to the NAS findings because the latter came out in 2004, and part I of their article was submitted for publication on November 18, 2003, and part II on November 30, 2003. The Associated Press published a story on November 22, 2003, setting forth the NAS findings in a draft of its report, and these essential findings did not change in the NAS's final report, but Rahn and Sturdivan may not have been aware of the AP story, or, if they were, may have felt they did not have sufficient time to address it in the article they had submitted four days earlier or the one they submitted eight days later.)

Assassinologist Dr. Gary Aguilar says that the reason why Rahn and Sturdivan could ignore the results from Randich and his colleagues and still get their article published in a distinguished scientific journal is that "different standards are applied if one is defending the official version of JFK's death than are applied when one questions it. One need only read what the *Journal of the American Medical Association* put out in 1992–1993, what *Neurosurgery* put out in 2003–2004, and now what Rahn & Sturdivan have put out—all in the 'peer-reviewed' scientific literature—to realize that the mandarins of science grant Warrenistas the greatest latitude and deference, almost no matter what they say" (Letter from Dr. Aguilar to author dated December 21, 2004). An observation like this from someone of Aguilar's stature cannot be automatically dismissed.

gun, is not the same bullet that deposited its missing fragments in Connally's wrist? Next to nothing. In other words, when all is said and done, what difference does it make if it turns out that the NAA tests are completely invalid? But there is a more important point to be made. Let's not forget that the NAA conclusions by Guinn (as well as those by the FBI back in 1964, which Guinn later acknowledged "were fundamentally better than . . . I initially thought" [1 HSCA 562]) are *completely consistent* with all the other evidence showing that Oswald was at the sniper's nest window and it was his Carcano rifle that fired the only bullets that hit Kennedy. This other, independent evidence necessarily increases the likelihood that Guinn's separate NAA conclusions are accurate.*

*Eric Randich and Patrick M. Grant acknowledged the above reality in a 2006 article attacking Dr. Guinn's conclusion. They write that although their analysis of the compositional data from the recovered bullet fragments reflected that "anywhere between two and five rounds" were fired in Dealey Plaza (in the very preceding paragraph they say, "One to five individual bullets"), "stand-alone primary evidence" (i.e., evidence totally *independent* of NAA) could render their conclusion of a possibility of more than two bullets wrong.

In addition to concluding that the bullet fragments in the Kennedy assassination "need not necessarily have originated from MC [Mannlicher-Carcano] ammunition," the authors place considerable weight on the fact that way back in 1970, seven years before Guinn started to work with the actual Kennedy assassination fragments and Commission Exhibit No. 399, Guinn was a member of a four-man team at Gulf General Atomic in San Diego that was in the process of "developing" (Randich and Grant acknowledge) NAA as a forensic tool in criminal investigation, and the team found that less than half of the 75 lots of bullets from various manufacturers were uniquely characterized by the concentrations of trace elements, including antimony (Randich and Grant, "Proper Assessment of the JFK Assassination Bullet Lead Evidence from Metallurgical and Statistical Perspective," pp.717-719, 727-728). But Guinn was only part of a team, the examination was in the very early stages of NAA when it had not yet been fully developed as a science, and the team did not have the actual bullet and fragments to work with, as Guinn did in 1977. Since the authors are not suggesting that Guinn lied (i.e., deliberately published false findings and committed perjury in his testimony before the HSCA) in 1977, just what point are they trying to make in placing a fair amount of emphasis on the 1970 tests?

Inasmuch as the research community has access to the entire Randich-Grant article, but not to Larry Sturdivan's rebuttal to it, I am herein setting forth Sturdivan's complete letter to me in which I asked him to respond to the Randich-Grant piece:

"If one looks at the NAA data obtained by Vincent Guinn for the HSCA, it falls into two groups that are immediately obvious. The lead core of the stretcher bullet, CE 399, and the lead fragments from Governor Connally's wrist have an antimony content near 800 parts per million (ppm). The core of the bullet fragment from the president's limousine, CE 567, the lead fragments recovered from the president's head, and the small lead fragments from the carpet in the backseat have antimony content that ranges from about 600 ppm to a bit less than 650. Randich and Grant, in this JFS article of July 2006, set out to show that the obvious grouping is illusory (all recovered bullet evidence is indistinguishable from each other) and that this means that the wrist injury and/or the fatal head wound could have been caused by other (unrecovered) bullets.

"This is similar to watching a videotape of a bank robbery and discovering that the two bank robbers were identical twins. Randich and Grant would solemnly declare that since you could not tell the bank robbers apart, it could have been any two people that robbed the bank. Obviously, it isn't how close the two groups of recovered bullet evidence are to each other that matters, it's the chance that the lead from a third source could match as well as the other members of the group do. For this comparison, one must characterize the range of antimony content in the population of bullets available to a potential shooter in the early 1960s, a point that Randich and Grant choose to ignore.

"Most high-power rifle bullets available to potential assassins in 1963 contained hardened lead cores in which the antimony content was orders of magnitude larger than that in the recovered bullet evidence. On the other hand, the antimony levels in the recovered evidence was far outside the level found in natural lead ores, indicating that the 'soft' lead cores inserted into those bullets contained a small quantity of leftover hardened lead. Any bullets containing lead from natural ores would have had much smaller quantities of antimony. Fragments deposited by either of these types of bullets could not have been mistaken for lead from the bullets manufactured by the Western Cartridge Company for use in the Mannlicher-Carcano rifle (WCC/MC). Obtaining exact concentration of trace metals in soft lead cores was beyond the abilities of even the FBI in 1963, so the best a conspirator could do to match CE 399 or CE 567 was to use another bullet from the same lot. Vincent Guinn measured the antimony content in that lot of WCC/MC bullets and found that it ranged

In any event, there has been a dramatic development resulting from the studies by Randich and his colleagues and the NAS group. On September 1, 2005, the FBI, after conducting about 2,500 NAA tests for local, state, federal, and even foreign investigations (the FBI's laboratory at Quantico, Virginia, was the only one in the country performing NAA tests) through the years, announced that although it still had confidence in the scientific reliability of the technique, it would stop conducting the tests in light of criticism of how the results were interpreted in court. Dwight Adams, the director of the FBI laboratory, said that "the [NAA] is a valid science, but the issue here goes beyond the science into the courtroom and the way evidence is presented, and there was the potential for the results to be overstated or misunderstood when an examiner would say that two bullets were analytically indistinguishable" (*New York Times*, September 2, 2005, p.A11).

Long before the article by Randich and his coauthors was published in *Forensic Science International* in 2002, critics, who cling to the belief that the stretcher bullet was planted, have argued that the bullet fragments (we'll get into the disputed number in a moment) removed by Dr. Charles Gregory during his surgery on Connally's wrist were really not the ones Dr. Vincent Guinn conducted his NAA test on—meaning that conspirators not only planted the bullet on the stretcher, but also removed some small fragments from it prior to the assassination and planted them in Connally's operating room, or at some later date substituted them for the actual fragments Dr. Gregory removed. Not only is this all a tad too much to believe, but, as you'll soon see, it would have been virtually impossible to accomplish.

Legally speaking, the whole area of the actual number of fragments removed from Connally's body, and particularly the chain of custody of the removed fragments, is infused with enough confusion that a responsible court of law might have some difficulty allowing the fragments into evidence. The Warren Commission did not nail the issue down, and although the HSCA admirably tackled most issues in the case, bringing the best minds and technology to resolve them, the select committee seemed to stay away from this one the way the devil stays away from holy water, devoting (to my knowledge) just a few paragraphs in all of its volumes to the problem, resolving virtually nothing, and acknowledging there is "some confusion" (7 HSCA 155–156).

from near zero to a few thousand ppm. This prompted him to state that the recovered samples were all in the high range of antimony concentration, not only from that lot, but for any of the four lots of these bullets.

"Ken Rahn and I properly characterized the distribution of antimony in that lot, found that it did not differ significantly from the other three lots, and used that distribution to show that a randomly selected WCC/MC bullet would have only a low probability of matching either group as closely as other members of that group did. This is true even if that hypothetical 'other gunman' selected other bullets from the same box from which CE 399 and CE 567 were drawn.

"Furthermore, using measurement errors not artificially inflated by the irrelevant factors used by Randich and Grant shows that the obvious grouping is (not surprisingly) the correct one. Earlier NAA tests conducted by the FBI, though not disclosed to the Warren Commission, showed results virtually identical to Guinn's. These tests were run with different samples cut from CE 399 and CE 567, independently verifying that the two groups could be distinguished from each other. Note that this result is not necessary for calculation of the probability that a random bullet would match the antimony content of the fragments recovered from either of the two men as well as the recovered bullet or major bullet fragment (within the same group) does." (Letter from Larry Sturdivan to author dated August 14, 2006)

The FBI found that the stretcher bullet (CE 399) weighed 158.6 grains, and that these bullets, when new, all weighed “in the vicinity of 161 grains.” Hence, a loss of 2.4 grains in weight. (3 H 430, WCT Robert A. Frazier) The issue, of course, is whether the combined weight of the fragments removed from Connally’s body, coupled with the weight of those still inside, adds up to more than the 2.4 grains missing from the stretcher bullet. It is an article of faith among almost all conspiracy theorists that it does add up to more and hence, the Connally wrist fragments did not come from the stretcher bullet, supporting the thesis that the stretcher bullet must have been planted. Authors, writers, and expert witnesses have been very imprecise in dealing with this problem. For instance, in Dr. Guinn’s report to the HSCA, he refers to “one larger fragment, and two small ones, *reportedly* recovered from Governor Connally’s wrist during surgery” (1 HSCA 514). *Case Closed* author Gerald Posner writes that “the Governor had three [bullet fragments] removed from his wrist during surgery, and two small fragments remained in his wrist and one was embedded in his thigh.” But he gives no citation of authority for this. He goes on to say, “A reconstruction of weights based upon the fragments removed by Dr. Gregory, as well as the descriptions of those left in Connally, indicates that all the fragments from CE 399 weighed no more than 1.5 grains.” (Posner, *Case Closed*, pp.339–340) But he doesn’t cite the Warren Commission or the HSCA as his source for this, citing instead the testimony of Dr. Robert Piziali at the American Bar Association’s mock trial in San Francisco in 1992. (Piziali actually testified that “1.3 grains” was “unaccounted for.” But Piziali is hardly a reliable source, inasmuch as he was not on any of the panels of the HSCA and there’s no evidence or reason to believe he had ever had custody of the fragments removed from Connally’s body and weighed them.)

How many bullet fragments were in fact removed from Connally’s entire body? There’s no evidence in the Warren Commission volumes that any were removed from any part of his body other than his wrist.*

How many fragments were removed from Connally’s wrist? Dr. Gregory, who performed the surgery on Connally’s wrist, is dead, and the record he left behind to answer this question is contradictory. In his Parkland Memorial Hospital “Operative Record,” prepared on the afternoon of November 22, 1963, he writes in fractured and confusing syntax: “Small bits of metal were encountered at various levels throughout the wound [to the right wrist] and these were wherever they were identified and could be picked up were picked up and have been submitted

*The only reference to the contrary is a November 22, 1963, FBI interview of William O. Stinson, administrative assistant to Governor Connally, who related that a fragment of “the spent bullet came to rest in the Governor’s left thigh” and was removed during surgery by “Dr. Tom Shires and/or Dr. Robert R. Shaw” (CD 5, p.152, FBI interview of William O. [Bill] Stinson on November 23, 1963). However, FBI special agent J. Doyle Williams reported the following day, after interviews with Dr. Charles F. Gregory (who performed surgery on the governor with Dr. Tom Shires) (CD 5, p.154), surgery supervising nurse Audrey Bell (CD 5, p.155), and Bobby M. Nolan (who delivered the fragment to Captain Fritz and thought it came from the governor’s thigh) (CD 5, p.156), that “a determination was made that the metal fragment in question was actually removed from the Governor’s right arm [wrist] and that no surgery was performed in connection with the wound in his left thigh” (CD 5, p.153). The HSCA forensic panel (with the exception of Dr. Cyril H. Wecht) came to the same conclusion in 1978 after reviewing the FBI reports and the notes of the attending physicians. The HSCA wrote that Dr. Gregory told the HSCA staff that although X-rays indicated the possibility of a small fragment of metal embedded in the left thigh, no surgery was performed to remove it. (7 HSCA 156)

to the Pathology department for identification and examination” (CE 392, 17 H 18). So no specific number of fragments is mentioned. In his Warren Commission testimony on April 21, 1964, Gregory said that “there were two fragments retrieved in the course of dealing with this wound [right wrist] surgically . . . I thought I had retrieved two of them” (4 H 123). There’s no other reference in his testimony, or that of Dr. Robert Shaw (who operated on Connally’s chest), or of Dr. Tom Shires (who operated on Connally’s thigh), that any other bullet fragments were removed. Dr. Gregory’s recollection of removing only two fragments conflicts, of course, with Dr. Vincent Guinn’s testimony that he subjected *three* bullet fragments from Connally’s wrist to NAA. The likelihood is that Gregory removed three fragments on November 22, 1963, and five months later in his testimony he forgot the exact number. His use of the words “I *thought* I had retrieved two of them” is compatible with this inference. Or Dr. Gregory’s testimony of only recalling removing two metal fragments could be the result of a simple transposition of fact. According to his postoperative report, Dr. Gregory removed two *bone* fragments during the operation on Connally’s wrist, a fact not mentioned during his Warren Commission testimony five months later (CE 392, 17 H 18; 4 H 126–127). It might very well be that Dr. Gregory simply substituted the number of bone fragments for the number of metallic fragments he removed.

It is noteworthy that whether he removed two or three or more fragments, Dr. Gregory testified that “they were *lead* colored, silvery, of that color. I did not recall them as being either brass or copper” (4 H 122). The relevance of this, of course, is that we know that the only part of the stretcher bullet that is missing is the soft *lead* core protruding from the base of the bullet. Dr. Guinn testified before the HSCA, “The [CE] 842 fragments [bullet fragments removed from Connally’s wrist] came from, in this case, the base of the bullet [CE 399]” (1 HSCA 504).

There is actually solid evidence, though not testimonial, that Dr. Gregory removed *more* than three bullet fragments. The Warren Commission is silent as to the number of bullet fragments comprising Commission Exhibit No. 842, but the HSCA said that it consisted of “four lead-like fragments” (7 HSCA 367). Although the photographs of Commission Exhibit No. 842 in the Warren Commission and HSCA volumes are very poor reproductions and unclear, I was able to get a photograph from the National Archives that clearly shows four fragments, which the Warren Commission identifies as the fragments removed from Connally’s wrist by Dr. Gregory (CE 842, 17 H 841; 7 HSCA 367). In my preparation of Dr. Guinn for his testimony at the London trial, he told me he was “under the impression” that in all the tests the bullet fragments were subjected to throughout the years, “one very tiny fragment may have somehow got lost.” (Ah-ha, some conspiracy buffs might say. If we can someday, perhaps centuries from now, find this minuscule fragment, it will probably hold the key to the assassination, including microchip engravings on it identifying the names, even the Social Security numbers, of all those involved in the conspiracy to murder President Kennedy.) Audrey Bell, the supervising nurse in the Connally operating room at Parkland Hospital, stated in 1977 that she had seen and handled “four or five bullet fragments” (Summers, *Conspiracy*, p.546 note 11).

One critical question is, how much did the bullet fragments removed from Connally’s wrist weigh? There is no reference in the Warren Commission volumes to

this.* And as indicated, with the exception of NAA, the HSCA virtually ignored the entire Connally bullet fragment issue. But the committee did say that of the “four lead-like fragments . . . the largest fragment weighed 0.3 grain. The other [three] fragments were too small to weigh” (7 HSCA 367). So whether or not there was a fourth bullet fragment from Connally’s wrist that was lost, we know that its weight was infinitesimal, and would not have any effect on the answer to the question of whether the bullet fragments removed from and remaining in Connally’s body exceed in weight the 2.4 grains lost from the stretcher bullet.

At the trial in London, I asked Dr. Guinn if he had added up the weight of the three Connally fragments removed from Connally’s wrist, and if so, to “give the weight to the jury.” Guinn: “Yes, I have them [his calculations] here. I have to locate them5 grain. A half a grain.” Question: “So they did not weigh more than the loss of weight [which Guinn had previously testified was around 2.5 grains] to the stretcher bullet?” Answer: “No, less than the loss.” (Transcript of *On Trial*, July 24, 1986, pp.510–511) I went on to ask Dr. Guinn if he had totaled up the weight of all the bullet fragments he subjected to NAA (CE 842, the three bullet fragments removed from Connally’s wrist; CE 843, the two bullet fragments removed from President Kennedy’s brain; CE 399, the stretcher bullet; CE 567 and 569, the two bullet fragments recovered on or near the front seat of the presidential limousine; and CE 840, the three fragments found on the floor beneath the left jump seat of the presidential limousine), and he said he had. The total weight was “226 grains . . . as compared to 322 grains, . . . the weight of two such bullets undamaged.” Question: “In other words, less than the combined weight of two bullets, is that correct?” Answer: “Yes.” Question: “So there is no evidence that more than two bullets” hit anything “inside the presidential limousine?” Answer: “That’s correct. And there is evidence, solid evidence, that there were two.” (Transcript of *On Trial*, July 24, 1986, pp.511–512)

There is a dissent on this issue of weight, but it does not come—pardon the play on words—from a weighty source. Audrey Bell, the aforementioned nurse at Parkland Hospital on November 22, has become a conspiracy star of sorts, addressing pro-conspiracy conventions like the 1991 Dallas Conference on the Assassination of President Kennedy. She has become a leading authority for the proposition that the combined weight of the Connally fragments exceeds the weight lost from the stretcher bullet, conspiracy books frequently quoting her telling Anthony Summers in 1978 that “the smallest [fragment] was the size of the striking end of a match and the largest at least twice that big. I have seen the picture of the magic bullet [almost invariably, in conspiracy books, which are most of the books written on the assassination, the base of the bullet from which lead was lost is not shown], and I can’t see how it could be the bullet from which the fragments I saw, came” (Summers, *Conspiracy*, p.546 note 11; see also Groden and Liv-

*In support of his position, which I concur with, that the bullet fragments removed from Connally’s wrist did not weigh more than the 2.4 grains lost from the stretcher bullet, Gerald Posner writes in *Case Closed* that Dr. Charles Gregory testified before the Warren Commission that the bullet fragments he removed from Connally’s wrist were “flakes of metal” weighing “something less than the weight of a postage stamp” (Posner, *Case Closed*, pp.339–340). But Dr. Gregory was not referring to the bullet fragments he removed from Connally’s wrist, which definitely were not flakes of metal, but to the bullet fragments *left* in Connally’s wrist, which were never removed yet show up on X-rays (4 H 119–120).

ingstone, *High Treason*, p.64). The problem is that at the time she allegedly saw the fragments in 1963 she could not have known about the controversy that would eventually develop, and therefore wouldn't have had any reason to pay any attention to the size of the fragments. But fifteen years later she recalls everything very vividly, has become an expert on weights and measurements, and apparently knows all about the damage to the base of the stretcher bullet. Under those circumstances, I guess it makes sense to treat her observation as having more "weight" and credibility than that of the HSCA, which concluded that the largest fragment weighed 0.3 grain and the remaining three fragments "were too small to weigh" (7 HSCA 367).

As indicated earlier, a clear chain of custody or possession of the aforementioned fragments removed from Connally's wrist has never been established.* The situation is thrown into even greater confusion by what the participants told the FBI in interviews conducted on the day after the assassination. Agent J. Doyle Williams writes that Dr. Gregory told him he removed a small fragment of metal (singular, not plural) from the governor's right arm and turned it over to Nurse Audrey Bell. We can assume Williams meant "right wrist" when he wrote "right arm," but in a follow-up interview the same day with Nurse Bell, he quotes her as telling him that Dr. Gregory turned the small metal fragment (singular) over to her, and pursuant to instructions from the governor's office, she in turn gave the fragment to Texas state trooper Bob Nolan, who told Williams that same day that he turned the fragment (singular) over to Captain Will Fritz at approximately 7:50 p.m. on the evening of the assassination. (CD 5, pp.154–156, FBI agent J. Doyle Williams's interviews of Dr. Charles Gregory, Audrey Bell, and Bobby Nolan on November 22, 1963; see also 7 HSCA 156) In view of the fact that when the participants themselves are talking (e.g., Dr. Gregory's Warren Commission testimony, Audrey Bell's statement to Anthony Summers) they refer to "fragments," not a single fragment, the most reasonable conclusion is that when Williams wrote his report, he erroneously wrote not only "right arm" for right wrist, but "fragment" for fragments. It should be noted that Williams was apparently so confused that day that in two of his reports (on interviews of Nolan and William Stinson, an administrative assistant to the governor [CD 5, pp.152, 156]) he says he was told the "fragment" was removed from the governor's left thigh, but in a follow-up report (CD 5, p.153), he writes that "the metal fragment in question was actually removed from the Governor's right arm."

*An argument frequently heard in the conspiracy community is that Oswald could not have been convicted in a court of law because the "chain of custody [or possession]" of the evidence against him was not strong enough to make the evidence admissible in a court of law. Just one example among many: In Jim Marrs's book *Crossfire*, he writes about the palm print of Oswald's found on the underside of the Carcano, and says that "the palm print would never have been admitted as evidence in any courtroom trial because it totally lacked a chain of evidence—the *unquestioned* and documented path from discovery to presentation in court" (Marrs, *Crossfire*, p.443).

The first observation I have to make is that I would think conspiracists like Marrs would primarily want to know if Oswald killed Kennedy, not whether he could get off on a legal technicality. Second, there is no problem with the chain of custody of much of the physical evidence against Oswald, such as the rifle and the two large bullet fragments found in the presidential limousine. Third, and most important on this issue, courts do not have a practice of allowing into evidence only that for which there is an ironclad and 100 percent clear chain of custody, and this is why I believe that 95 percent of the physical evidence in this case would be admissible. I can tell you from personal experience that excluding evidence at a trial because the chain of custody is weak is rare, certainly the exception rather than the rule. The typical situation where the chain is not particularly strong is for the trial judge to nevertheless admit the evidence, ruling that the weakness of the chain goes only to "the weight of the evidence [i.e., how much weight or credence the jury will give it], not its admissibility."

What Captain Fritz did with the fragments he received from Nolan is not known, and the entire chain of possession is murky. However, the Warren Commission concluded that the bullet fragments removed from Governor Connally's wrist were placed into an envelope marked "Commission Exhibit No. 842" (17 H 841), and the HSCA concluded that the fragments removed from Connally's wrist were the same as those in Commission Exhibit No. 842, and were the ones examined by Guinn (1 HSCA 497).

Though we cannot feel sanguine about these conclusions, there is one piece of evidence that gives us a certain amount of confidence that despite the less-than-clear chain of possession, all of the fragments ended up where they were supposed to end up. In 1977, Nurse Bell told *Dallas Morning News* reporter Earl Golz that once she got the fragments, she placed them in a "foreign body envelope" (which, with minor variations, is a standard hospital envelope for material like bullet fragments) (*Dallas Morning News*, April 2, 1977). And as one can see from a photograph of Commission Exhibit No. 842 (7 HSCA 392, figure 17), the envelope that contains the four bullet fragments is titled "Foreign Body Envelopes." One may say I am picking and choosing when I cite Bell to support my position, but attack her credibility when her position contravenes mine. But the charge would be without merit since we are comparing two very different types of things. Bell not only is no authority on weights and measurements, but also in fact did no such calculations, whereas no expertise is needed to know the name of the hospital envelope she put the bullet fragments in, an envelope she probably frequently used and hence was very familiar with. Moreover, there are approximately 35,000 words in the English language. If Bell used three of those words, and in a particular sequence, to identify the envelope, it defies statistical improbability to conclude that the container the Warren Commission and HSCA claim contains the Connally bullet fragments just coincidentally has the very same name as the envelope Bell said she put the Connally bullet fragments in.

If 2.4 grains was lost from the stretcher bullet, and the three fragments that were reportedly removed from Connally's wrist collectively weighed 0.5 grain, did the seven or eight (4 H 119–120, WCT Dr. Charles F. Gregory) fragments *remaining* in Connally's body weigh more than 1.9 grains? Since they were never removed, we cannot be categorical in our answer, but the available evidence strongly suggests they did not.*

Dr. Gregory, who operated on Connally's wrist, testified before the Warren Commission that the X-rays of the wrist showed "*three shadows . . . identified as representing metallic fragments . . . I would identify these fragments as varying from five-tenths of a millimeter in diameter to approximately two millimeters in diameter, and each fragment is no more than a half millimeter in thickness. They would rep-*

*Dr. Robert Shaw disagrees. He told the Warren Commission that "the examination of the wrist both by X-ray and at the time of surgery [it is not clear from this whether he was including fragments seen in the wrist at the time of surgery that were removed] showed some fragments of metal that make it difficult to believe that the same missile could have caused these two wounds. There seems to be more than three grains of metal missing . . . in the wrist" (4 H 113). However, it should be noted that Dr. Shaw's area of responsibility was Connally's chest, not his wrist, and by his own admission, his "examination of the wrist was a very cursory one" (4 H 108). He also acknowledged to the HSCA that he was not qualified to speculate on the weight of the fragments that remained in Connally's body (7 HSCA 328).

resent in lay terms, flakes, flakes of metal.” Warren Commission counsel: “What would your estimate be as to their weight in total?” As alluded to in an earlier footnote, Dr. Gregory said, “I would estimate that they would be weighed in micrograms [a microgram is a unit of weight equal to one-millionth of a gram, a gram equaling 15,432 grains], which is a very small amount of weight. I don’t know how to reduce it to ordinary equivalence for you. It is the kind of weighing that requires a microadjustable scale, which means that *it is something less than the weight of a postage stamp.*” (4 H 120) Gregory said that as the missile passed from the back of Connally’s wrist to and through the front of the wrist, it left “the small flakes behind” (4 H 120). He said no effort was made to remove these fragments “because they were like proverbial needles in haystacks, and we know from experience that small flakes of metal of this kind do not ordinarily produce difficulty in the future.” But removing them, he said, could have caused adverse consequences in the process. (4 H 123)

Only one other bullet fragment was found in Connally’s body that was not removed. Dr. Tom Shires, who attended to Connally’s thigh injury, testified that X-rays revealed “a very small one millimeter bullet fragment imbedded in the femur [thigh bone]” of Connally’s left leg, and he said, “It was thought inadvisable to remove this small fragment.” Warren Commission counsel: “Would you have any estimate as to how much that [fragment] might weigh in grains?” Shires: “A fraction of a grain, maybe a tenth of a grain, very small.” (6 H 106) Dr. Gregory described the femur fragment as “a very small fleck of metal . . . It is that small, and almost likely to be overlooked” (4 H 125).

In a 1968 experiment, Dr. John K. Lattimer, a urologist with an interest in firearms that dates back to his serving as a firearms range officer during World War II,^{*} secured a bullet just like the stretcher bullet, and with the help of pathologist Dr. Myron Tannebaum and roentgenologist Dr. Joshua Becker, conducted an experiment. Although the side of the bullet, in photographs, looks relatively normal, visual inspection showed it was “flattened as if by a heavy blow on one side.” So the doctors “compressed [a test bullet] sideways in a special vise until its configuration was as close as possible to that of bullet 399. This required great force because of the high structural density of these bullets, but it did cause the softer lead from the center of the bullet to be extruded from the open rear of the encompassing [metal] jacket,” the extrusion from the base being identical to what happened to the stretcher bullet. “The extruded leaden metal was then sliced off flush with the base of the bullet.” The sliced-off lead weighed 2.1 grains, three-tenths of a grain *less* than the 2.4 grains estimated to be missing from the base of the stretcher bullet. Perhaps more importantly, Lattimer was able to slice the extruded lead into forty-one small fragments. This is relevant because

^{*}At Columbia University medical school before the war, Lattimer participated in U.S. Army studies of the wounding capabilities of various weapons on human tissue. During World War II he served in England, Normandy, and Germany as a medical surgeon (as well as urologist) dealing with all types of war wounds, including from the type of bullet that was later used to kill Kennedy, and was chief of urology or chief of surgery at several U.S. Army general hospitals. As Dr. Lattimer’s interest in firearms and forensic pathology grew, he became a close friend of Dr. Milton Helpert, the famous New York City medical examiner, whom Lattimer refers to as his “teacher” in his extra-urological endeavors. Through the years, no person or group has conducted as many ballistic and scientific studies relating to the assassination as Dr. Lattimer. And his stature in this field is such that in 1972, Burke Marshall, a Kennedy family representative whom Dr. Lattimer had never met, allowed Lattimer to be the first private, nongovernmental doctor to review the previously restricted Kennedy autopsy photographs and X-rays at the National Archives.

Lattimer looked at the preoperative X-rays at the National Archives of the fragments remaining in Connally's body (Lattimer saw four fragments, Dr. Gregory seven or eight, among which were three larger ones) and discovered that "only one of the four Connally fragments was slightly thicker than those from our sample of 41 . . . The other three were much smaller than our slices" (Lattimer and Lattimer, "Kennedy-Connally Single Bullet Theory," pp.526-530; 4 H 120, WCT Charles F. Gregory).

So what we seem to have here is the following weights for the bullet fragments—the 0.5-grain weight of the three bullet fragments believed to have been removed from Connally's wrist plus a fourth fragment that the HSCA said was too small to even weigh, plus the several "flakes" of metal fragments still inside Connally's wrist, which were estimated to weigh less than a postage stamp, plus the fragment in Connally's femur that was estimated to weigh a tenth of one grain. To this we should add the weight of the samples taken for tests by the FBI of the bullet fragments removed from Connally's wrist. The HSCA learned that "the Bureau disposed of the samples examined after the test"* (HSCA Report, p.599 footnote 33; see also 1 HSCA 561-562, Guinn unaware that samples were destroyed). Samples are invariably extremely small, and here we are dealing with the source themselves (the fragments from which the samples were taken) being small, so the combined weight of these samples must have been in the low tenths of a grain. It would appear that the combined weight of all of the above would not even come close to weighing, much less exceeding, the 2.4 grains missing from the stretcher bullet.

There is an interesting footnote to all of this: John B. Connally died on June 15, 1993, of pulmonary fibrosis. Upon learning of the news that same day, James Lesar, the quiet-spoken and thoughtful lawyer who heads up the Assassination Archives and Research Center (AARC) in Washington, D.C., a treasure trove of Kennedy assassination papers and documents that has proved valuable for pro- and anti-conspiracy assassination researchers since its inception in 1985,[†] wrote a letter to Attorney General Janet Reno requesting that the bullet fragments remaining inside Connally's body be removed for weighing and for NAA. Dr. Cyril Wecht and five other doctors joined Lesar in the request. "It is conceded on all sides of the assassination debate," Lesar wrote, "that if this single bullet [CE 399] did not cause the seven wounds in both men, then more than one assassin must have fired on the President." Reno immediately referred the matter to the FBI. In the meantime, Connally was buried on June 17. That same day the FBI (the same FBI that many critics charge is part of the conspiracy and cover-up) said it would be in favor of exhuming the body to recover the fragments if the Connally family consented. "If the family will allow this to be done, we could put this to rest," Oliver B. Revell, the head of the FBI field office in Dallas said at the time. "Conspiracy theorists are not going to let this go away." (*New York Times*, June 18, 1993, p.A-8) But the next day, June 18, the Connally family angrily rejected the request, which was conveyed to them by the FBI. George Christian, a former aide to Connally and President Lyndon Johnson,

*This was a reference to samples from *all* of the five evidence specimens, which would necessarily include the fourth specimen, Commission Exhibit No. 842, the fragments removed from Connally's wrist.

[†]The AARC is the successor to the Committee to Investigate Assassinations, which started in 1969 and whose president, Bernard Fensterwald Jr., continued as president of the AARC until his death in 1991.

who was at the funeral, said, “The FBI tried to reach the family through various sources right in the middle of the services. I can’t believe it. They have no conception what this does to the family.” A Connally family spokesman, Julian Read, issued a statement that before Connally died, he had been available for thirty years “for any legitimate research request,” and “in all that time no such request has been made by any responsible authority.” (Lesar acknowledged to me that he had not made a request before, and did not know of anyone else who had, but added, “I have a vague recollection that someone may have”* [Telephone interview of Jim Lesar by author on April 27, 2000].) Read said the family would “resist vigorously any efforts to disturb the body of John Connally.” (*New York Times*, June 19, 1993, p.6)

Even if the body were ever exhumed, the fragments removed, and the tests conducted confirmed that they came from the stretcher bullet, and the combined weight of the fragments and those previously removed did not exceed 2.4 grains, this would satisfy, on this point, only responsible conspiracy theorists like Lesar and Dr. Wecht. It would in no way satisfy the bulk of conspiracy theorists who would develop a whole new set of suspicious circumstances and discrepancies surrounding the exhumation of the body and the testing and weighing of the fragments. The term *ad infinitum*, among others, is tailor-made for the conspiracy community.

- 814 **or elsewhere firing with a *different* rifle:** A bullet fragment and a mutilated slug, which critics have touted as evidence of a second rifle, were subjected to analysis in 1978. The fragment had been found in 1967 by a roofer working on top of the Massey Roofing Company building in the 1200 block of Elm Street—eight blocks from Dealey Plaza. The roofer gave it to his attorney, Bill Mason, who in turn gave it to the HSCA ten years later, in April 1977. (7 HSCA 358) The technical assistant to the HSCA firearms panel, George R. Wilson, determined that it was a jacketed, soft-point .30 caliber bullet, probably manufactured by Remington-Peters. The HSCA found no reason to connect it with the assassination. (7 HSCA 362, 358)

The mutilated slug has become much more famous in assassination lore. On November 26, 1976, Richard Harold “Dick” Lester, a Dallas nighttime security guard with a seventh-grade education, called the Dallas FBI office and stated that for several years he had been going to Dealey Plaza “looking around,” and claimed that approximately two years earlier, while using a metal detector in the area of the assassination, he discovered what he believed to be a 6.5-millimeter slug. On December 1, two Dallas FBI special agents, Robert P. Gemberling and Larry Steging, interviewed Lester. He showed them the slug and said he had found it on the railroad overpass directly above the south side of Commerce Street between the narrow roadway and the fence. His only explanation for waiting two years to call them was that a KRLD radio talk show on the assassination in the late evening of November 22, 1976, had caused him

*Dr. John Nichols, in 1977, did propose in an article that the small metal fragment he said remained in “the Governor’s left thigh” be removed and “compared with the metal in bullet CE399 by neutron activation,” though I can’t find any record of his making this request to John Connally or to the authorities (Nichols, “Wounding of Governor Connally of Texas,” p.77).

to think it would be a good idea. Lester turned the slug, heavily mutilated, over to the agents and they sent it to the FBI lab in Washington, D.C., for analysis. (FBI Record 124-10151-1066)

On July 28, 1977, a National Archives technician delivered two of the test-fired bullets from Oswald's Mannlicher-Carcano rifle to the FBI lab. Special Agent Robert W. Sibert of the Firearms Identification Unit found that the Lester slug was, indeed, not only a 6.5-millimeter bullet, but like those fired from the Carcano, it came from a bore with four grooves and a right twist. But the slug was a "jacketed soft point" or "jacketed hollow point" bullet, not the "full metal jacket" military-type bullet used in the assassination. Therefore, the Lester bullet, though the same caliber, was different from the assassination bullets. But could they still have been fired from the same rifle, Oswald's Carcano? Sibert said that they couldn't have. Not only did the widths of the land and groove impressions vary by approximately $\frac{1}{100}$ inch, but the individual microscopic marks on the Lester slug did not match up with those on the two test-fired bullets. The FBI report on the examination concluded that "nothing was found to indicate that the questioned bullet [Lester slug] was fired from the assassination weapon." (FBI Record 124-10066-10017, July 28, 1977)

The HSCA firearms experts conducted the same type of examination with the Lester slug and reached the same conclusion as the FBI (7 HSCA 357-358, 372-373).

816 **safari into delirium:** The allegation by conspiracy theorists that Jack Ruby planted the bullet on Connally's stretcher presupposes two points, each of which, by themselves, is preposterous. The first thing it presupposes is that someone planted it on Connally's stretcher. But as I believe I have clearly shown, that makes no sense at all. Moreover, there's *no evidence* that Ruby planted it on the stretcher. It's just naked speculation.

The second thing it presupposes is that Ruby was a part of a conspiracy to murder Kennedy, and pursuant to that conspiracy he planted the bullet on Connally's stretcher to frame Oswald for the murder. But not only is there, again, *no evidence* to show that Ruby was part of any conspiracy to murder Kennedy, but based on what we know about Ruby, the notion that he was out to have Kennedy murdered is just too silly to even talk about.

Because of the above, the allegation is not entitled to any discussion, but for the readers who want to know more about it, the allegation is built almost exclusively on the statement of Seth Kantor, a Scripps-Howard reporter who knew Ruby from Kantor's days with the *Dallas Times Herald*. Kantor told the Warren Commission that sometime just before or after acting White House press secretary Malcom Kilduff announced to the media the president had died (1:33 p.m.), Jack Ruby tugged on the back of his jacket out at Parkland and extended his hand when Kantor turned around. They recognized each other, and Ruby, per Kantor, with "quite a look of consternation on his face" and "emotional," said, "Isn't this a terrible thing?" Kantor agreed and Ruby proceeded to ask him, "Should I close my places for the next three nights, do you think?" Kantor said, "Yes, I think that is a good idea," and excused himself. (15 H 79-81, WCT Seth Kantor; WR, p.336) In Kantor's book fourteen years later, he told essentially the same story, but now clearly remembered that the encounter with Ruby

took place just before Kilduff's announcement, and recalled that "there were tears brimming in [Ruby's] eyes" (Kantor, *Ruby Cover-Up*, pp.88–89).*

For his part, when Ruby was asked by Warren Commission member Gerald Ford whether the allegation he had gone to Parkland on the afternoon of the assassination was true, he responded that he had heard about this claim, but added, "No, I didn't go there . . . I never went there. Everything that transpired during the tragedy, I was at the *Morning News* Building" (5 H 207; see also Hall [C. Ray] Exhibit No. 3, 20 H 50, FBI interview of Jack Ruby on December 21, 1963), and Ruby passed a polygraph test denying he was there (14 H 584, 596, WCT Bell P. Herndon).

One thing everyone agrees on is that it would have been just like Jack Ruby, the town gadabout, to have gone to Parkland. "It seemed perfectly normal," Seth Kantor said, "to see Jack Ruby standing there because he was a known goer to events" (15 H 80). If Ruby had been to Parkland, why would he deny it? His prosecutor, Bill Alexander, told author Gerald Posner that Ruby "knew that whether he spent a long time in prison or not might depend on whether he shot Oswald on the spur of the moment or whether there was premeditation. Visiting Parkland, . . . hanging out at the jail over the weekend, might be natural for a fellow like Ruby. But a jury didn't know him, and who knew how they would look at that?" (Posner, *Case Closed*, p.374). It's difficult to completely understand Alexander's thought here. Hanging out at the jail where Oswald was, which could be used to argue premeditation, cannot comfortably be lumped together with going to Parkland, where Kennedy was.

The HSCA, based on the testimony of Kantor, a respected newsman, concluded that Ruby "probably" was at Parkland at the time Kantor said he saw Ruby there (HSCA Report, pp.158–159). The Warren Commission, however, concluded that Ruby had not gone there for several reasons, one of which was that John Newnam of the *Dallas Morning News* testified he was confident that Ruby left the *News* on Friday afternoon at "1:30 or thereafter," saying it may have been as late as 1:40 p.m. (15 H 542–543). Even assuming the earlier time of 1:30, it would have been impossible for Ruby to get to Parkland when Kantor said he saw him there. Even if Ruby had left before 1:30 p.m., Parkland Hospital was 3.7 miles from the *News* and the FBI determined that the drive would take ten minutes at a legal speed with normal traffic (CE 2068, 24 H 496). And we can assume that the traffic was heavy, perhaps even clogged at that time.

And once Ruby got to the hospital, he could have only stayed a very short period of time since Southwestern Bell telephone records show he called his sister Eileen in Chicago from the Carousel at 2:05 p.m. (CE 2303, 25 H 245). At a legal speed and in normal traffic—again, probably not the case that day—the trip to the Carousel from Parkland was also 3.7 miles (and would have taken ten

* At the London trial, Kantor again recalled the incident taking place before the press conference. Since Connally's stretcher was, of course, at Parkland Hospital at the time, defense counsel Gerry Spence asked Kantor, "Had Jack Ruby wished to drop the magic bullet there, . . . would he have had the opportunity to do so?" (It was an improper question, calling for a conclusion, but I didn't object—as I didn't to most of Spence's questions—mostly because of tremendous time constraints that would be worsened by arguments over the admissibility of testimony.) "I'm sorry, . . . I can't say. I just don't know," Kantor responded in the only way he legitimately could have. (Transcript of *On Trial*, June 25, 1986, pp.923–925)

minutes) by one route, or 4.1 miles (and nine minutes) by a different route (CE 2068, 24 H 496).

Perhaps most telling is that Ruby, known by a considerable number of police officers, public officials, and newsmen in Dallas, apparently wasn't seen by any of those who were at Parkland that day (and many were out there) other than Kantor (e.g., 7 H 480, WCT Earle Cabell). Indeed, the only other person who claims to have seen Ruby at Parkland, one Wilma May Tice, has little credibility. The Dallas housewife claims she "jumped" into her car and drove to the hospital when she heard what happened over the news, but says that when she saw Ruby, whom she had never seen before, at Parkland, he was out there "wanting to give Governor Connally a kidney" (15 H 390–391, 394).*

The Warren Commission said that "Kantor may have been mistaken about both the time and place that he saw Ruby . . . Kantor was preoccupied with the important event that a press conference [on the president's death] represented." The Commission pointed out that Ruby and Kantor attended "another important event," the Oswald press conference early Saturday morning in the assembly room of the Dallas Police Department. "It is conceivable that Kantor's encounter with Ruby occurred at that time." (WR, pp.335–337)[†] This possibility refers to the deficiency of memory called misattribution, a not uncommon phenomenon where a person accurately remembers an occurrence but attributes it to the wrong time or place (Schacter, *Seven Sins of Memory*, pp.5, 90).

One person who was "surprised" to hear of Kantor's claim that Ruby was at Parkland was Ruby's rabbi, Hillel E. Silverman. Silverman was at the Trade Mart waiting for the Kennedy luncheon and speech when he learned the president had been shot. He immediately left for Parkland Hospital, where he

*Eva Ruby Grant contacted the FBI and told agents that on the day Mrs. Tice testified before the Warren Commission (July 24, 1964) Mrs. Tice called her and asked if she could come to visit her, which she proceeded to do for four hours. Tice told Eva that when she and her husband went to pick up their children at a theater, where they had been while she was testifying, she had run away from her husband because he had threatened her. She continued to maintain she had seen Jack Ruby at Parkland. Eva got the impression that Mrs. Tice was "balmly," but said she had fairly accurately described the clothing her brother was wearing that day. (CE 2343, 25 H 317) For her part, Mrs. Tice and her husband told the FBI that Eva and her sister Eileen Kaminsky came to their home on April 30, 1964. (Eileen lived in Chicago, though I imagine she could have been visiting Eva.) Eva never mentioned her alleged visit with the Tices to the FBI and Mrs. Tice never mentioned her alleged visit to Eva's residence, so it is not known who is telling the truth. But when the FBI asked Mrs. Tice how she contacted Ruby's sisters or how they knew to contact her, she declined to answer the question. Tice sounds like a looney bird, claiming that four days before she testified before the Commission, she received an anonymous call threatening that "it would pay you to keep your mouth shut." She also claims that two days before her testimony, there was an attempt to break into her house at night while her husband was at work. (CE 2293, 25 H 224–227)

[†]It should be noted that Burt Griffin, one of the two assistant counsels on the Warren Commission staff investigating the Ruby murder (the other being Leon Hubert), told author Seth Kantor in a prepared statement to Kantor on May 2, 1977, "Having read your analysis of the Warren Commission's evidence on Jack Ruby's alleged trip to Parkland Hospital, I am persuaded that the greater weight of the evidence supports your claim that you saw Ruby there on Friday afternoon, November 22, 1963 . . . The reason for Ruby's going to Parkland Hospital is most plausibly set forth in your analysis—to get quick firsthand information on what to do about his nightclubs [whether to close them] after the shooting of the President. It was fully consistent with Ruby's personality, as you suggest, for him to leave the *Dallas Morning News* office and follow the action to Parkland Hospital." Griffin said that "traffic conditions were such as to have made it possible for Ruby to return to the Carousel Club before 1:45 p.m.," at which time he told his employee, Andrew Armstrong, about his decision to close his clubs. (Kantor, *Ruby Cover-Up*, pp.382–383) In 1978, Griffin told HSCA investigators of his new position (HSCA interview of Burt W. Griffin on November 20, 1978; HSCA Report, pp.158–159).

attended the press conference by Drs. Perry and Clark. He said that it would be like Ruby to go to Parkland and can't say he wasn't there but feels that if he was, "either Jack or me would have seen the other and we would have talked to each other." (Telephone interview of Hillel Silverman by London Weekend Television staffer on June 8, 1986; Telephone interview of Hillel Silverman by author on June 20, 1986)

In any event, even if Ruby was at Parkland, to assume he was there to plant a bullet on Connally's stretcher to frame Oswald for Kennedy's murder, making Ruby a part of the conspiracy to murder Kennedy, is, to repeat, too ludicrous for words. The philosophy of the zany conspiracy theorists is that if something is theoretically possible (as most things are), then it's not only probable, it happened.

817 **the one owned by her husband:** When Dallas police searched Oswald's room in the late afternoon of November 22, they found an empty revolver holster (7 H 213, WCT Henry M. Moore; CE 2003, 24 H 344 [search warrant date of November 23 is incorrect]; holster: CE 144, 16 H 514). Marina also identified the holster as being the one that had contained her husband's revolver (1 H 120, WCT Marina N. Oswald).

818 **turned the four shells they found over to the police:** Domingo Benavides was never shown at a later point the two shells he found to see if he could identify them. But close to seven months after the assassination, the two Davis girls were shown the four .38 Special cartridge cases found at the Tippit murder scene, and although they did not say that the respective shells each turned in were not among the four, they were unable to identify the cartridge case each had turned in (CE 2011, 24 H 414).

In the succeeding years, Warren Commission critics and conspiracy theorists have had a field day with the four shells for two main reasons, one of which is the chain of custody or possession for the shells, so very often a problem in criminal cases. Also, although Oswald had a revolver, Dallas police officer H. W. Summers, at 1:37 p.m., called in to the radio dispatcher that the suspect had an "automatic pistol"* in his right hand, and Sergeant Gerald Hill, one of the officers who arrived at the Tippit murder scene, called in on his police radio to the dispatcher at 1:41 p.m. that "the shells at the scene indicate that the suspect is armed with an *automatic* .38 rather than a pistol [revolver]" (CE 1974, 23 H 868 [Summers]; CE 1974, 23 H 870 [Hill]; DPD tapes, C1, 1:41:08 p.m.; Myers, *With Malice*, pp.256, 260). But it turns out there was no real basis for Summers's or Hill's radio transmissions. Summers's source for his transmission was Ted Callaway, who was too far away from Oswald's weapon to clearly see it, basing his conclusion that it was an automatic on the fact that the "motion" of Oswald's hands as he carried the gun was like the way Ted carried an automatic in the Marines, hardly a reliable and substantive indicator. And Hill, who hadn't seen the weapon at the time of his radio transmission but had seen the shells,

*Actually, a semiautomatic, which is commonly referred to, as Summers did, as an "automatic." Although a semiautomatic is partly automatic in that it automatically ejects the cartridge case of a fired shot and self-loads a new cartridge into the chamber, it does require a squeeze of the trigger for every shot fired, whereas a truly automatic weapon, like a machine gun, does not require a separate squeeze of the trigger for each shot fired. As long as the finger of the firer continues to depress the trigger, the weapon spits out bullets until it is empty.

admitted he had “assumed” it was an automatic simply because the shells were found relatively close to each other—again, certainly not a solid basis for concluding it was an automatic. (Myers, *With Malice*, pp.256, 260–261)

Clearly, Summers’s and Hill’s transmissions were simply routine errors, and the whole issue is much to do about nothing. By just resorting to the evidence of three witnesses who saw Oswald at the Tippit murder scene (over and above the fact that we know it was a revolver because we know Oswald killed Tippit, and the weapon in his possession was a revolver, not a semiautomatic), we know the killer had a revolver. On its own, a semiautomatic automatically ejects the shell from the chamber of the gun to the ground the moment the bullet is fired. Revolvers do not, the shell remaining in the chamber of the cylinder of the firearm until the firer manually removes it by operating a lever extracting the shell from the chamber, and an ejector rod releases the shell from the weapon to his hands or the ground. And all three witnesses said Oswald removed the shells from his weapon himself. Domingo Benavides testified he saw Oswald “throw the shells” to the ground. He “threw the first one” and later he “threw the second one” (6 H 449–450). For that to have happened with a semiautomatic, Oswald would have had to catch the ejecting shells in the air like a frisbee and proceed to throw them on to the ground. Barbara Davis said she saw the gun “open” (an undoubted reference to the cylinder being sprung open from the revolver) and “he was emptying it” (3 H 343). Virginia Davis said she saw the gunman “emptying the shells in his left hand” and said she “watched him unload the shells out of his gun” (6 H 459–460). Pardon the play on words, but all of this automatically means the gun was not an automatic.

It should be added that it is extremely rare for law enforcement to find revolver shells at the scene of a killing. After the killer does his business, he immediately leaves and hopes no one saw him. Why take the time to leave incriminating evidence (if the police ever come into possession of his revolver) behind at the murder scene? Shells found at murder scenes are almost always from semiautomatics, and undoubtedly that had to be a factor in Officer Summers and Sergeant Hill originally believing the shells had come from an “automatic.” Obviously, Oswald removed the shells from his six-cylinder revolver because he wanted to reload for whatever lie ahead. And, indeed, we know that although Oswald fired at least four rounds,* at the time of his arrest six live car-

*We know four bullets hit Tippit, but Oswald may very well have fired five shots at Tippit and missed once, even though he was firing at close range. This may be so because although three of the four bullets recovered from Tippit’s body were manufactured by Western-Winchester (the other was manufactured by Remington-Peters), only two of the four shells recovered from the Tippit murder scene were Western-Winchester .38 Specials (the other two were Remington-Peters .38 Specials), meaning that one Western cartridge case was not recovered. This alone would not add up to five shots being fired, but since, as indicated, two Remington-Peters shells were recovered from the Tippit murder scene yet only one of the slugs found in Tippit’s body was a Remington-Peters, then either one Remington-Peters bullet was not recovered, or one used (previously fired) Remington-Peters cartridge case was in Oswald’s revolver *before* the Tippit shooting and was discarded by Oswald, along with the others, at the Tippit murder scene. If the former (one Remington-Peters bullet was not recovered), this would mean that Oswald fired five times at Tippit. And Ted Callaway, the former marine, testified at the London trial that he “heard what sounded like five pistol shots,” although other witnesses heard two to four shots. (WR, pp.172, 559; Transcript of *On Trial*, July 23, 1986, p.205; 7 HSCA 377)

If any reader is wondering whether the presence of different cartridge brands indicates more than one shooter, it is not uncommon for the cylinder of a revolver to contain cartridges (all of the same caliber, of

tridges were found in the cylinder of his revolver (3 H 301, WCT M. N. McDonald).

On the issue of chain of possession, with respect to the two shells Benavides turned over to the police (and which he had placed in an empty cigarette package), Joe Poe, the patrolman Benavides gave the shells to, showed them to Sergeant Gerald Hill when Hill arrived at the scene. Hill told Poe to put his mark on the shells and turn them over to the crime lab. Poe, in fact, turned the two shells over to Sergeant W. E. “Pete” Barnes from the crime lab when Barnes arrived shortly thereafter (7 H 68–69, WCT J. M. Poe). The problem arose when Poe was asked to identify the subject two shells when he testified before the Warren Commission in April 1964. There *were* markings on the shells, but Poe said, “I want to say these two [markings] are mine, but I couldn’t swear to it.” Indeed, when asked if he did, in fact, make his mark on the shells, Poe responded, “I can’t swear to it, no, sir.” Poe later said he believed he had put his initials on the two shells but just wasn’t certain, particularly since he “couldn’t make them out” from looking at them now. (7 H 68–69) Sergeant Barnes, on the other hand, had no difficulty in identifying his marking (a “B” for Barnes) on each of the two bullets Poe gave to him (7 H 275–276).

Conspiracy-leaning author Henry Hurt interviewed Poe in 1984 and Poe told him he was certain he had marked the shells (even though twenty years earlier, when his memory was much fresher, he didn’t know), and despite the fact he could not find his identifying mark on them, he felt certain the shells the Warren Commission showed him were the ones he had taken into evidence at the crime scene. Poe felt the reason he couldn’t find his marks was that there were so many other marks on the hulls that they had obscured his. (Barnes, in his Commission testimony [7 H 276], had said that “others” had placed their marks on the hulls.) But Hurt, smelling a rat, actually writes, from the nothingness of the above, “The implication, of course [of course], is that when the hulls marked by Poe were tested in the lab and were found not to have been fired from Oswald’s pistol, they were replaced by hulls that *had* been fired from Oswald’s pistol” (Hurt, *Reasonable Doubt*, pp.153–155). My, my.

Lieutenant James Leavelle told author Dale Myers, “Poe did not mark [the hulls]. There was no reason to mark [them]. There is an evidence bag that is marked with the offense number along with your initials. The evidence goes to the crime lab where it is checked and returned to the bag and kept there until trial. I have run hundreds through that way with no trouble and have never been contested on it” (Myers, *With Malice*, pp.263, 265). Leavelle had an amazing streak of good luck. It is absolutely routine in law enforcement to mark physical evidence for chain-of-custody purposes. And we know the Dallas Police Department was no exception. As we’ve seen, Sergeant Hill (who himself later marked all six of the live cartridges

course) from different manufacturers. Indeed, at the time of his arrest, of the six live cartridges found in Oswald’s revolver, three were Western .38 Specials, the other three Remington–Peters .38 Specials, the same manufacturers of the shells found at the murder scene. (Five additional live cartridges were eventually found in Oswald’s pocket, all of which were Western .38 Specials.) (WR, p.559; 7 HSCA 374–375; 3 H 301, WCT M. N. McDonald; 7 H 26, WCT Bob K. Carroll; 7 H 55, WCT Gerald Lynn Hill; 3 H 459, WCT Cortlandt Cunningham; 7 H 126, WCT Elmer L. Boyd; CE 592, 17 H 264)

removed from Oswald's revolver [7 H 55]), instructed Poe to mark the shells, we know Sergeant Barnes did, and there were at least markings from two other officers on the shells (7 H 276, WCT W. E. Barnes). Leavelle told me that it *was* his practice to mark items that he knew would be introduced into evidence, like guns, bullets, et cetera, but he said that in those days hulls were rarely introduced into evidence (Telephone interview of James Leavelle by author on November 19, 2004).

The Poe issue will never be resolved, but such unresolvable points are common in the investigation of a complex, multifaceted murder investigation. Indeed, one such issue or problem that rises to the dignity of a true mystery started in 1966 when former FBI agent James Hosty stated in his book, *Assignment: Oswald*, that after Tippit's body was taken away by ambulance, Dallas police captain W. R. Westbrook found a man's leather wallet "near the puddle of blood where Tippit's body had lain." The wallet, per Hosty, was Oswald's, containing his real identification and the false ID of Alek Hidell. Hosty says Westbrook called over FBI agent Robert M. Barrett, who had just sped to the Tippit murder scene, and "showed him the wallet and identification." (Hosty with Hosty, *Assignment: Oswald*, p.62) This, of course, conflicts with the official version, attested to by Dallas police officers, that the police removed Oswald's wallet from his back pocket while en route from the Texas Theater to City Hall to ascertain his identity, since he refused to disclose who he was (7 H 58, WCT Gerald Lynn Hill; CE 2003, 24 H 234, Report of Dallas police detective Paul Bentley). But when author Dale Myers interviewed Barrett in 1996 (Westbrook died that same year, before Myers could interview him), Barrett essentially confirmed what Hosty said, only adding that Westbrook never indicated where he found the wallet and never showed the wallet to him. However, Barrett was adamant that Westbrook was holding a wallet at the Tippit murder scene, and that Westbrook, with the wallet in his hand, asked Barrett, "Do you know who Lee Harvey Oswald is?" and "Do you know who Alek Hidell is?" Barrett answered, "No, I never heard of them." Barrett's conclusion was natural. He had every reason to assume, by Westbrook's questions, that the wallet had been found at the Tippit murder scene and that it contained the two names in it. (Myers, *With Malice*, pp.288–289)

At first blush, Barrett's statement (the basis for Hosty's remark in his book) would seem to be incorrect. Before Oswald's arrest at the Texas Theater, there is no record that the Dallas Police Department knew who Lee Harvey Oswald was, and indeed, no Dallas Police Department radio transmissions following Tippit's murder, or at any time thereafter that afternoon, mentioned Oswald's name (CE 705, 17 H 390–494; CE 1974, 23 H 833–940). If a wallet with Oswald's identification in it was found at Tippit's murder scene, his name would have been all over Dallas police radio by 1:25 p.m., when several Dallas police officers had already arrived at the murder scene.

Moreover, no one other than Barrett ever mentioned Oswald's wallet, or any wallet, being found at the Tippit murder scene. The only item mentioned by anyone as being found near Tippit's body was his service revolver. Indeed, every civilian and police witness whom Myers questioned said they saw no wallet at the murder scene. For instance, Ted Callaway said, "I'll tell you one thing, there was no billfold at that scene. If there was, there would have been too many people who would have seen it" (Myers, *With Malice*, p.300).

But there's only one big problem. Myers tracked down some silent WFAA-TV film footage of the Dallas police outside Tippit's car at the murder scene, and lo and behold Sergeant "Bud" Owens is seen holding Tippit's service revolver in his left hand and a man's leather wallet in his right. Not only that, but Owens is holding the wallet open and showing it to Captain George Doughty, the two officers appearing to be inspecting the inside part of the wallet that contains photos and identification. (Owens passed away in 1984 and by the time Myers reached Doughty in 1996, he had suffered a stroke and couldn't remember the incident, dying that same year.) At this point, as Myers says, "The tantalizing footage ends" (Myers, *With Malice*, pp.292–293).

So despite what everyone said, and what anyone would have believed, Myers, through his dogged research, proved unequivocally that a wallet was found at the murder scene. But whose wallet was it? Dallas WFAA-TV cameraman Ron Reiland, narrating the silent footage for his viewers, said it was Tippit's wallet. Apart from Myers saying that Reiland's reportage over the assassination weekend contained numerous factual errors, the main reason why Myers rejects the possibility that the wallet was Tippit's is that "1 Black Billfold" was listed among Tippit's personal effects, and Myers says, "The only item *known* to have been brought to the hospital [Methodist, and later Parkland] and added to Tippit's personal effects was Tippit's revolver, which by all accounts was left behind at the murder scene" (Myers, *With Malice*, pp.299–300). But we know that several officers went to Methodist Hospital, where Tippit's body was brought into the emergency ward, and they could have brought Tippit's wallet from the murder scene to either there or Parkland. There certainly was plenty of time to do so before Tippit's personal property was inventoried, at 3:25 p.m. (Document titled "Identification Bureau Crime Scene Search Section, Police Department, Dallas, Texas," box 9, folder 2, item 3, DMA; Myers, *With Malice*, p.301). Certainly, the mere absence of any statement or documentary evidence that an item of personal property (the wallet) was added to Tippit's personal effects would not be strong evidence that such an event never took place. But if, indeed, it was Tippit's wallet, why didn't civilian witnesses like Jack Tatum, Ted Callaway, and the two ambulance attendants, Eddie Kinsley and J. C. Butler, see the wallet lying next to Tippit's body? Nor did Joe Poe and Leonard Jez, two of the first officers to arrive at the scene. (Myers, *With Malice*, p.300)

One thing we can be reasonably certain about: the wallet was not Oswald's. Myers closely compared a close-up photo of Oswald's arrest wallet (FBI Exhibit B-1) with the wallet found at the murder scene and found definite physical differences, causing him to conclude that "the Oswald arrest wallet is *not* the same billfold seen in the WFAA newsfilm" (Myers, *With Malice*, pp.298–299).

Furthermore, a Dallas police officer had just been slain. It is inconceivable that members of the Dallas Police Department like Captains Westbrook and Doughty and Sergeant Hill would suppress and keep secret the fact that Tippit's killer had left his calling card at the murder scene. That simply would not, could not, have happened. If Oswald's wallet had been found at the murder scene, it is inconceivable that nowhere in the testimony or the reports of Westbrook, Hill, Doughty, Poe, and so on, would they bother to mention this extremely important fact. Barrett worked criminal intelligence for the FBI, so it was perfectly natural for Westbrook,

who knew Barrett and the area of Barrett's expertise, to ask him at some point during the day if he had ever heard of Oswald or Hidell, but Myers recognizes the "possibility" that Barrett is "mistaken" and Westbrook asked Barrett these questions later at Dallas police headquarters. (Myers, *With Malice*, pp.303–304, see also p.649 note 788)

The thing that is confusing to me is why Barrett, in his FBI report on the day of the assassination, in which he discusses going to the Tippit murder scene, does not mention the wallet incident (CD 5, pp.84–85, November 22, 1963).

One could argue that if Westbrook asked the questions about Oswald and Hidell that Barrett clearly recalls, Barrett assumed the Dallas authorities already had this information so there was no need to refer to it in his report. But why, then, *would* he include within his report the infinitely less significant fact, which he knew Dallas police also were aware of, that one of the six live cartridges removed from Oswald's revolver at the time of his arrest "had an indentation on the primer" (CD 5, p.85)? It also wouldn't explain why, as time went by and Barrett most probably became aware that no one was mentioning Oswald's wallet being found at the murder scene, he didn't make sure his information found its way into some FBI report and came to the attention of the Warren Commission. And although Hosty, in imprecise language in his book, creates the impression that on the morning after the assassination in the office of his supervisor, Shanklin, Barrett related the wallet incident (Hosty with Hosty, *Assignment: Oswald*, p.62), when I specifically asked Hosty if Barrett had done so at that time, he said, "No, the first time I heard about it is when Bob [Barrett] told me in 1995 when I was writing my book" (Telephone interview of James Hosty by author on February 27, 2004).

When I called Barrett, who retired from the FBI in 1978 with an unblemished record, and asked him about the wallet incident, Barrett, as adamant as ever that Westbrook asked him about Oswald and Hidell at the Tippit murder scene, acknowledged that the first time he had told anyone about it was when he told Hosty in 1995 while Hosty was writing his book. When I asked him why he hadn't mentioned it to anyone earlier, particularly in his November 22, 1963, FBI report, he said that "they [Dallas police] had the guy who killed Tippit and the wallet just added juice to the steak." When I asked him why he hadn't brought his information to the attention of the Warren Commission, he responded that Oswald's guilt for Tippit's murder wasn't really "an issue" that was being seriously questioned by anyone at the time. Actually, Barrett is right to the extent that the Warren Commission was not having any difficulty at all proving that Oswald killed Tippit, and Barrett probably wouldn't have been aware of the conspiracy theorists who were writing in the alternative press questioning Oswald's guilt.

If, in fact, it was Oswald's wallet at the Tippit murder scene, as Barrett believes, Barrett has a reasonable explanation for how it ended up on the street near Tippit's car. "Tippit, inside the car, probably asked Oswald for his wallet, and when Oswald gave it to him and he saw two identifications in it, he became more suspicious than he may have already been, and holding Oswald's wallet in his hand, got out of his car. The wallet fell out of his hands when he was shot and fell to the ground and may have been partially under the car, explaining why no one saw it at first" (Telephone interview of Robert Barrett by author on March 5, 2004). About the possibility of the wallet being under the car, J. C. Butler, the ambulance driver who came

to the Tippit murder scene, said that “part of his [Tippit’s] body was under the left front fender of the police car” (Nash and Nash, “Other Witnesses,” p.8).

None of this, however, conclusively solves the mystery of just whose wallet it was. If I had to wager, I’d conclude it was Tippit’s wallet, and the reason Reiland stated, on WFAA film, that it was Tippit’s wallet is that the police had informed him at the scene that it was. Quite apart from Barrett, it makes no sense to me that the Dallas police and detectives, several of whom were Tippit’s friends, would keep from the world that his killer’s wallet was found near his body.

819 **Oswald's presence at the window:** Conspiracy theorists are so desperate in their attempt to exonerate Oswald that for years several argued that Oswald was or possibly could have been the person standing in the doorway of the Book Depository Building in the famous AP photo taken by J. W. Altgens at the time of the shooting ("Oswald looked like and was dressed like the man in the Altgens' photograph," declared Mark Lane in his book *Rush to Judgment* [p.355]), even though not one single witness testified seeing Oswald there. The person in Altgens's photo is Depository employee Billy Lovelady, who did bear a striking resemblance to Oswald. Indeed, Lovelady identified himself in the photo, as did several of his coworkers, two of whom, Wesley Frazier and William Shelley, were with him at the time the Altgens photo was taken (6 H 338–339, WCT Billy Nolan Lovelady; coworkers: 2 H 233–234, 236, 242, WCT Buell Wesley Frazier; 6 H 328, WCT William H. Shelley; 6 H 367, WCT Danny G. Arce; 7 H 515, WCT Mrs. Donald Baker; 3 H 202, WCT James Jarman Jr.; Ruth Dean: Sneed, *No More Silence*, pp.70–71).

But the nutty conspiracy theorists still hung on to the argument, even though Oswald himself, the man they want to defend at all costs, puts himself elsewhere at the time of the shooting—inside the first-floor lunchroom. On May 14, 1964, five weeks after Lovelady told the Warren Commission it was he in Altgens's photo, New York City conspiracy theorist Jones Harris, a self-described "free-lance researcher" of independent means who married a Vanderbilt and was the son of producer Jed Harris and his actress wife Ruth Gordon, flew to Dallas, met with Lovelady, and was assured by Lovelady that it was he, not Oswald, in the Depository doorway. But Harris, unbelievably, refused to take Lovelady's word for it. Lovelady would later become irritated with the continued attention people gave the bogus issue, though he was fond of saying, "Hell, I'm better looking than he [Oswald] was." (*New York Herald Tribune*, May 24, 1964, p.10; CE 1408, 22 H 794; son of Harris and Gordon: Bethell, "Was Sirhan Sirhan on the Grassy Knoll?")

The conspiracy theorists continued their claim that it was Oswald for well over a decade and remained so adamant that the HSCA felt obligated to have forensic anthropologists compare the person in Altgens's photo with photos of Oswald and Lovelady, and the experts concluded it was Lovelady in the doorway (HSCA Report, p.58; 6 HSCA 278–280). The theorists, for the most part, stopped making this argument only when their chief photographic expert, Robert Groden, who originally thought the man in the doorway was probably Oswald (Model and Groden, *JFK: The Case for Conspiracy*, p.148), looked at the original Altgens negative during his work for the HSCA and said, "I now feel certain that the man in question is without doubt Billy Nolan Lovelady," not Oswald (Letter from Robert Groden to Michael Goldsmith and Jane Downey, July 21, 1978; 6 HSCA 310). That's why I was a little surprised at the London trial when Gerry Spence elicited from witness Marrion Baker that the person shown in the photo "resembles Oswald." I promptly recalled an earlier witness of mine, Wesley Frazier, to the stand to testify that he was standing in the doorway of the Book Depository Building at the time of the motorcade, and the person in the photo was Billy Lovelady, who, he

said, “was standing in front of me.” (Transcript of *On Trial*, July 23, 1986, pp.187, 231–232) Remarkably, as late as 2003, a conspiracy author of the reputation of David Wrone was maintaining that it was Oswald, not Lovelady, in the doorway of the Depository Building (Wrone, *Zapruder Film*, pp.167, 180; see also Hughes, *Square Peg for a Round Hole*, p.344).

Although we know it was Lovelady standing on the steps in the Book Depository entranceway not just from witnesses and Lovelady’s own acknowledgment but also from blowups of the photo of the man on the steps, which clearly show the man is Lovelady and not Oswald, some conspiracy theorists, refusing to let go, argue that the shirt Lovelady was wearing on the day of the assassination is not the same as the shirt on the man in the photo. In other words, a better way to identify someone is by the clothing he is wearing, *not his face*. Isn’t this a little ridiculous?

The source these buffs cite for their position is a March 9, 1964, letter from J. Edgar Hoover to Warren Commission counsel J. Lee Rankin in which he writes, “On February 29, 1964, Billy Nolan Lovelady was photographed by Special Agents of the FBI at Dallas, Texas. On this occasion, Lovelady advised that on the day of the assassination of President John F. Kennedy, November 22, 1963, at the time of the assassination, and shortly before, he was standing in the doorway of the front entrance to the TSBD where he is employed. *He stated he was wearing a [short-sleeved] red and white vertical striped shirt and blue jeans*” (CD 457, pp.4–5, March 9, 1964; Weisberg, *Whitewash II*, p.194; CE 1408, 22 H 794; 1964 FBI photo of Lovelady wearing red-and-white-striped shirt: 6 HSCA 288). Of course, as the buffs point out, the man in the doorway, as shown not only in the Altgens photograph (CE 369, 16 H 965 [clearest Altgens photo in the Warren Commission volumes]; CE 900, 18 H 93; Yarborough Exhibit A, 21 H 781) but also in frames of the Bell, Martin, and Hughes color motion picture films (6 HSCA 288–289), was not wearing a red-and-white vertical-striped shirt, but rather, according to the HSCA photographic panel, “appears to be wearing,” over a white T-shirt, “a long-sleeved shirt similar to the one in which Oswald was arrested” (6 HSCA 286; CE 1408, 22 H 793).*

*There is no unanimity as to what type or color of shirt Oswald was wearing *at the time* of the assassination, as opposed to when he was arrested. For example, when shown Commission Exhibit No. 150 (a rust brown long-sleeved shirt Oswald was wearing at the time of his arrest) by Commission counsel, Marina Oswald testified, “I *think* he wore this shirt” when he came out to Irving on Thursday night, and said he was wearing it on the morning of the assassination. However, before she was shown Exhibit No. 150 she said she did not remember what he was wearing on the morning of the assassination. (1 H 121–122; picture of shirt: CE 150, 16 H 515; wearing at time of arrest: 15 H 694, WCT Lyndal L. Shaneyfelt) When shown Commission Exhibit No. 150, Wesley Frazier, who drove Oswald to work on the morning of the assassination, told the Commission he had never seen Oswald wear that shirt (2 H 238). Officer Marrion Baker, who confronted Oswald in the second-floor lunchroom right after the shooting, told the Commission he believed Oswald was wearing Exhibit No. 150, then quickly added, “I wouldn’t be sure of that” and, in an imprecise answer that was further induced by terribly sloppy questioning by Commission counsel, seemed to say he felt that Oswald’s shirt was a lighter brown than the Commission exhibit (3 H 257). Cabdriver William Whaley said Exhibit No. 150 was the shirt worn by the man he drove in his taxi (2 H 259).

Earlene Roberts, the housekeeper at Oswald’s rooming house, told the Commission that when Oswald came back to the rooming house at around 1:00 p.m. that day, “I couldn’t tell you whether it was a long-sleeved shirt [he was wearing] or what color it was or nothing” (6 H 439). Per FBI agent James W. Bookhout, Oswald himself told Captain Will Fritz that when he went back to the rooming house he changed his shirt and trousers because they were dirty (WR, p.622, Report of FBI agent James W. Bookhout). In Captain Fritz’s report of the interview he only mentions Oswald saying he changed his trousers (WR, p.601). However, in Captain Fritz’s handwritten notes taken at the very time of the interview, he wrote, “at Apt. *changed shirt + tr.* Put in dirty clothes—long sleeve red sh + gray tr.” And we do have the testimony of Officer Marrion Baker, who was asked by Warren Commission commissioner Allen Dulles, “Do you recall whether or not [Oswald] was

Obviously, Lovelady *had* to have made a mistake when he told the FBI on February 29, 1964, what he was wearing more than three months earlier on November 22, 1963, a perfectly understandable error. The HSCA interviewed Lovelady in 1976, and instead of simply admitting that he had made a mistake when he told the FBI he was wearing a red-and-white-striped shirt (as he could see when shown the photograph of himself in the entranceway), or that he had simply forgotten what he was wearing, Lovelady apparently lied and said the FBI had never asked him what he was wearing (HSCA Record 180-10117-10041, pp.54-55, Statement of HSCA Chief Counsel Richard Sprague about Lovelady's interview statement, November 16, 1976). When the HSCA interviewed Lovelady again in 1978, he said, per the HSCA, "that when he was interviewed and photographed by the FBI, he had not been told to wear the same shirt he had worn on the day of the assassination and that, in fact, he had been wearing a long-sleeved, plaid shirt" (6 HSCA 287).

The HSCA said that Robert Groden photographically enhanced the Altgens photo and the Bell, Martin, and Hughes frames, all showing Lovelady on the day of the assassination, and compared the shirt shown therein with a photo he took of Lovelady in 1977 wearing the plaid shirt he wore on November 22, 1963. Groden said he "detected a pattern of lines [on the shirt worn by the man in the doorway] that correspond in pattern and color more closely to Lovelady's plaid shirt

wearing the same clothes . . . when you saw him in the police station [after his arrest] as when you saw him in the lunchroom?" and said he didn't think he was (3 H 262-263).

Strong evidence that Oswald was wearing the same shirt at the time of his arrest as at the time he shot Kennedy is the Warren Commission testimony of Mary E. Bledsoe, Oswald's former landlady, who identified Exhibit No. 150 as being the shirt she saw Oswald wearing on the Marsalis bus, remembering the shirt being brown, but mostly identifying it because of a hole in the right elbow area, which Exhibit No. 150 has (6 H 409, 413). Earlier, when the FBI first showed Mrs. Bledsoe the shirt, she said, "No, no. That is not the shirt" Oswald was wearing. But the FBI report of the December 4, 1963, interview by Special Agents Carl Brown and Robert Butler goes on to say, "She then inquired as to whether the shirt had a ragged elbow. Upon further examination of the shirt, she observed a hole in the right elbow of the shirt, at which time she quickly stated, 'Yes, yes. This is the shirt.'" But "ragged" is not necessarily synonymous with the word *hole*. And although the Warren Report (p.159) said that Bledsoe indicated that the hole she saw was on Oswald's "right" elbow, there is no indication in the FBI report, written *before* her Commission testimony, that she mentioned the right elbow to the agents before being shown the shirt, thereby introducing the possibility that she had no independent recollection it was the right elbow.

The issue becomes a little murkier when the driver of the Marsalis bus, Cecil McWatters, said Oswald was wearing "some type" of "cloth jacket" (2 H 279), and another passenger on the bus, Milton Jones, who admitted he paid little attention to Oswald (who was sitting directly behind him on the bus), thought Oswald was wearing a "light blue jacket" (CE 2641, 25 H 900). If McWatters and Jones weren't mistaking Oswald's shirt for a jacket, the hole in Commission Exhibit No. 150 would not have been visible to Bledsoe, being covered by the jacket. We know, however, that McWatters and Jones paid virtually no attention to Oswald, whereas Bledsoe very definitely did.

One of the strongest pieces of evidence (though not conclusive, since Oswald could have transferred the bus transfer pass from one shirt to another) that Oswald was wearing the same shirt at the time he shot Kennedy as he was wearing at the time he was arrested is that the bus transfer, number 004459, given to him by the bus driver Cecil J. McWatters shortly after the shooting in Dealey Plaza, was found in his shirt pocket at the time of his arrest (WR, pp.124-125, 157; 2 H 287, WCT Cecil J. McWatters; 7 H 173, WCT Richard M. Sims; bus transfer: CE 381-381A, 16 H 974).

Another strong piece of evidence that Oswald was wearing the same shirt at the time of his arrest as he was wearing in the sniper's nest is that we know he killed Kennedy with the Carcano, and tufts of several, fresh cotton fibers were found in a crevice of the butt of the rifle, and these fibers matched fibers from the shirt (CE 150) Oswald was wearing at the time of his arrest. The Warren Commission concluded, largely because of this, that Oswald was wearing the same shirt in the morning as he was wearing at the time of his arrest. (WR, pp.124-125)

There appears to be no conclusive way to determine what shirt Oswald was wearing *at the time* of the assassination.

than to Oswald's tweed-patterned shirt [Commission Exhibit No. 150, the shirt Oswald was wearing at the time of his arrest]." (6 HSCA 288–289; HSCA Record 180-10084-10185, Outside Contact Report on interview of Billy Lovelady on July 5, 1978. Photo was taken by Groden in 1977. Reference to photo being taken in 1976 in 6 HSCA 288 apparently is in error.) The Martin frame of Lovelady taken shortly after the shooting, more than the Altgens photo or the Bell and Hughes frames, clearly shows that Lovelady is wearing a plaid shirt, not a vertical striped shirt (6 HSCA 288).

It's all a lot of to-do over nothing.

820 **between 9:30 and 10:00 a.m.:** In an earlier statement, James Jarman told the FBI the time was about 9:00 a.m. or possibly a little later (CD 5, p.334, FBI interview of James Jarman on November 24, 1963).

820 **Jarman walked over and Oswald asked him why all the people were gathering:** Conspiracy author Sylvia Meagher claimed that this conversation raises a "very serious doubt about Oswald's prior knowledge of the motorcade route," and that there can be only two possible explanations for Oswald's question to James Jarman. According to Meagher, either Oswald really did not know the motorcade would pass the Depository (which means he didn't plan or execute the assassination), or the question was a "plant" designed to "divert suspicion in the event that such suspicion of him arose after he carried out his monstrous crime." Meagher dismisses the latter explanation simply because Oswald didn't mention the conversation to police after his arrest, which she says obviously would be "the very purpose that had led him to set it up—to indicate his innocence." (Meagher, *Accessories after the Fact*, pp.37–39) Apart from this far too cavalier rejection of this latter possibility, there is a third possibility that Meagher doesn't raise. Perhaps Oswald wanted only to *confirm* the exact route of the motorcade. On Tuesday, November 19, 1963, three days before the shooting, the *Dallas Morning News* described the route as passing through downtown Dallas on "Harwood to Main, Main to Houston, Houston to Elm, Elm under the Triple Underpass to Stemmons Expressway and on to the Trade Mart" (CE 1363, 22 H 615). The afternoon *Dallas Times Herald* provided a nearly identical description the same day (CE 1362, 22 H 614). Oswald, who had a habit of reading day-old newspapers brought to the Depository by his fellow workers (6 H 352, WCT Charles Douglas Givens), might have read details on the motorcade route on Wednesday, November 20, the day before he asked Wesley Frazier to drive him out to Irving to pick up "curtain rods."

However, on the morning of the assassination, the *Dallas Morning News* published a map of the route which seemed to show the motorcade entering the freeway from Main Street, without making the jog north on Houston to Elm, then west on Elm, past the Depository, to Stemmons Freeway (*Dallas Morning News*, November 22, 1963, p.1A). (It was this map that led some to believe that the motorcade route had been changed when, in fact, the map was simply inaccurate in its detail.) Although there are no credible reports that Oswald read the paper that particular morning,* if Oswald had looked in that morning's *Dallas Morning News* and

*Charles Givens initially told the FBI that he saw Oswald reading the newspaper that morning (CD 5, p.329), then later denied telling anyone this, saying he did not see Oswald reading the paper that morning (6 H 352, 354, WCT Charles Douglas Givens).

seen the map, it might have raised questions in his mind about the precise route the motorcade would take, and hence, his question to Jarman.

- 821 **assumed he was going after some books:** Additional book stock was stored on the seventh floor (3 H 215, WCT Roy Sansom Truly; 6 H 328, WCT William H. Shelley).
- 821 **Oswald on the fifth floor:** On December 7, 1963, Charles Givens told the Secret Service that Oswald was on the sixth floor, not the fifth floor, when he (Givens) and his coworkers broke for lunch (CD 87, Secret Service interview of Charles Givens on December 7, 1963, p.6).
- 822 **No one, they say, placed him on the sixth floor:** Jack Dougherty, another Book Depository employee, gave an affidavit on the afternoon of the assassination that he also saw Oswald "on the sixth floor shortly before noon" (CE 2003, 24 H 206). However, Dougherty, being somewhat mentally retarded, doesn't have too much credibility. In fact, the very next day he told the FBI he did "not recall seeing [Oswald] at work after 11:00 a.m." (CD 5, p.366).
- 822 **"about 5 minutes to 12":** In a June 3, 1964, FBI interview, Charles Givens said he went up to the sixth floor to get his cigarettes around 11:45 a.m. (CD 1245, p.182), almost assuredly too early, since this would have meant all the workers broke for lunch around twenty minutes before noon, and there was no testimony from any of them to suggest this. Givens himself told the Secret Service on December 7, 1963, he first saw Oswald on the sixth floor around 11:45 a.m., and shortly *after* he and his coworkers broke for lunch and took the elevator to the first floor (CD 87, Control Number 491, p.6). So he wouldn't have even gotten back to the sixth floor to get his cigarettes until around 11:50–11:55 a.m. or so.

Conspiracy theorist Sylvia Meagher tells her readers that in an affidavit given by Givens on the afternoon of the assassination, he makes no mention of ever returning to the sixth floor at 11:45 or 11:55 a.m., or at any other time. This is misleading since the subject affidavit was extremely brief, and hence cannot be relied upon, as Meagher so eagerly wanted to do, to mean that whatever was not in the affidavit never happened. (CE 2003, 24 H 210)

- 823 **Givens's testimony:** Conspiracy author Sylvia Meagher argues that Charles Givens's prior police record (marijuana charges) made him "vulnerable to intimidation" and that he was "persuaded to fabricate this story" in his Warren Commission testimony (Meagher, *Accessories after the Fact*, p.68). And critics have pointed out that Lieutenant Jack Revill told the FBI in 1964 that he believed Givens is the type of person who would "change his story for money" (CD 735, p.296). But this totally ignores the fact that long before Givens was allegedly persuaded, by money or intimidation, to tell the Warren Commission he saw Oswald by the sniper's nest window, he had told two Dallas detectives (Revill and Brian) the same thing. And it's difficult to imagine that Revill (whom Meagher implicitly accuses of improperly inducing Givens's Warren Commission testimony) would admit to his belief in Givens's propensity to change his story if Revill had actually been involved in persuading Givens to do so. But this is all a nonissue, since, as indicated, Givens had already told the same story on the day of the assassination.
- 824 **two of the four boxes:** Though everyone agrees there were many boxes stacked on top of each other at the sniper's nest, nothing in the Warren Commission volumes indicates an exact number. Sylvia Meagher, in her book *Accessories after the*

Fact (p.44), says there were “24 cartons, each of which weighed about 50 pounds,” and says “most” of them had to be carried over to the sniper’s nest. She goes on to wonder how Oswald, or any other solitary assassin, could have done all this work and still found time to assemble the rifle, arrange a gun rest, and so on. But the citation she gives for all her assertions (WR, p.249) doesn’t support any one of them. Although there were many cartons, no specific number of cartons is given by the Warren Commission on page 249, and only two cartons (though there were undoubtedly more) are mentioned as weighing in excess of fifty pounds. Indeed, two were mentioned as weighing eight pounds. Moreover, in Superintendent Roy Truly’s testimony before the Warren Commission, he said that most of the cartons in the sniper’s nest had previously been moved into that vicinity by employees to clear an area for laying a new flooring on the west end of the sixth floor. (3 H 231–232; WR, p.248) In any event, he said that none of the subject cartons were too heavy to be handled by one male person (CE 1131, 22 H 111).

- 824 **Behind these three boxes:** The position of the boxes as depicted in Commission Exhibit No. 1301 (reenactment photo of the southeast corner of the sixth floor showing arrangement of cartons shortly after the shooting) is slightly different from their actual position at the time of the shooting. It appears that only one photograph, of which multiple prints exist, of the *original* configuration of the boxes at the sniper’s nest window was taken by Detective Robert Lee Studebaker of the Dallas Police Department. And he couldn’t possibly have done a worse job, taking a picture showing only two of the three boxes at the window and then only from the top of the boxes (7 H 141, WCT Robert Lee Studebaker; Studebaker Exhibit A, 21 H 643). Studebaker took one other photograph of the inside of the sniper’s nest in its original condition, but this one was even worse than the first one, only showing about half of one of the three boxes, the one resting on the windowsill (CE 511, 17 H 222; Studebaker Exhibit B, 21 H 644).^{*} It’s rather clear from Studebaker’s two photographs that he wasn’t even trying to show the boxes in their original configuration, focusing only on the shells on the ground, with the boxes only partially appearing by chance, as in a cameo way.

After the boxes were moved for the dusting of fingerprints, they were returned to what was recalled to be their original position, and at this point Studebaker managed to take a good photograph of the three boxes as they were in relation to each other and the window (Studebaker Exhibit J, 21 H 649; 7 H 141, 147, WCT Robert Lee Studebaker; see also CE 1301, 22 H 479).

- 824 **the fourth box inside the sniper’s nest:** The chart showing the points of similarity for this palm print seems to have been marked incorrectly by the FBI. This right palm print of Oswald’s was found by Lieutenant Day on the *top* northwest corner of the fourth box in the sniper’s nest (4 H 269, WCT J. C. Day), and the box is shown in Commission Exhibit Nos. 648 and 649 (17 H 296–297). Exhibit No. 649 has handwriting of Day’s on it that the palm print was lifted “from top of box Oswald apparently sat on to fire gun.” Commission Exhibit No. 652 is the FBI chart showing the points of similarity of the palm print found on the box shown in 648 and 649 (4 H 41, WCT Sebastian F. Latona; 4 H 269, WCT J. C. Day). Yet 652 is labeled “palm print developed on *bottom* of cardboard carton” (CE 652, 17 H 299).

^{*}See *Fourth Decade*, January 1995, pp.29–30, for a discussion of the issue of whether the boxes had already been moved by the time Studebaker photographed them.

Latona, the FBI's fingerprint expert, told the Warren Commission that in his opinion Oswald touched that particular box a short time before the print was developed by police. However, he was only willing to testify with certainty that the palm print was less than three days old. (4 H 39; the surface the latent is found on affects the ability to determine its age. As to a weapon like Oswald's, see Latona's testimony in 4 H 30, where he says, "on the basis of [a] print itself I cannot determine how old it is.") Arthur Mandella, of the New York City Police Department, also examined the palm print on the large carton and concluded it was "quite fresh" and probably had been made within a day or a day and a half before Lieutenant Day's examination on November 22 (4 H 54–55; but see Mandella's testimony in 4 H 54, where he says that at least as to latents left on steel or wood, it is "impossible," from the print itself, to tell its age). There was no discussion by the fingerprint experts as to the age of the left palm print and right index fingerprint found by the FBI in Washington, D.C., on November 27, 1963, since they were developed by use of the chemical silver nitrate, as opposed to the powdered impression of Oswald's right palm print found by Lieutenant Day on November 22, 1963, and the freshness of prints developed by a chemical process cannot be estimated (WR, p.141; but see 4 H 39, which seems to contradict this). It should be noted that the official position of the latent fingerprint section of the Los Angeles Police Department is that the age of a finger or palm print *cannot* be determined, irrespective of whether it was developed by powder or a chemical (Telephone interview of latent fingerprint expert at LAPD by author on October 31, 2005).

- 824 **sixteen Depository employees:** The Warren Report incorrectly asserts that the fingerprints of *twelve* Depository employees were checked (WR, p.141; see CE 3131, 26 H 802–803 for prints of sixteen employees being taken).
- 826 **outside of the one James Jarman asked him to correct:** James "Junior" Jarman testified that between 8:00 and 9:00 on the morning of November 22, "I had him [Oswald] correct an order" (3 H 200), but Warren Commission counsel never asked Jarman to explain just what he meant by this. Why Jarman, who filled orders just like Oswald, would have Oswald correct an order cannot be discerned. And who had the order, Jarman or Oswald? In any event, *correcting* an order would not suggest that the order had been *filled*.
- 826 **the clipboard:** Conspiracy author Sylvia Meagher suggested to readers of her book that the police planted the clipboard to help frame Oswald, writing, "It is hard to understand how even the Dallas police and their counterparts from the Sheriff's Office, much less subsequently the FBI and Secret Service agents, could have managed to overlook a clipboard" had it actually been laying on the sixth floor "in the plain open." She pointed out that an intensive search was made of the floor after the discovery of the rifle shells in the sniper's nest, and yet "the clipboard did not enter the picture until about ten days had elapsed" (Meagher, *Accessories after the Fact*, pp.68–69), suggesting, of course, that the clipboard was yet another piece of planted evidence. Meagher doesn't bother to remind her readers that law enforcement officers were searching for *the murder weapon*, not an otherwise innocuous clipboard that contained no reference to Oswald or had any obvious connection to the case (6 H 344, WCT Frankie Kaiser).
- 827 **the theory of Oswald's innocence:** In 1975, author George O'Toole came up with what he said was a very simple solution to whether Oswald killed Kennedy

or not. O'Toole, who said he is a former CIA computer specialist, got a hold of an instrument developed five years earlier by three retired army intelligence officers called a Psychological Stress Evaluator (PSE). This device supposedly could determine whether a person was lying from alterations in his voice patterns. The theory is that under stress, the vocal muscles tighten, causing a diminution of vibrations in the voice called microtremors. (Note that as opposed to a polygraph, which measures the four physiological responses to stress from lying—blood pressure, perspiration, pulse, and breathing patterns—the PSE measures only alterations in the voice.)

O'Toole hooked up his machine to a television tape of Oswald saying, "I didn't shoot anybody, no sir" to a throng of reporters on the third floor of Dallas police headquarters on November 22, 1963, and concluded that Oswald "was telling the truth." His PSE findings, he said, "*finally* penetrated the mystery of Dallas." (O'Toole, *Assassination Tapes*, pp.10, 125–126) *Finally*. Thank God for George O'Toole.

But there are a few problems with O'Toole's analysis. We don't need a PSE or any other type of instrument to tell us that Oswald told one lie after another during his interrogation by the police. We *know*, for instance, he lied when he said it wasn't he holding the rifle in the backyard photo and that he had never owned a rifle. Why, if he didn't kill Kennedy, was there any need for him to tell such lies, among many others?

Further, as opposed to the polygraph, which has achieved a considerable degree of respectability in the law enforcement community, the PSE has not. Although some police departments use it today, its primary value is for suspects who think it works and are told the machine caught them lying. Frank Horvath, a criminology professor at Michigan State University who has studied lie detector technology for over thirty years, says that some police like the PSE "because it induces the occasional confession." But Horvath says that PSE's lie detection rate is at "chance levels, the same as guessing. There's no merit to it whatsoever." James Starrs, a professor of law and forensic science at George Washington University, dismisses the PSE as junk science. "If you buy" its claims, he says, "I have a bridge in Brooklyn I'd like to sell you." (Hansen, "Truth Sleuth or Faulty Detector")

On September 11, 1996, the U.S. Department of Defense Polygraph Institute issued a statement that "to date, we have no credible evidence in information furnished by the manufacturers [of the PSE], the scientific literature, or in our own research [with the machines], that voice stress analysis is an effective investigative tool for determining deception."

There is one final problem with O'Toole's conclusion. Everyone, even O'Toole, agrees that the validity of all lie detector conclusions (polygraph, PSE, etc.) depends, in large part, on the competence and credibility of the operator of the test. And O'Toole, an avowed conspiracy theorist, has none, at least in the Kennedy assassination. Just two examples: O'Toole tells his readers that testimony from Earlene Roberts (housekeeper at Oswald's rooming house) indicated "neither furtiveness *nor haste*" on Oswald's part when he returned to his room after the assassination. Yet Roberts testified that Oswald was "walking unusually fast . . . He was all but running" (6 H 439).

O'Toole goes on to say, unbelievably, that there's "*nothing* in the [Warren] Com-

mission's reconstruction of Oswald's movements during the ninety minutes between the assassination and Oswald's arrest in the Texas Theater—apart from the very shaky evidence that he killed Officer Tippit—to suggest that Lee Harvey Oswald had just committed the crime of the century" (O'Toole, *Assassination Tapes*, p.135). But what about Oswald being the only Book Depository employee who left the building after the assassination and was unaccounted for? His having the cab-driver drop him off several blocks from his home? Picking up his revolver at his home? Discarding his jacket in a parking lot behind a gas station, ducking into the recessed area of the shoe store and turning his back to the street as the police cars drove by, entering the Texas Theater without paying for a ticket, drawing a revolver on the arresting officer and resisting arrest?

George, your pet PSE test is bad enough as it is. But even if it had any merit, why should we believe its conclusions in this case when we can't believe you?

- 831 **"about 12:15":** Four women accompanied Carolyn Arnold outside. Betty Dragoo said she left the second floor at "about 12:20 p.m." (CE 1381, 22 H 645). Judy Johnson reported leaving the second-floor office with the other girls at "about 12:15 p.m." (CE 1381, 22 H 656). Bonnie Richey recalled leaving the building "at about 12:15 p.m." (CE 1381, 22 H 671). Virgie Rackley said the girls left "at approximately 12:15 p.m." (CE 1381, 22 H 635).
- 832 **Arnold Rowland:** Arnold Rowland and his wife appear in four amateur films taken by Robert Hughes, Orville Nix, Elsie Dorman, and Marie Muchmore, as well as a still photograph by Wilma Bond. At the time of the shooting they can be seen standing on the edge of the curb, about sixty feet north of the corner of Main and Houston.
- 834 **for the first time that has been recorded:** Arnold Rowland testified that when he was interviewed by the FBI on November 23, he told the agents about seeing "the Negro man" in the window, but the agents told him that this "didn't have any bearing" on the case (2 H 183). This sounds highly improbable, and the FBI report of the interview contains no reference to Rowland's seeing a black man in the window (CE 2782, 26 H 167, Interview of Arnold Rowland by FBI agents J. Calvin Rice and John V. Almon on November 23, 1963; neither did Rowland mention seeing any Negro man in the window when he gave the FBI a signed statement the following day, November 24, 1963 [CE 2782, 26 H 197–198]).
- 835 **Rowland's exaggerating and embroidering the story:** Are we to conclude, then, that *everything* Arnold Rowland testified to was untrue? The answer is no. Testifying before the Commission, Rowland said that immediately before he saw the gunman he heard a nearby police radio give "the position of the motorcade as being on Cedar Springs . . . in the area of Turtle Creek . . . and it was about 15 or 16 [minutes] after 12" (2 H 172–173). As it turns out, Rowland's recollection is right on the money on this point. Recordings of the Dallas police radio transmissions that day (transcripts of which weren't made public until the release of the Warren Commission Hearings and Exhibits in late 1964, months after Rowland testified) do in fact show that the dispatcher gave a progress report on the motorcade between 12:15 and 12:16 p.m., saying, "Now turning onto Cedar Springs off of Turtle Creek" (NAS-CBA DPD tapes, C2, 12:15–16 p.m.). In addition, Arnold Rowland and his wife, Barbara, testified that she was watching activities surrounding a man having an epileptic seizure when Arnold first told her about see-

ing the man with a gun, which, as indicated, was around 12:15 p.m. (2 H 174, WCT Arnold Louis Rowland; 6 H 181, WCT Barbara Rowland). Again, Dallas police radio recordings support their testimony, showing that police called for an ambulance for the epileptic at about 12:18 p.m. (DPD tapes, C1, 12:18 p.m.).

- 835 **within a minute before the shooting she saw a man:** A few minutes *prior* to Carolyn Walther's alleged observation, Charles Bronson, an amateur photographer with an 8-millimeter color camera, was focusing his camera for about eight seconds (from his position standing on a pedestal near the southwest corner of Main and Houston) on the ambulance picking up the epileptic north of him on Houston. Unbeknownst to him, the upper left corner of his film contained footage of the two southeasternmost pairs of windows (four separate windows) on the sixth floor of the Book Depository Building, which included the sniper's nest. (6 HSCA 308; Earl Golz, "Lens Error Caught Images," *Dallas Morning News*, November 26, 1978, p.13A) Bronson's film wasn't made available to the HSCA until near the end of its investigation in 1978. Consequently, the entire twenty-two-man photographic panel didn't review it. But eleven photographic and digital image-processing experts, five of whom were panel members, analyzed "several frames" of the original 8-millimeter film (they did not view the film itself in order "to avoid any possibility of damage"), a 16-millimeter copy of the entire 8-millimeter film made by Robert Groden, and several 35-millimeter color slides that were enlargements of individual frames, at the Aerospace Corporation's Digital Image Processing Laboratory in Los Angeles on December 2, 1978. Though the experts said that they "disagreed unanimously with [Robert Groden] that 'you can actually see one figure walking back and forth hurriedly'" at the window, which is what Groden was quoted as telling the *Dallas Morning News* (Earl Golz, "JFK Film May Reveal Two Gunmen," *Dallas Morning News*, November 26, 1978, pp.1A, 13A), there was "apparent motion" in the subject sixth-floor window. However, because the motion seemed to be "random," the experts and ultimately the HSCA panel concluded the motion "was not likely to have been caused by human," but by "random photographic artifacts." Because the film was of "superior quality compared to the [Robert] Hughes film" (see later text), which showed the same area around the sixth-floor window, the HSCA panel recommended that the Department of Justice subject it to further analysis. (HSCA Record 180-10115-10149, Letter of Charles Leontis, The Aerospace Corporation, to Michael Goldsmith, Senior Staff Counsel, HSCA, December 11, 1978, pp.1-3; HSCA Report, p.49; 6 HSCA 120-121; Letter from Louis Stokes, Chairman HSCA, to U.S. Attorney General Griffin B. Bell on January 8, 1979, pp.1-2; "Optical System Utilized Microscope," *Dallas Morning News*, November 26, 1978, p.13A; see also Earl Golz, "Depository Chief Disputes Evidence of Filmed Images," *Dallas Morning News*, November 27, 1978, p.1A) The Justice Department did not do so, saying in December of 1986 that this was "due to our inability to reach an agreement with the film's owner [through his Dallas lawyer, John Sigalos] regarding restrictions" on the use of the film. When author Richard Trask asked his Massachusetts congressman, Nicholas Mavroules, to pursue the matter, Mavroules wrote back on March 4, 1988, saying that he had been told by Assistant Attorney General John Bolton that since the HSCA's sole basis for a conspiracy (acoustic evidence) had been disproved, an analysis of the Bronson film would not be worthwhile—a non sequitur, of course.

In 1983, however, Itek Optical Systems analyzed the film and concluded that as to the allegation of two or more human figures in the footage, "whatever movement there is was caused by the jumping of the film in the camera, and not by shadowy figures behind the window panes" (Trask, *Pictures of the Pain*, pp.292–297, 303 note 52). And a *Frontline* study by two image-processing experts in 1993 concluded that there was "not anybody walking around" in the Bronson film of the sniper's nest window (Transcript of "Who Was Lee Harvey Oswald?" *Frontline*, PBS, November 16, 1993, p.33).

As indicated earlier, Robert Groden, the conspiracy photographer who seems to be able to see things no one else does, analyzed the Bronson film. Groden not only clearly saw a "man" in the sniper's nest window and another "man" two windows over, he even saw how they were dressed, the sniper's nest man "wearing a bright reddish shirt" and the second man "a neutral-colored shirt" (6 HSCA 308; see also Earl Golz, "Was Oswald in the Window?" *Dallas Morning News*, November 26, 1978, pp.1A, 13A).

In 1967, author Josiah Thompson, apparently believing that Carolyn Walther's story was only incorrect as to the floor she actually saw the two men on, offered an amateur film taken by Robert Hughes as "photographic evidence" supporting the proposition of two men in the sniper's nest window on the sixth floor "within five seconds of the first shot." Thompson stopped short of saying it *proved* two men were at the sixth-floor window, only that this was an additional thread that "should have been unraveled long ago instead of being swept under the Archives rug." According to Thompson, the film, taken from the corner of Main and Houston (one block south of the Depository) a few seconds before the first shot, showed an animated shape (not recognizable as a human being) in the sixth-floor window and a second figure that appears "10 or 12 feet to the left in the second pair of windows from the corner." (Thompson, *Six Seconds in Dallas*, pp.245–246) But does the film support Walther's claim? The answer is no. First, Walther's said that the second man was standing in *the same window* as the man with the gun, not in the second pair of windows, ten or twelve feet away, as suggested by the Hughes film. Second, and of paramount importance, Itek Corporation studied the Hughes film in 1976 using digital enhancement techniques to determine whether the film showed anyone in the southeasternmost sixth-floor window. The result was that while "motion of an object or person was detected in the sixth-floor *corner window* of the Texas [School] Book Depository" (if true, it would be expected since the evidence shows that Oswald was there), "*no other motions or evidence* indicating the presence of another person(s) in *other* sixth floor windows visible in the Hughes film were found" (HSCA Record 180-10001-10398, Itek Corporation, "John Kennedy Assassination Film Analysis," 1976, unnumbered p.11; HSCA Record 180-10001-10396, p.3). While it could be argued that the Hughes film depicts the sixth floor only during the few seconds preceding the assassination, and therefore couldn't be expected to show an accomplice who had been present a few moments earlier (as Walther's claimed) but who had stepped away from the window just before the shots, the point here is that the suggestion that the film supports Walther's is demonstrably false.

In 1978, two years after the Itek study, the HSCA photographic panel partially disagreed with the Itek study, which had suggested that the Hughes film may indi-

cate the presence of human motion in the sniper's nest window, saying that "the apparent motion in the window seemed to be random and therefore not likely to be caused by human motion" (HSCA Report, p.86). This, in fact, is consistent with the analyses of the Hughes film by the FBI laboratory and the U.S. Navy Photographic Interpretation Center back in 1964, which concluded that the film showed no human form in the window (WR, p.644; CE 2585, 25 H 858; see also CE 2591, 25 H 873, and Transcript of "Who Was Lee Harvey Oswald?" *Frontline*, PBS, November 16, 1993, p.33).

Photographs of the subject southeasternmost window on the sixth floor of the Depository Building taken by Tom Dillard "a few seconds" after the last shot was fired, and by James Powell "about 30 seconds" after the last shot, were enhanced by the HSCA but "no human forms were present" in the window. However, the HSCA photographic panel concluded that "boxes were moved into the window between the time of the Dillard and Powell" photos. (HSCA Report, pp.86–87; 6 HSCA 110; HSCA Record 180-10072-10181, July 2, 1978, pp.2–3)

836 **observation important enough to waste a breath on:** Another witness cited by some conspiracy theorists, Mrs. Toney "Ruby" Henderson, did not even claim to see anything of any significance. She told the FBI on December 6, 1963, that just prior to the arrival of the motorcade she saw two men on one of the upper floors of the Book Depository Building. She did not know what floor she saw the two men on, but didn't recall seeing anyone on any floor above them. Henderson said she got the impression that the two men were workers in the building who were looking out the window in anticipation of the motorcade. One of the men, she said, was "possibly a Mexican, but could have been a Negro." She couldn't describe the second man. (CE 2089, 24 H 524) Mrs. Henderson told a reporter in 1978 that she didn't see any gun in the hands of either of the two men (Earl Golz, "Witnesses Overlooked in JFK Probe," *Dallas Morning News*, December 19, 1978, p.7A). Only a conspiracy theorist (e.g., Summers, *Conspiracy*, pp.42–43) could possibly draw any serious conspiratorial inferences from the statement of Mrs. Henderson.

838 **northwest corner staircase:** The Warren Commission concluded that Oswald used the back staircase to get down to the second floor, not a freight elevator, based on the fact that the two freight elevators, which would have provided the only other means of descent, were not available to him on the sixth floor. The east elevator was on the fifth floor at the time, being there as late as when Truly and Baker were running up the stairs from the first floor (WR, p.153). And the west elevator was not even on the fifth floor when Baker and Truly reached that floor because Jack Dougherty, who was working on the fifth floor at the time of the shooting in Dealey Plaza, took the west elevator down to the first floor after he heard the "loud noise" (WR, p.153; 6 H 379–380, WCT Jack Edwin Dougherty). One employee, Victoria Adams, who worked on the fourth floor of the Depository, testified that within seconds of the shots she and a coworker, Sandra Styles, ran down the same staircase Oswald reportedly used but saw no one else on the stairs (6 H 388–390, 392, WCT Victoria Elizabeth Adams; CE 1381, 22 H 632). (Styles didn't testify before the Warren Commission but corroborated Adams's version of events [CE 1381, 22 H 676].)

Conspiracy theorists see Victoria Adams's testimony as evidence that Oswald couldn't have used the stairs to get to the second floor (otherwise Adams would have seen or heard him), and therefore couldn't have been Kennedy's assassin. The

Commission concluded that Adams was mistaken in her estimate of the time and must have used the back staircase a few minutes *after* Oswald's descent (as well as Truly and Baker's ascension), based on the fact that she saw Depository foreman William Shelley and employee Billy Lovelady as soon as she reached the first floor. Both men told authorities in 1964 that they were outside the Depository at the time of the shots, ran to the railroad yards immediately thereafter, and didn't reenter the building until a few minutes later (WR, p.154; 6 H 331, WCT William H. Shelley; 6 H 339, WCT Billy Nolan Lovelady; CE 1381, 22 H 662, 673).

However, one conspiracy critic, Sylvia Meagher, argued that the affidavits Shelley and Lovelady gave on the afternoon of November 22 don't mention the excursion into the railroad yards described in their later statements, and as such, support Adams's testimony that she used the stairwell within a minute of the shooting. As for Shelley's and Lovelady's later statements, Meagher simply passes them off to the possibility of "collusion and misrepresentation." (Meagher, *Accessories after the Fact*, pp.72–74) But Meagher's assessment is terribly deceptive. For example, she doesn't tell her readers that the affidavits the two men gave on the day of the shooting are just one paragraph in length and consequently don't provide any of the details they later testified to (CE 2003, 24 H 214, 226). Nor does she tell them that even in these very brief statements, Shelley says that after he heard the shots "I ran across the street to the corner of the park and ran into a girl crying and she said the president had been shot," and he then "went back to the building" (CE 2003, 24 H 226). That alone would eat up at least a minute or more, meaning he could not have been on the first floor when Adams got there if, indeed, Adams had quickly descended the stairs within seconds after the shots.

Nor does Meagher mention that Adams testified she left the building by the rear loading dock (after encountering Shelley and Lovelady), made her way around to the front of the building, and heard a report (later proved incorrect) over a nearby police radio that shots were thought to have been fired from the second or fourth floor of the Depository (6 H 391). The two earliest such reports were made over channel 2, one at 12:39 and the other at 12:40 p.m.—*nine to ten minutes after the shooting* (NAS-CBA DPD tapes, C2, 12:39–40 p.m.)—which is not only consistent with the statements of Shelley and Lovelady, but also strongly suggestive, all by itself, that Adams didn't come down the back stairs immediately after the shooting, as she claimed. Finally, Meagher doesn't mention the testimony of Eddie Piper, who told the Commission that he was standing near the back elevators when Truly and Baker ran over, unsuccessfully tried to call one of the elevators down, and dashed up the stairs. Piper stated that "nobody" came down the stairs *before* Truly and Baker went up, which Adams and Styles would have done if they had come down the stairs immediately. When Piper was specifically asked, "Did you see Vicky Adams come down the steps . . . before Truly and the man [Baker] went up the steps?" he responded, "No, sir, no, sir. She didn't do it" (7 H 389).

838 **two test runs:** Roy Truly, who was also present at the Oswald reconstruction, testified that the first test was conducted at a "brisk walk," taking seventy-eight seconds, and the second test was "a little bit faster," clocking in at seventy-five seconds (3 H 240).

839 **"it took me a little longer":** Roy Truly also said that he and Baker might have taken longer on November 22, because when he and Baker ran into the Depository

tory, “we were shouldering people aside in front of the building, so we possibly were slowed a little bit more coming in than we were when he and I came in on March 20 [date of reconstruction tests].” But he added that he didn’t think so, and even if it were the case, “it wouldn’t be enough to matter.” Asked if the test run was a minimum or maximum estimate, Truly testified, “Oh, I would say that would be the minimum time.” (3 H 228)

- 839 **the critics vehemently disagree:** The chief architect of what has become known in assassination circles as “Oswald’s alibi” is the late Harold Weisberg, the former OSS agent and U.S. Senate investigator turned chicken farmer who penned and self-published his critique of the Warren Commission investigation in his 1965, now classic *Whitewash: The Report on the Warren Report*. However, the most coherent and comprehensive (though equally incorrect) critical analysis of the Commission’s timing of the Oswald–Baker encounter (much of it borrowed from Weisberg’s earlier version), and the basis for virtually every subsequent discussion, was offered ten years later by twenty-three-year-old conspiracy theorist and author Howard Roffman, who wrote, “From beginning to end, the execution of the [Commission’s] reconstruction was in disregard of the known actions of the participants, *stretching*—if not by intent, certainly in effect—the time consumed for Baker to have arrived on the second floor and *shrinking* the time for the ‘assassin’s’ descent” (Roffman, *Presumed Guilty*, p.203). Ironically, Roffman managed to perform the opposite feat in his own analysis.

To begin, Roffman charged that the Commission was fudging with regard to the reconstructed timings of Baker and Truly, and he sought to *reduce* their time, thereby making it less likely that Oswald, if he had been on the sixth floor, could have gotten down to the second-floor lunchroom in time to meet Baker when he did. Roffman pointed out that although on the day of the assassination Baker started toward the Book Depository Building after the third shot (3 H 247, WCT Marrion L. Baker), the Commission may have timed Baker’s reconstruction movement from the sound of the *first* shot (3 H 252, WCT Marrion L. Baker)*—the effect being that Baker had more time (approximately 8.4 more seconds, the time between Zapruder frames 160 and 313) to ascend to the second-floor lunchroom, thereby likewise giving a gunman on the sixth floor the necessary extra time it was determined he would need to get to the second floor just before Baker did. Next, Roffman offered still frames from a news film shot by WFAA-TV cameraman Malcolm O. Couch as evidence that Baker actually entered the Depository earlier than the Commission estimated. According to Roffman, the still frames show Baker’s unmanned motorcycle parked at the Elm Street curb just 10 seconds after the last shot, leading Roffman to conclude that Baker was already at the entrance to the Depository by then—quicker, by at least 5 seconds, than the Commission calculated. (Roffman, *Presumed Guilty*, pp.206–207; 7 H 593, WC affidavit of Marrion

*I say “may have” because it isn’t completely clear when the timing of Baker began. Commissioner Allen Dulles wanted to know from what time the reconstruction commenced. He asked Baker, “The last shot?” Baker answered, “From the last shot.” Then Assistant Counsel David Belin interjected, “The first shot,” the implication being that he was correcting Baker. Dulles then asked, “The first shot?” and Baker said, in contradiction to what he had just said, “The first shot.” (3 H 252) Prior to these leading questions and answers, Baker, on his own, told the Commission that he did not start to rev up his engine and proceed to the Book Depository Building until after all three shots had been fired (3 H 247).

L. Baker) Roffman was equally critical of the Commission's timing of the rest of Baker's movements as he made his way to the second-floor landing. Roffman calculated that Baker "reached the second floor in under 85 seconds," and that the Couch film "introduces the possibility that it may have taken as little as 70 seconds" (Roffman, *Presumed Guilty*, pp.208–209).

While Roffman may be correct that the Commission erred in comparing Oswald's and Baker's movements against two different start times (i.e., having Baker begin at the sound of the first shot, and the Secret Service agent portraying Oswald, John Joe Howlett, necessarily beginning after the last shot [7 H 592, WC affidavit of John Joe Howlett]), the other assumptions in Roffman's own calculations more than make up for the difference. In particular, Roffman's suggestion that Baker may have been entering the Depository just 10 seconds after the last shot (compared to the Commission's reenacted timing of 15 seconds) is wrong. Roffman based his claim on several still frames of the Couch film that showed Baker's motorcycle parked at the Elm Street curb. As indicated, Roffman guessed that the film was made about "ten seconds after the last shot" and that Baker must have been entering the Depository by then. Yet the actual motion sequence from which the still frames were taken shows not only Baker's motorcycle at curbside, as Roffman reported, but something Roffman apparently missed—Baker *himself* is still *outside* the building, running toward the front entrance of the Book Depository. (Roffman, *Presumed Guilty*, pp.206–207, 287 note 3; Malcolm O. Couch footage, WFAA-TV Collection, Sixth Floor Museum at Dealey Plaza) The beginning of the Couch news film sequence, which depicts a portion of Baker's dash to the front of the Depository (Baker disappears from the film footage before he reaches the Depository entrance), synchronizes to a point approximately 18 seconds after the last shot.* Even then, Baker is still sixty-two feet away from entering the front door, which realistically would have taken him an additional 13 seconds or so to cover at the pace depicted in the Couch film. (Todd W. Vaughan, "The Baker/Oswald Encounter," Unpublished manuscript, March 1998, pp.8–9) All totaled, Officer Baker would have arrived at the front door of the Depository approximately *31 seconds after the last shot*—21 seconds *later* than Roffman concluded, and a little more than twice the minimum time of 15 seconds calculated by Baker for the Warren Commission (7 H 593, WC affidavit of Marrion L. Baker; WR, p.152).

The rest of Roffman's (and other critics') calculations regarding Baker's actions are mostly a matter of semantics. No one can really be sure of the precise timing of all of the actions that Baker and Truly took between the time they entered the Depository and the time Baker arrived in the second-floor lunchroom, certainly not to the degree that conspiracy theorists have tried to break down each and every move that Baker and Truly might have made. The Warren Commission was right to propose a range of times—both minimum and maximum—in which Baker might have arrived on the second floor. Note that even if we adjust the Commission's calculated range downward by 8.4 seconds (so that both Baker's and Oswald's movements are timed from the same point, i.e., the time of the last shot), then add an

*Events depicted in the Couch footage can be related, within a second or so, to the same events photographed by Dave Wiegman, another motorcade cameraman. Wiegman's news film also captured the presidential limousine just before it passed under the Triple Underpass (at the equivalent of Zapruder frame 450).

additional 16 seconds (to account for the news film that indicates Baker entered the Depository later than the Commission thought), we still end up with Officer Baker arriving on the second floor somewhere between 83 and 98 seconds after the last shot—9 to 23 seconds later than the Commission's previous calculation of 74 seconds during the second test.

While Roffman sought to collapse the time it took Baker to get up to the second floor after the shots, making it impossible for Oswald to have already been on the second floor when Baker arrived there, he worked diligently to expand the time it would have taken Oswald to descend four flights of stairs to the second-floor lunchroom. Although there *is* eyewitness testimony that the assassin slowly pulled the barrel of the rifle back into the window after the last shot (2 H 159, WCT Robert Hill Jackson), then lingered “for another second as though to assure [himself] that he hit his mark” (3 H 144, WCT Howard Leslie Brennan; Decker Exhibit No. 5323, 19 H 470; CD 5, p.13), neither of which were figured into the Warren Commission's calculations, these additional actions would have delayed Oswald by only a few seconds at best. Roffman claimed that crime scene photographs of the boxes (CE 723, 726, 17 H 504, 506), and Deputy Sheriff Luke Mooney's testimony that he had to turn sideways to get into the sniper's nest (3 H 285), indicate that the physical arrangement of the boxes would have “prevented immediate evacuation of the area” (Roffman, *Presumed Guilty*, pp.210–211). Yet, an additional crime scene photograph (CE 513, 17 H 224), taken from a different angle than those cited by Roffman, shows an approximately one-foot gap in the wall of boxes that would have allowed a relatively easy exit from the sniper's nest, especially given Oswald's slender build.

Roffman is particularly imaginative in conjuring up an additional “15 to 20 seconds,” which he says the assassin would have needed to hide the rifle near the back staircase. He points to a number of crime scene photographs, as well as the testimony of several police officers who were present when the rifle was found, in his bid to convince readers that the assassin spent a significant amount of time concealing the rifle. Roffman quotes Deputy Sheriff Eugene Boone telling the Warren Commission that the rifle was “stuffed down between two rows of boxes with another box or so pulled over the top of it” (3 H 293) and Deputy Sheriff Luke Mooney saying he “had to get around to the right angle” before he could see the rifle (3 H 289). Also, Deputy Constable Seymour Weitzman saying the rifle “was covered with boxes. It was very well protected as far as the naked eye” (7 H 107). Roffman noted that crime scene photographs of the area “corroborate what these men have described and add other information,” particularly “that the rifle had been pushed upright on its side between two rows of boxes that partially overlapped the top, thus eliminating the possibility that the rifle had merely been dropped between the stacks” (Roffman, *Presumed Guilty*, pp.212–213). Roffman went on to suggest that the boxes surrounding the rifle had been moved before the crime scene photographs had been taken, citing Deputy Weitzman, who told CBS News in 1967 that he and Boone moved two boxes to uncover the rifle (Transcript of *CBS News Inquiry: The Warren Report*, part I, June 25, 1967, p.9, CBS Television Archives). “Hence,” Roffman wrote, “the concealment of the rifle required much maneuvering. In addition to squeezing in between boxes, the gunman had to move certain cartons filled with books. The rifle itself had been very carefully placed in

position. Doubtless this would have added *at least* 15, perhaps 20, seconds to the reconstructed time" (Roffman, *Presumed Guilty*, p.213).

While the crime scene photographs support police testimony that the rifle was well hidden, Roffman's claim that concealing the rifle in such a manner required considerable effort (and consequently, significantly delayed the assassin's escape) is not well taken. In particular, the assertion that Oswald had to move several cartons of books in order to hide the rifle (or that police subsequently had to move boxes to uncover the rifle) is false. As indicated, to support his claim, Roffman cited Deputy Weitzman's statements to CBS News in 1967 in which he said, "[Deputy Boone] was climbing on top, and I was down on my knees looking, and *I moved a box, and he moved a carton, and there it was*" (i.e., without their moving boxes, they wouldn't have been able to see the weapon) (Transcript of *CBS News Inquiry: The Warren Report*, part I, June 25, 1967, p.9, CBS Television Archives). It sounds good for a national TV audience, doesn't it, that you had to work hard to find the weapon that murdered the president? But three years earlier, while testifying under oath before the Warren Commission, both Deputy Boone and Weitzman described a different scene. "I had my [flash]light in my hand," Boone told the Commission. "I was slinging it around on the floor, and I caught a glimpse of the rifle, stuffed down between two rows of boxes with another box or so pulled over on top of it" (3 H 293). Likewise, Weitzman testified, "I was on the floor looking under the flat [*sic*] at the same time he was looking on the top side and we saw the gun, I would say simultaneously, and I said, 'There it is' and he started hollering, 'We got it'" (7 H 107). Neither deputy said that they had to move any boxes to see the rifle, as Weitzman later told CBS.

Boone told the Commission that after the Carcano was discovered, "some of the other officers came over to look at it. I told them to stand back, not to get around close, they might want to take prints of some of the boxes, and not to touch the rifle" (3 H 293). Weitzman concurred with Boone's account. "[We] made a man-tight barricade until the crime lab came up and removed the gun itself" (7 H 107). Captain Fritz testified that when he arrived, he told the officers present "not to move [the rifle], not to touch it, *not to move any of the boxes until we could get pictures*, and as soon as Lieutenant Day could get over there he made pictures of that" (4 H 205).^{*} The two close-up crime scene photographs that were subsequently taken show that the rifle had been slipped into a crevice between two rows of boxes, with two of the boxes from one row overhanging, thereby slightly covering the top of the rifle (CE 514, 17 H 224; CE 517, 17 H 226; see also CE 718, 17 H 501; Stude-

^{*}Harold Weisberg charged that the rifle was better hidden than the crime scene photographs show, citing the testimony of Deputy Weitzman to support his claim (Weisberg, *Whitewash*, p.36). When the Warren Commission showed Deputy Weitzman several crime scene photographs of the area where the rifle was found, he actually said several contradictory things like, "I believe there were more books in here [indicating where the rifle was found]"; "... at the time we found the gun there were no boxes protruding over the gun"; and "it was more hidden than there [indicating a photograph, Weitzman Exhibit D]" (7 H 108; Weitzman Exhibit D, 21 H 723; see also CE 514, 17 H 224). Although the Commission's counsel didn't specifically clear up what he meant by these comments (giving added fodder to conspiracy theorists like Weisberg), Weitzman's remarks obviously refer to an isolated close-up photograph (Weitzman Exhibit D, 21 H 723) of the area immediately surrounding the rifle. When shown two other, wide-angle views of the same area (Weitzman Exhibits E and F, 21 H 724), and asked, "Does that look anything like the area where the gun was found?" Weitzman answered, "Yes, sir; it does," and "Yes, sir, as well as I remember" (7 H 108).

baker Exhibit C, 21 H 645). While Roffman cites Deputy Sheriff Roger Craig's testimony that both ends of the crevice were closed off with boxes (conjuring up images that the rifle had been effectively sealed in its hiding place by the gunman), crime scene photographs actually show the crevice was open on *both* ends, more so on the west side (closest to the rifle's stock). In fact, Lieutenant Day testified that the rifle was easily lifted from the spot where it was placed, "It came out without moving any boxes. It wasn't wedged in" (4 H 262).

Obviously, Roffman's contention that hiding the rifle added 15 to 20 seconds to the time it would have taken Oswald to get down to the second-floor lunchroom is incorrect. Oswald didn't have to squeeze behind some boxes, carefully place the rifle on the floor, and rearrange several boxes around it, as Roffman claimed, but merely had to lean over a single row of cartons and slip the rifle into place. In their 1998 reconstruction of Oswald's movements, which included an accurate mock-up of the area where the rifle was found and a Mannlicher-Carcano rifle identical to the model Oswald used, assassination researchers Todd W. Vaughan and Dale Myers determined that it would have taken Oswald approximately 5 seconds to lean over the row of boxes closest to the stairwell, slide the rifle into the crevice from the west (barrel first), and begin his descent down the stairs (Todd W. Vaughan, "The Baker/Oswald Encounter," Unpublished manuscript, March 1998, p.15).

In the end, Roffman calculates that it would have taken the sixth-floor gunman "at least a minute and 35 seconds to a minute and 41 seconds" to reach the second-floor lunchroom (21 to 23 seconds longer than the Commission's estimate), which means of course, that "had Oswald been the assassin, he would have arrived in the lunchroom *at least* five to eleven seconds *after* Baker reached the second floor," assuming Baker arrived in 85 seconds, and might even have arrived "at least 25 seconds" after Baker, assuming Baker managed to ascend to the second floor in 70 seconds. "Either case removes the possibility that Oswald descended from the sixth floor," Roffman wrote, "for on November 22 he had unquestionably arrived in the lunchroom *before* Baker" (Roffman, *Presumed Guilty*, pp.213–214). Unfortunately for conspiracy theorists, Roffman's calculations are not, as we have seen, supported by the known facts, nor by commonsense inferences from those facts.

In further support of Oswald's purported alibi, Roffman invokes angles, pathways, and lines of sight to ultimately conclude that when Baker initially caught a glimpse of Oswald moving away from him as Oswald walked through the vestibule into the lunchroom on the second floor (3 H 250, 255, WCT Marrion L. Baker), Baker could only see, from his position looking through the small window of the second-floor door, into the "southeast portion" of the vestibule. But, Roffman argues, the "only way" Oswald could have been in this area of the vestibule visible to Baker is if he entered the vestibule through "the southernmost door," a door "accessible to him only had he come up from the first floor," not down from the sixth floor as the Warren Commission postulated. (Roffman, *Presumed Guilty*, pp.217–221; location of Baker when he saw Oswald: CE 1118, 22 H 85) But if Roffman concedes that Baker was able to enter the vestibule leading to the lunchroom after having entered the second floor from the northwest corner of the building (coming up the stairs from the first floor), why couldn't Oswald enter the second floor from this same northwest corner of the building (coming down the same stairs from the sixth floor) seconds before Truly and Baker and proceed to the lunch-

room through the same vestibule door Baker eventually did? (3 H 256, WCT Marion L. Baker)

840 **his calmness:** The one time that arguably could be cited as an exception to Oswald's acting calm in a crisis situation is when George de Mohrenschildt asked Oswald if he had shot General Edwin Walker, and per de Mohrenschildt, Oswald "sort of shriveled, you see, when I asked this question." Warren Commission counsel: "He became tense?" De Mohrenschildt: "Became tense, you see, and didn't answer anything. [He] smiled, you know, made a . . . peculiar face . . . changed the expression on his face." (9 H 249) But this situation might not rise to the classification of "crisis." De Mohrenschildt admitted that he asked his question, "Are you . . . the guy who took a pot shot at General Walker?" in a way that was "really jokingly" (9 H 249). Oswald had to know from the very words de Mohrenschildt used ("pot shot") and the joking way that de Mohrenschildt asked the question that he wasn't in any danger or situation of crisis. It appears that Oswald's response to the question was wholly attributed to his shock that de Mohrenschildt apparently knew that he had tried to kill Walker, believing that his wife, Marina, must have told him. Marina's recollection of the incident is that de Mohrenschildt asked Oswald, "Lee, how is it possible that you missed?" and she said that "his face changed, he almost became speechless . . . He apparently thought I had told de Mohrenschildt about it" (1 H 18).

841 **Whaley's memory must have failed him:** Cabdriver William Whaley's memory at the time he testified before the Warren Commission as to what took place at the cabstand was almost assuredly off base, and considerably so, which has to throw into serious question the accuracy of his memory of what actually took place just moments before the incident with the woman who wanted a cab. Whaley told the Warren Commission that when Oswald approached his cab, he walked up slowly and "wasn't in any hurry" (2 H 261). I have a real problem with this. Not that it's necessary, since a map of the area will do, but I've walked from where Oswald got off the bus on Main Street between Poydras and Lamar streets to the cabstand where Whaley was parked in front of the Greyhound bus depot on Lamar. To get to the cabstand, Oswald would have had to take a left on Lamar and walk two short blocks on Lamar past Main and then Commerce to the stand on the right side of Lamar near Jackson. Whaley's cab was facing south on Lamar, and Oswald had to walk south on Lamar to get to the cab. So Oswald had to approach the cab from Whaley's rear. Unless Whaley was seated in his cab with his head turned completely around looking to his rear, or for some reason was looking in his rearview mirror even though he was parked, there's simply no way he could have seen Oswald approach his cab, except for possibly the last few steps. (See CE 1119-A, 22 H 86, for sketch of Oswald's assumed route from bus to cabstand; where Whaley was parked: 2 H 257, WCT William Wayne Whaley; CE 1119-A, 22 H 86; see also CE 371, 16 H 968)

Even if Whaley, for whatever reason, did see Oswald walking slowly toward his cab, it wouldn't be conclusive of anything, since Oswald could have been walking very fast just before approaching the cab and slowed down for Whaley's benefit. But the reality is that Whaley's testimony is inconsistent with all the other evidence. We know Oswald was the only employee to leave the Book Depository Building right after the shooting in Dealey Plaza, showing he was in a very big hurry.

We know that by beating on a bus door, he tried and succeeded in getting on the bus near Dealey Plaza that was not at a regular stopping point on Elm, and then got off only two blocks later, obviously because the bus was proceeding too slowly due to the clogged traffic (2 H 264–265, WCT Cecil J. McWatters). And we have the testimony of his housekeeper, Earlene Roberts, that he was “walking unusually fast” when he entered and left the rooming house, causing her to say to him, “You sure are in a hurry” (6 H 439–440).

But the important point to note on this matter is that even if Whaley’s testimony before the Warren Commission was 100 percent accurate, as I say in the main text, it is very common in a criminal case for there to be an isolated act or statement that points to a defendant’s innocence even though we know, from all the other evidence, that he is guilty.

- 845 **concrete retaining wall and pergola:** The concrete retaining wall is attached to the pergola. To the naked eye, the wall seems mostly decorative and is not “retaining” anything. But Gary Mack pointed out that the wall was a retaining wall because the ground behind it is higher than that in front of it (Telephone interview of Gary Mack by author on February 20, 2006).
- 845 **present replica fence [footnote]:** Gary Mack told me that his office furnished the Parks and Recreation Department of the city of Dallas, which replaced the fence, with all the information the Sixth Floor Museum had available on how the fence was back in 1963, and said, “The city made every effort to duplicate it, and did a good job.” He added, however, that the current fence is “about an inch or so closer to Elm Street than it was in 1963 and an inch or so closer to the Houston side of it” (Telephone interview of Gary Mack by author on June 15, 2005). In 2005, Golden Palace, an online gambling casino, purchased the replaced weathered picket fence marked with reams of graffiti for \$32,664.47 (“GoldenPalace.com Buys Grassy Knoll Fence,” *Casino City Times*, June 24, 2005, <http://casinocitytimes.com/news/article.cfm?ContentID=151651>).
- 845 **not been conclusively determined:** Gary Mack believes he has determined the origin of the term *grassy knoll*. Mack writes that Don Michael, owner and manager of WRAJ-AM radio in tiny Anna, Illinois (1960 census: 4,280), saved all the UPI radio dispatches on the day of the assassination and filed them away, eventually loaning them to the Sixth Floor Museum, where they have been on display since 1989. In a dispatch from UPI reporter Merriman Smith at 12:55 p.m. that day are the words, “Some of the Secret Service agents thought the gunfire was from an automatic weapon fired to the right rear of the president’s car, probably from a *grassy knoll* to which police rushed.” (Gary Mack, “The Man Who Named the Grassy Knoll,” Unpublished and undated manuscript, p.1)

There’s no reason to disbelieve this except for two things. Though what Michael sent to the Sixth Floor Museum may be 100 percent authentic, so many bogus documents have been created by conspiracy theorists throughout the years that Michael, if he is legitimate, unfortunately has to pay for other people’s sins, and unless there is corroboration, we perhaps cannot automatically accept Michael’s dispatch document.

Second, and much more important, *Four Days: The Historical Record of the Death of President Kennedy*, compiled by United Press International and *American Heritage Magazine*, purportedly includes all of Merriman Smith’s dispatches. The words Michael quotes Smith as saying are nowhere to be found. Indeed, no dispatch at or around 12:55 p.m. is set forth. In addition to dispatches from Smith at 12:34, 12:39, 12:41, and 1:44 p.m., at 1:45, Smith speaks of “Secret Service agents in a follow-up car” who “quickly unlimbered their automatic rifles,” and in a 1:46 p.m. dispatch, Smith teletyped that “Dallas motorcycle officers escorting the president quickly leaped from their bikes and raced up a *grassy hill*.” (United Press International, *Four Days*, pp.22–23)

One also wonders why, at 12:55 p.m., Smith would be teletyping something that not only wasn’t true, but almost assuredly would not have been told to him by “some” Secret Service agents shortly before Kennedy was pronounced dead. If

Smith were going to quote Secret Service agents, most felt the shots did not come from the grassy knoll.

Nevertheless, Michael's dispatch document may very well be accurate.

In Mack's study to determine who coined the phrase *grassy knoll*, he found no evidence that anyone else used the phrase before Don Michael says Smith did. Mack writes, "Some researchers like to credit witness Bill Newman with the phrase, but the video tape shows he wasn't the one. Newman appeared on WFAA-TV Dallas about 15–20 minutes after the shooting. He said the shots came from behind him, 'up on the mall,' or 'up on the knoll.' Careful study of the tape shows him forming his lips to make the 'mmm' sound, not 'nnn.' And he did not say 'grassy' at any time" (Mack, "The Man Who Named the Grassy Knoll," Unpublished and undated manuscript, pp.1–2).

- 847 **most famous Dealey Plaza photograph [footnote]:** Most analysts say that the photograph taken by James Altgens around the time of the second shot correlates to around Zapruder frame 255, which would be after the Warren Commission's second shot (e.g., David W. Mantik, "Paradoxes of the JFK Assassination: The Medical Evidence Decoded," in Fetzer, *Murder in Dealey Plaza*, p.258; Wrone, *Zapruder Film*, p.46; Trask, *That Day in Dallas*, p.65). But there is no unanimity on this. HSCA chief counsel G. Robert Blakey said it took place at "approximately 1.6 seconds after the first shot," which would place it at around Zapruder frame 189 (3 HSCA 396–397; HSCA places first shot at Z frame 160: HSCA Report, p.81), the time of the HSCA's second shot, but before the Warren Commission's. One thing we know is that the statement in the HSCA Report that the Altgens's photograph took place "at the time of the first shot" (HSCA Report, p.58) is incorrect, and most likely is merely loose writing. The first shot, we know, was fired around Z frame 160, which was *before* the limousine passed beneath the oak tree, while the Altgens's photograph clearly shows that at the time it was taken the limousine had passed the oak tree.
- 847 **critic Josiah Thompson:** In his "Master List of Assassination Witnesses" (Thompson, *Six Seconds in Dallas*, pp.254–270), Josiah Thompson lists some witnesses as having testified they thought the shots came from the grassy knoll, when they are not clearly in the category of witnesses who thought the shots came from the knoll. Just two examples: though Emmett Hudson, the Dealey Plaza groundskeeper who was standing on the steps between the picket fence and pergola, signed an affidavit that the shots came from "behind and above me" (CE 5323, 19 H 481), in his Warren Commission testimony he said the shots came from "above and behind" the motorcade, indicating the Texas School Book Depository Building (7 H 559–560, 564). Though Officer Bobby Hargis is listed as a grassy knoll witness, he testified the shots "could have been coming from the railroad overpass [not even the grassy knoll] . . . but I had a feeling [they] might have been from the Texas Book Depository" (6 H 294–295).
- 847 **study of the witnesses:** At the time that the HSCA conducted its acoustical analysis in Dealey Plaza on August 20, 1978, it had two experts, with special training and experience in sound, record their impressions of the origin of shots fired that date. One expert was Dr. Dennis McFadden of the Psychology Department of the University of Texas, and the other was Dr. Frederick Wightman of the Department of Audiology at Northwestern University. Dr. David Green, a consultant for

Bolt, Beranek and Newman, supervised the test. Green found that McFadden was right 93 percent of the time, and Wightman 82 percent. However, as opposed to the Dealey Plaza witnesses, both expert witnesses were ready for the shots, so there was no surprise that might confuse their auditory perceptions. Also, each knew that the shots were coming from either the Book Depository Building or the grassy knoll, whereas for the actual Dealey Plaza witnesses there would have been much more uncertainty as to the origin of fire. (8 HSCA 146–148; HSCA Report, p.90)

The first study to determine the number of Dealey Plaza witnesses who thought shots came from the Book Depository Building, grassy knoll, or some other source, was conducted by assassination researcher Harold Feldman in 1965. Feldman published his findings in an article, “Fifty-one Witnesses: The Grassy Knoll,” in the March edition of the magazine *Minority of One*, that was later republished into a book with the same title as the article. He says he found 32 witnesses who thought the shots came from the Book Depository Building and 51 who thought they were fired from “west of the Depository, the area of the grassy knoll.”

Feldman notes that almost all of the Dallas County deputy sheriffs thought the shots came from the railroad yards behind the stockade fence on top of the grassy knoll, and gives citations in support of this. However, these deputies were not close to the shooting, most standing on Main Street in front of the Dallas sheriff’s office located in the Dallas County Criminal Courts Building at Houston and Main. (Feldman, *Fifty-one Witnesses*, unnumbered pp.1–2, 16, 28–32) What he fails to point out is that the majority of the Secret Service agents, who were right in the middle of the motorcade, thought the shots came from the Texas School Book Depository Building. Indeed, in his calculations of numbers, he doesn’t even bother to mention Secret Service agents like John D. Ready (CE 1024, 18 H 749), George W. Hickey Jr. (CE 1024, 18 H 762), Jerry D. Kivett (CE 1024, 18 H 778), Warren W. Taylor (CE 1024, 18 H 782), and Hurchel Jacks (CE 1024, 18 H 801), all of whom said they thought the shots came from the “right rear” of the president, that is, from the Depository Building. In fact, the famous AP photograph taken by James Altgens (WR, p.113) shows some of the agents looking to their right rear. (With respect to Dallas police officers, who were scattered in different places in Dealey Plaza, Feldman found 4 who thought the shots came from the grassy knoll, 4 who thought they came from the Book Depository Building, and 4 who had no opinion [Feldman, *Fifty-one Witnesses*, unnumbered p.32].) It’s hard to take Feldman too seriously when he so clearly permits his bias toward conspiracy, rather than his objectivity, to govern his analysis.

Just one more example among others of Feldman’s faulty analysis. He lists Charles Brehm as a grassy knoll witness based on an article in the November 22, 1963, *Dallas Times Herald* (Feldman, *Fifty-one Witnesses*, unnumbered pp.32, 42). But Brehm told the FBI that the shots came from “one of two buildings” at the corner of Elm and Houston (CE 1425, 22 H 837–838, FBI interview of Charles Brehm on November 24, 1963). And Brehm testified to the same thing at the London trial, saying he was “absolutely” certain the shots came from the president’s rear (Transcript of *On Trial*, July 23, 1986, pp.105–106).

I am unaware of any study other than Feldman’s that was conducted in the 1960s (the Warren Commission did not conduct any analysis) to determine the number of Dealey Plaza witnesses who thought the shots came from the grassy knoll as

opposed to the Book Depository Building, but the year after Feldman's report, *U.S. News & World Report* referred to "the statement" made by "critics of the [Warren Commission]" that "58 of 90 witnesses . . . believe, or testified, that shots came from the grassy knoll" ("Truth about Kennedy Assassination," p.55). Though the number 58 is different from Feldman's 51, the number 32 cited is identical to Feldman's 32 witnesses who believed the shots came from the Depository Building, and I'm assuming that the *U.S. News & World Report* reference was to Feldman's report.

- 848 **"so many echoes"**: Dallas deputy sheriff Al Maddox said, "When you came out of the [county] jail on the Houston Street side [of the Dallas Criminal Courts Building], you'd hear jets coming over sometimes in the afternoon. You'd be looking in one direction to see the jets, and they would come over from a different direction. You couldn't tell which way because of the reverberation of the sounds. So I knew where the problems were when eyewitnesses said the shots came from one direction and others said they came from another" (Sneed, *No More Silence*, p.508).
- 848 **"it had a sound all over"**: Even though Zapruder said he was aware that the authorities had said one man could have gotten off two rapid shots in the requisite time, without explaining or elaborating he said later in his testimony, "You know there was [some] indication there were two [shooters]" (7 H 576).
- 849 **heard only three shots**: In fairness to the conspiracy theorists, if a fourth shot from the grassy knoll were, as many of them believe, synchronized with one from the Book Depository Building or elsewhere at frame 313, then it would be very unlikely that earwitnesses would be able to hear or make out this fourth shot. However, the notion of a synchronized shot has no evidentiary support (see text) and is merely typically wild speculation on the part of the theorists.
- 850 **"unless you had actually known from where the shots originated"**: However, although Luke Mooney may not have *known* where the shots came from, he told the Warren Commission that from the echo of the shots he "thought" they came from the area of the railroad yards (3 H 283).
- 851 **show the outline and existence of a gunman on the grassy knoll or in the retaining wall area**: Although not where most of the conspiracy theorists believe the shots came from, the HSCA did conclude that among the many people scattered over Dealey Plaza that day, a color photo (frame 5) taken by Dealey Plaza spectator Phillip Willis at approximately frame 202 of the Zapruder film showed an "object" immediately behind the corner of the low retaining wall just to the east of the stockade fence on the grassy knoll, which the committee said "was probably a person" dressed "in dark clothing." Some in the conspiracy community have referred to the "man" as the "Black Dog Man" because they feel the figure in the image resembled, from the waist up, a black dog sitting on its haunches on top of the wall. In reality, they say, "he was crouching behind the retaining wall, perhaps to fire at the President." (Grodin, *Killing of a President*, p.192; Marrs, *Crossfire*, p.72) The "person" in the very blurred photo is not holding any object, such as a rifle or anything else, that extends over the top of the wall, but the HSCA said there was something "near the region of the hands," a "very distinct straight-line feature" (6 HSCA 121–122, 125; 12 HSCA 7). Was it a rifle? After enhancement of the photo, Dr. Bob R. Hunt of the photographic evidence panel testified that "it was the conclusion of the panel that all we are looking at in this case is just twigs of

[a] bush . . . If each of these is a rifle, you can count seven or eight rifles down there, which we considered to be an absurdity” (4 HSCA 387, 427). A black-and-white photo by Mary Moorman (photo 2) taken around the time of Zapruder frame 315 picks up the same area of the retaining wall, and per the HSCA photographic panel, the “person” is no longer there. An earlier study by the Itek Corporation concluded that the object behind the retaining wall was a person, who had moved out from behind the retaining wall between the time of the Willis and Moorman photos and is visible standing on the steps leading up to the wall with two other men (HSCA Record 180-10072-10181, July 26, 1978, p.7).^{*} The HSCA photographic panel “drew no such conclusions,” and conspiracy theorists like Robert Groden maintain that the Black Dog Man is still visible in the Moorman photo (HSCA Record 180-20072-10181, July 26, 1978, pp.7–8; Groden, *Killing of a President*, p.193).[†]

The reason why most conspiracy theorists don’t point to the Willis photo as indicating the location of their assassin is that if he were there, he’d be on the Elm side of the picket fence, not behind it, and hence would be even more open to view than a picket fence assassin. And his attempt to escape or run away after the shooting would be seen by everyone.

And then there is the “Head in the Bush” man visible in several Zapruder frames and allegedly seen holding a rifle in frame 413. The HSCA photographic panel concluded that “the head is that of one of the three individuals on the steps visible in other photos, such as the Nix [frames]. We find no contradiction to the photogrammatic analysis of Itek Corporation in an earlier study that placed the head out on the steps rather than behind the retaining wall.” The panel said that if the object behind the retaining wall was a person, he was not the same person as the Head in the Bush man, saying “the person at the retaining wall in Willis #5 would appear to be dark haired or wearing a dark cap; the head visible in Z 413 appears to be fair-haired, bald, or wearing a very short hair-cut. Examination of the Nix film indicates that one of the [three] men on the steps is fair-haired, bald, or has a short hair-cut . . . The gun-like object appears in front of leaves in the bush, mak-

^{*}Three men are seen standing on the steps leading up to the pergola in the left side of Moorman’s photo 2. The one in the middle, in the light-colored clothing, has been identified as Emmett Joseph Hudson, a park department employee of the city of Dallas. Hudson said he did not know the men on his left and right but he recalled that one of them stated he “worked somewhere on Industrial Boulevard” in Dallas. (CD 5, pp.30–31, FBI interview of Emmett Hudson on November 25, 1963)

[†]Some have suggested that Black Dog Man is a black man or woman. Zapruder’s receptionist, Marilyn Sitzman, told Josiah Thompson in 1966 that during the motorcade, a young “colored couple . . . were eating their lunch . . . sitting on a bench” just to the “right” of her and Zapruder, and “they were drinking Coke.” (She would later say that she only meant soda pop and that they could have been drinking any kind of soda.) Right after the last shot was fired, she “heard a crack of glass, and I looked over there and the kids had thrown down their Coke bottles . . . and started running towards the back.” Though the two blacks have never been identified, speculation has been that one of them was the Black Dog Man, but since the Black Dog Man was on top of and/or behind the nearby concrete retaining wall, this would seem to preclude either of the two blacks, who were on the nearby bench, from being the Black Dog Man. The HSCA photographic panel found that Black Dog Man had “flesh tones . . . comparable to the known flesh tones of Zapruder’s [receptionist].” (Sitzman was white.) (Transcript of tape-recorded interview of Marilyn Sitzman by Josiah Thompson, November 29, 1966, p.3; could have been any kind of soda pop: *Fourth Decade*, May 1995, pp.31–33; 4 HSCA 410; 6 HSCA 124) However, researcher Martin Shackelford said that “good color copies of the 5th Willis photo” show that “the flesh tones of the image are darker” than those of Sitzman’s, and concludes that the Black Dog Man is the black female (*Fourth Decade*, January 1995, p.13). It should be noted that a soda pop bottle is visible on top of the retaining wall in a photo by Tina Towner (Groden, *Killing of a President*, p.194), and spilled red drink was also found in the area (6 H 212, WCT Jean Lollis Hill).

ing it impossible to be held by a gunman down on the steps. We conclude that the head in the bush is not the same as that of the person visible in Willis #5. It is the head of a person on the steps . . . We conclude the linear feature is not a gun but a chance alignment of branches and leaves in the bush.” (HSCA Record 180-10072-10181, July 26, 1978, pp.12–13)

Finally, there is the “Gunman in Military Firing Posture” (in the area of the retaining wall near the pergola) as allegedly seen in several frames of the Orville Nix film of the assassination. The photographic panel said the “pattern” that was visible has “the appearance of a man sighting a rifle directly at the camera, the rifle held to the right shoulder.” The panel concluded that “color measurements showed no fleshtones consistent with other fleshtones” in the Nix frames, and “enhanced images” of the Nix frames “revealed no . . . evidence to support a man and rifle in the pattern in question. We find no basis for disagreement with the earlier photogrammatic analysis of Itek Corp. [May 18, 1967], which identified the pattern as being light and shadow areas on a wall in the background.” (HSCA Record 180-10072-10181, July 26, 1978, pp.13–15; HSCA Report, p.85; see also discussion of this issue in Thompson, *Six Seconds in Dallas*, pp.224–225, including the original belief that “the man with the rifle,” as he was originally known, was firing at Kennedy from the roof of a station wagon parked in the parking lot behind the pergola and stockade fence)

The 1967 Itek study concluded that “the man with the rifle” was “found to be nothing more than tree shadows on the wall of Shelter 3 of Pergola 2 in Dealey Plaza. The elevated object visible on the photographs [of the Nix film] was determined to be some 20 feet beyond these shadows in a parking lot. The object appeared to be a vehicle, but positive identification was not possible due to the quality of the photographs . . . A rifleman at this location would have had to fire the fatal shot from 9 feet above the ground to clear existing horizontal obstructions. Moreover, from this point, a line of sight and line of fire to President Kennedy could have existed only for less than $\frac{1}{30}$ [of a] second before the fatal round because of permanent vertical obstructions. No person was visible on the roof of the ‘vehicle’ in the enhanced photographs” (“Nix Film Analysis,” Itek Corporation, May 18, 1967, p.iii).

- 853 **cars in the parking lot:** One thing we can be fairly sure of. Unless one or more members of the Dallas sheriff’s office, or some other county employee, was a part of the alleged conspiracy to kill Kennedy, the grassy knoll gunman did not drive away in a car parked in the lot. The lot was leased by Dallas deputy sheriff B. D. Gossett, who in turn rented out spaces for three dollars a month primarily to deputy sheriffs who worked in the Dallas County Criminal Courts Building on Main and Houston. Some district attorney people also parked there, and I would assume a few other county employees, like those working in the Dallas County Records Building at Houston and Elm, may have also parked there. But the main point is that there was only one entrance to the lot, which also served as the exit, and an iron bar, with a chain and lock on it, ran across the entrance-exit. And the only people who had access to the lot were those who rented spaces in it, each of whom had a key to the lot. (Roger Craig, “When They Kill a President,” Unpublished book manuscript, 1971, p.3; 6 H 247, WCT S. M. Holland)

853 **no expended cartridge cases ejected from any rifle:** Granted, the absence of cartridge cases from a rifle would only be circumstantial evidence that no rifle was used if there had been more than one shot from the grassy knoll, as most conspiracy theorists believe. If only one shot was fired, no cartridge case would automatically be ejected from the rifle, the ejection of the case only taking place if the firer pulled the bolt to the rear for the firing of a second shot. The absence of a cartridge case from a rifle also presupposes that a grassy knoll killer would have used a rifle, as opposed to a revolver, which does not automatically eject its shells onto the ground. But this is a perfectly logical presupposition. As indicated in the main text, the distances from the grassy knoll to Kennedy for the first and second shots that struck him are around fifty-eight and thirty-five yards, respectively. At these distances, there is no question that a rifle, with its much longer barrel, would be more reliably accurate than a revolver, so why would the mob or the CIA or any other conspirators have their hit man use the less accurate of the two weapons?

A CONVERSATION WITH
DR. CYRIL WECHT

861 **“I know I testified to the other position”**: And, indeed, in his 1994 book, *Cause of Death*, Cyril Wecht writes, “There had to be a second gunman shooting from the grassy knoll area. The physical and medical evidence demands it. And so does the testimony of dozens of witnesses” (Wecht, *Cause of Death*, p.70).

- 866 **the man was a Secret Service agent:** In an interview with an HSCA investigator on February 8, 1978, Joe Smith said the man *told* him he was Secret Service (HSCA Record 180-10082-10445, Interview of J. M. Smith by HSCA investigator Harold Rose on February 8, 1978, p.1). This seems unlikely, and either Smith had a faulty recollection or the investigator, in the report he transcribed ten days after the interview, said Smith told him something he actually didn't. I say that because if the man had told Smith he was Secret Service, Smith wouldn't have had any reason for not telling the Warren Commission this in 1964. Instead, he told the Commission he only "believed" the man was Secret Service. Indeed, *twice* in his testimony before the Warren Commission (at a time when his memory of the event would have been a lot fresher), Smith tried to identify the man for Warren Commission counsel by saying the man *showed* him who he was, never, as indicated, adding (which would have been the natural thing for him to do) that the man actually *told* him he was Secret Service.
- 866 **the badge of some other law enforcement agency:** Although I would like to believe what former Secret Service agent James "Mike" Howard told author Gus Russo in 1993, it only has the ring of loose talk. Howard wasn't even part of the Secret Service detail for the president's Dallas trip, only for the president's stay in Fort Worth (CE 1020, 18 H 675). He told Russo that coincidentally there was a grassy knoll on the way to the Fort Worth airport and "we placed two deputies there. This is routine. Sorrels [the special agent in charge of the Dallas field office of the Secret Service] did the same thing in Dallas." Russo writes that Howard was told by the now-deceased Sorrels that he had "placed security people in all the obvious areas. We deputized everybody we could get our hands on—including agents from ATF, . . . Customs, Border Patrol, reserve police, deputy sheriffs, etc. The motorcade route in Dallas was crawling with these people, especially in Dealey Plaza and the overpass." (Russo, *Live by the Sword*, p.473) But if Secret Service agents, or those deputized to act as them, were on the grassy knoll and overpass at the time of the assassination, we wouldn't have had to wait thirty years to be told of this fact by Mike Howard.
- 868 **"its files showed 'no records'":** Robert E. Jones testified before the HSCA that he prepared an After Action Report on the assignment of his men to the Secret Service on the day of the assassination and believed that it included reports filed by the eight to twelve military intelligence agents who performed the liaison function with the Secret Service that day. He said that his After Action Report would have been maintained in Oswald's Department of Defense (DoD) file. However, when HSCA investigators attempted to get Oswald's military intelligence file from the DoD, they were advised by a letter from the DoD dated July 26, 1978, that the file had been destroyed: "Dossier AB652876, Oswald, Lee Harvey, was identified for deletion from IRR (Intelligence Records and Reports) holdings on Julian date 73060 (1 March 1973) as stamped on the microfilmed dossier cover . . . The dossier deletion resulted from the implementation of a Department of the Army, Adjutant General letter dated 1 June 1971 . . . Basically, the letter called for the elimination of files of non-DoD affiliated persons and organizations." The Department

of the Army also notified the HSCA by letter of September 13, 1978, that “the Oswald file was destroyed routinely in accordance with normal files management procedures, as are thousands of intelligence files annually.” (HSCA Report, pp.223–224; JFK Document 011964, Letter from Department of Defense to HSCA dated September 13, 1978)

Since Oswald was a “non-DoD affiliated” person, why did the DoD open a military intelligence file on him in the first place? Because, the HSCA learned, “he was perceived as a possible counterintelligence threat” when the 112th Military Intelligence Group at Fort Sam Houston, Texas, received information from the New Orleans Police Department in mid-1963 about Oswald’s arrest in connection with his Fair Play for Cuba Committee activities, and the file contained “documents and newspaper articles on such topics as Oswald’s defection to the Soviet Union . . . and his pro-Cuba activities in New Orleans.” The latter is why Oswald’s file was also opened under the name A. J. Hidell. (HSCA Report, p.222) In fact, Jones recalled in 1978 that his Region 2 office in Dallas first informed him by telephone “in the early afternoon” of November 22 “that an A. J. Hidell had either been arrested or come to their attention,” and by checking the name Hidell he found the name Lee Harvey Oswald. And this is how Jones was able to contact the FBI offices in Dallas and San Antonio as early as 3:15 on the afternoon of the assassination and furnish them with information from Army Intelligence files in New Orleans, San Antonio, and Corpus Christi concerning Oswald and his alias. (HSCA Record 180-10116-10200, pp.18, 19, 42; HSCA Report, p.221; see also JFK Document 002538, Letter from assassination researcher Paul Hoch to Donovan Gay of the HSCA staff and HSCA member Christopher Dodd dated October 28, 1977; see also HSCA Record 180-10112-10283, November 28, 1978)

The Assassination Records Review Board in 1998 made an independent effort to locate any additional information or documentation with respect to Oswald’s military intelligence file dossier but “developed no new information on the file or its destruction beyond that developed by the HSCA” (Final Report of the ARRB, p.157). When I submitted a Freedom of Information Act request for Oswald’s military intelligence file on November 20, 1999 (made with the faintest hope that someone, somehow, had salvaged the file), I was informed by letter from the FOIA staff at the National Archives on January 18, 2000, that the file “no longer existed.”*

It is nothing short of incredible that the federal government would destroy Oswald’s file the same way it would that of any ordinary person. But government officials always feel it is incumbent upon them to live up to two well-earned reputations. One is that they are bureaucratic automatons whose bloodless daily activities do not admit exceptions to their rules. And two, as with law enforcement, even though normally innocent they insist on acting guilty so that conspiracy theorists will have more fodder for their charges. (They do so because being innocent, they have no guilty conscience and continue to be angered and shocked when they are

*Conspiracy theorists for years have suspected that Oswald had ties to U.S. Military Intelligence, mostly the Office of Naval Intelligence, but the HSCA said that “the destruction of the military [intelligence] file on Oswald prevented the committee from resolving the question of Oswald’s possible affiliation with military intelligence” (HSCA Report, p.225; see also 11 HSCA 541–549). In any event, no evidence has surfaced that Oswald had ever been associated with any of the various agencies of military intelligence (e.g., Office of Naval Intelligence, Army Intelligence, and the Office of Special Investigations of the U.S. Air Force).

later accused of a “cover-up.”) For example, the Los Angeles Police Department in its investigation of the assassination of Robert F. Kennedy, and the Memphis Police Department in its investigation into the assassination of Martin Luther King, destroyed evidence after a period of time that should have been forever preserved. Years ago, I told a chief of police in Los Angeles, “Chief, since there is no shortage of space here in Los Angeles, what you do is you put the evidence in a box, mark it ‘Sirhan,’ and store it in a warehouse somewhere. You don’t throw it away.”

- 869 **Johns doesn’t say in his report:** Anti-conspiracy theory author Mel Ayton quotes assassination researcher Chris Mills as speculating that the reason Special Agent Lem Johns didn’t mention going up the slope in his report is that what he did “was against Secret Service procedures, thus leaving himself open to any disciplinary action” (Ayton, *JFK Assassination*, p.101).

873 **Since Hoffman admitted:** Not only didn't Ed Hoffman see what he first said he saw, but apparently he wasn't even where he assured the FBI he was. At the time of the assassination, Dallas police officer Earle Brown, with his partner James Lomax, was assigned to a position on the Texas and Pacific "railroad overpass over the Stemmons Expressway service road" (6 H 231, WCT Earle V. Brown; CE 1358, 22 H 600). Hoffman claims to have been standing at the top of the embankment right off the Stemmons Freeway "a few feet south" of where the railroad overpass goes above the subject service road, having parked his car on the shoulder of the Stemmons Freeway (FBI Record 124-10144-10132, June 28, 1967, p.2). Gary Mack, the curator for the Sixth Floor Museum in Dallas, said he viewed a video in 1983 that author Jim Marrs took of Hoffman positioning himself where he said he was, and Hoffman was "below and 50 to 100 feet at the most directly south of where Earle Brown was." Mack said that since Brown would have had a "clear view of Hoffman," he interviewed Brown around this time and Brown told him that he was "sure" there was no one standing where Hoffman claims to have been. (Telephone interview of Gary Mack by author on June 15, 2005) Indeed, Brown, in his testimony before the Warren Commission, said he kept his area free of people, adding that only one other person, a railroad detective, came up at one point to where he and Lomax were standing, to talk to them (6 H 231-232; sketch showing Brown's location: Brown [Earle V.] Exhibit A, 19 H 183).

The following is merely academic, since Earle Brown's testimony, and Hoffman's completely changing stories, which even his own father and brother don't believe, make his story unworthy of any belief. But if Hoffman was where he said he was, the testimony of Dallas deputy sheriff Eugene Boone would not, as some anti-conspiracy theorists believe, negate Hoffman's story. Boone testified before the Warren Commission that at the time of the shooting, "there were four railroad cars . . . right over the Elm Street tunnel or portion of the Triple Underpass" (3 H 295). A partial view of the area above the Triple Underpass in a photograph taken by AP photographer James Altgens seconds after the shooting, and a fuller view of the area above the underpass taken by *Dallas Morning News* photographer Tom Dillard seconds later, do not show any railroad cars (Trask, *That Day in Dallas*, pp.34, 67). However, even if the railroad cars were there, they would have been southeast of where Hoffman said he was and would not have been anywhere near his line of sight to the top of the grassy knoll area to the east.

Another thing that would not have blocked, as some anti-conspiracy theorists have alleged, Hoffman's view of the area behind the picket fence, was an Old Charter billboard just west of the underpass on the north side of Elm. The billboard, in a photo shot by Mel McIntire within seconds of the shooting, is shown on page 472 of Richard B. Trask's book *Pictures of the Pain*, and clearly is too low to have obstructed any view from near the Stemmons Freeway overpass. Gary Mack said that an even higher billboard is there now, and from the Stemmons Freeway overpass he was still able to see the area behind the grassy knoll (Telephone interview of Gary Mack by author on December 28, 1999). As of September 22, 2004, I was unable to see behind the picket fence from Hoffman's alleged position because of

the obstruction of large trees in between. The trees were either lower or not there in 1963.

876 **she “started running” across the street:** In her Warren Commission testimony, Jean Hill testified that although her friend, Mary Moorman, dropped to the ground right after the shooting, “I didn’t get down.” She repeated what she had told the sheriff’s department, that when she saw the man running right after the shooting, she immediately “ran across the street” and pursued him. However, though at some later point she may have run across the street, she didn’t do it when she said she did. Photos clearly show that despite her testimony to the contrary, she did drop to the ground with Mary Moorman right after the shooting (see, e.g., Wilma Bond photo in Trask, *Pictures of the Pain*, p.208).

876 **her Warren Commission testimony:** In the first affidavit Jean Hill gave in this case, on the afternoon of the assassination, she told the Dallas County Sheriff’s Department that after she came back down from the grassy knoll and returned to her friend Mary Moorman, “Mr. Featherstone of the [*Dallas Times Herald*] had gotten to Mary and ask[ed] her for her picture she had taken of the president, and he brought us to the press room down at the Sheriff’s office [actually, the Dallas County Criminal Courts Building pressroom] and ask[ed us] to stay” (Decker Exhibit No. 5323, 19 H 479). Sounds pretty innocent and benign, right? But in her testimony before the Warren Commission four months later, Hill, after having talked to conspiracy theorist Mark Lane, said that the newsman, Jim Featherston (not Featherstone), had somehow held her and Moorman in the pressroom against their will for several hours (6 H 220).

Now listen to what she told conspiracy author Jim Marrs twenty-five years later for his 1989 book. Featherston, the newsman, has disappeared from her version of the story. She now said she never got back to Mary, and two men approached her as she was walking west of the Texas School Book Depository Building. “I was looking around but I couldn’t see anything, when these two guys came up behind me. One of them said, ‘You’re coming with us,’ and I replied, ‘Oh, no I’m not. I don’t know you.’ ‘I said you’re coming with us,’ one of them said and then put this horrible grip on my shoulder. I can still feel the pain when I think about it. I tried to tell them, ‘I have to go back and find my friend Mary.’ But then the other guy put a grip on my shoulder and they began hustling me past the front of the Depository. ‘Keep smiling and keep walking,’ one of them kept telling me. They marched me across the plaza and into . . . the sheriff’s office. They took me to a little office upstairs and they wouldn’t let me out of this room . . . The two men that grabbed me never showed any identification” (Marrs, *Crossfire*, p.323).

Incidentally, Jim Featherston confirmed that it was he who brought Hill and Moorman to the Courthouse pressroom. He admits being persistent in questioning them, but says, “[Hill] said I told them that they couldn’t leave . . . This is all nonsense.” (Hlavach and Payne, *Reporting the Kennedy Assassination*, pp.48–49; see also *Dallas Times Herald*, November 22, 1963, p.A-17)

877 **stars in the conspiracy theory constellation:** Another favorite of the conspiracy theorists, though a much lesser one, is Jesse Price. Price doesn’t quite fall comfortably into the cuckoo bird category, all of whose members, at least to me, either are a little funny or say funny things. Price is more in the category of a witness whose credibility was not good to begin with, and later, when exposed to one of

the most flagrantly unreliable members of the conspiracy community, he made it much worse by changing his story on a key matter—hence his being relegated to an endnote. On the afternoon of the assassination, Price gave a statement to the Dallas County Sheriff's Department that he was watching the motorcade pass through Dealey Plaza while standing on the roof of the Union Terminal Annex Building. He said he heard "a volley of shots, I think five, and then *much later, maybe as much as five minutes later*, another one." After the initial volley of shots he saw a man "run *towards* the passenger cars on the railroad siding." The passenger cars were parked, of course, behind the picket fence on both sides of the railroad spur or siding, and we know several people, including police officers, ran *toward* this area. For instance, S. M. Holland, the supervisor for the Union Terminal Railroad, said he, and another person behind him, ran behind the fence and through the yard to the opposite side of the parking lot as far as he could go, before he came back to the area right behind the fence to search for empty shells (6 H 241, 244, 247; ran to the railroad yard: 6 H 298, WCT Clyde A. Haygood). Price said the man he saw was wearing a "white dress shirt, no tie and khaki colored trousers [clearly not the man Jean Hill saw] . . . [and] he had something in his hand. I couldn't be sure but it may have been a headpiece" (Decker Exhibit No. 5323, 19 H 492).

In Price's original statement, he did not say where the man was running *from*. Over two years later, on March 27, 1966, in a tape-recorded statement he gave to Mark Lane, although Price still didn't say where the man was running from, Lane simply said (in his words, not Price's) that "[Price's] eye was attracted *to the area behind the fence on the grassy knoll*." When Lane asked Price, "Where did you see the man run?" Price answered, "Over behind that wooden fence past the cars [in the railroad yard parking lot] and over behind the Texas Depository Building." He embellished the statement he gave to the Dallas County Sheriff's Department two and a half years earlier by now saying that what the man was carrying in his hand "could have been a gun." (Lane, *Rush to Judgment*, pp.32–33) In Lane's fine hands, the "headpiece" was suddenly, perhaps, a gun. And, of course, if it was a gun it may have been the murder weapon.

There are some serious problems with Price's observations, none of which the conspiracy theorists are troubled by. The first is the fact that Price thought he heard a shot "as much as five minutes" after the initial shots in Dealey Plaza (Decker Exhibit No. 5323, 19 H 492). Knowing, of course, that such an observation would severely harm his credibility, none of the books by the conspiracy theorists, who approvingly cite Price as a reliable witness for their grassy knoll gunman theory, mention this inconvenient fact (e.g., Lane, *Rush to Judgment*, pp.32–33; Hurt, *Reasonable Doubt*, p.119).

Second, jumping from the man carrying something that "may have been a headpiece" to its possibly being "a gun" (what about a folded newspaper, an ice cream cone, a camera, or countless other things?) strongly suggests that Price, either to please Lane or for some other reason, tried to enhance the importance of his observations. What makes Price's suggestion of a gun (the president was shot by a rifle, not a gun, anyway) even more far-fetched is that the Terminal Annex Building (U.S. Post Office Building), where Price was, is at the southwest corner of Commerce and Houston streets, the southeastern most tip of Dealey Plaza, over two hundred yards away from where Price's Mount Palomar eyes saw what "could have been a gun."

- 881 **When he stopped to get his breath:** Warren Commission counsel had James Worrell put a “Y” on the map of the area to indicate where he was when he stopped, but counsel did not make sure the map was clearly marked and one cannot be confident of precisely where the mark is in the Commission exhibit of the map (CE 361, 16 H 957).
- 883 **as her car approached the Stemmons Freeway overpass:** Julia Ann Mercer said she saw the Ford pickup truck as she was approaching “the overpass.” She almost assuredly was referring to the Stemmons Freeway overpass, not the railroad overpass above the Triple Underpass, because she said this incident occurred right in front of “three policemen standing . . . near a motorcycle on the bridge *just west of me*” (Decker Exhibit No. 5323, 19 H 483). And we know that Dallas police officer Joe E. Murphy, who confirmed seeing the pickup truck where Mercer said it was, was one of three officers stationed, since ten o’clock that morning, on the Stemmons Freeway overpass above Elm Street. His location there is established by his typed, undated statement to Dallas police chief Jesse Curry (believed to be, from all the other officer statements to Curry, around mid-July of 1964—see CE 1358, 22 H 602) and his testimony before the Warren Commission on April 8, 1964 (6 H 256). Accordingly, the FBI report of an interview with Murphy on December 9, 1963, in which it is said that Murphy was on “the Triple Underpass on Elm Street” (FBI DL 100-10461), is in error.
- 884 **“Anything she [Jean Hill] can do, I can do better”:** A minor player in tales about the assassination is Malcolm Summers. In a November 22, 1988, anniversary television special on the assassination (*Who Murdered JFK?*) hosted by investigative reporter Jack Anderson, Summers said that immediately after the shooting, when he and several other Dealey Plaza witnesses ran up to the top of the grassy knoll, “we were stopped by a man in a suit, and he had an overcoat over his arm and I saw a gun under that overcoat. His comment was ‘Don’t you all come up here any further. You could get shot.’” (See also Sneed, *No More Silence*, p.104) Mr. Summer’s problem is that he gave a sworn statement to the Dallas County Sheriff’s Department on the day after the assassination (Decker Exhibit No. 5323, 19 H 500) in which he does not mention any such very noteworthy event. In 1978, HSCA investigators had him read the statement he gave to the sheriff’s office on November 23, 1963, and then check one of two statements below: “The statement I have read *fully* and accurately reflects my recollection of the events” or “The statement I have read does not fully and accurately reflect my recollection of events. I would like to add the following:” Summers checked the box next to the first statement and signed his name. He had nothing to add (JFK Document 014277, Statement of Malcolm Summers to HSCA on October 30, 1978). But ten years later, for the television special, he decided he did.
- 885 **two photographs she took with her Polaroid camera that day:** The first of the two photos Mary Moorman took was of one of the three police motorcyclists preceding the president’s car, and also showed part of the Book Depository Building (referred to in the police report on the photo by its previous name, the Sexton Building). She told the FBI she gave this photo to Secret Service agents John Joe Howlett and Bill Patterson shortly before 4:00 p.m. on the afternoon of the assassination (CE 426, 22 H 839, FBI interview of Mary Moorman on November 22, 1963; CD 486, Memo from SA Patterson to Inspector Kelley on March 7, 1964;

Decker Exhibit No. 5323, 19 H 533; photo is in Trask, *Pictures of the Pain*, p.233). Dallas deputy sheriff Bill Wiseman prepared a supplementary investigative report on November 23, 1963, saying that he had gotten this picture from Moorman, gave it to the chief criminal deputy sheriff, Allan Sweatt, who in turn gave it to the Secret Service (Decker Exhibit No. 5323, 19 H 535–536; see also Allan Sweatt’s undated supplemental investigative report: Decker Exhibit No. 5323, 19 H 533).

Moorman turned over the second photo, taken a split second after the head shot, to the FBI on the afternoon of the assassination (CE 1426, 22 H 839, FBI interview of Mary Moorman on November 22, 1963). But before she did, Jim Featherston of the *Dallas Times Herald* somehow managed to make a copy of it. “I wanted that picture,” Featherston would later recall, as soon as he ran down to the south side of Elm and discovered that Moorman had taken a photo, possibly of the shooting. “Mary Moorman agreed to give me [her] film.” (Hlavach and Payne, *Reporting the Kennedy Assassination*, p.48) He doesn’t expressly say he made a copy, but we know he did because that Sunday’s *Times Herald* showed the photo under the caption “Dying President” (*Dallas Times Herald*, November 24, 1963, p.A-3). By the following day, Moorman’s photo was appearing in papers throughout the country.

The Secret Service and the FBI returned Moorman’s two Polaroid photos to her (Trask, *Pictures of the Pain*, p.255; photo 1: CD 486, March 7, 1964), and the Warren Commission never published either of the two stills in its volumes. Moorman loaned her two photos to the HSCA’s photographic panel for examination (Trask, *Pictures of the Pain*, p.255), and the HSCA published the second photo, the assassination one, in three of its volumes (1 HSCA 109; 4 HSCA 416; 6 HSCA 125), but not the first one, which had no evidentiary value.

I should add that the two aforementioned Moorman photos are the only ones she took that day that are known to the general assassination research community. However, Gary Mack knows Mary Moorman well, and Moorman told him she took two other photos that day on Elm, one each of police officers she knew. She gave the photos to them, and Mack has learned that “one or both of the photos no longer exist.” (Telephone interview of Gary Mack by author on November 15, 2006)

- 886 **resting on the top of the fence:** Gary Mack wrote me that he and Jack White “have always believed the rifle was held *above* the top of the fence; at no time have we suggested or thought that it rested on the fence” (Letter from Gary Mack to author dated August 10, 2006, p.2). But to suggest that a presidential assassin not only would not try to prevent others from seeing as much of his body behind the fence as possible, but even more importantly, would shoot at the president while he (the assassin) is holding the rifle in the air without availing himself of support and stability for the rifle that is readily available to him by use of the top of the fence, makes no sense at all. Yet this is precisely what Mack feels may have happened, telling me “a good shooter doesn’t need anything to steady his weapon” (Telephone interview of Gary Mack by author on August 15, 2006).
- 886 **“computer model of an average size man”:** Gary Mack’s response to Dale Myers’s findings is that “any study of the Badge Man image using a man of ‘average size’ is flawed. One cannot assume Badge Man was of average size. In fact,

studies using a short, thin man show that the size is perfect for such a person at that location and distance. A recent videotaped re-creation using a short (just over 5 feet tall), thin man proved that the Badge Man image was exactly the right size and shape for a person in that location” (Letter from Gary Mack to author dated August 10, 2006, p.2).

But if Badge Man was only slightly over five feet tall, since the fence itself is five feet in height (5 HSCA 603), Badge Man’s eyes would be at the same level or most likely lower than the fence, making it impossible for him to have fired at Kennedy. Making it even further impossible for a man that short to shoot at Kennedy is Mack’s own position that Badge Man never rested the rifle on top of the fence, but held it in his hands. Mack’s response to this is that the Badge Man “was elevated somehow, such as by standing on the tailgate of a station wagon backed up to the fence.” (Telephone interview of Gary Mack by author on August 15, 2006)

As far as the Coke bottle is concerned, Mack wrote, “No photographs of the assassination scene show a ‘Coke’ bottle on the wall; a bottle appears in some post-assassination pictures, but the shape does not suggest that it was the distinctive Coca-Cola bottle shape. Computer enhancement studies of the UPI print [of the Moorman photo] show absolutely no straight or solid soft drink bottle lines anywhere above the top of the wall. Based on the analysis, one can only conclude that the bottle was not on the wall when the picture was taken” (Letter from Gary Mack to author dated August 10, 2006, p.2). Mack told me he didn’t have these computer enhancement studies, but that he “was told this by computer enhancement experts who studied the print” (Telephone interview of Mack by author on August 15, 2006).

886 **“The Badge Man image is more than likely a distortion of this Coke bottle”**: Gary Mack and Jack White feel that there is support for their Badge Man theory in the testimony of Lee Bowers, the signal operator in the railroad tower who testified that he saw two men behind the stockade fence before the shooting, right where the Badge Man and his partner, the Back Up Man, were. But did he? Bowers said he saw two sets of two men in the general area of the grassy knoll. The first two men he mentioned were dressed, he said, in regular civilian clothing, not in police uniforms, and Bowers said the two men were about “ten or fifteen feet” from each other and were standing near the “mouth of the underpass,” nowhere near where the alleged Badge Man was in the Moorman photo. The two men, he said, “gave no appearance of being together . . . They were looking up towards Main and Houston and were following the caravan as it came down.” He said that after the shooting when the police came up the grassy knoll to search the area, one of the two men was still there, but he “could not say” if the second was. Since Bowers never saw these two men carrying anything that attracted his attention, such as a rifle, there’s no reason to believe they weren’t just spectators to the motorcade.

After Commission counsel asked Bowers whether he saw men above the Triple Underpass (he did), he asked, “Did you see any other people in the area?” Bowers answered, “There were one or two [other] people in the area. *Not in this same vicinity*. One of them was a parking lot attendant that operates a parking lot there. One or two. Each had uniforms similar to those custodians at the courthouse. But they were some distance back, just a slight distance back,” presumably referring, from

the context, to the distance behind the fence. His description of the location was brief, and there was no elaboration. However, Bowers isn't even sure if he saw one or two men, and *he knew who one of them was*. Moreover, wherever the two men were (a fact Warren Commission counsel did not nail down but should have), if they were in the area behind the fence where he said he saw "something out of the ordinary," it seems hard to imagine he wouldn't have said, which he never did, that he saw them in the precise area where he saw something unusual happening. By any fair reading of Bowers's testimony, it clearly does not support the Badge Man theory. (6 H 287–288, WCT Lee E. Bowers Jr.)

- 887 **only one police officer:** Gary Mack says that "[Gordon] Arnold told his story about two police officers to Nigel Turner, but Turner's editing makes it seem that he was talking about only one officer. Turner admitted to me before the show first aired in 1988 that Arnold's story was a little hard to follow on television and the editing he had done was simply to make it clearer. Nevertheless, Turner did, indeed, change Arnold's story. But Turner is to blame, not Arnold."

Mack said that Arnold told him that "the cop with the gun was the second cop who approached him and that it was the first man who kicked him. This, too, is the result of Turner's editing and was not Arnold's fault." (Letter from Gary Mack to author dated August 10, 2006, pp.2–3)

- 887 **several photos, including film, of the precise area where Arnold said he was:** Among others, still photos by Wilma Bond, Cecil Stoughton, Frank Cancel-lare, Harry Cabluck, and James Towner, and film by Mark Bell show no man on the ground near the fence being assaulted by a police officer. Additionally, the Marie Muchmore film taken at the time of the head shot shows no Gordon Arnold figure where Arnold claims to have been. But Mack wrote me that "Arnold told me in 1982 that he was wearing his tan Army uniform in Dealey Plaza. Ten years later, in 1992, Robert Groden was able to brighten a good copy of the Nix film in the knoll area where Arnold claimed to be; Groden's improved version yielded the image of a tan, moving object [in that area] . . . dropping straight down" (Letter from Gary Mack to author dated August 10, 2006, p.3).

The problem with Mack's position is that we know from all the evidence and "The Grassy Knoll" section of this book that no bullet was fired from the grassy knoll. By definition, this by itself eliminates the Badge Man. Secondly, as discussed in the text, Arnold and his story have no credibility, the story being ridiculous on its face. So even if he was on the grassy knoll, which the photographic evidence alone shows he was not, this fact in no way proves Mack's Badge Man theory. As far as Groden's improved version of the Nix film is concerned, when I spoke to Richard Trask, perhaps the leading authority on assassination photography, he said he had also seen what Groden saw, a "light-colored area moving downward, but it is near the retaining wall, not where Gordon Arnold claims to have been, in front of the fence" (Telephone interview of Richard Trask by author on August 15, 2006; see also Trask, *Pictures of the Pain*, pp.197–198).

- 888 **At the time of the first shot [footnote]:** Mack, vigorously trying to salvage a story by Arnold that has no validity (except in his and Jack White's eyes, as well as many in the conspiracy community), wrote me that "Arnold made it clear to me in 1982 that he dropped down when the first shot *that came from behind him*

was fired, not when the first shot was fired” (Letter from Gary Mack to author dated August 10, 2006, p.3). If true, this would mean that Texas senator Ralph Yarborough may have seen Arnold drop to the ground at the time of the third shot (as Mack, in his letter to me, said he believes) when Yarborough’s car was far enough down Elm to see the alleged Arnold figure. The problem is that Arnold made it very clear to Golz in 1978, four years before he spoke to Mack, that he dropped to the ground on the firing of the first shot (*Dallas Morning News*, August 27, 1978, pp.1A, 4A). And Yarborough made it very clear to Golz that the person he saw drop to the ground did so on the firing of the first shot (*Dallas Morning News*, December 31, 1978, p.2A). And when author Henry Hurt interviewed Arnold for Hurt’s 1982 book, Arnold made no distinction between the first shot that came from behind him and the first shot that was fired, clearly indicating he dropped to the ground when the first shot was fired. Finally, in the 1988 British film, Arnold said that while he was standing on the knoll, suddenly “a shot came right past my left ear (pointing to his rear) and *that’s when* I fell down.” He said that while on the ground “a second shot was fired” over where he was. He gave no indication that he heard any shots before or after these two shots. Gary Mack chuckled when I told him, “Gary, you’re trying to put lipstick on a pig [Arnold’s whole story].” (Hurt, *Reasonable Doubt*, p.112)

888 **Badge man advocates:** On the British television show, Gary Mack said that in the Moorman photo “there is a light blob very close to where the Badge Man was [Mack told me the blob is in front of and slightly to the left of the Badge Man], and we weren’t sure what it was, but gradually, as details started coming out with Jack’s photo work, we realized this image was probably Gordon Arnold. The Moorman photo confirmed Arnold’s story.”

When Earl Golz’s photographer, Jay Godwin, asked Arnold in August of 1978 to position himself, for a photograph, where he claimed to be on the grassy knoll on the day of the assassination, he appears to have positioned himself at the southeast corner of the picket fence, thereby eliminating himself as the “light blob” who was supposed to be, per Mack, right in front and to the left of the Badge Man. The angle from where Moorman was when she took her photo to either where Mack says Arnold was, or where he positioned himself for the photograph, precludes him from being the light blob. To have been in the right position he would have had to be at least ten or so feet to the east (i.e., to the right) on the steps in order to be the light blob on the line of sight from Moorman to the Badge Man.*

I was unable to get a clear print of the Godwin photo. The *Dallas Morning News* photographic archives didn’t have a print or negative in its files, and even Godwin, after a search for me in his garage in Austin, Texas, couldn’t locate a print or negative of the photo. For those who want the next best thing, the newspaper print (not clear) appeared in the *Dallas Morning News* on August 27, 1978, page 4A, a part of a Golz article that included his interview of Arnold.

*Gary Mack says the Godwin photograph is “inaccurate” because Arnold didn’t place himself where he actually was on the knoll, having “forgotten.” But Mack, in placing Arnold to the left of Badge Man (to the left, he says, from Moorman’s position, not Badge Man’s), makes it even less likely, not more, that he was the light blob. (Telephone interview of Gary Mack by author on August 23, 2006)

- 888 **who was the person kicking Arnold?** [footnote]: Since Mack says Arnold told him that two police officers accosted him on the knoll, and also doesn't believe that the Badge Man jumped over the fence to stomp on Arnold, I said to him, "Gary, with the Badge Man and the Back Up Man, and two other persons posing as police officers on the knoll going after Arnold to get his film, are you saying that there were four conspirators in this knoll area?" Gary laughed and said, "I don't know. I wasn't there" (Telephone interview of Gary Mack by author on August 15, 2006).
- 888 **benefit from scrutiny:** One footnote to the Badge Man discussion: In the 1988 British film *The Men Who Killed Kennedy*, the images of the top of the knoll area in the Moorman photo, which were not intelligible to anyone, including the twenty-two members of the HSCA photographic panel (who came from places like the Jet Propulsion Laboratory, NASA, and Aerospace Corporation), suddenly, per Gary Mack, become, in a blowup of Gary Mack's copy of the photo, two very vague human images, the Badge Man and his consort in crime, the Back Up Man. In a March 16, 2000, telephone interview of Mack, I made an offer to him, which I said I would "put in writing," that if he sent me a print of the subject part of the Moorman photo he had as well as the blown-up version of it that appeared in the film, I would send them to several former members of the HSCA photographic panel, and "if they say everything is legitimate, I'll put the photo and blowup in my book and tell the readers the photo itself is legitimate. But if I find out it's not, I'm going to come down awfully hard in my book on Jack White [Mack's photographic expert partner]." "I can't do that," Gary Mack said. "Why not?" I asked. He said that to put his photo in a book would "subject it to too many interpretations," and also he didn't want "the photo to be taken out of context." He added that he himself had already sent a copy of the photo (though he is not certain, he doesn't believe he also sent the blowup of it) for review to two of the twenty-two panelists and they were impressed by it.* The only thing he wanted to do with the photo, he said, was "turn it over to any group of scientists who can sharpen, clarify, or enhance the photo." I wasn't entirely pleased with that answer, since he had already let a blowup of the photo be shown in *The Men Who Killed Kennedy*.
- 889 **station wagon was "light green"** [footnote]: Roger Craig was aware that his "light green" in his book manuscript conflicted with his "it looked white" in his testimony before the Warren Commission, and to cover himself in his manuscript, he claimed that he had said "green" in his testimony and the Warren Commission altered his testimony to "white," a ridiculous allegation. But Craig had a further problem with his new color of green. On November 22, the very day of the assas-

*In a subsequent phone conversation with Mack, he went into more detail on the identity of the experts who saw the subject photo. One was Andrew Davidhazy, who was not a member of the HSCA's photographic panel but was one of the photographic experts utilized by the HSCA to analyze the Oswald backyard photographs (6 HSCA 179). Mack said that Davidhazy told him he couldn't see anything in the photo, but Mack said Davidhazy "spent very little time" analyzing the photo. Another photographic expert (but again, not on the HSCA panel) Mack had look at the photo was Larry Maver of the Hughes Danbury Optical Systems Corporation. Maver told Mack that the image in the photo "might" be a person. The only HSCA photographic panel member that Mack sent the photo to was Robert Selzer, and Mack said that Selzer also told him the image "might" be a person. (Telephone interview of Gary Mack by author on August 23, 2006) Selzer told author Richard Trask in 1987 that Mack had sent several prints of the photo to him, but the images were "extremely grainy" and he couldn't make anything out of them (Trask, *Pictures of the Pain*, p.356).

sination, he told FBI agent James Bookhout that he saw “a white Rambler station wagon” (CE 1967, 23 H 817). Bookhout’s report of the interview was the next day. Are we to believe that just one day after the assassination, someone, to discredit Craig, ordered Bookhout to write the word “white” when he heard Craig use the word “green”? And on November 25, three days after the assassination, Craig told another FBI agent, Benjamin Keutzer, that he saw “a white Nash Rambler station wagon” (CE 1993, 24 H 23). Did someone reach Keutzer too? In Craig’s partial defense, on the day after the assassination, November 23, he reported that the Rambler station wagon was “light colored” (Decker Exhibit No. 5323, 19 H 524). But with respect to the color of the station wagon, the color “green” would not come from Roger Craig until 1971, eight years after the assassination.

- 891 **“the story about being in Captain Fritz’s office”:** A photo of Roger Craig in the *outer* office of the Homicide and Robbery Bureau appears on page 214 of the book *With Malice* by Dale Myers. Lieutenant T. L. Baker told me that on Friday evening, when Craig was in his office, the lowered blinds were open, not closed as they are in the photo, and everyone in the outer office, including Craig, was able to see Captain Fritz, Oswald, and others inside Fritz’s office. He doesn’t know when this photo was taken, but believes it was probably the next day, Saturday, though he has no idea why Craig would have come back then. Craig himself, in his many statements, has never said he came back again after Friday evening.

Assassination researcher Dale K. Myers told me that the photo in his book was almost undoubtedly taken on Saturday because he saw negatives of the photos taken before and after the subject photo from the Jack Beers (now deceased) collection in which Oswald is shown only wearing a T-shirt, and that, he says, had to be on Saturday, when other photos showed Oswald with only a T-shirt on (Telephone interview of Dale Myers by author on February 19, 2003). By Saturday, the Dallas police had removed the shirt Oswald was wearing over the T-shirt so they could check for fiber matchups.

One possibility I explored was that the man in the photo might not be Craig. However, Dallas sheriff Jim Bowles showed the photo to “a dozen or so 1960s deputies. It was their opinion that the photo was of Roger Craig. Only one said he wasn’t very sure. Most said it definitely was. A couple said it probably was” (Letter from Jim Bowles to author dated April 21, 2002). And retired Dallas police detective Elmer Boyd, who said he knew Craig, told me, “I believe that’s a photo of Roger Craig” (Telephone interview of Elmer Boyd by author on December 8, 1999).

- 894 **a puff of smoke:** As with every other area of the case, the conspiracy theorists and Warren Commission critics, even those purported to be “scholars,” have distorted the official record. For example, Edward J. Epstein, while a graduate student at Cornell, wrote his master’s thesis on the inner workings of the Warren Commission, which ended up as his 1966 book, *Inquest*. The origin of the book in academe guaranteed its scholarship for many. Richard H. Rovere, Washington correspondent for the *New Yorker*, tells us in an introduction to the book that “Epstein’s book is the work of a scholar . . . Here we have something that should make scholars proud and journalists envious” (Epstein, *Inquest*, p.xiii).

Epstein, in discussing witnesses in his book who he said believed “shots had come from the grassy knoll,” writes, “Five of [these] witnesses on the [railroad] overpass said that they had also seen smoke rise from the knoll area.” Epstein clearly

wants his readers to believe the smoke came from the shots. But when we go to the author's citation for this assertion, he only lists *four* witnesses. (Epstein, *Inquest*, pp.86, 213 note 87)* Not an auspicious start for a "scholar."

And when we look at the testimony of the four witnesses he cites, we find even more problems in Mr. Epstein's account. One of the four, James Simmons, said that he saw, not smoke in the grassy knoll area, but "exhaust fumes . . . near the embankment in front of the Texas School Book Depository Building," the implication being they were from a motorcycle an officer had jumped off of there. Indeed, Simmons said he believed "the shots came from the direction of the Texas School Book Depository Building" (CE 1416, 22 H 833). So not only does Epstein have the wrong location for where his witness saw smoke, but the source of the smoke was not, as Epstein suggests to his readers, from a rifle being fired, but from a motorcycle. Another of Epstein's four witnesses, Clemon Earl Johnson, said that he observed "white smoke . . . near the pavilion," but he felt "this smoke came" not from a shot, as Epstein suggests, but "from a motorcycle abandoned near the spot by a Dallas policeman" (CE 1422, 22 H 836). If this is scholarship, what, may I ask, is literary sloppiness? With the third of Epstein's witnesses, Austin Miller, who, along with his friend Royce Skelton was atop the Triple Overpass, he does a little better. The citation Epstein gives his readers for Miller's testimony about seeing smoke (6 H 225) is wrong. No reference to smoke is made on that page of Miller's testimony. But Miller did tell the Dallas County Sheriff's Department on the afternoon of the assassination (the citation for which, by the way, Epstein does not give to his readers) that "I saw something which I thought was smoke *or steam* coming from a group of trees north of Elm *off the railroad tracks*. I did not see anyone on the tracks or in the trees" (Decker Exhibit No. 5323, 19 H 485). From Miller's reference to the smoke or steam coming from "off the railroad tracks" and his not seeing anyone "on the tracks," it couldn't be any clearer that he was referring to the westernmost area of the grassy knoll right near the Triple Underpass and railroad tracks, not the easternmost part of the grassy knoll just west of the corner of the picket fence, where the conspiracy theorists claim the shots were fired. And, indeed, there was a steam pipe (no longer there) in the same vicinity of where Miller saw the "smoke or steam." Gary Mack, the Sixth Floor Museum curator, told me that "the steam pipe was nowhere near the corner of the picket fence, the area where smoke was supposedly seen. It started at the north end of the Triple Underpass and extended about thirty feet parallel to the railroad tracks" (Telephone interview of Gary Mack by author on December 17, 1999).

Only with his fourth witness, S. M. (Sterling Mayfield) Holland, does Epstein present someone who, at least in his own mind, saw a puff of smoke, presumably

*My guess is that if Epstein had in mind a fifth witness, it probably was Royce Skelton, who was standing on top of the railroad overpass directly above Elm Street, and that Epstein forgot to cite Skelton's testimony. If so, it's just as good for Epstein that he "forgot." Skelton said he in fact did see smoke in Dealey Plaza, but not coming from the grassy knoll area. As noted earlier, in his Warren Commission testimony he said one of two shots he heard just as the president's car had completed its turn on to Elm hit the concrete to the "left front" of the car and he saw "smoke coming up off the cement" (6 H 237-238). In Skelton's earlier statement to the Dallas County Sheriff's Department, he said the bullet hit the pavement to the "left rear" of the president's car (Decker Exhibit No. 5323, 19 H 496).

from a shot, coming from the trees on the grassy knoll, the area where the conspiracy theorists claim Kennedy's assassin was located behind the fence.*

Am I being unfair to Mr. Epstein in focusing in on one clearly unscholarly part of his book? Hardly. On the very same page, 86, of his book, in which he said five witnesses on the overpass saw smoke on the grassy knoll, he asserts that "six . . . [of the] witnesses [atop the railroad overpass] who gave an opinion as to the source of the shots indicated that the shots had come from [the] grassy knoll." But unbelievably, when we read Epstein's citation to their testimony on page 213 of his book, we learn that three of the six said they thought the shots came from the Texas School Book Depository Building, not, as Epstein told his readers, the grassy knoll, and a fourth thought the shots came from "just west" of the Texas School Book Depository Building, which again would not be the grassy knoll.

As indicated elsewhere in this book, assistant Warren Commission counsel Norman Redlich told Oxford professor A. L. Goodhart, who wrote an article about Epstein's book in the *Law Quarterly Review*, that "during my interview with Mr. Epstein, I requested of him that he submit to me, for approval as to accuracy, any statement which he was going to attribute to me. Mr. Epstein assured me he would . . . Frankly, I am appalled by the inaccuracies of the book and the statements which he has attributed to me which I never made" (Roberts, *Truth about the Assassination*, pp.122–123). In Epstein's defense, it must be said that he is one of the most objective and perceptive of all Warren Commission critics, and has contributed considerably to the legitimate literature on the assassination.

895 **"Sam Holland is the fountainhead for the speculation"**: There is one other person who claimed he saw a puff of smoke in the area of the grassy knoll—in fact, "right behind the fence"—but his allegation, well, went up in smoke. On December 5, 1966, a person representing himself as Wilfied Daetz of Yonkers, New York, called and spoke to Dallas chief of police Charles Batchelor about his observation, saying he had been on the grassy knoll watching the motorcade at the time of the shooting. Though he didn't say so, since the fence would have been to his back, he either had eyes in the back of his head, or turned around and saw the puff of smoke, which was still visible hanging in the air.

*Another Union Terminal Company employee, track supervisor Richard Calvin Dodd, was atop the railroad overpass watching the presidential motorcade approaching when he heard shots being fired. Dodd did not testify before the Warren Commission. When Mark Lane got a hold of Dodd for a filmed interview on March 24, 1966, Dodd came up with an observation pointing to conspiracy, just like so many other people before and after him who were interviewed by Lane. Dodd told Lane that he saw smoke at the time of the shots and "the smoke came from behind the hedge on the north side of the plaza," in other words, exactly where Lane was pleased to hear the smoke came from—the grassy knoll. (Lane, *Rush to Judgment*, p.40) Since Lane's interview of Dodd, conspiracy theorists have been citing Dodd as support for Holland's statement (e.g., Lifton, *Best Evidence*, p.16 footnote 2; Marrs, *Crossfire*, p.58; Scheim, *Contract on America*, pp.21–22). The problem is that when the FBI interviewed Dodd two years earlier, not only didn't he say anything about seeing smoke coming from the grassy knoll, but he told the FBI, per its report on the interview, that "his attention remained on President Kennedy. He did not look up and did not know where the shots came from" (FBI Record 124-10026-10155, FBI interview of Richard Calvin Dodd on May 17, 1964). Smoke coming from behind the hedge on the grassy knoll should have given Dodd a pretty good idea where the shots may have come from, shouldn't it have? That is, if he actually saw smoke there, which it seems clear he did not. Another Union Terminal Company employee (described as a "hostler helper") atop the railroad overpass on Elm who saw smoke was Nolan H. Potter, but Potter told the FBI that the smoke he saw was "in front of the Texas School Book Depository Building rising from the trees" (FBI Record 124-10026-10153, FBI interview of Nolan H. Potter on March 17, 1964).

The FBI learned that Daetz's last name was Baetz and Baetz was a convicted arsonist who the Boston police believed was responsible for twenty-five to thirty fires in Massachusetts in the 1940s and early 1950s. When FBI agents interviewed him, he denied making the phone call, saying he was at home in New York on November 22, 1963, not on the grassy knoll. When the FBI had him check his telephone records and the records revealed that a twelve-minute phone call was made from his residence (phone number DE7-0065) to the Dallas Police Department (RI-8-9711) on December 5, 1966, he still denied making the call, saying that someone else must have made the call "as a practical joke" and charged it to his home phone number. (DOJ Record 179-20002-10036, pp.1-5)

895 **footprints [footnote]:** Beneath a photo of Sam Holland in Thompson's book, Thompson writes that Holland also saw "cigarette butts" in the same area of the footprints. But at least in the quoted excerpts from Thompson's interview of Holland, Thompson did not include that portion of the transcript where Holland mentioned seeing cigarette butts. Holland made no reference to cigarette butts in his Warren Commission testimony. Thompson also quotes Richard Dodd, who was on top of the railroad overpass with Holland at the time of the motorcade, as seeing "cigarette butts" behind the fence, quoting as his source an interview of Dodd by Mark Lane. (Thompson, *Six Seconds in Dallas*, pp.83-86, 122, 138 note 6) But Dodd's credibility is virtually nonexistent. See earlier endnote.

896 **ephemeral wisp of smoke:** Conspiracy community photographic expert Robert Groden tried to convince the HSCA that in the background of the Mary Moorman photo of the grassy knoll taken around the time of the shot to the president's head, he can see "a large puff of smoke" in the grassy knoll area. It was just another Grodenian observation that the HSCA could not see, nor, to my knowledge, could anyone else. (1 HSCA 134-135)

Perhaps just as far out is a photograph, a frame from film shot by NBC's Dave Wiegman, which Groden has put on page 204 of his book, *The Killing of a President*. Groden has circled a large, hazy image in the upper right of the photograph and says it "could well be a haze of gunsmoke fire from an assassin's rifle."* But this is ludicrous for several reasons. One, the smoke from a rifle would be very small and, as indicated, would vanish immediately on this windy day. If what Groden encircled were smoke, it would appear to be smoke from a small smokestack. If that's an exaggeration, what is not is that the image is probably fifty times larger than what could be expected from the muzzle of a fired rifle. Moreover, the large image is not anywhere along the stockade fence, being to the west of the fence near the Triple Underpass. And finally, Groden has also encircled the presidential limousine on the photo, and it is, as he acknowledges, "disappearing under" the Triple Underpass, meaning that Wiegman's photo had to have been taken at least a few seconds *after* all the shots were fired. What can Groden's response to this be? That the smoke originally came from a rifle fired behind the picket fence, that instead of vanishing in the wind it actually mushroomed into a large, cloudlike image that

*Conspiracy author Jim Marrs is more sure than Groden. He says that in the photo "a puff of smoke is clearly visible hanging in front of trees on the knoll—exactly where Holland and the other railroad workers claimed to have seen it" (Marrs, *Crossfire*, p.58).

kept its form and was drifting west at the time of the frame from Wiegman's film? We *know* the image in the Wiegman frame is not smoke from any rifle.

What is it? Richard Trask has studied the Wiegman film and he says what Groden says is gunsmoke is nothing more than "the contrast between the light and the dark of the background." Perhaps most importantly, he said the "frames of the Wiegman film that show this white image don't show any movement of it, which there would be if it was smoke, particularly on a windy day. The image is stationary." Trask also agrees that the image is near the Triple Underpass, not the tree on the grassy knoll. (Telephone interview of Richard Trask by author on October 10, 2006)

897 **Holland's "puff of smoke":** The only other Dealey Plaza witness who alleges to have seen any puff of smoke in the air in Dealey Plaza has to be dismissed almost out of hand. Dallas police officer Earle Brown, who was stationed with his partner, James Lomax, on the Texas and Pacific railroad overpass above the Stemmons Freeway at the time of the shooting in Dealey Plaza, testified to the Warren Commission that he thought the three shots came from the Texas School Book Depository Building, and a few minutes later he "smelled this gun powder" (6 H 233). But in 1978, almost fifteen years later, and for the first time, he told HSCA investigators that after the three shots he saw "three puffs of smoke," which he said "became discernible only when the smoke reached the top section of the Triple Underpass." In other words, not just one puff of smoke, but three of them hung around on this very windy day in a neat form until he finally saw them above the Triple Underpass. Impossible.

To confirm his lack of credibility at this very late date, he told the investigators that "less than fifteen minutes" after the shooting he saw a "young man" of "medium size" and "fair complexion" run down the stairs on the west (parking lot) side of the Book Depository Building and head north. Why, he was asked, hadn't he told the Warren Commission this? "I wasn't asked," he said. (HSCA Record 180-10115-10171, HSCA interview of Earle V. Brown on October 28, 1978, p.2) There are two problems with this. Though he would only be expected to answer questions while testifying, all Warren Commission witnesses were interviewed by assistant Warren Commission counsel *before* they testified (*Los Angeles Times*, December 17, 1993, p.B6), as is the customary situation with all witnesses in criminal and civil cases. And during this informal session he undoubtedly was asked to tell his interviewer all he saw, and if he wasn't asked about this, he obviously would have been expected to volunteer the information. But Brown has a more serious problem to get around. On July 15, 1964, he wrote a report to Dallas police chief Jesse Curry on his assignment that day, and not only didn't he say anything at all about seeing three puffs of smoke, but he never mentioned seeing any young man running away from the Book Depository Building, reporting only on his hearing the shots, which, he told Curry, seemed to be coming from the Book Depository Building and caused "a terrific echo" (CE 1358, 22 H 600).

Brown, determined to weaken his credibility even more, told HSCA investigators that he had "a premonition" at the beginning of his assignment on the day of the assassination that the president would be shot from "the barrel of a rifle projecting from a brick-walled window," but that he had never told anyone this before because "most people don't believe in ESP" (HSCA Record 180-10115-10171, pp.2-3).

- 899 **Suddenly, he remembered what he saw:** And many later conspiracy authors have accepted, without questioning, what Lee Bowers told Mark Lane as being what Bowers actually saw (e.g., Fritz [not the Dallas police captain of the same name], *Kennedy Mutiny*, p.317).
- 899 **his car struck a bridge abutment:** Penn Jones Jr. alleged that Lee Bowers's car accident was "unusual," and that "the doctor . . . who attended Bowers stated that he did not have a heart attack and that he thought Bowers was in some sort of 'strange shock'" (Jones, *Forgive My Grief*, vol.2, p.27). But when author Richard Lewis interviewed the doctor who attended Bowers, Dr. Roy Bohl, Bohl told Lewis that he had told Jones the opposite. I made mention to Jones that Bowers was sweating a lot. He was wringing wet when he came in and I wondered because of this whether he had a coronary. The man was in a state of severe shock, the kind of shock you could expect from the type of accident he was in. He was dying" (Lewis, *Scavengers and Critics of the Warren Report*, pp.88–89; *Dallas Morning News*, August 10, 1966, p.6A).

901 **other alleged assassins:** Nearly all of the people conspiracy theorists have named as assassins are accused of murdering President Kennedy. But a few have been accused only of murdering Officer J. D. Tippit, the most prominent being Igor “Turk” Vaganov, a twenty-three-year-old Latvian emigrant with as many aliases as bad checks on his resumé. A reader of *Mein Kampf* who railed against “Jews and niggers,” Vaganov lived in Philadelphia and worked as a credit manager in a branch of the General Electric Corporation. On several occasions in 1963 he had requested a transfer to Dallas but was turned down. On November 7, 1963, he suddenly left Philadelphia with his eighteen-year-old girlfriend, Anne Dulin, marrying her en route, and arrived in Dallas on November 11 or 12. They took up residence in an apartment in the Oak Cliff area of the city.

Vaganov became a suspect in Kennedy’s murder when hours after Kennedy’s death a juvenile probation officer in Conroe, Texas, called the FBI in San Antonio to report that the night before the assassination, Vaganov’s young wife, in a state of hysteria, had called her sister in Conroe crying that Vaganov was “up to something terrible” (FBI Record 124-10009-10341, Houston FBI Teletype to FBI Director Hoover on November 22, 1963). FBI agents went to Vaganov’s apartment, interrogated him, and apparently became satisfied that the .38 caliber revolver and a rifle he had in his bedroom (both of which he volunteered to the FBI he had) had not been recently fired. When Vaganov provided evidence by way of his wife and the apartment manager that he was at the apartment at the time of the assassination, they eliminated him as a suspect, presumably writing off the episode between Vaganov and Anne as a marital spat. (FBI Record 124-10079-10100, Dallas FBI Memorandum of November 24, 1963; Myers, *With Malice*, pp.314–315; Lewis, *Scavengers and Critics of the Warren Report*, p.160; Benson, *Who’s Who in the JFK Assassination*, p.462)

In the August 1967 edition of *Esquire* magazine, John Berendt wrote a long article on his and his research group’s investigation of the entire Vaganov incident. Anne Vaganov told Berendt that her frantic call to her sister the night before the assassination was due to her fear that her husband was going to harm her or himself—it had nothing to do with the assassination. Vaganov explained that his reason for going to Dallas was to be able to visit his first wife, who was living in nearby Garland, but once he arrived in Texas a sense of obligation to his new wife prevented him from seeing his first wife.

Vaganov’s wife and the apartment manager provided an alibi for Kennedy’s murder, but what about the killing of Tippit? Conspiracy theorists have suggested that Vaganov may have been Tippit’s assassin, pointing to the fact that he was living just eleven blocks from the Tippit murder scene, owned a .38 caliber revolver (same caliber that killed Tippit), and drove a red Thunderbird. Tippit murder scene witness Domingo Benavides testified before the Warren Commission that “I think there was another car that was in front of me, a red Ford, I believe. I didn’t know the man, but I guess he was about twenty-five or thirty, and he pulled over. I didn’t never see him get out of the car, but when he heard the scare [*sic*], I guess he was about six cars from them, and he pulled over, and I don’t know if he came back there or not” (6 H 453). As Dale Myers observes in his seminal book on the Tip-

pit murder, *With Malice*, Benavides told *Esquire* that he saw the man in the “red Ford drive off quickly right after the shooting, come back a few minutes later and then leave again.” Although Benavides changed his description of the red car he gave to the Warren Commission to the extent that he told Berendt it had a white top, as Myers says, “it is now clear that the mystery man was not Igor Vaganov but Jack Tatum, the eye-witness who reluctantly came forward in 1978. Tatum was driving a red 1964 Ford Galaxie 500. He told how he stopped at the sound of the shots, pulled away as the gunman fled, then returned to the scene and waited for the police, just as Benavides described.” (Myers, *With Malice*, p.317)

It was also suggested for a time that the discarded light-gray jacket found near the Tippit murder scene was Vaganov’s, until it was discovered that the six-foot two-inch Vaganov wore 36-inch sleeves and the evidence jacket sleeves were 32½ inches. The biggest points the conspiracy theorists make is that Vaganov had a .38 caliber revolver and was away from his apartment at the time Tippit was killed. Berendt wrote, “That thesis [that Vaganov may have been Tippit’s killer] held for awhile until Anne [who never got along with Vaganov and was separated from him when Berendt interviewed her] said she remembered distinctly that she had the pistol with her when Vaganov went out. She was sure of it because Mrs. Sharp [the apartment manager] had come up while she was alone and had told her that a cop had been killed in the neighborhood. Anne had locked the door and sat by the pistol.”

Vaganov had told the FBI that he went to his bank (Republic National) on the afternoon of the assassination, but Berendt, without quoting a source, wrote that Vaganov’s bank had no record of any activity on Vaganov’s account for that day. However, when the FBI interviewed Vaganov on November 22, 1963, he showed them his passbook, which did show he had withdrawn money that day (FBI Record 124-10027-10388, Interview of Igor Vaganov by Dallas FBI on November 22, 1963, p.2).

Vaganov showed no fear of being identified by witnesses as Tippit’s killer, readily agreeing with Berendt to meet face-to-face in Dallas with two of the witnesses, Helen Markham and Domingo Benavides. Markham could not recall ever seeing Vaganov before, but Berendt wrote that when Benavides and Vaganov looked at each other, Benavides told Berendt, “Yeah, I’ve seen him [before],” whereupon Vaganov responded, “Well, I’ve seen him, too.” Berendt wrote, “But neither was sure exactly where. For the next twenty minutes Vaganov and Benavides tried to figure out [where] they’d seen each other . . . They could not make the connection.” Berendt observed that Benavides had testified to the Warren Commission only that there was a “red Ford” at the killing site. But, as indicated, he added to Berendt that the Ford had a white top. “Vaganov,” wrote Berendt, “had a red Thunderbird with a white top. Benavides said he couldn’t say for sure now if it was a Thunderbird.”

No evidence has ever been presented connecting Vaganov in any way with the Tippit killing. As Berendt concluded after his multimonth investigation, “There is not one shred of evidence linking [Vaganov] with either killing that day or with any of the principals involved. If, indeed, he was involved in something shady in Dallas, it was something other than the assassination” (Berendt, “Name: Igor ‘Turk’ Vaganov,” pp.80, 82, 122–126).

- 902 *The Men Who Killed Kennedy*: Remarkably, in one of the segments of the documentary (*Part 3*), three “Dealey Plaza witnesses,” not one of whom testified before the Warren Commission, are the stars of the film, telling their tales of conspiracy

and grassy knoll hijinks. All three almost assuredly were never even in Dealey Plaza at the time of the assassination. All three came forward for the first time years later (Beverly Oliver, seven years later; Virgil “Ed” Hoffman, the deaf-mute, four years later; and Gordon Arnold, fifteen years later), and all three significantly changed their story every time they told it, although the viewers of the film were not, of course, told this. The stories of these three witnesses are so far-fetched and contradictory that it is easy to form the opinion that not one of them was even present in Dealey Plaza at the time of the assassination. As stated in the main text, *all* of the many forensic pathologists who examined either Kennedy’s body, or the X-rays and close-up photos of his wounds, concluded that Kennedy was shot twice from behind, not from the grassy knoll area. Only one (Cyril Wecht) said Kennedy may have *also* been shot from his right side. Naturally, Wecht is the only one of the pathologists who gives his opinion on camera in *Part 2* of the production.

902 **different subtitles:** As indicated, there was a total of nine segments of the documentary *The Men Who Killed Kennedy*, the first four shown in England in 1988 as *Part 1*, *Part 2*, *Part 3*, and *Part 4* (they were given new subtitles once they were shown in America). In America in 1991, one segment was added, for a total of five. A sixth segment was added in 1995, and in 2003, on the fortieth anniversary of the assassination, three additional segments were released. The subtitles for the nine segments or episodes are *The Coup d’Etat*, *The Cover Up*, *The Forces of Darkness*, *The Patsy*, *The Witnesses*, *The Truth Shall Make You Free*, *The Smoking Guns*, *The Love Affair*, and *The Guilty Men*. (Letter from Dave Perry to author dated January 8, 2006; Telephone interview of Dave Perry by author on February 1, 2006; see also *Dallas Times Herald*, September 27, 1991, p.D-3)

906 **conspirators who killed his brother couldn’t allow that to happen:** Another alleged French assassin of Kennedy, whose proponents are few but dedicated, is Jean René Souetre, a member of the French right-wing militant group OAS (Organisation de l’Armée Secrète, or the Secret Army Organization), a group of former members of the French army who vehemently opposed French President Charles de Gaulle’s decision to grant Algeria independence from French rule. The reason why Souetre is not in the main text of the book is that the primary advocates of his being the presidential assassin, authors Brad O’Leary and L. E. Seymour, in their book, *Triangle of Death*, not only give no motive for Souetre killing Kennedy (only saying that next to de Gaulle, the OAS hated Kennedy, though not saying why), but also, unlike the proponents of other assassins, don’t tell us anything about how he went about doing it.

The authors allege, without offering any supporting documentation, that Souetre was “a killer.” An FBI document does say that Souetre was a “former French Army captain who escaped from a detention camp in 1961,” and from his base in Portugal is “*alleged* to have been involved in an assassination attempt against de Gaulle.” Souetre’s group felt that de Gaulle was a Communist puppet, and a representative told a Western-European journalist on May 23, 1963, that “after de Gaulle, there would only be two choices in France: Communism or the OAS.” (FBI Record 124-10224-10065, March 9, 1964, pp.1-2)

But the heart of their case against Souetre is that, according to a CIA document, Souetre (aka Michel Roux and Michel Mertz, who actually were two individuals separate from Souetre, Mertz also being associated with French intelligence) “was

in Fort Worth on the morning of 22 November and in Dallas in the afternoon” and that “he had been expelled from the U.S. at Fort Worth or Dallas 48 hours after the assassination.”* Moreover, the SDECE, the French Secret Service involved in foreign intelligence, had contacted the FBI in New York City to find out to what country Souetre had been expelled. The CIA document reads that “the French believe he was expelled to either Mexico or Canada . . . and are concerned because of de Gaulle’s planned visit to Mexico.” (CIA Record 104-10002-10042, April 1, 1964)

What becomes suspicious to the authors is why Souetre was in Fort Worth and Dallas on the day of the assassination, and their inability (along with France’s SDECE) to find out what federal agency picked Souetre up, which one expelled him, and to which country he was expelled.

Over forty years have since passed, and although several researchers have made an effort through the federal government to find out the answers to all of these questions, particularly the key one of why Souetre was expelled from this country right after the assassination, they have been unsuccessful. However, as a result of his investigative effort, conspiracy theorist J. Gary Shaw learned that Souetre had a good friend in Houston, Texas, a dentist named Dr. Larry M. Alderson, who told Shaw in a taped telephone interview, “I was a security officer with him [Souetre] in France and lived with him.” (Shaw could hardly have been any worse as an interviewer and didn’t bother to ask Alderson when this was, or whom Alderson was working for, but Alderson on his own did say Souetre was a French security officer, and O’Leary and Seymour say that Alderson was working for the U.S. military and lived with Souetre “at a joint post where U.S. military personnel served with French personnel.” And author Henry Hurt quotes Shaw as telling him that this was in 1953.) Alderson said he hadn’t seen Souetre for “many, many years,” but author Hurt says Shaw told him that Alderson and Souetre corresponded around Christmas time for around ten years. And some time after the assassination, the FBI started tailing Alderson. Finally, they interviewed him. With Shaw asking no questions of Alderson to clarify anything about the interview, Alderson apparently (not clear) was asked by the FBI why Souetre was in Dallas on the day of the assassination, and Alderson said to Shaw, “I don’t have the vaguest idea [but] according to the CIA when they interviewed me [he later says he meant FBI agents] he [Souetre] was on his way to see me. I don’t know how they knew this or I don’t know whether they had ever come in contact with him.” He also said the FBI was “trying to find Jean.”

Later in Shaw’s hapless interview of Alderson, Alderson started talking about a “committee” he had “contacted” that was now “defunct” (since Shaw interviewed Alderson in 1977, when the HSCA was still in existence, Alderson may have been talking about the Church Committee), then went on to say that he “was approached” and “interviewed” (because of Shaw’s failure it’s not clear at all whether when Alderson said he was “interviewed,” he was still talking about the FBI interview of him after the assassination, or whether some investigator from the committee, whatever the committee was, came to interview him) and “they felt that Jean knew who, or he himself had assassinated Kennedy. And what they wanted

*Some claim it was Mertz, using the alias Jene Souetre, who was in the Fort Worth–Dallas area at the time of the assassination and was deported thereafter (Waldron with Hartmann, *Ultimate Sacrifice*, pp.503–504).

to know was who in Washington had had Souetre flown out of Dallas.” (Transcript of telephone interview of Dr. Alderson by Gary Shaw on October 5, 1977)*

We can’t know if what Alderson said is accurate, but I am satisfied from reading the transcript of Shaw’s interview of him that Alderson definitely knew Souetre. Moreover, we know from an FBI document dated April 8, 1963 (*before* the assassination), that the FBI was interested in talking to Alderson and his wife (it is not clear why), presumably because Souetre, who was a member of a terrorist organization, had contacted him by mail (FBI Memorandum DOC 105-120510-2, Memo from SAC, New York, to Director, FBI, April 8, 1963).

The answer to the mystery of who picked up Souetre in Dallas and why he was expelled from the country may be found in Hurt’s *Reasonable Doubt*. Without citing any document to confirm it, he says he learned from Shaw “that at least two inspectors for the INS were given urgent orders to pick up specific foreign nationals in Dallas in the immediate aftermath of the assassination. INS Inspector Virgil Bailey, responding to a request of top priority, picked up a Frenchman in Dallas whose name he does not remember.” I assume Shaw spoke to Bailey and was told this by Bailey. In response to a request by me to Steve Tilley at the National Archives for any FBI or CIA or INS interview of Bailey or any document pertaining to him, he wrote, “I was unable to locate any reference to Bailey in the JFK database. In the Warren Commission records, I was unable to locate a Key Person file [entry 9] for Bailey or a reference to him in the Other Individuals and Organization files [entry 10]. Bailey’s name does not appear in any of our regular indexes.” (O’Leary and Seymour, *Triangle of Death*, pp.58–62, 70, 74, 76–79, 192–195; Hurt, *Reasonable Doubt*, pp.414–419; Letter from Steve Tilley to author dated December 23, 2003)

It’s difficult to make any sense of all of this, but we do know two things: First, the FBI conducted the most comprehensive murder investigation in American history in the Kennedy assassination, and if the bureau thought Souetre had murdered Kennedy, it obviously would have arrested him immediately and not had anything to do with expelling him from the country. And if anyone else had done so without justification, it’s reasonable to assume the FBI would have quickly found out who it was and why he or they expelled Souetre. Second, Souetre’s being in Fort Worth and Dallas on the day of the assassination, while interesting, is no evidence at all of his involvement in the assassination. And there is no evidence from anyone that Souetre was even in Dealey Plaza, nor any evidence connecting him in any way with Kennedy’s murder.

Also, with no evidence, other than a bare allegation that Souetre and his group

*The only FBI interview of Alderson that I was able to find occurred on March 6, 1964, in Houston. Very little information is contained in the report of the interview, except it is clear that the FBI agents wanted to know how Alderson knew Souetre, which Alderson proceeded to tell them, adding they had exchanged Christmas cards since they had worked together in France in 1953. Alderson told the FBI he was unaware that Souetre had ever been to the United States, and says nothing about Souetre intending to visit him at any time. It’s inferable from the report, however, that the FBI felt that Souetre may have been in Houston around the time of the assassination, since the report speaks of checking the records of Pan American World Airways to see if anyone with Souetre’s name or alias left Houston for Mexico around that time. They found nothing under the name Souetre but did find listings for an apparent husband and wife named Dominique and Vivian Roux leaving Houston for Mexico City on November 22, 1963, and a John, Irma, and Sara Mertz departing Houston for Mexico City on November 23. (FBI Record 124-10224-10061, March 6, 1964, pp.1–2)

did not like Kennedy, it stretches credulity to believe that with the overthrow of de Gaulle being the primary focus of Souetre and his OAS, he would take a little breather to fly to America to kill Kennedy. Indeed, as late as May of 1963, just months before Kennedy's assassination, Souetre and an associate, in Lisbon, sought to elicit the support of the CIA to overthrow de Gaulle (CIA Document CSCI-3/776, 742, July 12, 1963, p.1).

- 906 **he turned over all of his investigation to the FBI:** Actually, in June of 1986, Steve Rivele turned over his fairy tale to Michael J. Tobin, chief of the Heroin Investigation Section of the Drug Enforcement Agency in Washington, D.C., who told Rivele he would forward Rivele's material to the FBI, which he did. Before doing so, Rivele told him that it was imperative that he, Rivele, speak to Michel Nicoli. When Rivele had asked Christian David if there was anyone who could substantiate his story, David told Rivele to find a man named Michel Nicoli. Tobin knew Nicoli, a former heroin trafficker, to be a very reliable informant who had testified for the government in major heroin trials in New York City. Tobin not only put Nicoli, who was living in New Jersey, in touch with Rivele, but interviewed Nicoli himself about Rivele's charges, which Rivele suggested to Tobin that Nicoli would confirm. But the confirmation was more in the nature of assumptions. Nicoli said that after Kennedy was assassinated, Christian David told him that he, David, had been approached by Antoine Guerini to kill Kennedy, but Nicoli wasn't sure, from talking to David, whether Guerini had actually mentioned Kennedy's name or whether, after the assassination, David "surmised" that Guerini had been talking about Kennedy. Nicoli said that later, in the latter part of 1965, he and David were in a coffee shop in Buenos Aires with Roger Bocognani, Lucien Sarti, and Sauveur Pironti, and there was a general conversation in which "something was said by someone other than" him or David that "they did something" (what, he didn't know) involving going from Mexico to the United States (if they were involved in a drug-smuggling operation headquartered in South America, this would be normal) that made him think that Bocognani and/or Sarti was involved in the Kennedy assassination. (FBI Record 124-10001-10391, December 14, 1987, pp.2-3; FBI Record 124-10001-10392, February 1, 1988, pp.1-2; FBI Record 124-10001-10395, February 19, 1988, pp.3-4)

There's a slight disconnect here. Since Nicoli had no difficulty telling Tobin all of this in 1986, and since Tobin thought Nicoli had been a reliable *informant*, if Nicoli actually thought that two of the people at the coffee shop table were involved in the biggest murder in American history, why wouldn't he have *informed* Tobin or other authorities of this years earlier? All of this, obviously, is pure, unadulterated moonshine, and not just because we already know that all three of the Marseille "petty criminals" were accounted for, in France, on the day of the assassination.

- 909 **Gerry Patrick Hemming:** Hemming, a former marine who claims (but has never offered a tad of evidence to support the claim) to have met Oswald when Oswald was stationed in Santa Ana, California, and even provided Oswald with documents to get to Cuba, was an anti-Castroite undoubtedly involved in South Florida, as so many other soldiers of fortune during the period were, in the effort to overthrow Castro. As such he had the opportunity to rub shoulders with, or come in close proximity to, others like him during this time, such as Roy Hargraves, William Seymour, Frank Sturgis, Lawrence Howard, John Martino, and Larry de Joseph.

Not wanting to abandon this adventuresome, romantic period of his life, he is willing to tell, for a free meal, one fairy tale after another to whatever conspiracy theorist is willing to listen.

One such gullible theorist (in addition to Oliver Stone, who actually hired Hemming as a consultant on his film *JFK*) is Noel Twyman, a retired engineer and businessman who not only paid for some meals for Hemming but also flew him out to his home in San Diego to enable Hemming to regale him with his nonsense. Twyman found Hemming to be extremely difficult to pin down on anything substantive (I can't imagine why), but after many long sessions Hemming managed to pay for his keep by telling Twyman things like the following, not one of which he could support, in any way, with evidence *or* common sense: He said he attended a meeting at John Martino's house with Sam Giancana, Santo Trafficante, and others, where money was passed around "for a hit on Fidel [Castro]." But, Hemming says, "Santo and those people were led to believe [he doesn't say by whom] that the use of the Fidel thing was just a cover, a pseudonym for JFK." In other words, Santo and Sam et al. could conspire to *murder* JFK among themselves, but they couldn't use JFK's *name* among themselves. (Makes good sense to me.)

Then Hemming started using language hovering between his invented fairy tale and abstract theory by saying that "the teams" used to kill Kennedy "would believe that they were on an operation. The way a team is placed in position, you could put them in Mexico City and they'd think they were in Havana." (Wait awhile, Gerald. I thought we were talking about the teams that *actually* killed JFK. I want to know about *those* teams. What's this about "*you could* put them _____?") Incredibly, Twyman asks Hemming, "You mean they [JFK's killers] went in blindfolded?" (Noel, however blindfolded they were, they couldn't hold a candle to you.) Hemming answers, again resorting to theory as opposed to what happened with the team of JFK's killers, "Well, they're taken in at night and they have absolutely no idea where they are." I'll spare the reader any further exposure to Hemming's silliness and Twyman's pathetic gullibility except for this gem: Twyman, childlike, though no child of Diogenes, asks Hemming, "Who was actually behind the picket fence doing the shooting?" "Those are the super-pros," Hemming answers. (Yeah, Gerald, the expert gunmen the mob and CIA hired. The ones, per the HSCA [which was on *your* side in alleging JFK was killed as result of a conspiracy], who only got off one round from the grassy knoll, a shot that, although less than sixty yards [head shot], not only missed Kennedy, but the entire limousine. Some super-pros.)

Hemming proceeds to tell Twyman that he doesn't know (really?) who all the killers were, but "we've identified two of them. One of them is dead . . . The one thing we do know is none of the teams [that killed Kennedy] knew the existence of the others . . . When they heard the shots [someone *else* fired, *they* didn't?], they would flinch because they weren't sure that they'd been spotted and somebody was trying to take *them* out . . . You can put a smile on the shooter's face because then he realizes that it's a super-pro job and there are backup and decoy teams and that's where those shots are coming from. Silencers were used extensively." Hemming just *has* to be embarrassed telling stories like this.

Hemming told Twyman that J. Edgar Hoover was the mastermind behind the whole plot to kill Kennedy (that's nice to know) and that he didn't even think

Hoover's top assistants knew about it. (I can see why. Hoover wanted this one all to himself.)

Hemming assures Twyman that he himself was not involved in any way in JFK's assassination, but says that "we were all approached from 1962 on . . . to do the job on Kennedy." Apparently it was an open secret that "they" were going to kill Kennedy and "they" were asking Hemming and everyone else like him to please do the job, literally shopping it around (i.e., the group that was asking everyone to kill JFK was the same group that was afraid to use JFK's name, using Castro's name as JFK's alias, when in a room by themselves?), but Hemming said no.* I wish Hemming had said no to Noel Twyman when he wanted to talk to him, so I wouldn't have had to read about this silliness in my book. (Twyman, *Bloody Treason*, pp.649, 661, 663–665, 667, 677, 698–699)

- 918 **he bit the empty shell:** If you think the biting of the shell by James Files is preposterous, it is and it isn't. It is because it obviously never happened, but from Files's point of view, it was very logical. You see, that story, from the circumstantial evidence, never came from Files. Files embraced it to make his cockamamy story about shooting Kennedy more believable.

On May 22, 1990, one John Rademacher, the operator of a lawn service in Granbury, Texas, sent out a "To Whom It May Concern" letter, though the addressee is unknown to this author. In the first paragraph of the letter, Rademacher said, "This is an update to the letters, diagrams and pictures that I sent your show [not identified] in October 1989 on the JFK assassination." At some time prior to October 1989, Rademacher claims he found two Remington .222 shells on the grassy knoll at opposite ends of the four-foot-high wall to the east of the picket fence (neither of which places, by the way, were where Files claimed to be, which was behind the picket fence). "Each was buried about three inches deep in hard-packed dirt" (*Dallas Morning News*, September 1, 1989, p.26A).[†] In his letter, Rademacher said, "I've matched the Remington .222 bullets [shells?] to the wounds on JFK's body as first seen by the Dallas doctors." Obviously, Rademacher was another among a great many nuts or con men in the JFK saga trying to make a buck, become a part of history, or both, and no one paid any attention to him. That is, except Files and those trying to sell Files's yarn.

David Perry, the JFK assassination researcher who specializes in debunking the claims of people like Rademacher and Files, says that he was present when Rademacher and West showed up at conspiracy theorist Jim Marrs's class on the

*Hemming said that when Guy Banister (a private eye and former FBI agent) asked Hemming in New Orleans to kill Kennedy, he said, "Are you fucking crazy?" and when a man at the Petroleum Club in Dallas asked him to do it, he said, "You shouldn't be talking to me directly about this." Hemming did not identify the man, and said Nelson Bunker Hunt was in the room at the time but away from the conversation. (Twyman, *Bloody Treason*, pp.698–699)

[†]It is not clear when he found the two shells, not even the year (though the implication is 1987, and Antoinette Giancana's book, *JFK and Sam*, says it was 1987), except it was somewhere between October 1987 and January 17, 1989. *Dallas Morning News* reporter Larry Powell, who interviewed Rademacher in 1989, wrote, "Mr. Rademacher used no metal detector. Beginning in October 1987, he and a handful of partners used trowels to probe the soil and found a .222 casing on the second day and a second .222 shell the next month. His last dig was January 17, 1989." Rademacher told Powell he saw Malcolm Summers, a Dealey Plaza witness, on Geraldo Rivera's television show and Summers said he saw a man in this general area after the shooting carrying a strange firearm covered by a towel ("Conspiracy Theorist Finds Illumination in Shadows," *Dallas Morning News*, September 1, 1989, p.26A).

JFK assassination at the University of Texas in Arlington on March 3, 1992. Rademacher told the class about his findings and passed out a map showing where he found the two shells, the first one (per the map Perry furnished me) just to the west of the steps on the grassy knoll, but to the east of the picket fence, the second one to the immediate east of the eastern edge of the pergola. (Rademacher told the class that he would return in a month and announce the identity of Kennedy's assassin, but he never showed up, Perry said.)

So as of March 3, 1992, and undoubtedly earlier, West became aware of the "dent" or "bite marks" on one of the two shells Rademacher had found. March 3, 1992, was five and a half months *before* West visited Files for the first time, at Joliet, on August 17, 1992, having been told of Files's existence by former FBI agent and conspiracy theorist Zack Shelton on March 22, 1992. We can feel almost certain that West furnished the information about the bite marks on the shell to Files at their August 1992 meeting. Since we know that West was not a grassy knoll shooter (no one was) and we also know that West was a huckster (e.g., on September 20, 1990, West held a press conference in Houston claiming he had Roscoe White's diary [later proved to be fabricated] whose contents were the "smoking gun" linking the CIA to the assassination), for West to have not told Files about the dental shell before Files mentioned it would have been out of character for West. And West undoubtedly also passed this information along to Vernon before West died on February 13, 1993, which was before Vernon's first visit with Files at Joliet on May 3, 1993. (Telephone interviews of David Perry by author on December 3, 2005, and May 23, 2006; Letter from David Perry to author on January 8, 2006; Shelton informing West about Files, and date of West's death: *Beaumont [Texas] Enterprise*, April 11, 1994)

To summarize, I think we can very safely assume that when Files was formulating his phony story of having killed Kennedy, he would not have injected the crazy part about biting into the shell and leaving it as his calling card at the scene (which he'd have to know would make his story more unbelievable than it already was) unless he already knew about the alleged shell with the alleged teeth marks on it that Rademacher was peddling.*

*There is one little detail that fouled Files up. Rademacher had become convinced, more than ever, that he was on to something when he spoke to Malcolm Summers some time before the March 3, 1992, meeting in Marrs's class at the University of Texas at Arlington. (Summers was the discredited witness [see earlier endnote] who claimed on a November 22, 1988, Jack Anderson television special on the assassination that after the shooting in Dealey Plaza he went up the grassy knoll, where he was "stopped by a man in a suit, and he had an overcoat over his arm and I saw a gun under that overcoat." He said essentially the same thing to Larry Sneed for Sneed's 1997 book on the assassination, except now he said the man was "at the east end of the pergola . . . nearer the School Book Depository" [Sneed, *No More Silence*, p.104].)

Rademacher told Marrs and his class that Summers had told him that the gun he saw "looked very strange and different looking" (Telephone interview of David Perry by author on December 6, 2005). After talking to Summers, Rademacher immediately started looking in gun catalogs for a strange-looking gun that could fire .222 shells. He came close, the weird-looking Remington Fireball XP-100 pistol that sits on a little tripod. The only problem is that the ad clearly says it *only fires .221 shells*. Remarkably, Rademacher, or someone promoting him, changed the .221 number in the ad to .222. It is very obvious to anyone looking, as I have, at the copy of the ad Rademacher used, that the last digit, "1," has been traced over in ink to look like a "2." When this happened is not known. What is known is that Files only mentioned firing a Fireball XP-100 pistol, which could not have fired the .222 shells Rademacher found in his "dig" in Dealey Plaza. Files's side would later claim that his XP-100 had been "rebored" to fire .222 shells. Right. (Dankbaar, *Files on JFK*, p.55; Telephone interviews of David Perry by author on December 3 and 5, 2005)

Were there, in fact, bite marks on one of the shells? On October 2, 1993, Robert Vernon turned the shell over to a Dr. Paul G. Stimson, a forensic odontologist in Houston, and Stimson's "To Whom It May Concern" report on October 4 said that marks on the shell "are consistent with having been made by dentition." In a telephone conversation between Perry and Stimson on April 27, 1998, Stimson told Perry, "Vernon and I got a little crosswise. I mentioned human dentition *could* be one of several causes for the dent. I also mentioned an animal bite, ejector marks and even a vice grip could cause it. Heck, someone could have even stepped on it. All of a sudden he [Vernon] decided to run with the human bite mark angle."

Quite apart from the fact that it is well known in the legal profession that anyone can find an expert, somewhere, to support whatever position they're taking, no matter how far out, after Stimson's "To Whom [it was to Robert Vernon, of course, and anyone Vernon was hawking his carnival act to] It May Concern" letter gave Vernon what Vernon paid for (without adding, professionally, that the marks could have been caused by animals or other means), the letter contained language that illuminates what we already know—that the whole Files story is an invention from the get-go. Stimson goes on to write in his report, "I have no individual to make study casts from to see if there is . . . a comparison as far as the teeth in question or the individual [i.e., Files] that is alleged to have made the marks." Of course, Stimson would have to wait until doomsday before he ever saw a dental cast of Files. If Vernon, who incorporated his March 22, 1994, typewritten agreement with Files to promote Files's confession under the name "Truth, Truth, Truth, Inc.," had been on the up, up, and up in this matter, the first thing he would have told Stimson when he received Stimson's report was, "That's great news, doctor. I'll be getting a dental cast [Files's] for you to make a comparison very soon."

Rademacher turned over the shell with the alleged teeth marks on it to conspiracy theorist Jim Marrs in 1990, seventeen years ago. Marrs is a purveyor of virtually every conspiracy theory out there. Surely if he could sink his teeth into something real and believed Files's teeth marks were on a grassy knoll shell, he'd be talking about it from the highest rooftops. Indeed, he'd arrange to get an exemplar of Files's teeth indentations (not at all expensive to do) and have Stimson or others compare them with those on the shell. If he didn't even have the few dimes to do it, then certainly Vernon and the MPI producers of the 1996 video on Files would have paid for such a test. And if they didn't have the money, then the three authors and publisher of the book *JFK and Sam* could have come up with the money for the test instead of just devoting 1 out of the 234 pages of their book to the whole Rademacher incident. And if they didn't have the money, I know one person who believes in Files who does. A zany multimillionaire from the Netherlands, Wim Dankbaar, actually invested \$325,000 in Bob Vernon's video documentary on Files. (Dankbaar and Vernon eventually ended up in bitter recriminations over alleged breached promises and agreements.) If Dankbaar has that kind of money, why couldn't he pay to conduct such a test? And if the results are positive, then tell the world. Instead, there's only been years and years of silence. (Giancana, Hughes, and Jobe, *JFK and Sam*, p.205; Dankbaar and Vernon: Telephone interview of David Perry by author on September 30, 2005; see also newsgroup: alt.conspiracy.jfk, July 20, 2004)

The reason, of course, is that Vernon, Marrs, Giancana, et cetera, know it's a

phony story (by far the likeliest of the possibilities), or one of them did conduct such a test and it showed that the nutty Files never left any teeth marks on the casing. Speaking of nuts, if a casing was found, and teeth marks were found on it, they're most likely from some nut-cracking squirrel. And Files is a nut that any squirrel would love to meet.

In 1993, Files's lawyer, Don Irvin, furnished the FBI with a statement Files had given him about his killing Kennedy, and Nicoletti being a second gunman in Dealey Plaza. Having to know it was all nonsense, the bureau still felt obliged to send two agents to interview Files in prison. Files wouldn't comment one way or the other on the part of his statement to Irvin that said he, Files, shot Kennedy in the head (Files said he wanted immunity from prosecution—ridiculous since he said this eventually on national television—which was not given to him) and would only admit that the statement was accurate as to the actions of Nicoletti. Of course, in that part of Files's statement to Irvin he speaks about being behind the picket fence and being aware that Nicoletti was shooting at Kennedy from a different location in the plaza.

Files told the FBI he was present when Nicoletti and Johnny Roselli planned the assassination of Kennedy. He also said that for a while, CIA agent David Atlee Phillips was paying him three hundred dollars per month to transport guns to Lee Harvey Oswald in Clinton, Louisiana. Files said he made several trips to Clinton. He refused to take a polygraph test. (FBI interview of James Files at Joliet, Illinois, on August 9, 1993, pp.1, 4, 6–7, date of report, August 16, 1993, File 62-0) There is no indication of the FBI following up this interview of Files.

919 **“Files’ story . . . is the most believable and persuasive”:** In 2001, Bob Vernon, the producer of the videotape showing the interview of Jim Files by Joe West, actually got NBC to the point where it was seriously considering doing a documentary on Files's story. Fortunately, NBC hired assassination researcher and Warren Commission critic Edward Epstein to check Files's story before it proceeded any further with the show. Epstein in turn hired the Jules Kroll detective firm, which established from telephone records that Files was in Chicago, not Dallas, on November 22, 1963. In an April 24, 2001, e-mail, posted on the Internet, to one Barb Junkkarin, Epstein says he “placed a call to Files from Dick Clark's office [Clark was to be the producer of the NBC show] and I interviewed Files about the Kroll findings. He said he had a twin brother, who no one knew about . . . and who he murdered after November 22 . . . His wife, however, said there was no twin, and Kroll confirmed there was no twin. My view then and now is that Files invented the story for the money it would earn him.” Files would later say that the twin-brother story was concocted by Files's lawyer, Julius Echeles, Files's first wife, and possibly his older daughter, in an effort to derail the investigative efforts of Robert Vernon and stop the showing of his confession to killing Kennedy on television. (Dankbaar, *Files on JFK*, p.80)

922 **worked for Ling Electronics:** Without citation, Walt Brown, the scholarly editor of *JFK/Deep Politics Quarterly* who too often descends to matters beneath his intellect, says that at some point in time (no year is indicated, but supposedly “a few short years” after Wallace's trial for Kinser's murder, which would make it in the mid-1950s) Wallace “would work for D. H. Byrd at Ling-Temco Vaught, a Texas contractor. [Brown doesn't say where Wallace worked for Byrd, but the inference is

Texas, though we know that Ling Electronics, undoubtedly a subsidiary of Ling-Temco Vaught, had an office in California.] During that time, of course, when not managing LTV, Byrd was the owner of the Sexton Building [which later became known as the Texas School Book Depository Building].” Brown says this is of “serious interest” and suggests it is not a “coincidence,” implying that this helps tie Wallace into JFK’s murder. (*JFK/Deep Politics Quarterly*, April 2006, p.23)

- 924 **McClellan doesn’t suggest or provide evidence that LBJ had anything to do with the *misconduct*:** Indeed, Barr McClellan only claims that “[Lyndon] Johnson was . . . aware of the fact that [Billie Sol] Estes was the target of [the Marshall] investigation.” He goes on to write, “The problem for Johnson was the fear that *Estes* . . . would squeal.” (McClellan, *Blood, Money and Power*, p.156) Squeal on whom? One doesn’t “squeal” on himself, but on others—here, LBJ. But since the only thing related to LBJ that Estes could squeal about was his giving unreported money to LBJ, not about LBJ’s involvement with Estes in the cotton allotment scandal (where there *was* no involvement), LBJ’s “fear” of Estes could not be eliminated by his murder of Marshall. Nowhere does Estes even allege in his book, *Billie Sol Estes*, that LBJ had anything to do with his (Estes’) crooked business dealings.

The start of Estes’ fall was three articles published in the *Pecos Independent and Enterprise*, a biweekly in the small Texas town where Estes lived. A Pecos doctor, John Dunn, was a crusader who wanted to get to the truth of Estes’ corrupt business practices, to the extent that he bought the newspaper with an associate in order to publish the results of his dogged investigation. The three resulting articles became a sensation that triggered a federal investigation of Estes and won a Pulitzer Prize for the writer. *These* articles did not contain any evidence that LBJ was involved in Estes’ unlawful business affairs or that Estes was allowed to do what he did because of any improper influence brought to bear by LBJ. (Haley, *Texan Looks at Lyndon*, pp.112–113, 119–120, 123)

Although for years the rumor in the conspiracy community has been that a 1984 Robertson County, Texas, grand jury looking into the death of Marshall had named LBJ, Cliff Carter, and Malcolm Wallace as unindicted “co-conspirators” in the murder of Marshall (e.g., McClellan, *Blood, Money and Power*, p.159), this is incorrect. The grand jury, after concluding that “Henry H. Marshall’s death was a homicide, not a suicide,” went on to say that “the parties named [by Estes] as participants in the offense are [all] deceased, and therefore it is not possible for the grand jury to return an indictment. Signed this the 20th day of March, 1984” (Findings of grand jury: Estes, *Billie Sol Estes*, p.98; see also *JFK/Deep Politics Quarterly*, October 2004, pp.9–11). You can have only unindicted co-conspirators where there is an indictment. Here, there was no indictment, so LBJ could not have been named. Moreover, common sense tells us that if there had been any indictment for murder naming LBJ as an unindicted co-conspirator, surely it would have surfaced by now.

Although the transcript of the Robertson County grand jury in Franklin, Texas, has apparently been sealed and has never become public, sources close to the grand jury did tell the *Dallas Morning News* that Estes, who had been granted immunity, told the jury on March 20, 1984, that Johnson was one of four men who were involved in Marshall’s death, at least two others of whom were Clifton Carter, LBJ’s

aide, and Malcolm Wallace.* The sources requested anonymity since grand jury testimony is secret under Texas state law. Estes testified he attended three meetings with Johnson, two in Washington and one at the Driskill Hotel in Austin, at which they discussed the need to stop Marshall.

Unlike the other sources, Robertson County district attorney John Paschall would not reveal the identities of those Estes named, but noted that “they’re all dead,” making it all the easier for Estes to make his charges, and impossible to indict them. U.S. district court judge Barefoot Sanders, who was the U.S. attorney in Dallas from 1961 to 1965, told the *Dallas Morning News* that the FBI investigated the Marshall case “to some extent,” but the bureau found nothing that tied Johnson, Estes, Carter, or Wallace to Marshall’s death. “I would not believe Billie Sol Estes then, and I would not believe him now,” Sanders said. Additionally, the U.S. Senate Permanent Subcommittee on Investigations, chaired by Senator John L. McClellan (not related to Barr McClellan), investigated Marshall’s death in 1964 and was unable to substantiate any connection between Marshall’s death and the then-pending investigation of Estes. (David Hanners, “Billy Sol Links LBJ to Murder,” *Dallas Morning News*, March 23, 1984, pp.1A, 4A; Estes granted immunity: Estes, *Billie Sol Estes*, p.97)

One thing is clear. Marshall’s death on his Robertson County ranch on June 3, 1961, was not suicide, as Lee Farmer, the local justice of the peace who also served as the county coroner, ruled, without an autopsy, at the time. The ruling was affirmed by a Robertson County grand jury on July 13, 1962, despite the fact that a medical examiner, after conducting an autopsy on Marshall’s exhumed body on May 22, 1962, gave his “opinion” that Marshall’s death was a “possible suicide” but “probably [a] homicide.” The mere facts of his death preclude suicide. He had

*What would cause Estes to turn on LBJ like this, after more than twenty years of keeping it all a secret? In his book, Estes describes himself as a loyal person who would never “turn on my friends,” and he considered LBJ one of them. Estes justifies what he did by the fact that when he had been prosecuted and convicted back in the 1960s on fraud charges, “I believed Lyndon would protect me,” and he didn’t. But Estes makes no sense at all. As indicated, at one point in his book he claims that LBJ ordered the murders of seven people who could tell the authorities about his, Estes’, relationship with LBJ. If LBJ would go to the incredible extreme of having seven people murdered to protect this secret from coming out, why in the world wouldn’t LBJ at least (if, for whatever reason, he didn’t make Estes his eighth victim) take care of Estes’ problems to help ensure that Estes wouldn’t get angry at him and talk? That is, if LBJ had the *power* to do so, as Estes believed he did. “I remembered Lyndon having the power,” Estes writes, “to make things right, and never doing it.” (Estes, *Billie Sol Estes*, pp.90, 93, 97) Again, Estes’ story makes no sense at all, and the reason it doesn’t is that his story is just a terrible, terrible lie.

Estes may have been an accomplished con man at one time, but today he couldn’t con a two-year-old. Listen to the depths of absurdity to which he has sunk. He tells his readers that in August of 1971 Cliff Carter confessed to him about the seven murders he had ordered at LBJ’s direction, and also said to Billie that “Lyndon should not have authorized Mac [Wallace] to kill the president.” Carter, according to Estes, told him that he carried out all the details of the assassination, and that Wallace fired the fatal head shot at Kennedy from the *grassy knoll*. And here I always thought Wallace was firing from the sixth floor. All of this is crazy enough for anyone’s taste, but Estes tells his readers that most of his conversations with Carter about all of this “were recorded,” and says that he has “the tapes.” (Estes, *Billie Sol Estes*, pp.138, 143, 150, 152–153, 165) Billie can have every assurance that no one in their right mind is going to knock on his door asking to listen to the tapes solving the Kennedy assassination. But I can say this to Billie: I’m one of the few people spending money to buy your book. I’m doing it because, writing a book myself about the assassination, I have to read books by nuts and charlatans like you. But Billie, if you have Cliff Carter on tape saying LBJ ordered JFK’s murder, put it out and you’ll be rolling in money, really big money, in a very short time. And for the first time in your life, Billie, you won’t be conning anyone. Maybe that doesn’t appeal to you and that’s why you’re going to keep the tapes to yourself.

been shot five times with his own .22 caliber rifle, as well as having been exposed to carbon monoxide poisoning and having suffered an “incapacitating” blow to the head, which occurred before death. (*Dallas Morning News*, March 23, 1984, p.4A; *JFK/Deep Politics Quarterly*, July 2006, pp.6–7) However, it wasn’t until August 13, 1985, that a Texas state district judge, after a two-day hearing in Austin, ruled, in concurrence with the Robertson County grand jury, that Marshall’s death “was not the result of self-inflicted wounds,” and ordered the Texas Department of Health to change Marshall’s death certificate to show he had been murdered. Retired Texas Ranger captain Clint Peoples of Dallas, who spent many years investigating Marshall’s death, testified at the Austin hearing and was “delighted” by the court’s ruling. He said he now considered the case closed, yet added that he was “satisfied” that Estes’s testimony before the grand jury in 1984 was truthful. If no other people anywhere seem to believe Estes, apparently Peoples did. (George Kuempel, “24-Year-Old Suicide Ruling Changed to Murder,” *Dallas Morning News*, August 14, 1985, p.15A)

- 924 **decision to kill Kennedy:** In the introduction to his book, McClellan writes, “There are no videos or tape recordings of what [Lyndon] Johnson and [Cliff] Clark did in their conspiracy before, on, and after the assassination. Only a few documents show what actually happened. [It would have been helpful if the author had presented just one of these alleged documents in his book, but he naturally presents nothing.] Of necessity, some scenes for what happened will be the ‘journalistic novel.’” In other words, since novels are fiction, McClellan admits he made these scenes up, gratuitously calling himself a journalist in the process. Obviously, by the time his reader is reading these conspiracies deep in the book, McClellan is hopeful he (the reader) has long forgotten the “journalistic novel” reference, assuming he ever read it in the first place. In the “journalistic novel” paragraph, McClellan speaks of the “carefully marked [where?] use of ‘faction.’” *Faction* is a term first applied to Truman Capote’s famous true-crime book, *In Cold Blood*, to designate a book (on the nonfiction lists) that is actually somewhere between fiction and nonfiction. Nowhere does McClellan tell his readers when he is inventing scenes and when he is not, and the thrust of his entire book is that the story told therein is true. (McClellan, *Blood, Money and Power*, pp.xv–xvi)
- 928 **Donahue’s theory:** To bolster his case that George Hickey fired his weapon, Howard Donahue points out that several people smelled gunpowder at the time of the shots. If Oswald was sixty feet above the street, how, Donahue asked, could people on the street smell gunpowder? (Menninger, *Mortal Error*, pp.89–90) One person he cites is Senator Ralph Yarborough, who was in the car behind Hickey’s car. His source is William Manchester’s book *The Death of a President*, where Manchester writes, “Yarborough thought he smelled gunpowder” (Manchester, *Death of a President*, p.156). Manchester cites no source for this, and in Yarborough’s only statement to the Warren Commission, an affidavit on July 10, 1964 (7 H 439–440), he makes no reference to this. However, a few people in Dealey Plaza did testify they smelled gunpowder: Mrs. Earle Cabell (7 H 486–487), Tom Dillard (6 H 165), and Mrs. Donald Baker (7 H 512). Donahue’s statement that if people on the street smelled gunpowder it could not have emanated from sixty feet above is an assumption for which he provides no support. There was a strong wind at the time of the shooting, and it could have carried the smell downward since wind doesn’t travel

only laterally, as anyone who has watched a tennis match at any of the big stadiums, such as Arthur Ashe Stadium in New York City, well knows. (Even though the court is at the very bottom of the stadium, completely protected on all sides, on a windy day, the wind passing high above the stadium invariably reaches the court, making play difficult.) One also has to wonder if there was any smell of gunpowder at all, a few people perhaps only imagining they smelled it. After all, only a small handful of the hundreds of people in the plaza reported smelling gunpowder. I mean, how in the world would Dallas police officer Earle Brown, standing atop the bridge over the Stemmons Freeway (not the Triple Overpass on Elm), well over a hundred yards away from the shooting, smell gunpowder? But he claims he did (6 H 233).

929 **no serious student of the assassination . . . takes the book or its contents seriously:** Let me qualify that by saying—at least not in America. Howard Donahue is proud to point out that two members of the Forensic Ballistics Unit of the New South Wales Police Service in Sydney, Australia (who may or may not have been students of the assassination), wrote Donahue’s publisher, St. Martin’s Press in New York City, on November 9, 1992, proclaiming that after reading the book they agreed with Donahue’s conclusion (Letter from Howard Donahue to author dated September 10, 1996).

930 **a New Orleans construction worker named Robert L. Perrin:** One big reason why Jim Garrison started focusing in on Robert Perrin, other than the fact that Perrin had lived in New Orleans (virtually all of Garrison’s conspiracy villains in the Kennedy assassination, like Clay Shaw, David Ferrie, and even Oswald, lived or had lived in New Orleans), was that Perrin’s wife, Nancy, had worked for Jack Ruby as a bartender at his Carousel Club for close to two months in the summer of 1961. Also, Nancy Perrin testified that her husband “claimed” to have once been a bodyguard for mob figures and was a gunrunner for Franco during the Spanish Civil War, and she said he had met Ruby, someone whom Garrison suspected of being a co-conspirator in the assassination (14 H 334–335, 340, WCT Nancy Perrin Rich). With Garrison’s very pregnant and paranoid mind, there were no such things as coincidences or innocent associations.

In two interviews with the FBI in 1963, Nancy Perrin Rich (her new married name) spoke of her dislike for Ruby and of her quitting work at his club after a quarrel with him in which he threw her against a wall. She said she asked the Dallas police to file charges against Ruby, but they declined. She alleged that after leaving Ruby’s employ, she attended a meeting in Dallas with her husband that Ruby attended (Ruby supposedly arriving with a lot of money) in which a uniformed army colonel offered her husband ten thousand dollars to bring Cuban refugees out of Cuba by boat. Not liking Castro, she had no objection to that, but the second and inconsistent part—that her husband and she were supposed to smuggle Enfield rifles into Cuba—she objected to on the grounds it would be disloyal to the United States, and no deal was consummated. However, she claims she saw Ruby, with his pockets bulging (presumably with currency), and the colonel go into a room, and when Ruby came out of the room, the “bulge” was gone. Mrs. Rich, in her testimony before the Warren Commission, told essentially the same story, and admitted that her previous husband, Robert Perrin (Nancy Perrin Rich, twenty-seven at the time of her testimony, had been married four times), had turned her into a prostitute. (14 H 350–351, 363–364, WCT Nancy Perrin Rich; 9 HSCA 187)

The FBI gave her a polygraph test and the examiner concluded that her story about the Cuban refugee and arms meetings was “untrue.” Her own lawyer told the FBI Mrs. Rich was “an habitual liar who found it difficult to tell the truth,” and a Dallas police officer told the FBI she was a “psychopathic liar who got great delight out of telling wild tales.” (9 HSCA 188)

933 **the “three tramps”:** Not only have we had confessed assassins in the Kennedy case, but we’ve also had confessed tramps. In 1991, twenty-eight years after the assassination, one Chauncey Holt, a career con man with a rap sheet longer than his arm who claimed to have been an associate of mob financial wizard Meyer Lansky,* came forward and confessed to being the shortest of the three tramps arrested in Dealey Plaza. Holt claimed he was working as a CIA operative at the time, and though he wasn’t told exactly what was to take place that day (he was under the impression that some incident was to be staged that was to be blamed on pro-Castro forces), his role was to deliver fake Secret Service identification pins to a “contact” in Dealey Plaza he never named. After the shooting, he ran to a designated boxcar (the ninth one from the engine), where he met the other two tramps, one of whom, he said, was Charles Harrelson, the other Richard Montoya, who some conspiracy theorists claim was really a CIA operative named Charles Rogers, Rogers later becoming the chief suspect in the 1965 dismemberment murders of his parents in Houston, Texas. Indeed, at the Kennedy assassination symposium in Dallas on November 17, 1991, Houston police forensic artist Lois Gibson even identified Holt photographically (along with Harrelson and Rogers) as one of the three tramps and said she’d “bet the farm” on her identifications. Holt said that he and his two fellow “tramps” were taken to a sheriff’s command post, and after producing their phony U.S. Department of Alcohol, Tobacco and Firearms documents (more phony than even Holt knows, since the ATF wasn’t known as such until 1966), they were released. Holt conjectures that he and his fellow tramps may have been set up as alternative patsies. (*San Diego Union-Tribune*, February 9, 1992; identification by Gibson: Gates with Manly, Foote, and Washington, “Bottom Line: How Crazy Is It?” p.54)[†] The following year, as set forth in the main text, old Dallas police records revealed precisely who the three tramps were. Holt, of course, was not one of them. When you can’t even

*If Holt was an associate of Lansky (few were), apparently Lansky didn’t know it. Or, to be fair to Holt, at least apparently Lansky’s biographers never knew of Holt, or felt him to be so extremely insignificant that he wasn’t worth one mention in their books. See Messick, *Lansky*; Eisenberg, Dan, and Landau, *Meyer Lansky*; Lacey, *Little Man*.

[†]In early 1992, Holt improved on his tale, dramatically. He said that Harrelson and Rogers were actually the hit men who killed Kennedy, and that he knew because he had furnished them with their guns (*Globe*, January 14, 1992, p.5). Indeed, Phillip Rogers and John Craig wrote a whole book about Charles Rogers, saying he was a CIA covert agent who was connected to David Ferrie and Oswald, and that “Rogers and Harrelson both fired their rifles almost simultaneously [at Kennedy] from behind the picket fence on the grassy knoll.” They write that “both may have scored a hit, perhaps one in the throat, the other in the head.” It would certainly have been nice if the authors had provided their readers with some documentation to support their charges, but I could only find one in their entire book. But hey, I’m not complaining. It was a really powerful one, a November 24, 1963, Wichita Falls, Texas, FBI report (File DL 89-43) that “at one time” Rogers “was disgruntled with the Government policies of the United States and stated he wanted to obtain Nicaraguan citizenship,” actually working in Nicaragua “during 1953 and 1954.” It stands to reason that if Rogers was upset with the United States back in the early 1950s, he probably was also in 1963. And if he was, it also stands to reason he’d want to kill Kennedy, the leader of our government and from behind the picket fence on November 22, 1963. (Craig and Rogers, *Man on the Grassy Knoll*, pp.123–125, 158, 188–189, 275–276)

confess to being a tramp without being exposed as a fraud, you know you really have fallen on hard times.

934 **exactly what people had called them:** In 1992, former Dallas police officers Marvin Wise and Roy Vaughn identified Doyle, Gedney, and Abrams as the three tramps they had taken out of the boxcar, and Doyle confirmed for the FBI that neither he nor his two fellow travelers were booked (the recording of an arrest in official police records). This was independently evidenced by the absence, on the “arrest” reports, of an arrest report number and right thumb print. Wise and Vaughn said that the “arrest” reports for the three hoboes were called “dummy sheets,” used for those who were detained but not booked. The dummy sheets were usually discarded in sixty to ninety days, and Wise believes these three dummy sheets were not discarded because of the detainees’ connection to the assassination. (Wise: DOJCD Record 186-10003-10201, p.4; DOJCD Record 186-10003-10202, p.5; Vaughn: DOJCD Record 186-10003-10197, pp.3, 7)

934 **coming up empty-handed:** But not Mary and Ray La Fontaine. Inside the file on the six people arrested (including Oswald) by the Dallas police on November 22, 1963, arising out of the assassination, Mary La Fontaine found the arrest report of one John Franklin Elrod, who, the report said, “was arrested on railroad tracks a few minutes after radio call dispatch that man was walking along railroad carrying a rifle. This man was not carrying rifle at time of arrest. Suspect is unemployed, states he has been in Dallas for two weeks.” Elrod was arrested on charges of “investigation of conspiracy to commit murder.” (*Dallas Times Herald*, December 8, 1963, p.8)

Remarkably, the La Fontaines built their book, *Oswald Talked*, around Elrod, a drifter and alcoholic who, three sheets to the wind, walked into the Shelby County sheriff’s office in Memphis on August 11, 1964, with a sawed-off shotgun proclaiming he was considering the possibility of killing his estranged wife, Jackie. During the course of telling his woes, he started talking about his arrest in Dallas on the day of the assassination, at which time the sheriff’s office called the FBI office in Memphis. Elrod told Special Agents Francis Cole and Norman Casey that on the day of the assassination he shared a cell on the fifth floor of the city jail with an unknown man. When this cell mate saw a man with a smashed-up face being brought into the jail, he told Elrod he remembered seeing this man at a motel where five men, one of whom was Jack Ruby, had been advanced some money for some type of contract. Elrod said he had difficulty remembering things because of his extreme use of alcohol. (HSCA Record 180-10078-10349, FBI interview of John Elrod on August 11, 1964)

Assuming Elrod was in a cell at the Dallas city jail, who was his unidentified cell mate? The La Fontaines are convinced it was none other than Lee Harvey Oswald, because Elrod’s brother told them in 1993, thirty years later, that Elrod had said it was Oswald. (Why Elrod wouldn’t tell the FBI this back in 1964, the authors don’t say.) And as the La Fontaines tell their readers, “If Oswald knew Ruby, a conspiracy to assassinate President Kennedy . . . is a virtual certainty.”

When the La Fontaines learned that Oswald was in a cell by himself (cell F-2) in the Dallas city jail (CE 2187, 24 H 860), and therefore their guy couldn’t have been in a cell with Oswald, they quickly improvised, and without a shred of evidence to support their position, they conjectured that “perhaps”—can you imag-

ine that?—Elrod was in cell F-3 and hence *may* have talked with Oswald “through the bars.” Now that’s what I call solid, concrete evidence. The authors don’t trouble themselves with asking why in the world Oswald, who had been charged with the murders of President Kennedy and Officer Tippit, would want to tell a stranger in an adjacent cell that he had been in a motel room with Jack Ruby. (The authors, not being able to get their story straight on the very heart of their book, say later in their tale that Elrod had only “overheard” Oswald say this.)

But the real problem with Elrod’s story and the La Fontaines’ book is that neither Elrod nor any other inmate was in any cell adjacent to Oswald’s. As Dallas police chief Jesse Curry testified before the Warren Commission, Oswald “was isolated away from the other prisoners, and there were two jail guards set immediately outside his cell.” (In an August 20, 1964, affidavit, one of the Dallas police officers on jail guard duty of Oswald, J. L. Popplewell, said, “I was assigned to guard the area in front of Lee Harvey Oswald’s cell, watching all of his movements to see that he didn’t hurt himself” [CD 1444].) What was the nature of the isolation? Curry said that when one walked out of Oswald’s cell, one didn’t walk into a hallway, but a corridor that itself was locked (4 H 153–154, WCT Jesse E. Curry).

Detective Jim Leavelle was the Dallas officer who got Oswald out of his cell around 9:30 on Sunday morning, November 24, and brought him down to Captain Fritz’s office, where he remained with Oswald right up to the time that Oswald, handcuffed to Leavelle’s left arm, was shot by Ruby in the basement of City Hall. Leavelle said Oswald was in the “F block” of cells on the fifth floor. It was “the only isolation block we had at the jail.” He said there were three cells, F-1, -2, and -3, to the block, and Oswald was in F-2, the middle one. “The cells on Oswald’s left and right, F-1 and F-3, were empty. There were other inmates on the fifth floor, but they couldn’t see him and he couldn’t see them.” Leavelle said that cell F-2 had a steel wall in back of it. It only had bars on its left and right. However, F-1, to Oswald’s right (i.e., if Oswald were looking out of the cell), had a steel wall on its left (again, facing out of F-1 from within F-1), and F-3, on his left, had a steel wall on its right. Oswald, then, had steel walls separating him from the other inmates at his back and left and right. (In other words, the La Fontaines’ Elrod could not have been talking with Oswald “through the bars.”) The front of the cells had bars, but they “opened to a corridor that had a steel wall on the other side of it. So Oswald was surrounded by four steel walls,” Leavelle said. “The three cells were isolated from everyone else on the fifth floor.” (Telephone interviews of Jim Leavelle by author on April 11, 2002, and November 11, 2006) Oswald’s cell on the fifth floor is still there, though presently used for storage purposes (*Dallas Morning News*, November 21, 2002, p.29A). If the La Fontaines, who live in Dallas, visited the jail site, it is difficult to see how they could have reached the conclusion they did, one that was a central issue in their book.

When ACLU lawyer H. Louis Nichols visited Oswald in his cell on Saturday, November 23, he confirmed that “Oswald was in the center of three cells, no one being in the other two, and there was an officer seated outside” Oswald’s cell (7 H 328, WCT H. Louis Nichols).

Not only, then, wasn’t Elrod in a cell adjacent to Oswald on the day of the assassination (and the authors present no such evidence of this in their book), but there’s no evidence he was ever incarcerated at all. The August 11, 1964, report by FBI

agents on their interview with Elrod discounts his story because their search of the records did “not reflect incarceration of Elrod in the Dallas City Jail, as he claimed” (HSCA Record 180-10078-10349, FBI interview of John Elrod on August 11, 1964). The La Fontaines say that “the FBI did not tell the truth” in the report. Their proof? Elrod’s arrest report, as if the words *arrest* and *incarceration* were synonymous. The La Fontaines are apparently unaware that it is not uncommon for someone arrested to be released without incarceration when the police immediately recognize the arrest was without merit. And that’s precisely what appeared to happen here. The arrest report for the three tramps showed a release date. The “release” block on Elrod’s arrest report is blank, meaning he never was incarcerated. You can’t release someone from jail who was never in jail. Moreover, Elrod’s arrest report contains no arrest report number nor a right thumb print. (La Fontaine and La Fontaine, *Oswald Talked*, pp.15–18, 28, 39–41, 362–363, 397) And the conspiracy beat goes on.

There are, as would be expected, some unanswered questions on this matter. One is that per the “Prisoners Telephone Contact Form,” Oswald, in cell F-2 on the fifth floor of the jail, is listed as making a telephone call on November 22, 1963, during the “3rd Platoon” period (CE 2187, 24 H 860; Batchelor Exhibit No. 5002, 19 H 139–140)—that is, sometime during the third shift between 3:00 p.m. and 11:00 p.m. But Oswald wasn’t sent to the jail office on the fourth floor for booking until after 12:10 a.m. on November 23, Oswald still being at the press conference at 12:10 a.m. (CE 2166, 24 H 817).^{*} Detective Jim Leavelle told me the explanation for this is that either Oswald was also checked into his fifth-floor jail cell earlier on the twenty-second, or when he made a phone call authorized by Captain Fritz on the twenty-second, he was escorted up to the fifth-floor jail to make it because of the increased privacy he would have there, as opposed to the third floor, which was teeming with police personnel and reporters. There is support for this having happened in that we know Fritz suggested to Oswald during his interrogation earlier in the day on November 22 that he “use the jail phone” (4 H 215, WCT John Will Fritz; WR, p.606; Telephone interview of James Leavelle by author on May 30, 2002).

Another discrepancy is that although we know no one was in adjacent cells F-1 and F-3 while Oswald was in F-2, the Prisoners Telephone Contact Form for November 22, 1963, shows that during the same third shift, a Daniel Douglas, in cell F-1, made a phone call. It’s hard to automatically assume the entry is correct because one “Halleymon,” a civilian employee of the police department, per Leavelle, is listed as the person who escorted Douglas to the phone. But Halleymon seemed almost incapable of proper penmanship. Of four entries by him that day, only one is normal. In two others, he wrote over the letter of the cell, seemingly inserting the wrong letter first, and in the Douglas entry, instead of a hyphen between the F and the numeral 1, he has a very strange marking that is foreign to known punctuation. (CD 1444, Prisoners Telephone Contact Form, unnumbered pp.1–2) In any event, even assuming the Douglas entry is correct, Leavelle said

^{*}Therefore, Captain Will Fritz’s testimony that Oswald was “sent up to the jail” at “12:05” has to be slightly in error (4 H 219; CE 2003, 24 H 288). After being booked on the fourth floor, Oswald was then taken to the fifth floor, where his cell was (CE 2003, 24 H 288).

this would only mean that Douglas had been in cell F-1 before Oswald entered F-2, at which time Douglas would have been moved. Circumstantial evidence of this is that the Dallas Police Department Prisoners Telephone Contact Forms for the days November 23 and November 24 (when Oswald was in F-2) do not show any further phone calls from any inmate from cell F-1, and none for any inmate from F-3 (CD 1444, Prisoners Telephone Contact Form, unnumbered pp.5–12). “There’s no question,” Leavelle reiterated, “that Oswald never had any cell mates or anyone in an adjacent cell to him while he was there. I can guarantee that” (Telephone interview of James Leavelle by author on May 30, 2002).

- 939 **Kerry Wendell Thornley:** Thornley wrote two short books on Oswald: *Osmald* in 1965 and *The Idle Warriors* (actually a novel, the first draft of which was written before the assassination) in 1991. An avowed right-winger, Thornley blustered in 1992 on the television show *A Current Affair* that he was privy to a conspiracy to murder Kennedy with two men he called “Brother-in-law and Slim,” adding that “I would have shot [Kennedy] myself . . . if I would have had the chance” (*A Current Affair*, February 25, 1992).
- 940 **alias “Hidell” [footnote]:** When Secret Service agents interviewed Marina on December 10, 1963, they asked why her husband used the name “Aleck” (actually, Oswald spelled the name “Alek” on his forged Selective Service card), and she said that was the name given to him by his coworkers in Russia. They then asked her if he had ever used the name “Aleck Hidell” and she said no. (CE 1789, 23 H 402) This was a truthful answer, at least technically, though conspiracy theorist Sylvia Meagher argues that Marina was telling a different story than from what she later told the Warren Commission, that her husband used the alias “Hidell” (Meagher, *Accessories after the Fact*, p.195). It is unlikely that Marina was trying to cover up this insignificant matter, since in the same interview, she spoke of her husband’s attempt to murder Major General Edwin Walker. By her answer Marina probably meant only that her husband never used the name “Aleck Hidell.” For whatever reason, she never added that he did use the last name, Hidell, or conceivably, she did say this and the Secret Service agents never bothered to put this in their report. After all, by December 10, 1963, the authorities already had much evidence that Oswald used the alias “A. Hidell.” (See main text.)

There is another, less likely explanation than the one Marina gave for Oswald’s use of the name Hidell—as a variation on the name of his hero, Fidel Castro. Coincidences abound in life, and one such coincidence concerns the name Hidell. As noted in the main text, a marine by the name of John Rene Heindel (from New Orleans, no less, where Oswald was born) was stationed with Oswald at Atsugi Air Base in Japan. Heindel said that “while in the Marine Corps, I was often referred to as ‘Hidell’—pronounced so as to rhyme with ‘Rydell’ rather than ‘Fidel.’ This was a nickname and not a mere inadvertent mispronunciation.” Heindel knew Oswald and said, “It is possible that Oswald might have heard me being called by this name; indeed, he may himself have called me ‘Hidell.’ However, I have no specific recollection of his either using or hearing this name.” (8 H 318, WC affidavit of John Rene Heindel; see also CE 3119, 26 H 767)

- 942 **his propensity for murder:** As we have seen, members of law enforcement here and there have joined with their looney bird counterparts in the lay community in fabricating stories relating to this case, and I believe one rather obvious example is that of Secret Service agent Mike Howard, one of two agents who drove Marina from the Paine residence on November 24 to the Six Flags Motel between Dallas and Fort Worth (1 H 81, WCT Marina N. Oswald). At some point, either at the Paine residence or at Six Flags, where the Secret Service babysat Marina and her children, Howard noticed and took possession of Oswald’s blue notebook, the contents of which have been copied and are set forth in Commission Exhibit No. 18 (16 H 37–70; see also 1 H 56, WCT Marina N. Oswald).

Now listen to this story that Howard came up with. He told an AP reporter, Mike Cochran, *thirty years later*, that he turned the notebook over to the FBI, but before he did, he had already dictated every page of the notebook (some thirty-four pages) into a tape recorder and gave the tape to the FBI too. But what conceivable reason would anyone have to dictate these pages into a tape recorder? For what purpose? Not only would it take well over an hour to do, particularly since the writings on the pages are difficult to read and many are in Russian, but in terms of authenticity it would be virtually worthless, the tape depending for its credibility *solely* on the word of the transcriber. What *would* have 100 percent credibility and would only take a few minutes is to simply make a photostatic copy of the pages of the notebook.

But Howard, in telling his implausible story, then proceeded to make it even more unworthy of belief than it already was. He claims that within the pages of the notebook Oswald said he intended to kill not only General Edwin Walker (which we know he tried to do), but also Texas Governor John Connally and Vice President Lyndon Johnson, and also said he would kill the FBI agent who investigated him (presumably James Hosty). None of this, however, is contained in Oswald's blue notebook presently at the National Archives, the pages of which are reproduced, as indicated, in the Warren Commission volumes. On its face, Howard's story that Oswald said he intended to kill Connally and LBJ has absolutely no ring of truth to it since he had no reason to do so and had never expressed, to anyone that we know of, animosity toward either of them. But if, in fact, Oswald had written these words, why wouldn't Howard have included this fact in any report? And since we can assume he knew that any evidence that Oswald had intended to kill Connally and LBJ would definitely have helped the Warren Commission in its effort to establish a homicidal profile on Oswald, and that this fact was not being reported anywhere, why wouldn't he see to it that this information got to the Warren Commission or at least his superiors at the Secret Service? Instead he waits *thirty* long years before telling his story to an AP reporter?

Howard did tell the reporter that he mentioned the story earlier, but not to his superiors or the Warren Commission. Howard claims that he was assigned to guard LBJ, even after his presidency, and one day as he was sitting poolside with LBJ at LBJ's ranch, he told LBJ about Oswald's blue notebook and about Oswald's statement in it that he was going to kill the FBI agent, whereupon LBJ (who, if we're to believe Howard, must have taken time off from his presidency to read every single page of Oswald's thirty-four-page notebook) replied, "That wasn't in there." As if that's not ridiculous enough, he then quotes LBJ as bringing up Connally and telling him that the page about Oswald's plan "to kill Connally was [also] missing when the book got to the Warren Commission," and LBJ and he speculated that J. Edgar Hoover had had the page removed. It's all just nonsense, of course. And what about the fact that Oswald said he was going to kill LBJ himself? LBJ and Howard apparently never talked about this. (Mike Cochran, "Mystery of Oswald's Memo Book," *San Francisco Examiner*, November 22, 1993, p.A-12; also Letters from David Wade to author dated November 3, 1998, and January 28, 2000)

In 1993, Scott Malone, a *Frontline* investigator, told author Gus Russo that he had examined Oswald's notebook at the archives and discovered that one page of the notebook had been removed by a precise "razor-cut" (Russo, *Live by the Sword*,

p.338). Assuming this is so, as appears to be the case in Commission Exhibit No. 18 (16 H 43), which depicts page 19 of Oswald's notebook, the sloppiness of the excision would indicate that it was much more apt to have been done by Oswald himself (as people frequently remove pages from their books or notebooks) than sophisticated conspirators trying to cover up.

949 **his enmity for America:** Johann Rush, the television cameraman for WDSU in New Orleans who filmed Oswald distributing Fair Play for Cuba leaflets in front of the International Trade Mart on August 16, 1963, has been a student of the Kennedy assassination for years and has come up with a subtle motive for the assassination that, even if we were to assume it is not valid, encompasses several intriguing points. In a July 23, 1999, letter to me, he wrote, "After many years of thought on this subject, I now think that Oswald acted on two different types of motives. One was 'psychological' or 'psychiatric,' which involved his ego, his desire to 'be somebody,' his obsessiveness about leftist politics, and his sudden compulsion to shoot the President once he learned the motorcade was going to pass through Dealey Plaza. During the past several decades, Oswald's type of mental obsessiveness has been known, generally, as the Obsessive Compulsive Disorder (OCD) or the Obsessive Compulsive Personality Disorder (OCPD)." But Rush then wrote, "I think Oswald's *personal* and *conscious* motive for the assassination was the one he actually thought about while he was waiting for the Presidential motorcade to enter Dealey Plaza. That motive was his idea to shoot the President . . . and hope right-wingers would be blamed for the assassination.* In my opinion, that motive worked, especially with the help of some of the old American communist propagandists, and it changed the country forever."

Rush believes that Oswald knew "old-time Communists" would realize they had no choice but to try to exonerate him, and in the process would blame the Far Right for the assassination. Oswald's requesting, after his arrest, the services of New York attorney John Abt, who had represented several Communists prosecuted in the 1950s (under the Smith Act, the Internal Security Act, and the Communist Control Act), was intended by Oswald, Rush says, to be a "clue" to American Communists that he was "one of them."

Rush's theory correctly, I think, presupposes that Oswald was willing to do whatever was necessary to hurt the Far Right (to the extent of even attempting to murder one of their leaders, General Walker) and to further the Marxist movement here and abroad. But it is hard to accept Rush's logic that Oswald felt he could hurt the Far Right by murdering Kennedy. Since he knew his defection to Russia was well known and he did everything possible to publicize his devotion to international Marxism and Castro's Cuba, he had to know that if he was apprehended, it would be the Communists, not the Far Right, who would immediately be suspected, which we know is precisely what happened. Even if he was believed to have acted alone, he could only hurt, not help, the cause of Communism. "As now is clear, the assassination was committed by a Communist fanatic unaware of the depth of evil to

*Rush adds that with this motive, Oswald "had to shoot Kennedy in Dallas that day in order to take advantage of the right wing paranoia that worried so many people in Dallas at that time. There was not such an intense paranoia in Ft. Worth or San Antonio or in any other Texas city, and his motive (my motive idea) wouldn't have been quite so effective if he had shot the President in any other city in Texas."

which such dogma could lead him. In so doing he served the Communist cause its worse setback in the forty-six years since its baneful inception,” said the *Baltimore News-Post* on November 23, 1963, the day after the assassination.

Only if Oswald felt extremely confident he could escape without apprehension or suspicion focused on him would he have any reason to believe the Far Right would be blamed for the assassination (which most in law enforcement did before Oswald’s arrest), since the political climate in Dallas at the time of the president’s visit was a cauldron of right-wing fervor and anti-Kennedy hatred. But the fact that he left his wedding ring and virtually all his money behind for Marina suggests he was well aware he might not survive his horrendous deed.

While it is true that ultimately (after the initial suspicion following Oswald’s arrest that Kennedy was killed as a result of a Communist conspiracy) the majority of Americans have come to believe that one or more agencies of the American government (or organized crime, which, if anything, would be considered right wing, not left wing) were behind the assassination, it is highly problematic that Oswald would have contemplated this at the time he killed Kennedy, and did so, as Rush posits, to further that end. He would have little basis for believing that any substantive evidence would ever surface implicating some other person or group in a murder he knew he alone had committed. However, Rush, who has an intellectually facile mind, has presented a fascinating theory that perhaps requires more exploration and contemplation.

In a December 31, 1999, follow-up letter to me responding to my critique of his theory, Rush wrote, “I’m not saying that Oswald could predict the distant future or even six months into the future, only that he had a very strong belief that right-wingers would be blamed for the assassination if he could carry it out without being detected, and that belief was what pushed him over the edge and made him take the extreme risk. The strong belief was probably accompanied by a hope that the false blame would lead to the repression of right wingers throughout the nation and perhaps even lead to a street-fighting war between leftists and right wingers . . . Don’t most murderers think they can get away with their crimes? What crime of passion or crime of obsession killer ever thinks about all the ramifications of his emotional and compulsive act? If everyone used his entire intellect to plan a murder, there would be far fewer murders . . .

“Considering the situation about his ring, I think he fully realized [the possibility of his being caught and killed] yet he went ahead with his plan anyway because, after he thought of the motive, he became convinced that it was such a good, perfect, classic, beautiful, revolutionary idea, he absolutely *had* to go through with it. I say that after he thought of the idea, there was no way he could *not* go through with it because it became an obsession and a compulsion in his own mind. By his standards, he couldn’t face himself as a man or a human being if he chickened out and failed to take advantage of the unusual set of circumstances fate had placed right in front of him . . .

“[Oswald’s idea to blame the right wing for Kennedy’s assassination] was a natural consequence of his paying attention to the local news in the days leading up to the assassination. I think it was the local media (and especially Police Chief Curry’s statements to the local media) that gave him the idea that right wingers would be blamed if anything bad happened to the President that day.”

In a footnote to his theory, Rush offers up the interesting observation that all of the leftist authors who trumpeted Oswald's innocence and attacked the Warren Commission shortly after the assassination (Rush cites Thomas Buchanan, Joachim Joesten, Mark Lane, and Harold Weisberg) knew not only that Oswald was guilty, but also that he had acted alone. "Had they not been convinced he was the lone assassin," he reasons, "I think they would have been very hesitant to become directly involved in the case because of the possibility that other freelance leftist *co-conspirators* and friends of Oswald could begin to surface, and could have been identified by the FBI . . . [trying to tie] them to a . . . leftist, pro-Soviet assassination conspiracy. That would have caused much trouble for the American Communists and leftist movement, since it was still struggling to rebound from the deprivations of the McCarthy era."

953 **“circumstantial evidence”**: A note about circumstantial evidence: For years, Warren Commission critics and conspiracy theorists have attacked the case against Oswald as being weak because it was “only circumstantial,” the implication being that any case based on circumstantial evidence is not solid. Indeed, circumstantial evidence has erroneously come to be associated in the lay mind and vernacular with an anemic case, but nothing could be further from the truth. Whether a circumstantial case is strong or not depends on what type of circumstantial evidence one is talking about. If it’s *physical* circumstantial evidence, such as the murder weapon being traced to the defendant by bullet matchups (as in the Oswald case), or other physical matchups like DNA or fingerprints (the latter also being present in the Oswald case), the case could hardly be stronger. The true circumstantial evidence case, and the only kind that is difficult for a prosecutor to try, is one in which there is no direct evidence (eyewitness testimony) and there are no bullet, blood, hair, semen, or fingerprint matchups; in fact, there is no physical evidence of any kind whatsoever, such as clothing or glasses, connecting the defendant to the crime. That’s the classic, textbook type of circumstantial evidence case in which the prosecutor has to put one speck of evidence—an inappropriate remark, a suspicious bank transaction, a subtle effort to deflect the investigation, et cetera—upon another until ultimately there is a strong mosaic of guilt.* This latter type of case bears no resemblance to the case against Oswald. Not only was there *physical* circumstantial evidence against Oswald, but there was an enormous amount of non-physical circumstantial evidence, including the very most powerful in this category: his flight from the murder scene, his resisting arrest, and his telling one provable lie after another upon his apprehension, all showing an unmistakable consciousness of guilt.

With respect to the distinction between circumstantial evidence and direct evidence, direct evidence is evidence which, if true, proves a fact in issue without the necessity of drawing any inference. Almost by definition, direct evidence can only be given by the testimony of a witness who purports to have actual knowledge of that fact. The most common type of direct evidence in a criminal trial is eyewitness testimony. (The only other type of evidence considered to be direct evidence is, in some states, the confession of the defendant.)

Circumstantial evidence, on the other hand, is evidence which only tends to prove a fact in issue by proving a secondary fact. From this secondary fact, an inference can then be drawn that the fact in issue exists. For example, from the secondary fact of seeing a stolen television set in the defendant’s home, *one* reasonable inference is that it was he who stole the set, the identity of the thief being the fact in issue. In another example, if the defendant’s fingerprints are found at the scene of a burglary, this is circumstantial evidence that it was he who committed the burglary. However, it is not conclusive since he could have left his prints there at some other time.

*We can analogize this latter type of circumstantial evidence to the spelling of a word. One letter by itself could be the first letter of thousands of words. But with the addition of each letter, the number of possibilities dwindles. Pretty soon, the letters spell just one word. With respect to the evidence against Oswald, that word is *guilty*.

The same evidence can be direct evidence as to one fact, but circumstantial evidence as to another. The witness who testifies to seeing the television set in the defendant's home is furnishing direct evidence of that specific fact, but only circumstantial evidence that the defendant stole it, since he could have come into possession of the set in other ways.

Actually, all evidence, even eyewitness testimony and a defendant's confession, requires that *some* inference be drawn. When a witness to a robbery testifies he saw the defendant rob the victim, from the secondary fact of the witness's observation (including the distance, lighting, partial obstructions to the view, if any, etc.), the jury must still draw the inference that the witness was correct—that is, that it is not a case of mistaken identity, a not uncommon occurrence. Likewise, the testimony of a police officer that the defendant confessed to a crime still requires the inference that what the defendant said was true, that the confession was not the product of coercion or any other factor.

Arguably, then, it could be said that there is no such thing as direct evidence. But if the only inference sought is that the fact testified to is true (as opposed to circumstantial evidence, where the inference sought is that some *other* fact is true), then the evidence is still deemed to be direct evidence.

955 **Oswald went to Irving with Frazier on Thursday evening:** Warren Commission critic Sylvia Meagher says, "Oswald's visit to Irving on Thursday night, November 21, may not have been unprecedented" (Meagher, *Accessories after the Fact*, p.37), but there is no credible evidence to support this. Troy Erwin, the manager of the Atlantic & Pacific supermarket in Irving, told the FBI that check G493187, a Texas Unemployment Commission check for \$33.00 payable to Lee Harvey Oswald, was cashed at his store on either Thursday, October 31, 1963, or Friday, November 1, 1963. On April 13, 1964, the cashier at the store, Mrs. Georgia Tarrants, told the FBI that as best she recalls, Oswald cashed the check on Thursday night (CE 1165, 22 H 224–225). But it seems inconceivable that Mrs. Tarrants, almost five months after the assassination, would be able to look back and recall whether Oswald cashed the check on Thursday as opposed to Friday night, especially since at that time she would have no reason to make note of what night Oswald was at the store. But Marina Oswald, Ruth Paine, and Wesley Frazier would have every reason to remember that Oswald had never, before November 21, come to Irving on a Thursday night. Moreover, Oswald had been instructed *not* to come on any Thursday night, and Friday night made more sense since he could stay for the weekend.

956 **he got a very good look:** Mark Lane wrote in his book *Rush to Judgment* that Howard Brennan had admitted to the Warren Commission that his eyesight was "not good," and to compound it, he was not wearing his prescription glasses "when he glanced up at the sixth floor window" (Lane, *Rush to Judgment*, p.90). Lane, naturally, does not tell his readers that Brennan testified that he was actually "far-sighted" and only used his glasses "to see fine print and more especially the Bible" (3 H 147, WCT Howard Leslie Brennan). Lane does tell his readers that Brennan suffered a trauma to his eyes *after* the assassination, but puts this in a footnote, and doesn't say that Brennan's eyes being "not good" resulted from this trauma *after* the assassination; that is, Lane definitely leaves the impression that Brennan's eyes were "not good" at the time of the assassination.

Predictably, conspiracy theorists have picked up the canard that Brennan's eye-

sight was not good at the time of the assassination, not bothering to mention Lane's footnote, which itself was misleading (e.g., Goldberg, *Enemies Within*, p.115). Brennan told the Warren Commission that "both" of his eyes were "sandblasted" in January of 1964, two months *after* the assassination, and this trauma was responsible for his eyes being "not good" at the time of his Warren Commission testimony on March 24, 1964 (3 H 147). It couldn't be clearer that Brennan said he had excellent eyesight at the time of the assassination but poor eyesight since the sandblasting incident. After an FBI interview of Brennan on the evening of the assassination, the interviewing agent wrote that Brennan had "volunteered he has been informed by his optometrist, Dr. Howard F. B. Bonar, Port Lavaca, Texas, that he [Brennan] has 'perfect vision' at a distance, or, in other words, he is farsighted. He advised he wears glasses for reading only" (Interview of Howard Brennan on November 22, 1963, by Dallas FBI agents Gaston C. Thompson and Robert C. Lish, File DL 89-43; see also, CD 205, p.16, FBI interview of Howard Brennan on December 18, 1963; Brennan with Cherryholmes, *Eyewitness to History*, p.66).

Another canard that has taken hold about Brennan is that the HSCA ignored his testimony in reaching its conclusion of Oswald's guilt, and hence, the conspiracy theorists infer, the HSCA must not have believed his testimony (e.g., Summers, *Conspiracy*, p.79; Hurt, *Reasonable Doubt*, p.89). But they offer no source that suggests the HSCA did not believe Brennan. And what they fail to point out is that the HSCA was not nearly as witness oriented as the Warren Commission, relying overwhelmingly on scientific evidence and not even mentioning many important Dealey Plaza witnesses (e.g., Bonnie Ray Williams, Charles Givens). But actually, the HSCA did cite Howard Brennan at least as support for its conclusion that the assassin shot at Kennedy from the Book Depository Building (2 HSCA 3). One conspiracy author went so far as to say that the HSCA had "discredit[ed] Brennan's testimony," but again, he offers no citation that supports this assertion (Brown, *Treachery in Dallas*, p.301).

The critics use yet another argument to attack Brennan's credibility with respect to his testimony before the Warren Commission that Oswald "appeared" to be "standing up" with his rifle on his "right shoulder," and that the rifle was extended out the window. They have pointed out, correctly, that Oswald couldn't have been standing at the window. As is shown in the Tom Dillard photos taken seconds after the shooting (Dillard Exhibits A-D, 19 H 563-566), the sniper's nest window, like all the windows, has a horizontal divider in the middle, and at the time of the shooting only half of the bottom half of the sniper's nest window (i.e., about a quarter of the whole window) was open. Translated into measurements, the distance from the floor to the top of the windowsill of the sniper's nest window is about 12½ inches (CE 1310-1312, 22 H 484-485). And the bottom portion of the window that was opened was also approximately 12½ inches (CE 1310-1312, 22 H 484-485), for a total of 25 inches or a little over two feet. As assassination researcher James Sawa has pointed out, if the man in the window was standing at the time he was firing out of this lower open quarter of the window, "he would have had to be a midget" (Telephone interview of James Sawa by author on May 8, 2004). If Oswald, at close to 5 feet 10 inches tall, were standing behind the window, he could only have fired his rifle through the top half of the window, and we know the top half was not open and the glass on the top half was not broken. Obviously,

Brennan was wrong, but understandably so, since from the street below one could have the impression that a person kneeling at the window was standing (WR, p.145). And Brennan only said Oswald “appeared” to be standing (3 H 144).

Critics have also questioned how Brennan could have estimated Oswald's height as “possibly five foot ten” when he admitted he only saw Oswald “from his belt up” (3 H 144). I don't believe Brennan was ever asked this question but we can assume that he estimated Oswald's height by extrapolation from what he could see of Oswald's upper body.

- 957 **Oswald said he was having lunch:** Since we know from Wesley Frazier that Oswald never brought his lunch that day, the question should be asked, Just what lunch could he have been eating? Frazier said that there was no place in the building to buy food, just two soft drink machines. “A catering truck came by for our morning break about 10 a.m., but not at noontime,” Frazier said. He added, however, that sometimes an employee would buy his lunch from the catering truck during the morning break. (Telephone interview of Wesley Frazier by author on January 27, 2006)
- 959 **intersection of Beckley and Zangs:** Edna Walker, the owner and operator of a barbershop at the intersection of Zangs Boulevard and Beckley (a small street, El Dorado, also intersects there), told the FBI she used to see Oswald standing in front of her barbershop waiting for the light to change before crossing the street toward his rooming house, but she recalls his doing this in the early afternoon, not late afternoon, which would be after work (CD 385, FBI interview of Edna Walker on January 22, 1964). Most likely, she is wrong on the time of day. If she's not, and the person she saw was not Oswald, we can still safely assume Oswald got off at the subject bus stop, since it was the closest the southbound Beckley bus would take him to his rooming house.
- 959 **Marsalis bus he had boarded:** Mary Bledsoe, Oswald's former landlady who refused to let him remain in his rented room after only five days because she didn't like him as a tenant, told the Warren Commission that when Oswald boarded the bus she was on shortly after the assassination, he looked “like a maniac . . . He looked so bad in his face, and his face was so distorted.” She said that his pants “were all ragged . . . at the waist,” that he had a “hole” in the right elbow of his shirt, and “all the buttons” on his shirt had been “torn off” (6 H 409–410). Though one or more of these observations may have been correct, I am not including Bledsoe's observations as evidence of Oswald's guilt. Apart from her probable bias against him, her observations of Oswald's physical condition were such that if they were accurate, at least one of them would have been noticeable to Roy Truly or Dallas police officer Marrion Baker. But they apparently saw no such thing, and I can't reasonably envision anything that Oswald would have done between the time he saw Truly and Baker and was in Bledsoe's presence that would have caused him to get in such a bedraggled condition.
- 960 **One witness, Helen Markham:** For years, Warren Commission critics have attacked the credibility of Helen Markham as a witness to Tippit's murder. Dallas assistant DA Bill Alexander told me, “Helen Markham used to be a waitress at the Courthouse Café [before she moved to the Eat Well Restaurant]. She served me a barrel of coffee throughout the years. She wasn't dumb, but she was a completely uneducated old country girl who was inarticulate and didn't understand people

too well. And they didn't understand her, and that caused problems for her in communication" (Telephone interview of William Alexander by author on December 15, 2000).

Critics have seized on the purportedly inconsistent descriptions of Tippit's killer that Mrs. Markham gave, but they aren't wildly inconsistent at all and one of them did not even come directly from her. Markham told Officer J. M. Poe at the murder scene that the suspect was "a white male, about 25, about 5 feet 8, brown hair, medium [build?]" and she believed he was wearing "a white jacket" (7 H 68, WCT J. M. Poe). Obviously, that's a fairly good description of Oswald. Poe also spoke to one of the Davis girls at the murder scene and she gave Poe a very similar description of the suspect: "early 20s, and around 5 feet 7 inches or 5 feet 8 inches, about 145 pounds" and she also thought he was wearing a white jacket (7 H 69, WCT J. M. Poe). Officer C. T. Walker called in to police headquarters from the murder scene a very slightly different description: "white male, about 30, 5 feet 8 inches, black hair, slender, wearing a white jacket, white shirt and dark slacks" (CE 1974, 23 H 861; 7 H 69, WCT J. M. Poe). Poe testified he gave Walker "a description of the suspect based on his interviews of Markham and one of the Davis girls," and it was only similar to but not the precise one Walker called in, which almost assuredly was a synopsis or synthesis by Walker of what several witnesses said at the murder scene. Poe obviously wouldn't have given Walker a description different from what Markham and the Davis girl gave him (7 H 69, WCT J. M. Poe). From this background the Warren Report incorrectly says that "according to Patrolman Poe, [Walker's] description came from Mrs. Markham and Mrs. Barbara Jeanette Davis" (WR, p.175).

Later that day, FBI agent Bardwell Odum interviewed Mrs. Markham and wrote that she told him the killer was a white male, about 18, had black hair and red complexion, wore black shoes, a tan jacket, and dark trousers (FBI interview of Helen Markham by SA Bardwell D. Odum on November 22, 1963, File DL 89-43). When Warren Commission counsel asked Mrs. Markham about this, she said she did tell the agent the killer was "young looking," though she doesn't believe she said 18, remembered telling him he had black hair, but definitely did not tell him he was red-complexioned. Also, Markham said, "I never said anything about his shoes because I never did look at his feet," which makes sense (3 H 319-320).

The supposedly inconsistent descriptions by Markham of the killer are much to do about nothing.

Conspiracy author Sylvia Meagher didn't do her reputation any favors when she made a related attack on Markham. In a clear example of what Bill Alexander said about Markham's communication problem, in her testimony before the Warren Commission, when she was asked, "Did you identify anybody in these four people [in the lineup]?" she replied, "I didn't know nobody." "I know you didn't *know* anybody, but did anybody in that lineup look like anybody you had seen before?" "No. I had never seen none of them." Markham obviously was thinking "before" meant before the shooting, not before the lineup. When Warren Commission counsel, who knew Markham had identified Oswald at the lineup, asked her, "What about number two?" she replied, "Number two [Oswald] was the man I saw shoot the policeman . . . I looked at him. When I saw this man *I wasn't sure*, but I had cold chills just run all over me" (3 H 310-311). Meagher writes, "Reading this testimony about the 'identification' on which the Commission relied, I feel

a few cold chills too” (Meagher, *Accessories after the Fact*, p.256). How sad that Meagher would deliberately mislead her readers into believing that Markham “wasn’t sure” of her identification of Oswald when Meagher knows that Markham was sure. Meagher simply omitted the next questions and answers that followed in Markham’s testimony. After Markham said she got cold chills when she saw the man, Warren Commission counsel asked Mrs. Markham, “When you saw him?” Markham answered, “When I saw the man. But I wasn’t sure, so, you see, *I told them I wanted to be sure . . .* So I asked them if they would turn him sideways. They did, and then they turned him back around, and I said the second [man], and they said, which one, and I said number two.” “Did you recognize the man from his clothing or from his face?” “Mostly from his face.” (Mrs. Markham had testified that what helped her identify his face was Oswald’s “eyes, the way he looked at me.”) “Were you sure it was the same man you had seen before?” “I am sure,” she replied, “I would know the man anywhere. I know I would.” (3 H 311–312) I am more than sure that Sylvia Meagher didn’t want her readers to know that Mrs. Markham said she was sure.

- 961 **men who were on one of the lots:** B. D. Searcy, a porter at Harris Bros. auto sales, where Ted Callaway was the used-car manager, and who, with Callaway, saw a man with a gun in his hand running on Patton toward Jefferson, did not follow Callaway’s instructions to follow the man (3 H 354, 356, WCT Ted Callaway). And there is nothing in the record to indicate he was ever interviewed or ever identified the running man as Oswald.
- 961 **witnesses who identified Oswald:** A myth that has taken hold among a great number of people outside the criminal justice system is the supposed unreliability of eyewitness identification. But don’t tell that to any prosecutor. An eyewitness to a crime has always been and will always be a critically important (in fact, usually the “star witness for the prosecution”) witness at a criminal trial, highly prized by the prosecution and given great weight by the jury. Pointing a finger at the defendant from the witness stand and saying, “He’s the man who raped (or robbed, etc.) me” or “the man I saw shoot the victim” has sent countless defendants to prison and death row throughout the years. The basis for the value of eyewitness identification is that there is something incredibly distinctive about a human face. So unique that out of the over six billion people on the face of the globe, no two people, other than identical twins, look exactly alike. So unique that we oftentimes recognize people we only knew very casually ten to twenty years ago. So unique that even newborn infants in a crib, even animals, easily recognize a face. When a witness to a crime* sees the face of the perpetrator, the image is stored in his mind, and far more often than not, when he sees the face again, a silent bell rings and he instantaneously knows “that’s the man.” That’s just a reality of life.†

*It should be noted that tests through the years dating from the Yerkes-Dodson tests in 1908 have seemingly confirmed that “men and women recall the details of a violent event more poorly than a nonviolent one,” that emotional stress frequently causes a slight diminution in perception (Loftus, *Eyewitness Testimony*, pp.32–35; see also Sharon Begley, “Eyewitnesses to Crime Are Often Blinded by Shock, Adrenaline,” *Wall Street Journal*, October 25, 2002, p.B-1).

†I was very surprised when I picked up the acclaimed book *Eyewitness Testimony* by Elizabeth Loftus, which is always cited to support the weakness of eyewitness identification and the commonness of mistaken identity, to find that the author never even mentioned this incontrovertible fact. Moreover, virtually all the cases of mistaken identity she cites are cases where the witness did not get a good look at the suspect or gave a very weak identification that was modified into a positive identification by improper police conduct or some other

We know, of course, that even under optimum circumstances there are cases of mistaken identity. But setting aside the unfortunately common (numerically, not percentage-wise) occurrence of law enforcement asking an eyewitness leading questions or those otherwise suggestive of the desired answer (which frequently results in very tentative and unsure original identifications changing into positive, rock-solid identifications), the reason for most cases of mistaken identity is that one or more of the following factors are present: the witness has poor eyesight, or the lighting was poor, or there was a partial obstruction to the witness's view, or the person was too far away, or the witness never got a full frontal view of the person, or only got a fleeting glance of him, et cetera. The fragility of the latter (fleeting glance) has been demonstrated by the erroneous identifications that are so common in staged-crime experiments, like someone running into a room of students, grabbing an object like a briefcase, and running out, all within seconds. But when people get a good, meaningful look at someone on a clear day, as was the situation with the witnesses in the Tippit murder, to dismiss their positive identification of Oswald under the bromide "eyewitness testimony is unreliable" is completely unfounded. In any event, as indicated in the text, *many* witnesses identified Oswald as Tippit's killer.

- 961 *ten eyewitnesses*: There is another witness, Warren Reynolds, who gave a tentative identification of Oswald, though some have put him on the positive identification list (Posner, *Case Closed*, p.277). Shortly after the Tippit shooting, Reynolds, part owner of the Johnny Reynolds used-car lot located at 500 East Jefferson, was sitting in his office when he saw Oswald running south on Patton past his lot toward Jefferson with a gun in his hand. Reynolds, together with an employee of the lot, B. M. "Pat" Patterson, proceeded to leave the lot and follow Oswald until they lost sight of him when he ran between a furniture store and a gas station on Jefferson. Reynolds told the FBI on January 21, 1964, that it was his "opinion" that the man he saw and chased was Oswald, though he said he would "hesitate to definitely identify Oswald" (CE 2523, 25 H 731). But when he testified before the Warren Commission on July 22, 1964, and was asked, "You did identify [the man you saw] as Lee Harvey Oswald?" he answered "Yes." Question: "You had no question about it?" "No." (11 H 435) So Reynolds, whose recollection could not have sharpened with the passage of time, gave a stronger identification of Oswald before the Warren Commission than he did five months earlier to the FBI, and his first recollection is the one we have to place the most reliance on. Reynolds might not have become clearer in his identification of Oswald if Warren Commission counsel had not been so leading in his questions.

extraneous factor (e.g., Loftus, *Eyewitness Testimony*, pp.2-4, 9, 178). Indeed, in an ironic sort of way, Loftus's book could be cited, by implication, for the proposition that when a witness gets a good look at a suspect, in a very high percentage of cases the positive identification turns out, from all the evidence, to be accurate. Remarkably, the closest the author comes to noting the phenomenon of the inexplicable uniqueness of each human face enabling people to identify others is her statement that "people are better at recognizing faces of persons of their own race than a different race" (Loftus, *Eyewitness Testimony*, pp.136-137).

The easy and universal ability to recognize a human face is such that perhaps the rarest of all deficits is prosopagnosia, the inability to recognize a human face, where the afflicted have to rely on isolated facial features like the eyes and nose for identification, the composite features, the face, being beyond their capacity to recognize (Rupp, *Committed to Memory*, p.40).

Two days after Reynolds first spoke to the FBI, he was shot in the temple with a .22 caliber rifle as he was closing the car lot in the evening. He had only gotten around to pushing two of the thirty buttons that doused the lights of the establishment when an unknown man emerged from behind a filing cabinet and shot him. Reynolds survived after hospitalization and thought there might be a connection between his shooting and the assassination (CD 735, pp.269–270, FBI interview of Warren Reynolds on March 3, 1964; Bob Considine, “Violent Dallas: A New Chapter,” *New York Journal-American*, February 23, 1964, pp.1, 18; CE 342, 16 H 940–941), but the Warren Commission found no connection (WR, p.663), and none would make sense. A shot in the temple can only be calculated to kill. What group of conspirators would have any reason to kill someone who, at that time, hadn’t made a positive identification of Oswald? And even if we assume that a positive identification was, indeed, the standard that qualified someone to be murdered by the conspirators, and the conspirators thought Reynolds had positively identified Oswald, out of the many people who did, why was Reynolds the only one whom they tried to kill? Further, I thought the conspirators were trying to frame Oswald. Why would they want to harm anyone who would only be helping them in that endeavor?

The attempted murder of Reynolds went unsolved, although the Dallas police originally arrested a mentally disturbed man, Darrell Wayne Garner, who had been on the Reynolds lot the morning of the shooting trying to sell a used car to Reynolds without having its title, and getting very angry at Reynolds when he wouldn’t buy it. But Garner passed a polygraph test and was released (CE 2589, 25 H 871). Also one Nancy Jane Mooney (true name, Betty MacDonald) told the police that she was with Garner elsewhere at the time of the shooting, and passed a polygraph on this point (CE 2589, 25 H 871). Conspiracy theorists have always alleged that Mooney used to work for Jack Ruby at the Carousel Club, but the Warren Commission investigated and found she had never worked there (WR, p.663). Mooney was arrested and charged with disturbing the peace a few weeks later and hung herself in the Dallas city jail. She had attempted suicide twice in the previous six weeks. (CE 2589, 25 H 871–872)

Another witness who has been placed on the positive-identification-of-Oswald list (e.g., Myers, *With Malice*, p.353) is L. J. Lewis, who was on the Reynolds lot when he saw a man run by holding a gun. But Lewis told the FBI he was unable to positively identify Oswald, not even giving an opinion it was Oswald (Lewis [L. J.] Exhibit A, 20 H 534).

A witness whom author Gerald Posner puts on the positive-identification list is Domingo Benavides, the driver of the pickup truck who was right across the street from Tippit and Oswald, the closest witness to the murder. But although Benavides got a good look at the killer as he fled the scene, when Dallas police detectives asked him that afternoon if he thought he could identify the man, he told them, “I don’t think I could” (6 H 452, WCT Domingo Benavides). And this, obviously, is the reason why Benavides was never brought to an Oswald lineup. Posner suggests to his readers that Warren Commission critics who believe that Benavides couldn’t identify Oswald are incorrect (though he doesn’t offer an alternative explanation for why Benavides was not brought to an Oswald lineup), saying that Benavides *was* able to identify Oswald. As support he says that in

Benavides's "Warren Commission testimony, Benavides said he recognized Oswald as the shooter from the photos he saw on television." But Benavides's actual testimony, which Posner didn't quote, was a little more tentative. He said that from TV and photos Oswald "looked like . . . resembled" the man he had seen at the Tippit murder scene, so he "figured it was Oswald." That's certainly good, but not the unequivocal identification Posner led his readers to believe existed. To support his case, Posner then quotes what Benavides told CBS News three years later, saying he had "no doubt at all" that Oswald was the man he had seen. "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." Yet on the afternoon of the assassination Benavides said he didn't think he could identify the man he saw at Tenth and Patton. (Posner, *Case Closed*, p.276 footnote; 6 H 451–452, WCT Domingo Benavides; Transcript of *CBS News Inquiry: The Warren Report*, part III, January 27, 1967, p.6, CBS Television Archives)

- 963 **handmade bag of wrapping paper and tape:** As noted earlier in the main text, the FBI crime lab conducted a fiber analysis and spectrographic examination of the wrapping paper and tape as well as a sample of wrapping paper and tape from the shipping room of the Book Depository Building and found them to be "the same" (4 H 93, 97, WCT James C. Cadigan). Also, a "single brown, delustered, viscose fiber and several light-green cotton fibers found inside the bag . . . matched in all observable microscopic characteristics" with fibers from the blanket in Ruth Paine's garage, where Oswald stored the Carcano rifle. However, because there were so few fibers found inside the paper bag, and the blanket also consisted of other fibers (e.g., brown and green woolen fibers), the FBI crime lab was unable to make a positive match between the fibers found inside the bag and the blanket (4 H 77–78, 81, Paul Morgan Stombaugh).
- 965 **light-colored jacket:** Predictably, witnesses gave different color descriptions of Oswald's light gray jacket. Earlene Roberts thought the jacket was darker than the one found. So did Helen Markham and Barbara Davis, Davis saying it was "dark." Ted Callaway thought it was a "little more tan." Sam Guinyard and William Smith said the jacket that was found looked like the one the man was wearing. William Scoggins thought it was lighter than the one the man was wearing. (WR, pp.175–176) These variations in description, we all know, are completely normal.

The gray zippered jacket bore a laundry mark, "30 030," on its collar and a dry cleaner tag, number "B9738," stapled inside on the bottom of the jacket (CD 868, p.1, April 21, 1964; CE 2003, 24 H 253; FBI Record 124-10009-10499, December 3, 1963, p.2). Conspiracy author Sylvia Meagher, only mentioning the tag number, makes the point that Marina said she used to launder her husband's two jackets herself and she couldn't recall his ever sending them to the cleaners (CE 1843, 23 H 521). To Miss Meagher this added up to the jacket not belonging to Oswald (Meagher, *Accessories after the Fact*, pp.279–280). What Meagher doesn't tell her readers is that Marina also said her husband had bought the jacket before he went to Russia, that is, before she met him (CE 1843, 23 H 521).

Though Meagher writes that "there is no indication of any attempt by the police or FBI to trace" the tag (Meagher, *Accessories after the Fact*, p.279), the FBI in fact contacted "all cleaners and laundries in the Dallas, Irving and Fort Worth, Texas, area listed in the respective current telephone directories," and were unable to

locate the cleaner or laundry from which the two numbers came (CD 868, pp.1–5, April 21, 1964). The FBI also contacted an additional 293 laundry and dry cleaning establishments in New Orleans but were unable to trace the two numbers (CD 993, pp.1–3, May 22, 1964).

- 965 **the lies he told:** There is one alleged lie of Oswald's that doesn't stand up. Page 182 of the Warren Report reads that "Oswald told [Captain] Fritz that after lunch [and presumably the shooting] he went outside, talked with Foreman Bill Shelley for 5 or 10 minutes and then left for home. He said that he left work because Bill Shelley said that there would be no more work done that day in the building." But there is nothing in the three citations the Warren Report gives to back this statement up. Indeed, the name Bill Shelley isn't even mentioned in the text referred to by the three citations. (Shelley, by the way, testified that he did not tell anyone to go home after the shooting, and it is clear from his testimony that he did not see Oswald after the shooting [7 H 391; 6 H 329–331].) Wondering where in the world the Commission had come up with this, if at all, the closest I could come is in the contemporaneous handwritten notes of Captain Fritz, taken at the time of the interrogation—five brief pages written during twelve hours of interrogation. Such severe condensation automatically causes distortion. On page 1, Fritz writes, "Claims 2nd Floor Coke when Off [Officer] came in, to 1st fl had lunch, out with Bill Shelley in front. Left wk [work] opinion nothing be done that day."

With respect to Fritz's handwritten note that Oswald said he had lunch on the first floor after the confrontation with the officer on the second floor, Oswald couldn't have told Fritz this, since he couldn't expect anyone to believe that after his confrontation with the officer (Baker) in the second-floor lunchroom, which had to be *after* the shooting in Dealey Plaza, he proceeded to go down to the first floor and have his lunch and then left. And in his subsequent thirteen-page typewritten report of his interrogations of Oswald (WR, pp.599–611), Fritz says that Oswald told him he was having lunch on the first floor at the time of the shooting. When Fritz asked him where he was when the officer stopped him, Oswald said he was on the second floor drinking a Coca-Cola. (Fritz doesn't say, as his contemporaneous notes do, that Oswald then told him he returned to the first floor to have lunch.) When Fritz asked him why he left the building thereafter, Oswald said there was so much excitement that *he* didn't think there would be any more work that day. Fritz makes no reference to Oswald telling him that Shelley had told him this. (WR, pp.600–601) It would seem that Fritz's writing, in his *handwritten* notes, "Bill Shelley in front" probably was a reference to Oswald telling him during the interrogation that on his way out of the building, he saw Bill Shelley in front of the building. In any event, I could find no evidence that Oswald told the lie that Shelley told him he could leave because there would be no more work that day.

- 968 **"the feeling among the people who knew him":** There were, apparently, a few exceptions, but they don't change the reality of several of the people who knew Oswald and thought he was the precise type of person who would be expected to do what he did. When Warren Commission counsel asked George Bouhe, the Russian emigré who tried so hard to help Marina and Lee, if he was surprised when he heard that Oswald had been charged with killing the president, he said, "You can say that again." "Did you think that Oswald was capable of doing such a thing?" "Never up to that moment. Did not enter my mind." (8 H 376) Anna Meller said

she was “completely shocked” when she learned that Oswald had killed Kennedy (8 H 390, WCT Anna N. Meller), which, of course, is understandable, and Elena Hall said she was “very surprised” (8 H 405, WCT Elena A. Hall).

We can write off the impression of some whom conspiracy theorist Sylvia Meagher cites for the proposition that “most members of the Russian-speaking community in Dallas” who knew Oswald were “astounded” by the news of Oswald’s arrest (Meagher, *Accessories after the Fact*, p.245).^{*} For instance, she cites Everett Glover for this point, but Glover met Oswald only a few times, in the presence of other people, and merely said he “did not get the impression of him being violent” (10 H 29, WCT Everett D. Glover). Who *would* give the impression of being violent amidst others at a party, the setting where Glover met Oswald twice, though Glover picked Oswald and Marina up in his car and transported them to the second party (10 H 22–27, 30, WCT Everett D. Glover)?

Remarkably, Meagher even cites Samuel Ballen, who met Oswald only once, when he interviewed Oswald for a job. Ballen told the Warren Commission that Oswald was “a man with no hatred” (9 H 46, 52). That shows how much Ballen got to know him.

^{*}This would appear to be an incorrect statement. In any event, Meagher doesn’t bother to cite for her readers even one member of the subject community who wasn’t surprised at all that Oswald had killed Kennedy.

974 **an anti-conspiracy book:** Although *Case Closed* and *Conspiracy of One* are the best-known books taking an anti-conspiracy position (*Case Closed* being considerably more prominent than *Conspiracy of One*), another, much more obscure book, published in England in 2002, is *The JFK Assassination: Dispelling the Myths* by Mel Ayton. Though it's a good book, the author devotes only a few pages specifically to why the various conspiracy theories (he omits several) make no sense. His main emphasis is on Garrison's charges in New Orleans, to which he devotes twenty-three pages.

976 **an increased distrust:** It certainly doesn't hurt the endemic belief in conspiracies by the masses that there is, as author Neal Gabler writes, "a good deal of conspiracy in American life," not just on the part of the government to cover up its misdeeds, but also "corporate conspiracy to trick the public . . . The rise of modern consumer culture introduced a whole new set of deceptions—with advertising and public relations . . . We have been duped so often that we expect it. Conspiracy theories, then, are the public's way of deconstructing the official version of events" (Neal Gabler, "Truth in a 'Conspirocracy': What Can We Ever Believe?" *Los Angeles Times*, July 24, 1994, pp.M1, M6).

"Conspiracy talk," writes *Los Angeles Times* columnist Paul Feldman, is a "U.S. tradition," and global as well as domestic groups are the believed villains. "Long before right-wing militia leaders [e.g., John Birch Society, Ku Klux Klan, Minutemen, etc.] fulminated about the threat of a murky New World Order, global conspiracy theorists were a fixture of the American political firmament . . . New theories routinely surface, old ones are periodically revitalized, and hopelessly out-of-date ones, such as the threat of worldwide communism, have transmogrified into updated theories about the impending takeover of the United States by the United Nations. Jews, Communists, Catholics, Freemasons, Mormons, international bankers, the CIA, the Trilateral Commission, the Council on Foreign Relations . . . the Illuminati Order—all have been accused of plotting takeovers or pulling strings that control national political or economic decision-making." (*Los Angeles Times*, May 29, 1995, p.A3)

978 **conspiracy community is also extremely gullible [footnote]:** A partial exception to this is the obviously unbelievable story of one Judyth Vary (as in *very* silly) Baker. The story Judyth came up with was so fraudulent on its face that even most conspiracy theorists have ganged up on her to debunk it. But Judyth has a solid group of supporters called "Team Judyth" who have been warring with her debunkers for several years on the Internet and elsewhere. Judyth's story is so absurd that it is not worthy of citations to sources, and I shall give it none except to say that her story, in bits and pieces, has appeared in a considerable number of places in recent years. Judyth's story started when she saw Oliver Stone's fantasy film *JFK* in 1998 and decided she had an even bigger fantasy story to tell, partially through the technique of "recovered" memory. And as with so many of the fantastic tales told by nuts in the assassination saga, there's some small kernel of truth on which she built her fable: the fact that for a short period in the late spring and summer of 1963, she may have worked for the same company in New Orleans that Oswald did, William B. Reily and Company, Inc., a coffee company.

Before she got her job there, Judyth, a married woman just one year out of her teens, was on the fast track to a bright and promising future flipping hamburgers at a small White Castle chain restaurant in New Orleans. But because Judyth had shown promise at Manatee High School in South Bend, Indiana, for her amateur work on cancer research, even winning a science prize at a local fair, she says she was recruited by Dr. Alton Ochsner and Dr. Mary Sherman into a clandestine project funded by the CIA and Mafia: developing a bioweapon with which to kill Fidel Castro. Jack Ruby, she said, was the bag man who brought the money for the project to New Orleans. The “cocktail” included a virus to neutralize the bearded one’s immune system and cancer cells to kill him. It was around this time that she met and fell hopelessly in love with Lee Harvey Oswald, who became a part of the project and with whom she had a torrid sexual affair.* Judyth’s story is a long and ever-changing one, not deserving of one word, even one syllable in a footnote to an endnote, but because Judyth has a following among some in the fringe conspiracy community and has even had a feature story done on her on national television, I’ll present here a very brief synopsis that incorporates the good analysis of John McAdams and the work of several of the best researchers in the conspiracy community (such as Paul Hoch, David Lifton, and Dave Reitzes), but omits much of Judyth’s painful bilge.

What Judyth has apparently done, from her first “outing” in 1998, when her story was rather skeletal, is read a lot of conspiracy books and, together with her association with other conspiracy buffs, consistently and continuously embroider her tale with virtually every far-out conspiracy allegation extant. Just how does Judyth say she came by her knowledge? She claims she either personally met conspiracy icons like Jack Ruby, David Ferrie, Carlos Marcello, Clay Shaw, Guy Banister, et cetera, or Lee told her about them during pillow talk. So the remarkable twenty-year-old, in just a few months, had more contact in New Orleans with the leading figures of conspiracy lore than perhaps any other known figure in the conspiracy community. I, for one, find this to be perfectly reasonable.

One problem poor Judyth has with her fantasy story is her former husband, Robert Baker. He told researchers that after spending the spring and summer of 1963 in New Orleans, he and his wife left for Florida, where they enrolled in the University of Florida. He recounted, “Back in Gainesville, we heard about the assassination during the school term . . . Later in the day or the next day, [Judyth] brought home a newspaper and was studying it closely and said, ‘I think I may have seen this guy. He was a stocker or something [at the Reily coffee company]. I think I saw him in the back room.’” But thirty-five years later (certainly not too long a time by any fair measurement) Judyth remembered and would try to tell the world† a far different story.

*In an amusing footnote to the affair, Judyth said that their feelings for each other got “out of control,” and they “were so desperate we even slept together in a red van that was being overhauled in Adrian Alba’s garage for the City of New Orleans . . . We roasted—and almost got heat stroke doing that.” But she said that when Clay Shaw learned about their lack of money forcing them to make love in such places, he felt sorry for them and started paying for their trysts at nice hotels in the city.

†The staff of CBS’s *60 Minutes* gave Judyth’s story long consideration before deciding not to do it. And Judyth claims the *National Enquirer* offered her \$600,000 for her story (an amount the publisher might offer if Jesus returned and his agent promised an exclusive), but Judyth apparently wasn’t interested. Only British producer Nigel Turner, who has made a fortune peddling phony stories, gave Judyth national exposure, devoting a full segment to her on his television show *The Men Who Killed Kennedy: The Love Affair*, in November of 2003.

Getting back to the “story,” Judyth says that she, with her year of high school science, Oswald, Ferrie, who had no degree in science but did do amateur research with mice to find a cure for cancer, and the legitimate Dr. Mary Sherman worked on their research project in Ferrie’s and Sherman’s apartments in New Orleans. It is an established fact that the CIA did do research in a CIA lab in the Washington, D.C., area, with highly qualified scientists possessing medical and doctoral degrees, to develop some medical concoction to kill Castro. But what we didn’t know until Judyth told us was that the CIA decided to also fund the motley group in New Orleans.

Per Judyth, her lover Lee’s role in the plot to kill Castro (we were all wrong about Lee—Lee, per Judyth, was a CIA operative who wanted to kill Castro, not fight for him) was to deliver the “cocktail” to Mexico City, where he was to turn it over to an individual who would smuggle it into Cuba, but Judyth said Oswald’s contact never showed up so Lee himself tried to get to Cuba with the deadly bioweapon, but he couldn’t get a visa from the Cuban consulate.

When this project failed, the CIA and mob decided to go after Kennedy, not Castro. Lee, Judyth said, didn’t want to be part of the plot to kill Kennedy, but he played along with his co-conspirators for the purpose of thwarting their attempt. He told her he even got in touch with J. Edgar Hoover and told him of the plot, but Hoover never stopped it because he wanted Kennedy killed since Kennedy was going to force him to retire. Lee told Judyth that another step he had taken to protect Kennedy was to orchestrate the assault on Adlai Stevenson shortly before Kennedy came to Dallas so that the authorities would be alerted to give greater protection to Kennedy. Lee told Judyth, “Better Stevenson getting bops on the head than the Chief [Kennedy] getting bullets in the head. Stevenson wasn’t in any real danger. I made sure of that.” Judyth tells us that at the time of the shooting in Dealey Plaza, Lee intentionally missed Kennedy with his shot or shots but other assassins killed him.

According to Judyth, two days before the assassination, while she was apparently in school in Florida, she and Lee had a tearful conversation over the phone. Judyth told Lee she “would never allow anyone to replace you in my heart,” and Lee said he would try to escape from the plotters after the shooting in Dealey Plaza, directing her to wait for him at a “fine hotel” in Cancun. When Judyth’s debunkers pointed out that Cancun never had fine hotels way back in 1963, just sand dunes, Judyth and her team retreated and said that her coauthor on a book she was writing had put this in her manuscript.

In addition to learning that Oswald was “innocent” of Kennedy’s murder and was framed, we also learn from Judyth that the plotters (a group Ruby was originally a part of, per Judyth) killed Ruby by injecting cancer cells into him; that Lee was a “fake defector” to the Soviet Union working for the CIA, yet he gave the Soviets information enabling them to shoot down Gary Powers’s CIA reconnaissance plane; that Ruby and Officer Tippit were friends and Tippit was supposed to drive Lee to Redbird Airport in Dallas but somehow the plans went awry; that Carlos Marcello arranged (apparently he controlled the lawyers, witnesses, judge, and jury) to have his not-guilty verdict in his trial in New Orleans occur on the same day that Kennedy was killed; and many other goodies.

Naturally, Judyth has sought hard to come up with evidence to support her silliness, but the only “evidence” she has been able to produce is a signed statement

from one Anna Lewis that she (Judyth) and Lee went out on several dates with Anna and her former husband David Lewis. David Lewis was the individual during Garrison's investigation and prosecution of Clay Shaw who came up with allegations like he knew the names of the people involved in the plot to kill Kennedy, and there were over twenty, and someone shot at him in front of a New Orleans hotel. Lewis, whom White House correspondent Merriman Smith described as a "dangerous mental case," was so lacking in credibility that even Jim Garrison never called him as a witness at the trial and, indeed, didn't even mention Lewis in his book *On the Trail of the Assassins*. Of course, just because David Lewis had no credibility doesn't necessarily mean that Anna doesn't. Not necessarily, but in this case it does. With David making absurd charges that no one believed during Garrison's case against Shaw, we can be 100 percent sure that if he had personally known Oswald and double-dated with him, he would have told the world about it back then. But not one such word was uttered by him. So Anna, wherever you are, go home and pull the shades down.

Judyth has also come up with some love letters she said she wrote to Oswald. The only problem is that the addressee parts have been torn off. She even claims that Lee wrote some inscriptions on the margins of some of his old books but that her dogs chewed those portions of the pages away. One such inscription remains, however, but she and Team Judyth have not produced an affidavit from even one documents examiner saying that the writing is Oswald's, only alleging that the "preliminary reports" are favorable. But this was a long time ago. Since when do the experts take years to reach a conclusion? I thought it was a day or so.

When Judyth skeptic David Lifton told her that she had made up her wild story to spice up her boring life, she responded with a rebuttal titled "My Boring Life" in which she tries to prove the opposite. The rebuttal is long, but here are a few of her claims to prove her exciting life, none of which she has apparently authenticated: she says she translated ancient Egyptian from papyri found on mummies; backpacked alone across Israel; helped found a zoo in Austin, Texas; made a phone call to the authorities that alerted them to capture an armed man who threatened President Reagan's life; worked on the skull of Wanda (a Pliocene whale); wrote a novel titled *Six Foot Seven* about Lee and CIA operative Gerry Hemming (who is very tall); proved the falsehood of many Mormon documents; got new laws passed in Texas against animal abuse; got Mafia bordellos raided; painted portraits of racehorses for millionaires; advised surgeons in New York hospitals on how to stop abdominal adhesions from forming; made mice get cancer from cigarettes in record time; was kidnapped by her parents when she tried to become a nun; lectured to men of the cloth; uncovered Mafia headquarters in Houston; invented a new process for getting magnesium out of seawater; wrote a three-act play with original music; broke up a witch's coven and uncovered its head warlock; and sent police and a Mormon bishop to rescue a crippled virgin from their midst who was going to be burned alive in a telephone booth. So there, David Lifton. At other times Judyth has claimed she is a descendant of Russian aristocracy, Liberace learned to play piano on her family's upright when he was a child, and when she was young she was a close friend of Dr. Seuss, who plagiarized the word *nerd* from her.

Judyth presently lives in the Netherlands, saying she fled America because of death threats, presumably from the conspirators who would like to silence her. She claims that many people have been murdered to silence them over the assassina-

tion, but Marcello told her he would spare her life if she kept her mouth shut and got out of the medical field. I can see why Carlos wouldn't want Judyth fingering him to the authorities over JFK's murder, but it's not clear what interest he would have in whether she continued her medical research. Oh, well. Since Carlos is dead and no longer around to protect her, she says she only feels safe in Europe.

Judyth Baker has been called a "pathological liar." Although her story is a lie, this might be too harsh an indictment. From what I have read, she sounds more like a sick puppy to me. Speaking of puppies, I believe Judyth, like all earnest humans, deserves an audience for her story. And she may have one. Several years back Judyth brought a mutt to America from Norway and says she has created from it a "new breed of dog" (not recognized by the American Kennel Club, but so what?) that she calls the "American Cream Dog." She says her dogs are very intelligent, that one of the breed has learned American sign language and another "has been tested to know more than 250 words."

I love pet animals such as dogs. Like children, they are completely innocent. But unlike children, they remain innocent all their lives. A good audience for Judyth's story about her and Lee? Her innocent bow-wows.

I thought I was through dealing with the ludicrous Judyth Baker in the endnote you have just read. But lo and behold, after this book was already in early galleys, the outrageous Judyth came out with two (yes, *two*) volumes on the Kennedy assassination and her love affair with Oswald. Her book, *Lee Harvey Oswald: The True Story of the Accused Assassin of President John F. Kennedy by His Lover*, is clearly not written by her, though she is listed as the author. It is written by conspiracy theorist Harrison Edward Livingstone (in fact, the inside page says it is "A Harrison Edward Livingstone Book") or some other ghostwriter. Sometimes the ghostwriter forgets he is one, such as where he writes, "A strange and warm romance began to blossom between Lee Harvey Oswald and Judyth Vary Baker" (p.124), but then he goes back into the first person ("I") of Judyth telling her fairy tale.

The book's contents are a regurgitation of Oswald's stay in New Orleans, Dallas, et cetera, and his alleged relationship with conspiracy icons like David Ferrie, Guy Banister, and Jack Ruby, and the book looks like any other conspiracy book that could have been written by, well, Harrison Livingstone, or Robert Groden, or Jim Garrison, or William Davy, with all the allegations of conspiracy one would expect to find in these books. Superimposed on what is just another garden-variety conspiracy book is Baker's alleged romance with Oswald. And if anyone even had the smallest doubt that Judyth is a gold-plated phony, all he or she has to do to remove that doubt is to read (if you can withstand the pain) Baker's book.

All sensible people already know that Baker's story, on its face, was not only not believable, but also laughable. However, she knew that if she wanted people to stop laughing at her she had to come up with some evidence (a photo, a letter, *anything*) to show that she knew Oswald, much less was his lover. But nowhere, anywhere in her book, does she do that. She makes her greatest effort in trying to show that she and Oswald worked at the Reily coffee company at the same time and had a close relationship with him at work and outside of work. But nowhere does she come up with any evidence that she even worked at the coffee company. She keeps showing document after document in her book, such as canceled checks and time cards (pp.181, 376), to prove that Oswald worked there. But we already knew that. When she tries to prove she herself worked there, she presents many William B. Reily

and Company, Inc., check stubs, but the problem is that poor Judyth's name doesn't appear on any of them (e.g., pp.269, 374). The only documents from the Reily coffee company that she presents have Oswald's name on them, not Baker's.

The closest Baker comes to establishing that she worked at the Reily coffee company is a copy of a May 27, 1963, check from Judyth to the A-1 Employment Agency for \$17.44, representing a fee she paid the agency for getting her a job. But where? Judyth says the \$17.44 was "approximately half of my May 24 Reily paycheck" (p.230). But since she never established that she worked at the Reily coffee company, this fee could have been for a job A-1 got Judyth somewhere else. (It turns out that A-1 was the same agency Oswald used to get his job at the Reily coffee company [CE 1951, 23 H 753–755].)

The point is that even if Judyth did work at the Reily coffee company around the time Oswald did (which she struggled so hard to prove but couldn't, although she may have worked there), so what? It proves absolutely nothing. I guess Judyth's contention is that if she worked with Oswald, this meant, without any further proof or evidence, that she had an affair with him, and through him met and learned about all the central figures in the alleged conspiracy to murder Kennedy.

Baker's book is a total, embarrassing failure. Is there any way to stop Judyth from continuing to propagate her fantasy? Two volumes of nonsense, at this late date, show that the answer to this question is no.

979 **a conclusion of conspiracy that inherently contradicts some other conclusion:** Another example: It is an article of faith among conspiracy theorists that Commission Exhibit No. 399, the so-called magic bullet, was "planted" by the conspirators to frame Oswald. But conspiracy theorist Dr. Gary Aguilar, in an article he wrote, found a contradiction in two FBI reports as to whether the two Parkland Hospital employees who first saw the bullet (Darrell Tomlinson, who found the bullet, and O. P. Wright, his boss to whom he gave it) could later identify it. A July 7, 1964, FBI report says that an FBI agent showed Tomlinson and Wright Commission Exhibit No. 399 on June 12, 1964. The report reads that "Tomlinson stated it appears to be the same" bullet he found on the stretcher and that Wright said it "looks like the slug" Tomlinson turned over to him. Neither could "positively identify" the bullet. (CE 2011, 24 H 411–412) But an *earlier*, June 20, 1964, FBI Airtel from the special agent-in-charge in Dallas to J. Edgar Hoover reads that neither Tomlinson nor Wright "can identify bullet" (HSCA Record 180-10034-10436). Since the Airtel was written *before* the July 7, 1964, report, Aguilar concludes that the Airtel was the truthful report and that the July 7, 1964, report was "bogus" in that it claimed that Tomlinson and Wright thought the bullet they were shown was the same one they saw on the afternoon of the assassination, when actually, per the June 20 Airtel, Tomlinson and Wright told the FBI the opposite. (Gary Aguilar, "A Tale of Two Official Stories," *Probe*, January–February 2000, pp.14–15, 24)*

But if that is Aguilar's conclusion, that Commission Exhibit No. 399 was never

*The same "bogus" July 7, 1964, FBI report (CE 2011) says that Secret Service agent Richard Johnsen, to whom O. P. Wright gave the slug, "could not identify this bullet," and James Rowley, chief of the U.S. Secret Service to whom Johnsen gave the slug, also "could not identify this bullet." (FBI special agent Elmer Todd, to whom Rowley gave the bullet, was, per the report, able to identify it "from initials" marked thereon by Todd at the FBI laboratory.) In an effort to explain why, if the FBI were up to no good, FBI agents would falsify what Tomlinson and Wright told them, but not what Johnsen and Rowley told them, Aguilar amusingly writes that the FBI authors of the July 7, 1964, report (CE 2011) probably thought that "Secret Service agents would have been more likely to read the FBI reports" than Tomlinson and Wright would.

identified and authenticated as the magic bullet that connected Oswald to the assassination, doesn't that necessarily knock out the hallowed belief of most of his fellow conspiracy theorists* that Exhibit No. 399 was a bullet from Oswald's rifle that conspirators *planted* to frame Oswald? (I mean, certainly the conspirators, trying to frame Oswald, would not have planted a bullet on the stretcher that was fired from a rifle *other* than Oswald's, would they?) In any event, Aguilar found what he believes to be a contradiction. That's one of the most important things all conspiracy theorists look for, and then they go merrily on in their search for other apparent contradictions in the vast and inviting literature on the assassination.

Per the July 7, 1964, report (CE 2011), the FBI agent who showed Tomlinson and Wright Commission Exhibit No. 399 (FBI Exhibit C-1) was Bardwell D. Odum. But interestingly, when assassination researchers Aguilar and Josiah Thompson visited Odum at his home in Dallas in late September of 2002, Odum told them he never had that bullet in his possession and, hence, did not show it to anyone. Unless the July report is in error as to the name of the agent who showed Tomlinson the bullet, Odum, almost forty years after the fact, has simply forgotten. Odum said that if he had shown anyone the bullet, he would have prepared an FBI report (called a "302" after the number of the form, FD-302) on it. (Letter from Gary Aguilar to author dated October 13, 2004)

There is another related aspect to Aguilar's handling of the two apparently contradictory reports. (I say "apparently" because each was written by different FBI agents, and the agent writing in the June Airtel that Tomlinson and Wright could not identify the bullet may have meant no more than the other agent writing in the other report that they could not "positively" identify the bullet.) And, like the previous one, it fits the *modus operandi* of virtually all mainstream (as opposed to fringe) conspiracy theorists like Aguilar, Anthony Summers, Henry Hurt, John Newman, and others. The moment they spot something contradictory or, in their mind, suspicious, they make "noises," without making direct accusations, that the party or group involved is complicit in the conspiracy. (Those on the fringe simply flat-out accuse them of being complicit.) For instance, here, Aguilar does not expressly accuse the FBI of murdering Kennedy or knowingly covering up for those who did. But certainly, if FBI agents are falsifying their official reports, Aguilar wants his readers to infer that they *must be somehow involved*. I mean, if that's not what he's getting at when he says FBI agents prepared a bogus report changing what Tomlinson and Wright told them, then what's the relevance of what he's writing about? If he was not willing in his article to accuse the FBI of murdering Kennedy or being an accessory after the fact to Kennedy's murder, then "where does his allegation go?" And if it doesn't go anywhere, then that means there is an innocent, not sinister, explanation for the discrepancy.

Instead, willy-nilly, most mainstream conspiracy theorists continue only to imply that this person, and this group, and that person, and that group (they never stop adding to their list as they scour the assassination library of books, articles, and documents) were involved somehow in the assassination, but not too frequently do they flat-out identify those persons or groups.

* At least as to the FBI, Dr. Aguilar says, "I don't believe the FBI planted #399 at Parkland." However, he adds, "What may have happened at the FBI's Crime Lab after some bullet found at Parkland got there is another matter. If there had been a switch at the FBI, I'm sure we'd never learn of it." (Letter from Gary Aguilar to author dated December 21, 2004, p.3)

I was confronted with this issue and how to resolve it at the trial in London. In his cross-examination of my witnesses and in his summation, my opposing counsel, Gerry Spence, strongly implied to the jury, without expressly charging, that either the CIA, the FBI, or some other group was behind the assassination of President Kennedy and had framed his client—"Lee," as Mr. Spence called him. And he argued that ever since the assassination and frame-up in 1963 there had been a massive cover-up. This is a brief excerpt from my summation on this point:

"Why doesn't Mr. Spence come right out and say it? Why doesn't he accuse the CIA or FBI of murdering the president? One thing you can say about Mr. Spence, he's not a shy man. If he thinks something, he comes right out and says it. I'll tell you folks why he didn't say it. Because if he said the CIA murdered the president, or the FBI murdered the president, it would sound downright silly," I thundered. "You'd laugh at him. Maybe to yourself, but he knows you'd laugh at him. So he doesn't utter those words. He tries to get the same benefit by implying these things."

Walking over to Spence's counsel table, I said, "He implied to you that there was some nebulous, mysterious, powerful group that murdered the president and framed Lee Harvey Oswald, but he never put this hat here [Spence's Stetson] on anyone's head. He kept his hat on this table.

"If, perchance, Mr. Spence isn't suggesting that the CIA, or the FBI, or the Secret Service, or the KGB . . . did it, then who is he suggesting *did* do it? Who is he suggesting that the CIA or FBI covered up *for*? The Department of Agriculture? . . . What is Mr. Spence saying? I don't know.

"When you stop to analyze it, what Mr. Spence is really saying in his down-home, front-porch way is that 'I don't know this, and I don't know that, but one thing I do know. I know I need help in this case. And I also know that only you people can help me, you folks. Why should you help me? Well, you know, I'd really appreciate it.' Isn't that really the substance of what he said when he got up in front of you?" (Transcript of *On Trial*, July 25, 1986, pp.1042–1043)

- 984 **CIA has confessed to Kennedy's murder:** That *Regicide* may have increased the trend in the conspiracy community for forged documents is indicated by a fabricated document posted on the Internet in 2004 purporting to be from "Mr. John McCone, Director, Central Intelligence Agency, to Mr. James J. Rowley, Chief, U.S. Secret Service." The purported March 3, 1964, document has McCone telling Rowley that "Oswald subject was trained by the agency, under cover of the office of Naval Intelligence, for Soviet assignments. At the time of the Dallas action, the Oswald subject was only [at this point, the forgers, feigning authenticity, write in "XXXX XX," suggesting the next word or words were redacted, highly common in CIA documents] in our employ; after the Soviet assignment, we found him to be unreliable and emotionally unstable."

The forger of the document was clever enough to use an old ruse by deceivers: acknowledge something that is true (that Oswald was unreliable and unstable, which the document says the CIA knew), thereby giving the anti-conspiracists the implicit acknowledgment, up to this point, that Oswald never killed Kennedy for the CIA. This (the forger hoped) would give him credibility for the main point he makes in his forgery (one that thousands of researchers through the years, including governmental investigative bodies, tried to determine but couldn't): that Oswald was indeed working for the CIA at the time of the assassination.

But other than that, the forger is almost childishly amateurish. Listen to this: He stamped the document “Confidential,” the very lowest security classification, which, if the document were real, would virtually guarantee that it would soon see the light of day. With everyone and their grandmother trying to prove that Oswald was a CIA agent, and the CIA publicly declaring he never was, if Oswald was a CIA agent, the CIA would obviously never put anything in writing saying that he was. But if it was crazy enough to do so, the highest security classification, “Eyes Only,” would have been used. Here, the silly forger didn’t even use “Secret” or “Top Secret.” The forger should learn from this mistake, and the next forged document he puts on the Internet should at least be stamped “Top Secret.”

Apart from the fact that the document lacks any familiar markings (i.e., initials and dates of those in the chain of command who have seen it, and document numbers added that identify departments or sections within the agency—here, the CIA—it has passed through), McCone testified to the Warren Commission on May 14, 1964, that Oswald had no connection of any kind with the CIA. If the forged March 3, 1964, document were genuine, McCone would have known on May 14, 1964, not only that he was committing perjury before the Warren Commission, but also that there was a document with his signature on it to prove it. (See *JFK/Deep Politics Quarterly*, October 2004, pp.30–34, for more in-depth discussion of the document.)

Forged documents are not new in the conspiracy community. Another one among many appeared in the September 14, 1986, edition of conspiracy theorist Ted Gandolfo’s newsletter, *Assassination USA*. It purports to be an August 2, 1977, letter from G. Robert Blakey, chief counsel to the HSCA, to Terry Strawderman, information and privacy coordinator at the CIA, in which Blakey allegedly says, “This is in response to your letter of 26 July 1977 wherein you informed me of the Agency’s willingness and intention to furnish the Committee with any and all documents pertaining to the assassination of President John F. Kennedy . . . upon the conditions specified by you, i.e., that ‘sanitized’ materials remain as such and that any and all contents of said documents labeled as Top Secret and Eyes Only remain classified. I can assure you that the Agency’s requests will be strictly adhered to.”

Gandolfo tells his readers the letter “proves Blakey’s agreement with the CIA to completely suppress crucially important information re the JFK assassination.” The only problem is that Blakey, to whom I sent a copy of the letter, said not only didn’t he recall any such letter, but “the signature is not mine.” Blakey said that if the CIA took the position that a document his committee requested from the agency was one his “staff did not have high enough security clearance to see . . . I went over to the Agency and looked at it myself . . . If we wanted to publish it, they [CIA] either had to declassify it or fight us over the issue. We suppressed nothing. Ultimately, they declassified everything, at least in substance.” (Letter from Robert Blakey to author dated January 21, 2005, pp.2–3)

And in an attempt to connect Jack Ruby with Richard Nixon back in 1947 when Nixon was a California congressman working with the House Un-American Activities Committee (and thus connect both Nixon and Ruby with Kennedy’s death), a forger produced a document, a “sworn statement” for the FBI dated November 24, 1947, in which a staff assistant for Nixon said that “one Jack Rubenstein of Chicago” (Rubenstein, the reader will recall, was Ruby’s birth name) was noted as a potential witness at a HUAC hearing, and because Rubenstein was performing certain func-

tions for Nixon's staff, it was requested that Rubenstein's testimony not take place in an "open" hearing. Author Gus Russo sent me assassination researcher Paul Hoch's extensive study of the "sworn statement" in which Hoch discovered that, among many other irregularities, the supposed 1947 statement was on a post-1966 FBI letterhead.*

Here's another forged document. In March of 1994, the Citizens for Truth about the Kennedy Assassination (CTKA), a conspiracy-oriented group headed by co-directors Jim Marrs and Jack White, issued a press release stating that CTKA member John Armstrong had discovered a Dallas police report among the papers of Oswald's mother, Marguerite, housed at the Burnett Library of Texas Christian University in Fort Worth. The October 12, 1963, police report said that Mrs. Mary Bledsoe, owner of the rooming house at 621 North Marsalis Street in Dallas where Oswald was living at the time, "reported a scuffle going on in one of her rooms, one she just rented earlier in the week to a Mr. O. H. Lee." Two men were arrested, J. R. Rubenstein and Alek Hidel, (i.e., Jack Ruby and Lee Harvey Oswald), but were subsequently released by the police.

Researcher David Perry immediately sensed that the report, which came to be known as the "Bledsoe Document," was a hoax, as virtually everyone else did, including longtime conspiracy theorist Mary Farrell, who said, "back before the Garrison investigation the report had circulated and everyone considered it a hoax." There were a great number of telltale problems with the report. Here are just a few. The report is dated October 12, 1963, a Saturday, yet it says the day of the arrest, October 11, which would be Friday, was Thursday. Oswald's and Ruby's ages were wrong on the report, Oswald's listed as being twenty-two, when he was twenty-three at the time, Ruby's being listed as thirty-nine, when he was fifty-two at the time. Bledsoe says in the report that she rented her room to an O. H. Lee, but she told the Warren Commission that Oswald gave her the name "Lee Oswald" when he rented the room from her (6 H 401). And so on.

Perry said that as a result of a tip in 1999, he spoke to one of the people who put the report together way back in 1966. The man admitted to Perry it was a hoax. His and his partner's plan was to send the original of the bogus report to Mark Lane and wait for Lane to call a press conference. At the conference they would appear with their carbon copy, say it was a hoax, and "embarrass Lane in front of the media." But the report they sent to Lane was returned with the envelope stamped "addressee unknown." (<http://mcadams.pose.mu.edu/bledsoe.txt>; <http://home.comcast.net/~dperry1943bledsoe.html>)

The Bledsoe Document was so obviously a hoax that not even John Armstrong, who discovered it, or Jim Marrs, who released it to the press, mentioned it in their respective books on the case, *Harvey and Lee* and *Crossfire*.

Conspiracy authors have now taken to alleging that not only are leaders of the

*Though not a forged-document matter, conspiracy theorists thought they were on to something not long after the assassination when they learned that the April 17, 1962, edition of the American Communist paper, the *Daily Worker*, reported that a Jack Rubenstein was one of the sponsors of an April 10, 1962, testimonial dinner for Mark Lane at the Astor Hotel in New York City. If Ruby was connected to Mark Lane the year before the assassination, and Lane was connected to Oswald in that he represented Oswald's mother after the assassination, this could smell of conspiracy. But the Jack Rubenstein who was one of the sponsors of the dinner turned out to be the vice president of the Textile Workers of America in Manhattan. (CE 2863, 26 H 305)

CIA admitting, *in writing, no less*, that the CIA murdered Kennedy, but one of them, former director Richard Helms, in a phone conversation (month, day, even year, not given) “confirmed CIA involvement in the Kennedy assassination.” Jim Koepke, the author who has made such a charge, is a member of Mensa, the national high IQ society, but he forgot to take his IQ pills before he wrote his little book, *Chasing Ghosts*, in 2004. He said that Nixon told H. R. Haldeman, Nixon’s chief of staff, to have Helms, then director of the CIA, block the FBI investigation of Watergate under the pretext that it might open up the “whole Bay of Pigs” matter, which would not do the country or the CIA any good. Koepke maintains that Helms refused to do it, angrily telling Haldeman that Watergate had nothing to do with the Bay of Pigs. (Actually, Haldeman said that Helms ended up being receptive to the suggestion, saying, “We’ll be very happy to be helpful” [Haldeman with DiMona, *Ends of Power*, pp.34, 37–38].) Whether or not Helms agreed to try to block the FBI investigation of Watergate because of the alleged Bay of Pigs connection, by the very language of the proposition this would have nothing to do with the Kennedy assassination. But, Koepke says, Haldeman later stated that the Bay of Pigs was a code name for the Kennedy assassination,* and so “it . . . follows that members of the Watergate burglary team were among the CIA people involved in the Kennedy assassination.”

*Although Koepke isn’t intelligent enough to give a source citation for what would seem to be a point central to his entire book, in *The Ends of Power* Haldeman writes, “It seems that in all those Nixon references to the Bay of Pigs, he [Nixon] was actually referring to the Kennedy assassination” (Haldeman with DiMona, *Ends of Power*, p.39). Haldeman would later deny that this was his interpretation, saying his coauthor, Joseph DiMona, wrote it, though DiMona told author Anthony Summers that these words were Haldeman’s, and Summers makes a strong case for the proposition that they were Haldeman’s. DiMona told Summers, “It is preposterous to think that Bob Haldeman, of all people, would allow any writer to ‘invent’ information or erroneous theories, to be published in a book under his name.” DiMona said that the book went through several drafts, with Haldeman editing every page he, DiMona, wrote. If what he wrote was untrue, why wouldn’t Haldeman have deleted it? Also, in a 1989 interview of Haldeman by Summers, Haldeman not only didn’t disown the passage but also acknowledged that it was merely his, Haldeman’s, speculation. (Summers with Swan, *Arrogance of Power*, p.505 footnote 24) In any event, whoever wrote the words, they are obviously loosely written, and no one, not even mainstream conspiracy theorists, believe that when Nixon said “Bay of Pigs,” he was, in effect, referring to his belief that the CIA murdered Kennedy. On the June 23, 1972, “smoking gun” Watergate tape, where Haldeman suggests to Nixon that they use the CIA to pressure the FBI into stopping its investigation of the Watergate burglary, Nixon agrees and tells Haldeman, “When you get these people [CIA] in, say, ‘look, the problem is that this [the FBI investigation] will open the whole, the whole Bay of Pigs thing, and the President just feels that’ ah, without going into details . . . don’t lie to them to the extent to say there is no involvement, but just say . . . that it is going to open the whole Bay of Pigs thing up again.” In a later conversation with Haldeman in the early afternoon of June 23, Nixon says it would be “very bad to have this fellow Hunt, ah, you know . . . he knows too damn much and he was involved . . . And that it gets out that . . . this is all involved in the Cuban thing . . . And it’s going to make the FBI, ah, CIA look bad, it’s going to make Hunt look bad, and it’s likely to blow the whole, uh, Bay of Pigs thing which we think would be very unfortunate for CIA and for the country at this time, and for American foreign policy” (Sirica, *To Set the Record Straight*, pp.313–318 of Appendix, setting forth transcripts of two Nixon–Haldeman conversations).

If Nixon were referring to his belief that the CIA murdered Kennedy, it is inconceivable that he would only use modest language like “unfortunate” for the CIA, country, and foreign policy. And if he were referring to Kennedy’s assassination while talking to Haldeman, it is even more inconceivable that he would say, “Don’t lie to them [CIA] to the extent to say there is no involvement,” which would suggest his own complicity in Kennedy’s murder. Whatever connection the Kennedy assassination may have had in Nixon’s mind with respect to the Bay of Pigs and Cuba, it would almost necessarily have to have been limited to his not wanting the information to get out that the CIA had tried to murder Castro (it was not known to the public at that time, the Church Committee being four years away), as it could support the argument, as many have made, that Castro killed Kennedy in retaliation. The word *unfortunate* would fit that entire scenario. Conspiracy author Walt Brown has a perceptive discussion of this whole issue in *JFK/Deep Politics Quarterly* (April 2002, pp.9–15).

Much later in his book, Koepke, apparently forgetting that earlier he had only drawn the inference (“it follows,” he said) that the Watergate burglars were involved in the assassination, alleges that Helms “confirmed” to him “that members of the Watergate burglary team” and the CIA were “involved in the assassination.” Koepke, after first alleging that Haldeman said Helms told him that “Watergate had nothing to do with the Bay of Pigs,” also quotes Helms as making the unbelievable statement that he had no idea “what the term Bay of Pigs meant,” but on the very next page says that Helms told him that “the Bay of Pigs was a code-word for the Kennedy assassination.” Why isn’t writing a book like this some type of prosecutable crime?*

Koepke, not content to leave well enough alone, also says that when Helms confirmed to him over the phone that he had had the aforementioned conversation with Haldeman, Helms, the author concludes in an award-winning non sequitur, “had just confirmed CIA involvement in the assassination.” The author goes on to say that Helms tried to “intimidate” him by telling him to “stay out of this matter,” and adds that when he got former director William Colby on the phone, Colby “was literally pleading with me to believe him” when he said the CIA was not involved in the assassination. The author made sure he wrote his book after Helms and Colby had long since passed away.†

Koepke assured his readers that “all the members of Mensa supported” his investigation of the assassination. Maybe that’s because while he was doing that, he wouldn’t be bothering them at their meetings with his special brand of drivel. (Koepke, *Chasing Ghosts*, pp.11, 27–29, 36–41, 83)

The conspiracy theorists are so determined to connect Oswald to the CIA that they recently floated a fake document purporting to be a CIA memo that says Oswald was trained by the CIA at its Camp Peary in 1958 (*Virginia Gazette*, March 30, 2005), a time when we absolutely know Oswald was accounted for elsewhere.

987 **pro-conspiracy sentiment:** Again, the reader should not assume that I’m scoffing at all the conspiracy theorists in this case because I believe the very notion of a conspiracy to be per se absurd and far-fetched. Perhaps ironically (I say “ironically” because there is much, much more of a belief in a conspiracy in the assassination of President Kennedy than in the murder of his brother, Robert, on June

*I had thought that Koepke’s Watergate theory of the assassination, as bad as it was, was at least his, but I later found that an earlier book by conspiracy theorist Monte Evans floated the same theory, among many others, and it’s possible that Koepke got his argument from this book, though there is no way for me to know. See Evans, *Rather Narrative*, pp.110–114.

†Not that it was really necessary to wait that long. Were Colby and Helms alive, why would they waste a moment of their time denying they had spoken to someone who has no credibility on this matter to destroy? In a small chapter near the end of his book Koepke got a little more daring with his fakery. Probably relying on the known position of *Washington Post* columnists Bob Woodward and Carl Bernstein that they wouldn’t reveal the identity of their “Deep Throat” informant in the Watergate case until after he died, Koepke tells his readers that he tracked down Deep Throat and had a long telephone conversation with him about Watergate and the Kennedy assassination after first agreeing to Deep Throat’s demand that he, the author, not publicly disclose his identity. Koepke says that “Deep Throat wanted, needed, someone to talk with about the events that affected him and the country.” And Koepke was that lucky person. He identifies Deep Throat as “a member of the White House staff.” Koepke could rely on Woodward and Bernstein (even, being bold enough to tell the lie he did, challenge them at a later time if they identified the deceased Deep Throat as someone other than a member of the White House staff), but he didn’t count on Deep Throat himself (Mark Felt, the number-two man at the FBI during Watergate) coming out of the woodwork and identifying himself one year after Koepke’s book was published. (Koepke, *Chasing Ghosts*, pp.72–76)

5, 1968, at the Ambassador Hotel in Los Angeles), I feel there is more evidence of a conspiracy in the assassination of Robert Kennedy than in that of JFK. When I say “evidence” of a conspiracy, this is not the same as saying there *was* a conspiracy. Evidence is not synonymous with proof. Evidence is that which is offered to prove a fact. Proof, then, is the result or effect of evidence, the successful establishment of the fact by evidence.

I was brought into the investigation of RFK’s assassination several years after the event by others who were pursuing two separate, private lawsuits. Although my involvement was limited to specific areas of inquiry, not the entire case, and hence I do not feel I have any kind of a “handle” on the case, I’ll just mention one of several serious problems, and in a very shorthand way. In the official Los Angeles Police Department (LAPD) ballistics report on the case dated July 8, 1968, Officer DeWayne Wolfer of the Scientific Investigation Division stated that all eight rounds in Sirhan’s .22 caliber Iver Johnson revolver had been fired, and all eight had been accounted for. Seven had been recovered from the bodies of six victims at nearby hospitals—two from Senator Kennedy and one each from the bodies of five victims, each of whom survived—and the eighth “was lost somewhere in the ceiling interspace.” In other words, the official position of the LAPD was that no bullets were found at the assassination scene (the very crowded pantry of the Ambassador Hotel), and other than a hole in the ceiling caused by the lost bullet, there were no bullet holes on any of the doors or walls of the pantry. Yet there is witness evidence (including that from an FBI agent who arrived shortly after the assassination and later gave me a signed statement) and, more importantly, photographic evidence that two additional bullet holes were found at the assassination scene in the center divider post between the swinging doors of the pantry.

Even if I eliminate as unreliable (for the sake of argument) statements given to me by witnesses (the first an LAPD officer, the other an Ambassador Hotel waiter) in the RFK case about seeing an actual small-caliber bullet in one of the holes and hearing an LAPD officer say that the LAPD had “dug two bullets out of the center divider,” any bullet *holes* observed in addition to those accounted for in the LAPD ballistics report (there being no evidence that there had ever been a previous shooting in the pantry) would constitute evidence of a second gun being fired since no one has claimed that after Sirhan fired his eight rounds of ammunition, and while subdued on the ground with Rosy Grier sitting on top of him, he reloaded his revolver and fired again. (A subsequent FBI report with supporting photographs concluded there were “two bullet holes” in the center divider and even “another bullet mark which struck the hinge on the door leading into the pantry.”) At the time of my involvement in the case, I said publicly, “There is no question about Sirhan’s guilt. However, I have no way of knowing for sure whether or not more than one gun was fired at the assassination scene. And I have formed no opinion at this point. What I will say is this: the signed statements given me [there were others I have not herein mentioned, including from Thomas Noguchi, the coroner of Los Angeles County, who is shown in photographs pointing to the bullet holes in the center divider] perhaps can be explained away. But in the absence of a logical explanation, these statements, by simple arithmetic, add up to too many bullets and therefore, the probability of a second gun.”

Indeed, in an overabundance of lawyer-like advocacy, when the *apparent* num-

ber of bullets fired in the pantry reached eleven, I said to the media, “The time has come, gentlemen, for us to start looking for the members of the firing squad.” But when the media pressed me as to whether I actually believed there was a second gun and, hence, a conspiracy, I said, “If I were forced to the wall, I’d say there was no conspiracy, that the additional bullets and bullet holes can be accounted for by the existence of fragments and ricochets, and that the official LAPD ballistics report is simply in error.” But I reiterated that in the absence of official contravening evidence, we were talking about too many bullets for Sirhan to have fired them all.

In one of the aforementioned lawsuits in September of 1975, seven firearm experts from around the country came to Los Angeles to test-fire Sirhan’s gun and reexamine the firearm evidence. Under questioning by me, all seven testified they were unable to determine the number of bullets fired at the assassination scene. However, all testified that they could find no evidence of a second gun, although they could not rule out the possibility of a second gun. Five who were troubled recommended further scientific tests, which were never conducted. (See Turner and Christian, *Assassination of Robert F. Kennedy*, pp.175–187; also Moldea, *Killing of Robert F. Kennedy*, pp.185–186)

The only official connection I had with the assassination of RFK was that I prepared the search warrant for Sirhan’s car when it was found parked on Alexandria Street near the Ambassador Hotel the night after the assassination. I was right in the middle of a prosecution of another murder case for the Los Angeles County district attorney’s office, but recall getting a late-night call from my office to prepare the search warrant and later knocking on the door of a judge at his home in the middle of the night to ask him to sign it. When I arrived at Sirhan’s car, I recall that FBI agents* broke into it with a crowbar. Among other things, they found some unexpended rounds of ammunition in the front passenger seat or in the glove compartment (I forget which), and some books on the occult in the backseat.

- 988 **“there’s no evidence whatever of that”**: As alluded to in the main text, at the trial in London, the only issue for the jury to resolve was whether or not the prosecution had proved Oswald’s guilt beyond a reasonable doubt. It was not alleged in the indictment that Oswald was part of a conspiracy, and therefore, this was not an issue for the jury to decide. (The only conspiracy contention at the trial that Gerry Spence made was that a group of conspirators murdered Kennedy and framed Oswald for the murder they committed.) Which is exactly what would have occurred if Oswald had been prosecuted in real life. The U.S. government has never believed that Oswald was part of a conspiracy in the assassination, so it would never have alleged a conspiracy, and Oswald’s defense attorneys wouldn’t argue the opposite, that Oswald *was* a part of a conspiracy, because if they did, under the vicarious liability rule of conspiracy (which makes each conspirator criminally responsible for all crimes committed by his co-conspirators in the furtherance of the object of the conspiracy), they would be arguing Oswald’s guilt. If Oswald was part of a conspiracy to kill Kennedy, he could have been at home sleeping at the time of the shooting in Dealey Plaza, and he’d still be guilty of Kennedy’s murder.

*My recollection is that they were FBI agents, though I wonder why, in looking back, the county DA’s office would be preparing a search warrant for a federal agency, so the law enforcement officers may have been from the LAPD.

However, even though determining whether or not Oswald was a part of a conspiracy was not a *legal* issue at the trial, I had to knock the issue down for the jury as much as I could. As discussed in the text, it was inferable from the evidence I presented to the jury that I believed Oswald acted alone in killing Kennedy. And if the jury believed or suspected that others were involved, this would inevitably generate in their minds a number of unanswered questions about who these people were and the nature of their involvement. These thoughts in turn could cause the jurors to conclude that they simply did not know the whole story, what really happened, hurting the credibility of my whole case against Oswald and raising a reasonable doubt of his guilt in their minds.

In short, though Oswald wasn't charged with the crime of conspiracy at the London trial, I knew from the very beginning that I could not present and examine his involvement in the case without addressing the issue of whether or not he acted alone

- 990 **Marzani:** Carl Aldo Marzani served two years in a federal penitentiary (1949–1951) for making false statements regarding past Communist Party membership (HSCA Record 180-10018-10313, November 8, 1966).
- 992 **Vincent Salandria:** Salandria, one of the chief founders (some say *the* founder) of the assassination research community (almost, though not completely, synonymous with the Warren Commission critic and conspiracy theorist community), is highly revered in the conspiracy community, the reverence almost achieving a spiritual level. And, indeed, the Philadelphia lawyer is an intellectual and a purist who has remained true to the cause throughout the years, never seeking to profit from it and gladly remaining in the background, helping and serving as an inspiration for others. His problem is that because of his fiercely antiestablishment views, he is completely paranoid. For example, he believes that FDR knew Pearl Harbor was going to be attacked, but wanting a war with Japan, he did nothing about it (Salandria apparently doesn't realize that if what he said was true about FDR having foreknowledge, FDR could *still* have had his war if he had let the Japanese attack, but alerted our troops, which would have saved over three thousand American lives, instead of knowingly permitting, per Salandria, our battleships to be caught by surprise and to be "lined up closely together, presenting perfect targets for the Japanese"); that "the Warren Commissioners, their staff, the Attorney General's Office, and the FBI" were "accessories after the fact" to Kennedy's murder, "and abetted the killers"; and that even Ruth Paine and her husband Michael were involved in the conspiracy to kill Kennedy. Oh, yes, he also believes that "some" of the "critics of the Warren Report" were actually "government agents" working as "agent provocateurs." Salandria was one of New Orleans district attorney Jim Garrison's chief advisers during his prosecution of Clay Shaw for Kennedy's murder, and when comedian Mort Sahl, who gave up valuable time and much money to go to New Orleans to help Garrison, told me that "Salandria didn't trust me, he thought I was CIA," from what I had read about Salandria, I wasn't surprised. (Salandria, *False Mystery*, pp.148–150, 153, 168–169; Interview of Mort Sahl by author on March 13, 2005)
- 993 **Minority of One was the first:** However, *New Times* started reviewing even off-beat conspiracy books as far back as September 23, 1964, the day before the Warren Commission submitted its final report to President Johnson, when it reviewed Joachim Joesten's book *Oswald: Assassin or Fall Guy?*, and taking an editorial posture as a critic of the Warren Commission.

And even before *Minority of One*, pioneer assassination researcher Vincent Salandria, who was one of the first researchers to buy an entire set of the Warren Commission volumes when they went on sale in late November 1964, wrote two articles (the first two of four scholarly articles by Salandria between 1964 and 1966 examining the trajectory of the bullets and the wounds to Kennedy and Connally) in other small publications, in each of which he concluded that the Warren Report and the twenty-six volumes *themselves* show the existence of two assassins and hence a conspiracy. The first article, "The Warren Report, Analysis of Shots, Trajectories and Wounds: A Lawyer's Dissenting View," was published in the *Legal Intelligencer* (the newspaper of the Philadelphia Bar Association) on November 2, 1964,

which was after the publication of the Warren Report but before the publication of the twenty-six volumes. The second, “A Philadelphia Lawyer Analyzes the Shots, Trajectories and Wounds,” was in the January 1965 edition of *Liberation* magazine. Salandria’s third article, “A Philadelphia Lawyer Analyzes the President’s Back and Neck Wounds,” was published in *Liberation* the same month that Harold Feldman’s article on the grassy knoll witness appeared in *Minority of One*, March of 1965. Salandria’s first article in *Minority of One*, “The Impossible Tasks of One Assassination Bullet,” was published in its March 1966 edition. Leading assassination researcher Josiah Thompson goes so far as to say that Salandria’s early articles “have constituted the backbone of responsible criticism of the [Warren] Report ever since” (Thompson, *Six Seconds in Dallas*, p.viii).

- 998 **yearly conventions in Dallas:** Surprisingly, well-organized annual conventions of conspiracy theorists did not start until 1991, when a music promoter’s group out of Austin, Texas, called South by Southwest, together with the Assassination Information Center in Dallas and the *Texas Observer*, sponsored the Assassination Symposium on John F. Kennedy (ASK) in Dallas. ASK had four annual conventions thereafter. Before 1991, national conferences or conventions were few and rather sporadic, perhaps the first occurring in 1973 at Georgetown University and sponsored by a group called the Committee To Investigate Assassinations.* It was the committee’s first and only conference. In 1975 New York University Law School put on a conference, and that same year the Assassination Information Bureau sponsored one in Boston. In 1988, Dr. Cyril Wecht organized a conference of assassination researchers for the twenty-fifth anniversary of the assassination at the University of Pittsburgh. (In 2003, Wecht put together what many feel was the best convention of Kennedy assassination researchers ever, over four days at Duquesne University in Pittsburgh, drawing crowds in excess of one thousand.) And following release of the Oliver Stone movie *JFK*, the *Third Decade* series sponsored two conferences (“symposiums”) in Chicago, the first in 1992 and the second one in 1993, the latter being one of the biggest assassination conferences ever. That same year, the *Third Decade* also sponsored a conference in Providence, Rhode Island.

The Coalition of Political Assassinations (COPA), headquartered in Washington, D.C., was formed in 1993 on the thirtieth anniversary of the assassination. It resulted from a cooperative association of three national conspiracy-oriented organizations—AARC, the Citizens for Truth about the Kennedy Assassination, and the Committee for an Open Archives (the two latter groups withdrew from COPA in the late 1990s)—“united in the belief that no lone assassin was responsible for the death of President Kennedy and Martin Luther King, that the official investigations into these murders were flawed, and that all U.S. and foreign

*The Committee to Investigate Assassinations, a Washington, D.C.-based group headed by lawyer Bernard Fensterwald Jr., started in 1968 and continued up to 1984 when the Assassination Archives and Research Center (AARC) was formed in Washington, D.C., its first president being Fensterwald. The new group’s motto was to “obtain, maintain, and disseminate information pertaining to political assassinations.” Fensterwald continued to head the group until his death in 1991, when Washington attorney Jim Lesar took over as president, a position he has held to this day. In 2004 and 2005, the AARC held two conferences on the assassination in Washington, D.C., the 2005 one being particularly impressive in its lineup of prominent speakers.

government records relating to these murders should be made public immediately.” John Judge, one of the founders of COPA and its current executive director, told me that COPA held national conferences in Washington, D.C., from 1994 through 1997 and “regional” conferences in Dallas from 1995 through 1997. Its first and only national conference in Dallas occurred in 1998. Since then it has continued to hold a yearly conference in Dallas but denominates it a regional conference even though attendees come from throughout the country. COPA also sporadically holds regional conferences in Memphis and Los Angeles, with a primary focus on the respective assassinations of Martin Luther King and Robert F. Kennedy. (Telephone interview of John Judge by author on April 27, 2005) In 1996, another annual, competing conference for conspiracy theorists and assassination researchers started meeting in Dallas. Sponsored by a group called JFK Lancer (Lancer being the Secret Service code name for JFK) and called November in Dallas, the yearly conventions, like COPA’s, continue to this day.

Most of these conventions draw several hundred diehard conspiracy theorists from around the country for two to three days, with an attendance fee of \$150 to \$250. The conventions give new as well as old researchers a venue to publicize and promote their work among their peers in speeches, seminars, and video presentations. Though the conferences also have a social aspect, with dinners and field trips to Dallas sites steeped in assassination lore, the fights among the critics over their opposing theories are often bitter, some becoming legendary in the conspiracy community.

- 998 **Americans who sincerely believe:** With respect to the issue of the sincerity of those who believe the Warren Commission suppressed the truth from the American people, listen to Harold Weisberg, the most celebrated Warren Commission critic of all, who went into debt to self-publish several of his early books on the assassination: “I believe deeply that our society is not safe when a murdered President can be dishonored with a palpably inadequate and entirely unsatisfactory official investigation by the government that succeeded him,” a government that “never intended solving” his murder. “No president and the institution of the presidency are ever safe when this can happen, and it did happen. All of the basic institutions of our society are thus in jeopardy . . . When [the] government deals as dishonestly with the people . . . as ours has from the first on this, . . . it must expect the suspicion it engenders, for it creates it.” (Weisberg, *Photographic Whitewash*, pp.7–8)

1000 **a representation that the Commission did not allow:** On January 14, 1964, Marguerite Oswald, saying she would “fight with my last breath” to prove her son’s innocence, employed Mark Lane, without fee, to represent her son before the Warren Commission (*New York Times*, January 15, 1964, p.14; *New York Herald Tribune*, January 15, 1964, p.7). However, the Warren Commission rejected Lane as Oswald’s lawyer (2 H 57, 59, WCT Mark R. Lane; 1 H 128, WCT Marguerite Oswald). The Commission never made it clear why Lane could not represent Oswald, other than by implication when it said it was “neither . . . a court presiding over an adversary proceeding nor a prosecutor determined to prove a case,” but only “a fact-finding agency committed to the ascertainment of truth” (WR, p.xiv), and that “no one” other than they was “entitled to participate in the work . . . of the Commission” (2 H 57, WC statement of Chief Justice Earl Warren). However, as indicated in an earlier endnote, on February 25, 1964, the Commission, “in fairness,” it said, to “the alleged assassin and his family,” did employ Walter E. Craig, president of the American Bar Association, to participate in the hearings and advise the Commission whether its proceedings “conformed to the basic principles of American justice,” giving him the right to cross-examine the Commission’s witnesses, and suggest witnesses to the Commission whose testimony he wanted it to hear (WR, pp.xiv–xv). So Craig, though not a defense attorney in the strictest sense of the word (e.g., he couldn’t subpoena witnesses and put on a defense for Oswald), was representing Oswald’s interests before the Commission, the role Marguerite Oswald wanted Mark Lane to fill. It should be noted that by February 25, the Commission had already taken the testimony of four witnesses without anyone representing Oswald’s interests, including the one who proved most devastating to his innocence, his wife Marina.

Few dispute the fact that Craig fulfilled his role very poorly. He hardly ever participated in the questioning of witnesses, and when he or one of his associates did, it was brief and weak.

1005 **distorting the truth:** Conspiracy theorist and author Stewart Galanor, who used to do research work for Lane in New York City, learned well from his mentor and repeated Lane’s misrepresentation, almost word for word, in his book (*Galanor, Cover-Up*, p.46).

1009 **“it was kinda tore up a little”:** Markham’s description of Oswald’s hair was consistent with that given by Johnny C. Brewer, the manager of the shoe store who saw Oswald in the front recess of the store shortly before his capture. “His hair was sort of messed up,” Brewer told the Warren Commission (7 H 4). Of course, Brewer saw Oswald after Oswald had been running.

1010 **Waldo:** A card-carrying member of the American Communist Party, Thayer Waldo had been in Fort Worth for only a year at the time of the assassination. Before then, he was a stringer for Drew Pearson in Uruguay in 1948, where he was known for inaccurately reporting on U.S. embassy events there. And as an executive for *El Sol*, a leftist daily in Quito, Ecuador, in 1953, he was considered to be, per a CIA report, “unreliable, dishonest and unsavory by Americans and Ecuadorans” alike. After working in Cuba and Mexico as a newspaperman in the succeeding years, and writing as a stringer for American papers like the *Denver Post*, *San Francisco*

Chronicle, *Tucson Citizen*, and *New York Times*, he ended up at the *Fort Worth Star-Telegram* in 1963. In 1965, he was fired as head of public relations for the University of the Americas in Mexico City for poor job performance. (CIA Record 104-10127-10207, "Mexico City Chronology," pp.123-124)

On February 9, 1964, Secret Service agent James "Mike" Howard, his brother, Pat Howard (a deputy sheriff in Tarrant County), and Waldo, who was with Mrs. Marguerite Oswald at the insistence of Mark Lane, drove Mrs. Oswald to Love Field for her flight to Washington, D.C., to testify before the Warren Commission. After she departed, the group had coffee at the airport restaurant with Forrest Sorrels, head of the Dallas Secret Service. Lane wrote an article on May 9, 1964, in the *National Guardian*, a New York weekly, claiming that over coffee, Pat Howard had told Waldo that there was a black witness who had actually seen Oswald shooting at Kennedy. James Howard admits only that on the way back to Fort Worth, with the Howards in the front seat and Waldo alone in the rear seat, he said to his brother that he had been told there was a black man in the Book Depository Building at the time of the assassination who left the building right after the shooting out of fear he might be suspected of having been involved. Waldo dictated a statement at the *Fort Worth Star-Telegram* on May 28, 1964, for the FBI in which he said that at the coffee shop, Pat Howard had told him that "if it hasn't already come out of the Warren Commission by then, after this Ruby trial I'm going to come up and give you a story that will blow everybody's head off." Just after walking out of the coffee shop he claims Pat Howard took him aside and said his story "has to do with a witness who saw the shooting and can positively identify Oswald as the killer." Waldo goes on to say in his signed statement that in the car on the return trip he had overheard James Howard telling his brother that the witness was a black Book Depository Building employee, that he had seen Oswald shoot Kennedy, and later told police, "I was scared to death, I thought he would kill me, too." Both of the Howards were outraged at the *Star-Telegram* article, asserting to the FBI that Waldo had made up the story. (CE 2578-2579, 25 H 844-850)

- 1015 **gives no source for his allegation:** This was Penn Jones’s frequent modus operandi—make a mysterious-deaths allegation and give no source or citation of authority for it. One other typical example among a great many: Jones alleges that one Gary Underhill “was a CIA agent.” Right after the assassination, Jones says, Underhill “begged his friends to keep him out of sight,” telling them “he knew who killed President Kennedy, and he was sure they would soon get him . . . Underhill stated that the CIA had Kennedy killed.” Jones offers no support for his allegation that Underhill was a CIA agent and doesn’t tell his readers from whom he obtained his information or the identity of Underhill’s friends. (Jones, *Forgive My Grief*, vol.2, pp.23–24) Underhill shot himself to death in Washington, D.C., on May 8, 1964. Or so the coroner’s office in Washington, D.C., ruled. But Jones suggests he was murdered. The CIA says Underhill “served with the Military Intelligence Service from 8 July 1943 to May 1946 as an expert in photography, enemy weapons, and related technical specialties. He was in infrequent contact with the New York office of the Domestic Contact Service of CIA from late 1949 to the mid-50’s. The contact [was] routine. Mr. Underhill was not an employee of the CIA” (DOJ Record 179-20003-10191, CIA memorandum dated September 28, 1967, p.6).
- 1016 **an interview with Ruby:** Hugh Aynesworth said that since he was very close to Ruby’s family, he did speak to Ruby “ten to twelve” times over the phone from his sister Eva’s apartment (Telephone interview of Hugh Aynesworth by author on January 11, 2000).
- 1016 **cause of death:** Dorothy Kilgallen’s biographer, Lee Israel, said that in 1978, thirteen years after Kilgallen’s death, she met a man in a New York City pub who claimed that he worked in the New York City Medical Examiner’s Office between 1967 (two years after Kilgallen died) and 1972, and that while there, he worked with Dr. Charles J. Umberger, who Israel says was the director of toxicology at the New York City Medical Examiner’s Office. Though Israel doesn’t get around to saying it (Israel either didn’t know or neglected to state), she implies from the context that Umberger was the director at the time of Kilgallen’s death and that it was he who conducted her toxicology test. In any event, the man in the pub (whom Israel doesn’t identify by name, nor does she even tell her readers whether she confirmed the man worked in the Medical Examiner’s Office during the period he claimed to) told Israel that Umberger had told him that Kilgallen had been murdered and that he was using the conclusion he reached as something to “hold over” the head of Dr. Milton Halpern, the medical examiner, and Dr. James L. Luke, who conducted the autopsy, both of whom certified her death.

Israel doesn’t bother to tell her readers what the evidence was that pointed to murder. Though she mentions the possibility of other drugs in Kilgallen’s system, most notably Nembutal, nowhere does she say that Nembutal indicates murder, nor does she preclude the possibility that Kilgallen herself took the drug. (Israel, *Biography of Dorothy Kilgallen*, pp.410, 440–443) The story sounds almost too bogus on its face to comment on. Not only don’t we know who the man in the pub is, but why would Umberger confess to him that he apparently prepared a phony toxicology report? Israel doesn’t bother to ask this

question. Next, how could Umberger hold this phony report over Halpern's and Luke's head unless Halpern and Luke were part of the cover-up? But if they were, what evidence is there of this? Also, if they thought Kilgallen was murdered, why would they cover it up? In view of Israel's dreadful sloppiness and the implausibility of the whole story, I've already written much more than Israel's story deserves.

- 1017 **Kilgallen never wrote any article about the alleged interview:** The only truly provocative article I could find that Dorothy Kilgallen wrote during the Jack Ruby trial was one in which she made the allegation that "the Federal Bureau of Investigation provides Ruby's side with reams of helpful information that they never would have been able to get without the G-men—on the condition that they do not ask anything at all about . . . Lee Harvey Oswald." But Kilgallen gives no evidence, not even an anonymous source, to support her incendiary accusation, apparently believing she's met her burden of proof by pointing out that upon request by Joe Tonahill, Ruby's defense attorney, the FBI (under the laws of pretrial discovery) furnished Tonahill the reports it had on Ruby, but refused to respond to his request that it give him "all the reports and evidence in possession of the Warren Commission," an extravagant request that the FBI turned down on the ground that "Oswald's assassination of the President does not appear to be relevant." (Dorothy Kilgallen, "G-Men 'Deal' with Defense Keeps Oswald in Shadows," *New York Journal-American*, February 23, 1964) And indeed it wasn't, since Ruby could not deny killing Oswald, and his lawyer's only defense was that he was in a psychomotor epileptic seizure when he did. Unless Ruby's defense was that there had been some connection between Ruby and Oswald, what relevance would thousands of Warren Commission documents on Oswald's killing Kennedy have at Ruby's trial? None, and apparently Tonahill never attempted to show it did.
- 1017 **powerful imagination:** Another prominent mysterious death that conspiracy theorists have talked about was that of Naval Lieutenant Commander William Bruce Pitzer. Dennis David, a medical corpsman at Bethesda Naval Hospital, gave impetus to the mysterious-death rumor when he claimed that he, David, was present at the autopsy of Kennedy and he saw Pitzer film the autopsy. (Groden and Livingstone, *High Treason*, p.124) Pitzer was found dead in the early evening of October 29, 1966, inside the TV production studio at the National Naval Medical Center in Bethesda, Maryland, from a gunshot wound to his right temple, the bullet exiting near his left temple (Teletype from Baltimore field office of FBI to FBI headquarters in Washington D.C., October 30, 1966; Heiner, *Without Smoking Gun*, pp.15, 17).^{*} David said that he didn't believe Pitzer committed suicide.[†] Livingstone and Robert Groden, the coauthors of *High Treason*, state that "Pitzer was murdered as part of the cover-up in the death

^{*} Although the FBI report said the bullet exited "near left temple," Walt Brown reports in his *JFK/Deep Politics Quarterly* that in August of 2002, pursuant to a request from Pitzer's son Robert to the Armed Forces Institute of Pathology for autopsy photos of his father, Robert received "approximately twenty color and black and white autopsy photographs. A month later, researcher Kenneth Hersh saw these photographs . . . The photographs showed the entry wound to the right temple and the exit wound above and slightly behind the left ear; they showed no wound in [or near] the left temple" (*JFK/Deep Politics Quarterly*, July 2005, p.26).

[†] David first spoke "publicly" on the subject way back in 1975 when he (requesting that his identity not be disclosed) told a reporter from the Lake County area of Illinois, where David was from, that Pitzer "was

of President Kennedy, and his death at Bethesda Hospital was meant as a warning to other witnesses in that hospital” to keep silent. Conspiracy theorists believe that the film of the autopsy that Pitzer allegedly took, which has never surfaced, would contradict the official autopsy findings, and one evidence of that is they haven’t been able to get a copy of the autopsy report, which concluded that Pitzer committed suicide. (Grodan and Livingstone, *High Treason*, pp.50, 124; Coroner’s report concluded death was “self-inflicted”: Report of Board of Investigation re: William Pitzer’s death, February 13, 1967; see also *Sun-News* [Waukegan, Ill.], May 1, 1975)

The question is, if Kennedy’s killers silenced Pitzer to send a message to other autopsy witnesses to remain silent, why did they wait almost three years to do so? You mean they only started worrying about witnesses “talking” after over a thousand days had already passed?

And there are other serious problems with the story conspiracy theorists peddle on Pitzer. The person they got their story from, Dennis David, was not at the autopsy, though he apparently told Livingstone in 1988 that he was (Grodan and Livingstone, *High Treason*, pp.124, 229). But the HSCA’s list of those present at the autopsy does not include David (7 HSCA 8–9), nor, since his job on November 22, 1963, was merely “chief of the day for the medical school,” would he have had any reason to be present. Indeed, in an interview David gave to author David Lifton back on July 2, 1979, in which David went into considerable detail as to everything he saw that night (mostly, the arrival of the hearse and casket and the casket being brought to the morgue door), he didn’t even claim to have been inside the autopsy room, telling Lifton he had no firsthand knowledge of when the autopsy even commenced. And Lifton seems to accept the fact that David was not present. (Lifton, *Best Evidence*, pp.571, 580, 592, 606) And when I asked John Stringer Jr., the chief photographer of the autopsy, if David was present in the autopsy room, he said he did not know who David was, adding, however, that if his job that day was chief of the day for the medical school, “his place that day would have been in the office, not the autopsy room” (Telephone interview of John Stringer Jr. by author on November 21, 2002).

As if David’s credibility wasn’t already weak enough, he made it worse. After indicating to David Lifton in 1979 that he was not present at the autopsy, and telling Harrison Livingstone in 1988 that he was, in 1997 he went back to his original story and conceded to ARRB investigators that he was not present at the autopsy, being in the administrative offices upstairs on the second floor of the building. But he added something he apparently never told Lifton or Livingstone: three or four days after the autopsy, Pitzer had shown him film, color slides, and black-and-white photos of the autopsy, and they reflected that Kennedy was hit from the front as well

shot with a .45 caliber pistol and was found with the gun in his right hand. But he was left-handed. If he would have used the weapon, he would have used his left hand . . . I’ve always believed he was murdered” (Art Peterson, “Another Link in JFK Death,” *News Sun* [Waukegan, Ill.], May 1, 1975; Heiner, *Without Smoking Gun*, pp.47–48). The only problem was that the investigation revealed that Pitzer was right-handed (Letter from Commander H. H. Rumble II of the Naval Investigative Service to J. Edgar Hoover, November 1, 1966). Even Pitzer’s wife, who doesn’t believe her husband committed suicide, acknowledged that he was right-handed (Heiner, *Without Smoking Gun*, pp.88–89). Indeed, it may have been this misconception by David that started his belief that Pitzer was murdered, and even after this misconception was rectified, he was too committed to get off the bandwagon.

as the rear. (ARRB MD 177, ARRB interview of Dennis David, February 14, 1997, pp.2–3) It's clear that David is incapable of telling the same story twice on this matter.* The most magnanimous explanation for this is that in 1994 he had undergone hypnosis in New York State to probe his memories about the events in question (ARRB MD 177, p.4).

Having someone like David as the source of your story is pretty bad. But there's an even more serious and ultimately fatal problem with the buffs' story about Pitzer: Pitzer himself wasn't even present at the autopsy. Dr. Thornton Boswell, one of the autopsy surgeons, said he wasn't (Groden and Livingstone, *High Treason*, p.51). And the HSCA's list of those present at the autopsy doesn't mention Pitzer (7 HSCA 8–9). No writer or author has sought to interview those present at the autopsy more than David Lifton, and Lifton's book, *Best Evidence*, doesn't even mention Pitzer.† John Stringer, referring to Pitzer, told me, "I knew him well. He was not present in the autopsy room. I've heard the stories through the years that he was, but he wasn't." Stringer said that Pitzer was the administrative assistant to one Captain Bird in the audiovisual department at Bethesda, and he was found dead "in the television studio" of the department. He said he didn't know why Pitzer shot himself, but the rumor at the hospital was that "his wife had caught him with another woman and was going to divorce him." (Telephone interview of John Stringer Jr. by author on November 21, 2002; see also ARRB MD 227, ARRB Call Report, Interview of John T. Stringer, April 8, 1996, p.4, for Stringer's statement that Pitzer wasn't at the autopsy)

The rumor Stringer heard may have been accurate. The navy immediately instituted an investigation "to determine the circumstances surrounding the death" of Pitzer, and on February 13, 1967, issued its report concluding that Pitzer's death "occurred from a self-inflicted gunshot wound in his head." This was consistent with the conclusion of John G. Ball, the Montgomery County deputy medical examiner who conducted the autopsy on Pitzer on October 30, 1966, that Pitzer's death was a suicide. Pitzer left no suicide note. The investigative board also found that "Pitzer was experiencing physical and emotional difficulties from overwork; that he had been deeply concerned with disciplinary problems involving his younger son; and that he was experiencing marital difficulty, [being] intimately associated with another woman."‡ The weapon Pitzer used, a Smith & Wesson .38

*Sometime, probably subsequent to 2000 (the author who interviewed David, William Matson Law, didn't tell the readers of his book of transcribed interviews the year, much less the day or month, that he interviewed David and many others), David expressly said that he "was never in the morgue" that night, and he had no idea if Pitzer shot the autopsy film or got it from someone else (Law with Eaglesham, *In the Eye of History*, pp.11–12, 21–23).

†Close to forty years later, Jerrol Custer, a lab technician at the time of the autopsy, told interviewer William Law that he saw Pitzer inside the autopsy room filming the autopsy. But Custer is clearly a person with credibility problems, so much so that even Law, a dyed-in-the-wool conspiracy theorist, was uneasy with Custer's answers during the interview. Custer actually thought that his experiences on the night of the autopsy were important enough to write a book and was in the process of trying to get one published when he died in July of 2000. Yet on the other hand, Custer believed that the only reason the conspirators behind Kennedy's murder hadn't murdered him was because he "was too low on the totem pole to worry about." (Law with Eaglesham, *In the Eye of History*, pp.109, 115–116, 140–142)

‡The Pensacola, Florida, woman Pitzer was having an affair with readily acknowledged the affair to naval investigators. A note from Pitzer to her believed to have been written about an hour and a half before his death contained this language: "I wish for you the very best of everything. Until you hear from *or of me*, I am always, Bill." (Heiner, *Without Smoking Gun*, pp.37–39)

caliber revolver, “had been drawn” by Pitzer from the Naval Security Offices “to be used as a training aid by LCDR Pitzer.” (NC43-34-MBD5830, Report of Board of Investigation re: William Pitzer’s death, signed by T.G. Ferris, LCDR MSC USNR, and J.W. Guinn, CDR MSC USN, on February 13, 1967, pp.1, 3-4; see also Certificate of Death for Pitzer signed by Deputy Medical Examiner John G. Ball on October 30, 1966)

The bottom line is that even if, as the conspiracy theorists allege, Pitzer did not commit suicide and was murdered, since he had nothing to do with the autopsy and wasn’t even present, his death obviously had nothing to do with the Kennedy assassination.

The Pitzer case is a perfect example of how some fraud or nut will always come forward to keep the conspiracy community fed in perpetuity. Since David’s story about Pitzer was going nowhere—how could it? Pitzer wasn’t even present in the autopsy room—one Dan Marvin, a former lieutenant colonel in U.S. Army Special Services, took up David’s baton in 1993 and tried to run with it. Marvin claims that when he saw a reference to the Pitzer affair while watching Nigel Turner’s *Men Who Killed Kennedy* (see “Other Assassins” section for exposé of Turner’s show) in November of 1993, he realized that the CIA had asked him to murder Pitzer in 1963. Here’s his story:

Marvin alleges that as a captain in U.S. Special Forces in 1964, he attended a course conducted by the CIA in assassination techniques at the Special Warfare Center in Fort Bragg, North Carolina. Among other things, film footage of Kennedy’s assassination in Dealey Plaza was shown in the course, and during one coffee break Marvin overheard one of the CIA instructors say to the other, “Things really did go well at Dealey Plaza, didn’t they?” In other words, the CIA murdered Kennedy, and they’re bragging about it at coffee breaks for others to hear. But that’s not where Marvin comes in. He says that one day in August of 1965 at Fort Bragg, his commanding officer instructed him to meet a CIA agent outside the headquarters building. When he got outside he was joined by a fellow assassination-course colleague, David Vance, and the two of them approached the CIA man, who was standing under some pine trees. Marvin said the CIA man, whom he did not know, took him aside and asked him, out of a clear blue sky, “if I would volunteer to kill a man, a United States citizen, a naval officer” who he soon was told was Pitzer. The reason? Pitzer was about to retire and, the CIA learned, was going to “give state secrets to the enemy.” Marvin said he declined, telling the CIA man, “I don’t do that sort of thing here in the States. You guys know that. Go talk to the Mafia. They’re supposed to do the stateside dirty work.” Though Marvin never expressly said it, he strongly implied to an author in later years that he conducted routine foreign assassinations for the CIA, saying he “had a reputation” and adding he told the CIA agent that he would have killed Pitzer if Pitzer were overseas. Again, it’s nice to know that the CIA routinely conducted foreign assassinations, especially since the Church Committee, although confirming that the CIA *did* intend to carry out several foreign assassinations, was unable to come up with any evidence that the spy agency even committed one assassination. I guess the committee didn’t know about Marvin, a *student* at a CIA course in assassination who, if we’re to believe his story, should have been teaching the course.

In any event, when he heard, in 1993, about Pitzer's death in 1966, he assumed that after he turned the CIA man down, Vance must have accepted the job and murdered Pitzer. And when he couldn't locate Vance, he assumed the CIA had killed Vance to silence him for having killed Pitzer.

Only a confirmed conspiracy theorist would believe such a story, and two such theorists, Robin Palmer and Allan Eaglesham, believed Marvin to the extent of working closely with him for ten years trying to confirm his story. Unfortunately for Marvin, Vance eventually surfaced, said he never knew Marvin, never attended any course in assassination, and certainly was never approached by anyone to murder Pitzer. That itself wouldn't have ruined Marvin's fantasy in their eyes, but Marvin's conduct thereafter certainly did. Marvin started to retreat on his story, became evasive, and began to make conflicting statements. Worse yet, when they asked him to call and confront Vance with the two of them listening in, Marvin declined. Perhaps most importantly, as Eaglesham said, "You have to have known him [Marvin] as Robin and I did to understand how much his behavior changed" after Vance surfaced. Palmer and Eaglesham are no longer Marvin's friends; they are angry at him for leading them on for so many years, and call him a liar. To their credit, they have made a sincere effort to inform the conspiracy community of their findings. (Heiner, *Without Smoking Gun*, pp.5, 10–13, 87–89, 98–103)

1021 **leading current proponent of the Second Oswald theory:** John Armstrong actually went on to publish a 983-page book in 2003 called *Harvey and Lee: How the CIA Framed Oswald*, in which he carries his fantasy about a double Oswald to such absurd lengths that not only doesn't it deserve to be dignified in the main text of my book, but I resent even having to waste a word on it in this endnote. His book has become big in the conspiracy community and is being publicly trumpeted by former Minnesota governor Jesse Ventura. Here's what Armstrong said in summarizing his book: "Two young boys, Lee Harvey Oswald and an Eastern European refugee who spoke Russian and was given the name 'Harvey Oswald,' were selected by CIA for inclusion in a super-secret project known as MKULTRA."* Per Armstrong, the CIA's plan was to merge the identity of the Russian-speaking refugee (Armstrong apparently never learned his Russian name) with that of American-born Lee Harvey Oswald over a period of many years. If the merging of identities was successful, the CIA could then place the native Russian-speaking young man, with Oswald's American identity, in the Soviet Union as a spy. Arm-

* A note about MKULTRA: MKULTRA was one of several CIA projects in the area of mind control. The first project was approved on April 20, 1950, right in the midst of the cold war, by CIA Director Roscoe Hiltenkoetter. Originally code-named BLUEBIRD, it was soon rechristened ARTICHOKE. The goal was to "control an individual to the point where he will do our bidding against his will and even against such fundamental laws of nature as self-preservation." The means was to be hypnosis (with psychiatric consultation) in conjunction with any other feasible aid, including neurosurgery and electroshock treatments, and some of the first subjects were twenty-five North Korean prisoners of war.

MKULTRA, approved by CIA Director Allen Dulles on April 14, 1953, with a budget of \$300,000, was merely an offshoot of the original BLUEBIRD program, with the emphasis being on the use of biological and chemical agents, mostly psychedelic drugs such as LSD, to achieve the same end. Most of the subjects experimented on were inmates of the federal drug hospital in Lexington, Kentucky, who volunteered for the program with the understanding they would get a reduction of their sentences. However, under MKULTRA, LSD was apparently also administered to some subjects without their knowledge. Allen Dulles's biographer, Peter Grose, writes that "at safe houses in New York's Greenwich Village and San Francisco's Telegraph Hill, hired prostitutes and hustlers secretly administered LSD to their varied . . . clientele as CIA men watched for reactions through one-way mirrors." And apparently, and unbelievably, the CIA at least once administered the drug to one of its own people, with tragic consequences. Grose writes that "on November 27, 1953, seven months into MKULTRA, an American physician [who was] engaged in the project, Dr. Frank Olson, was found dead under a broken tenth-floor window of the Statler Hotel in New York City. Eight days earlier he had swallowed 70 micrograms of LSD, administered by a CIA colleague without his knowledge, in a glass of Cointreau as the team sat discussing their researches in New York. Olson apparently did not know that a week earlier the directors of MKULTRA had concluded . . . that 'an unwitting experiment would be desirable.'" Per Grose, the CIA was of the opinion that the death of Olson was directly related to the LSD, although testimony from an LSD expert at one of my murder trials was that LSD leaves the body within twenty-four hours after ingestion. But then again there's the well-known phenomenon of "flashbacks," which may occur much later.

Dr. Sidney Gottlieb, the CIA's Dr. Strangelove, presided over most of the CIA's mind control programs, and after two decades of feckless and silly efforts, he and the CIA abandoned their search for the Manchurian candidate in June of 1972. Although the CIA made an effort to destroy all of the documents that arose out of its mind control program, many of MKULTRA's financial records survived and led to the exposure of the program in hearings before the Senate Select Committee on Intelligence in 1977. (Marks, *Search for the "Manchurian Candidate"*, pp.21–23, 26, 29, 56–63, 204–208; *New York Times*, April 25, 1966, p.20; Grose, *Gentleman Spy*, pp.392–396; Leonard, *Perfect Assassin*, pp.3–5) The fantasy that Armstrong has come up with would seem to be outside the psychedelic scope of MKULTRA, and in any event, he does not produce for his readers one speck of evidence that Oswald was ever a part of MKULTRA, or of any other behavioral modification or mind control project run by the CIA.

For the notion that not only Oswald but also Jack Ruby were under mind control (by German-Argentines trying to drive the stock market down at least thirty points) at the time of their acts through the use of techniques called Radio-Hypnotic Intracerebral Control, and Electronic Dissolution of Memory, see Lawrence, *Were We Controlled?* pp.23–24, 165–168.

strong doesn't say why the CIA wouldn't have preferred to place a Russian refugee, being himself and without an American identity, back in the Soviet Union working as an American spy, instead of someone the Soviet Union thought was an American, since the CIA would know that the KGB would watch the latter like a hawk, as we know the Soviets watched the real Lee Harvey Oswald, rendering him almost useless if he had been a spy.

Armstrong alleges that this Russian refugee successfully "defected" to the Soviet Union in 1959 and returned to the United States with a Russian wife in 1962. A year and a half later this young man was set up as the "patsy" in an elaborate scheme engineered by career CIA officials to assassinate President John F. Kennedy. Armstrong says that "two days after the assassination of President Kennedy the Russian-speaking refugee, *Harvey* Oswald, was shot and killed by Dallas nightclub owner/CIA gunrunner, Jack Ruby. American born *Lee* Oswald was, and may still be, very much alive." (Armstrong, *Harvey and Lee*, unnumbered p.6 of the Introduction)

Armstrong did not give his readers any citation or source for anything you have just read. The reason: How do you cite or source something that does not exist? Obviously, if Armstrong had a source for any of the things he charges, he would be only too eager to give it. Instead, his only source is his exceptionally fertile imagination. He obviously made up out of whole cloth what I have quoted to you, and with that wild premise he was off and running with his story.

It would have been nice to know just who this Russian refugee fellow was, and how the CIA recruited him. But Armstrong doesn't tell us, because he can't. Nor does he tell us why, if CIA conspirators got the Russian refugee to impersonate Lee Harvey Oswald, they wouldn't give him the same, identical name, Lee Harvey Oswald. What could they possibly hope to gain by giving him a slightly different name—Harvey Oswald? Particularly when they went through all the trouble of finding a Russian refugee who looked almost exactly like Oswald, Armstrong calling them "look-alikes" and showing photos of the two different men on the cover of his book. Wouldn't giving them slightly different names only be counterproductive? Nor does he bother to present in his book one single piece of evidence that the CIA had anything to do with Kennedy's murder. Nor does he tell us why, if the CIA conspirators were willing to kill, no less, the president of the United States, they would want to let the one person who could expose this elaborate scheme, Lee Harvey Oswald, to possibly remain "very much alive." Armstrong believes "the real Lee Harvey Oswald and a foreign born 'look-alike' were recruited by the CIA as teenagers" (Armstrong, *Harvey and Lee*, p.11). Therefore, even if the CIA had kept the existence of both Oswalds secret from each other, if the real Lee Harvey Oswald, who had been recruited into the scheme and had his life directed thereafter by CIA handlers, were to tell what happened to him to any friend or anyone at his job (for instance, at the Des Moines zoo or in the Allstate Insurance Company Claims Department in Atlanta), this would set in motion information that would ultimately expose the CIA as Kennedy's killers. Again, how could the CIA killers possibly permit the real Lee Harvey Oswald to remain alive? Armstrong doesn't disturb himself or his readers with such questions.

By the way, although most conspiracy theorists and millions of Americans think Ruby silenced Oswald for the mob, Armstrong suggests that Ruby was much more

connected to the CIA than the mob, and it was the CIA whom Ruby killed Oswald for. But he offers no credible evidence that Ruby had anything to do with the CIA, as a gunrunner or anything else.

Perhaps most important, Armstrong doesn't deign to tell us why this incredibly elaborate and difficult scheme was necessary. I mean, if the CIA were willing to frame the Russian refugee for Kennedy's murder by setting him up as a patsy, why not simply frame the real Lee Harvey Oswald? After all, both the real Oswald and the imposter Oswald were, per Armstrong, recruited by the same conspirators at the CIA and both were being "handled" by them. By framing the real Lee Harvey Oswald (which, by the way, is what a great many conspiracy theorists believe the CIA did), whom they had no reason to believe would be more difficult to frame than the imposter Oswald, they would thereby eliminate the Second Oswald and all the enormous problems inherent in such a project, problems that could expose the CIA as being Kennedy's murderer. So before Armstrong even writes the first word of his long tribute to absurdity, the premise for his whole book is seen to be prodigiously ridiculous.

Armstrong proceeds to take his readers through the parallel lives of Lee Harvey Oswald and his imposter, Harvey Oswald, showing his readers that while one is in one city, the other one is somewhere else. At one point they were in separate countries. Although Armstrong has the Russian refugee Harvey Oswald impersonating Lee Harvey Oswald for several years, Armstrong claims that in the months leading up to the assassination—are you ready?—the CIA had Lee Harvey Oswald impersonating Harvey Oswald. Eventually, on the day of the assassination, Armstrong has both Lee Harvey Oswald and Harvey Oswald, two people who are spitting images of each other, in the Texas School Book Depository Building, Harvey Oswald because he works there and Lee Harvey Oswald because he's one of Kennedy's assassins—other assassins, per Armstrong, being behind the picket fence on the grassy knoll. At the moment of the assassination, *Harvey* Oswald was in the second-floor lunchroom having lunch and *Lee* Harvey Oswald was on the sixth floor firing at Kennedy. It's Harvey Oswald who was arrested for Kennedy's and Tippit's murders, even though, per Armstrong, he killed neither and Lee Harvey Oswald killed both. (Armstrong, *Harvey and Lee*, pp.805, 807–808, 840–844, 848–850; in separate countries: p.371) Lee Harvey Oswald escaped arrest, but Armstrong doesn't tell his readers what happened to him thereafter, though, as indicated, he tells them near the beginning of the book that he may be "very much alive." Harvey Oswald, of course, is eliminated by the CIA hit man, Jack Ruby.

One of the two pillars of Armstrong's theory is that there are many photographs of Oswald,* and the Lee Harvey Oswald known to the world looks slightly different in many of them. But of course pictures taken on the very same day, in fact by

*I remember Armstrong telling me about them in Tulsa, Oklahoma, years ago and shortly thereafter sending me a copy of his chronological poster, which I assume he put together with conspiracy theorist Jack White, who had included many of the photographs in his earlier videotape, *The Many Faces of Lee Harvey Oswald*. I understand the current poster Armstrong and White are using has seventy-seven photos of Oswald in it, but the one Armstrong sent me back then, which I still have in my files, only has sixty photos, starting with Oswald in 1941 at the age of two, and the last six of Oswald on the day of the assassination after his arrest. Since Oswald looked different in all six photos (and in four his hair is clearly black, in one it is a much lighter brown), I suggest to Armstrong that contrary to his theory, it appears the Dallas police arrested *at least* two imposter "Oswalds" for Kennedy's murder.

the same photographer just seconds apart, often produce images that look different from each other. All of us, except John Armstrong, know this. And to compound Armstrong's silliness, he includes photos of Oswald taken over a twenty-two-year period, from ages two to twenty-four. So according to Armstrong, if there are two photos of you—let's call them A and B—that are not identical, the real explanation is that one of the photos of you is really not of you at all, but of someone else who resembles you. And although Armstrong doesn't say this, he is starkly inconsistent when he *doesn't* say that since there are many photos in his Oswald collection that differ from each other (some, he says, are composites of the right side of Lee's face and the left side of Harvey's), this automatically means there are many "Oswalds," not just two, as he claims.

Another aspect of this one pillar is that just about everyone who met Lee Harvey Oswald described him as having the same kind of disposition—very serious, a strong sense of social justice, highly argumentative, passionate, obsessive in his anti-capitalistic views, and so on. But when Armstrong finds someone, anywhere, who describes a different aspect of Oswald, it's a second person, not Oswald. For instance, comparing Oswald in New Orleans to Oswald in the Marines in Japan, he says the Oswald in New Orleans, per Palmer McBride, the witness he relies on, "did not drink [probably true], never talked about his family or background [Oswald rarely talked to anyone about his family or background], never got into a fight [untrue, as we know from witnesses at Beauregard Junior High School in New Orleans], continuously talked about Communism [true], and said he wanted to kill President Eisenhower [true]." The excruciatingly ridiculous Armstrong says, however, that the Oswald in Japan "got drunk on occasions" (so if you didn't drink before you got in the Marines, and you did there, that means you aren't the same person and someone is impersonating you?), liked Japanese women (he was now in Japan, not New Orleans, wasn't he?), never discussed Communism or political issues (hard to know since most of Oswald's squad mates who testified or gave affidavits to the Warren Commission only knew him in Santa Ana, where he let his fondness for Russia and Marxism be known to many),* never spoke a word of Russian (hard to determine from the record), got into a number of fights (which is consistent, not inconsistent with the Oswald in New Orleans), and occasionally talked about his family. So if he never talked to one person in New Orleans, Palmer McBride, about his family, but spoke to one person in Japan about his family, again, we must be talking about two different people. (Armstrong, *Harvey and Lee*, pp.5, 171)

As can be seen, like nearly all conspiracy theorists, Armstrong misleads his readers to help prove his theory. But even so, what's his point? Let's say you go through a period of liking country-western music; well, you better keep listening to Hank and Willie and Waylon 24-7 for the rest of your life, because if another witness happens to hear you enjoying rock and roll or easy listening, some John Armstrong might come into your life claiming either that you are an imposter or that someone with the same name as yours is impersonating you. Armstrong should be

*However, Paul Murphy, who knew Oswald at Atsugi in Japan, said that Oswald "was generally in sympathy with Castro" (8 H 320). In his confusion, Armstrong cites three of Oswald's squad mates in Santa Ana (Allen D. Graf, Mack Osborne, and Richard Call—see Robertson, *Documents and Photos for John Armstrong's Book Harvey and Lee*, p.22) as support for his saying that Oswald never talked about Communism in Japan.

embarrassed by such foolishness, but by all accounts he is very serious. What he doesn't even realize is that the argument he makes (Harvey Oswald *acting differently* than Lee Harvey Oswald) *is an argument that disproves his own impersonation theory*. If CIA conspirators could pull off the most sophisticated frame-up in history and find someone (the Russian refugee) who looked so much like Lee Harvey Oswald that no one (other than, Armstrong *claims*, Oswald's own brother Robert) knew he wasn't the same person they had always known, surely the conspirators would know all about the real Oswald (my god, they "recruited" him, per Armstrong), and hence they would make triple sure that their imposter (whom they also recruited) acted as much like Lee Harvey Oswald as possible.

To elaborate further on this point, if we are to believe Armstrong, Harvey Oswald was out there for years doing his darnedest to impersonate Lee Oswald. But Armstrong doesn't explain why Harvey's CIA handlers would have him do (or not do) obvious things that Lee was (or was not) doing. For instance, he writes that Lee Harvey Oswald "was seen driving cars in Dallas, Irving, Baton Rouge, New Orleans, Alice, Pleasanton, Freer, and other locations." But, he says, "Harvey Oswald did not have a driver's license . . . He rode a bus to downtown Dallas in the morning and returned by bus at the end of the day." (Armstrong, *Harvey and Lee*, p.757)

John (John Armstrong), what type of incredibly sloppy impersonation is this? They find a young man who, according to you, looks almost exactly like Lee Harvey Oswald, and then they have him acting like anyone *but* Lee Harvey Oswald? And you can't even argue that, well, the CIA conspirators just goofed in not realizing that they had to have their impersonator not only look like Lee Oswald but also act like him. That after they found someone who looked like him, no further effort at impersonation had to be made. Not only would such a position be too ludicrous for anyone to accept, but if, for the sake of argument, your readers do accept it, how do you explain that in your book you have "Harvey" and "Lee" each signing and writing all types of documents, and the HSCA, looking at these same documents in response to allegations by predecessors of yours like Richard Popkin and Michael Eddowes, concluding they were all written by the *same* person (8 HSCA 233)? That finding, all by itself, proves either that there weren't, as you maintain, two Oswalds, or that Harvey Oswald's CIA handlers got him to learn to write exactly like Lee Oswald. But if you say this, you're necessarily saying they were conscious of the need to make every effort to help ensure that Harvey and Lee appeared to be the same. Therefore, Harvey and Lee would not, as you say, have different personalities and, for instance, Lee wouldn't be a driver if Harvey didn't even have a driver's license. I mean, John, in the little game you're playing, you can't have it both ways.

What could possibly have launched an otherwise intelligent person like Armstrong into such a deranged and irretrievable orbit? It's perhaps the main pillar of his argument: that one person can't be in two places at the same time. What started Armstrong on his mad journey was an FBI interview of Palmer McBride on November 23, 1963, the day after the assassination. McBride said he became friendly with Oswald when they both worked at Pfisterer Dental Laboratory in New Orleans. The problem is that he is certain Oswald worked at Pfisterer from late 1957 to around May of 1958, not in 1956, when the evidence shows that Oswald worked there. (CE 1386, 22 H 710-712; Letter from Palmer McBride to David

Lifton dated March 10, 1999) But of course we know that Lee Harvey Oswald was a marine stationed in Japan in 1957–1958. Ergo, Armstrong concluded, the “Oswald” at Pfisterer in New Orleans in 1957–1958 must have been a different Oswald from the one in Japan, ultimately concluding that the one in Japan was the real Lee Harvey Oswald and the one in New Orleans was the imposter, *Harvey Oswald*. But we know from Marguerite’s testimony before the Warren Commission that right after Lee quit working at the Gerard F. Tujague Company in mid-January 1956, he went to work at Pfisterer (1 H 198–199). And Robert Oswald, Lee’s brother, also says that after his brother quit working at Tujague’s, he went to work at Pfisterer shortly thereafter (Oswald with Land and Land, *Lee*, p.76). So Marguerite and Robert Oswald both place Lee Harvey Oswald at Pfisterer in 1956, not 1957–1958, when McBride was positive he was there. Surely Marguerite and Robert Oswald are far more reliable witnesses on this issue than Palmer McBride.

What makes McBride so positive that the time period was 1957–1958 is that he recalls telling Oswald, per the 1963 FBI report, that “more emphasis should be placed on [America’s] space program in view of Russian successes” (CE 1386, 22 H 710–711). How, he asked, could he have spoken to Oswald in 1956 about “Russian successes” when “no one in America knew the word ‘Sputnik’ until October 4, 1957? There were no known Russian space successes of any kind prior to that date” (Letter from Palmer McBride to David Lifton dated March 10, 1999). Just as people frequently conflate words, they also conflate events, which has to have been what happened here. Also, on August 2, 1955, Leonid I. Sedov, the chairman of a Soviet commission on interplanetary affairs, announced in Copenhagen that “in my opinion, it will be possible to launch an artificial Earth Satellite within the next two years. The realization of the Soviet Project can be expected in the near future.” And this was covered by the U.S. media. For example, the *New York Times* captioned their eleven-paragraph, August 3, 1955, article on the Soviet announcement “Soviet Planning Early Satellite. Russian Expert in Denmark Says Success in Two Years ‘Is Quite Possible’” (*New York Times*, August 3, 1955, p.8). And on January 30, 1956, right around the time Oswald started working at Pfisterer, the USSR Council of Ministers announced they had approved the launch of the satellite, designated “Object D,” in 1957.

Though these weren’t actual launchings, the news reaching America certainly suggested that the Soviets were making enormous progress in their space satellite program, which was something many Americans were aware of. McBride, looking back several years later in 1963, must have conflated his memory of Russian progress in space with the *Sputnik* launching in 1957, an easy error in memory for the mind to make, and this is probably why he thinks Oswald started work at Pfisterer after *Sputnik* was launched in 1957.

On the resolution of this issue, we don’t need Marguerite Oswald’s testimony and Robert Oswald’s recollection to show that McBride made a simple error. Although the original employment records way back in 1956 at Pfisterer are not available, partly because a fire destroyed or damaged many of them, we still *know* that McBride was wrong and Oswald went to work at Pfisterer in 1956 because Oswald’s 1956 U.S. Individual Income Tax Return, signed and filed by him on February 7, 1957, shows that he worked at Pfisterer in 1956, with wages of \$612.00 and taxes withheld of \$69.30. His return also shows wages of \$80.16 at Tujague’s

and \$7.10 withheld, and wages of \$80.00 at J. R. Michaels (where Oswald worked very briefly as an office boy after leaving Tujague's and before being employed at Pfisterer's) with \$5.00 withheld. (CD 90a; WC Record 179-40004-10446; HSCA Record 180-10110-10130, December 19, 1978) And Oswald's 1956 W-2 form at Pfisterer also survives. How does Armstrong handle this irrefutable evidence of the 1956 tax return and W-2 form? Easily. He said it was a "fabricated 1956 tax return," presumably done by the FBI, who he also says "confiscated" and "destroyed" and "fabricated W-2 form," Oswald's 1957 and 1958 W-2 forms (Withholding Tax Statement) at Pfisterer (Armstrong, *Harvey and Lee*, pp.140, 154-155, 914; Robertson, *Documents and Photos for John Armstrong's Book Harvey and Lee*, p.16). Of course, Armstrong has no evidence at all that the FBI destroyed Oswald's original W-2 forms and fabricated a new 1956 one along with a 1956 tax return. But by his naked assertion, he now necessarily brings the FBI into the picture as being part of the conspiracy to frame the Russian refugee for Kennedy's murder.

Along the way, Armstrong has picked up people to help him peddle his day-dream, including a daffy Pfisterer executive, Linda Faircloth, who wasn't even around at the time but claims that Pfisterer's owners told her that Oswald worked at the company twice, in 1955 and 1957 (Armstrong, *Harvey and Lee*, p.117). Why the owners haven't told this to anyone else, like the FBI or Armstrong himself, is not known. And, per Armstrong, everyone is in on the conspiracy to cover up the truth, including, remarkably, even the Assassination Records Review Board (Armstrong, *Harvey and Lee*, p.186). Another devotee is William Wulf, a friend of Oswald's from New Orleans who told the Warren Commission in April of 1964 he believed he first met Oswald in New Orleans in August or September of 1955 (8 H 16-17), but in 1993, almost thirty years later, when his memory was obviously much better, he told Armstrong he met Oswald in New Orleans for the first time in "either late 1957 or early 1958," partially corroborative of McBride's error (Armstrong, *Harvey and Lee*, p.185).

Armstrong made a specialty of relying completely on what people told him decades later, and often ignoring what they said much closer to the time in question. For example, he tells his readers that Paul Fiorello, a delivery boy at Pfisterer, told him in 1994 that about a year to a year and a half after he started working at Pfisterer (which would be around the summer or fall of 1957) *Harvey* Oswald was hired (Armstrong, *Harvey and Lee*, p.173). But Armstrong, though telling his readers that the FBI interviewed Fiorello in November of 1963, can't find the space in his 983-page book to tell them *what* Fiorello told the FBI, that "Lee Oswald worked as a messenger for Pfisterer in about 1956 for a . . . few months" (CE 2229, 25 H 130, FBI interview of Paul Anthony Fiorello on November 25, 1963). Armstrong doesn't tell his readers that Lionel Slater Jr., a messenger at Pfisterer, also told the FBI in 1963 that Oswald worked at Pfisterer "about 1956" (CE 2230, 25 H 130, FBI interview of Lionel Slater Jr. on November 25, 1963).

Armstrong goes from the ridiculous (McBride) to the sublime in another one of his examples that he cites to support his two-Oswald argument. Very briefly, Oswald's brother Robert told the Warren Commission, as well as others, that after Lee finished his sixth year of grade school at Ridgelea Elementary School in Fort

Worth, Lee “started attending W.C. Stripling Junior High School” in the seventh grade. Warren Commission counsel: “For the school year 1951–1952?” Robert Oswald: “Yes, sir.” (1 H 299)

Robert told the Warren Commission that Lee “was thirteen years old” in 1952 when he attended Stripling. But in his book Robert makes no reference to Lee going to Stripling after the sixth grade, and in fact contradicts his Warren Commission testimony, which is perfectly understandable since he is reconstructing a chronology of events that happened years earlier. He writes in his book that he enlisted in the Marines in July of 1952 and left home. “A few weeks” later, he writes, his mother and Lee, who he said “was nearly thirteen,” left for New York City. If that is so, Lee couldn’t have attended Stripling in the fall of 1952 because he was in New York City. And the Warren Commission said that Lee, at thirteen, was in the seventh grade in New York City. (Oswald with Land and Land, *Lee*, pp.49–51; WR, p.676; CE 1384, 22 H 688–695, 697–700) Adding to the confusion is the fact that Robert himself had attended Stripling (Oswald with Land and Land, *Lee*, p.42) and could have assumed in his Warren Commission testimony, without actually knowing, that after he left Fort Worth for the Marines, Lee had attended the same junior high school when he got to the requisite seventh grade, forgetting, for the moment, his recollection that just before the seventh grade Lee had moved with his mother to New York City. This throws into question whether Lee ever attended Stripling, and Marguerite Oswald, in her Warren Commission testimony, made no reference to Lee going to Stripling.

However, based on Robert Oswald’s Warren Commission testimony alone, one has to at least consider whether Lee did, in fact, attend Stripling if only for a short period of time during the 1951–1952 year, despite the fact that the Warren Commission volumes show no document affirming this, and a search of the cumulative record at the Fort Worth public schools by the Dallas Police Department did not reveal Stripling as one of the five schools he attended there. (Letter from Dallas Police Department Detective H. M. Hart, Criminal Intelligence Section, to Captain W. P. Gannaway, Special Service Bureau, Dallas Police Department, dated January 28, 1964, p.1)

Where Armstrong saw a better opening at Stripling for his two-Oswald theory was two years later, in 1954. In 1996, more than thirty years after the event in question, the former assistant principal at Stripling, Frank Kudlaty, told Armstrong that on the Saturday after the assassination, the principal called and asked him to go to the school to give the FBI Oswald’s school records, which he said he did. He said he “briefly” looked at the records, and told Armstrong, “I think he [Oswald] was in the ninth grade” at Stripling. (Armstrong knew that the Warren Commission stated that Lee Harvey Oswald attended the ninth grade in 1954 at Beauregard Junior High School in New Orleans.) Kudlaty said the FBI never returned Oswald’s records to the school. (Armstrong, *Harvey and Lee*, pp.98–99)

The first problem with the Kudlaty story is that Robert Oswald attended Stripling for one year, apparently the ninth grade (1 H 297, WCT Robert Edward Lee Oswald), so there could easily have been some confusion on the principal’s part as well as Kudlaty’s, though Armstrong says Kudlaty told him he found *both* Lee’s and Robert’s records at Stripling. Another problem is Armstrong’s already demonstrated willingness to make his point through conscious or unconscious dis-

tortions, so we cannot be 100 percent sure that Kudlaty told Armstrong what the latter says he did. An additional problem is that Kudlaty, who was looking back at an event that happened over thirty years earlier, said he only “briefly” looked at the records, and added, “I *think* [Oswald] was in the ninth grade.” And then there’s the possibility that Kudlaty is like the hundreds upon hundreds of people in the Kennedy assassination saga who, for one reason or another, told a phony story. One thing that immediately casts suspicion on Kudlaty’s story is that it seems almost inconceivable that Kudlaty did not do the normal thing and simply make a copy of Oswald’s school records to give to the FBI, or give the FBI the originals but make a copy to retain for the school’s files. This is virtually always done in such a situation. Since when can the FBI (or local police, or whatever local, state, or federal authority) come to a school or factory or office building and take away original records, leaving the school, et cetera, with nothing in its files, and a permanent blank spot if it never gets the records back? Kudlaty’s story doesn’t seem to make sense. His explanation? The completely improbable story that the junior high school did not have one single copy machine. He adds a further improbability, asserting that the FBI, having taken the originals, never gave him a receipt for the records. (Armstrong, *Harvey and Lee*, p.99)

In any event, since the FBI had told Armstrong in 1994 that it had no records of Oswald from Stripling, he immediately, of course, became convinced that the FBI had destroyed the records. Why would they do this? Because Oswald would have been in the ninth grade in 1954, and, as indicated, we know that Lee Harvey Oswald was attending the ninth grade at Beauregard Junior High School in New Orleans in 1954 (WR, p.679). Therefore, Armstrong is certain that the Oswald at Stripling in 1954 must have been Harvey Oswald, the Russian refugee impersonating Oswald,* and that the FBI was definitely a co-conspirator with the CIA in framing “Oswald” using the double-Oswald device. I lose or misplace documents in my own office that I never see again. Armstrong, I would wager, has lost all types of documents. But if the FBI, with thousands of employees and millions of documents, can’t find Oswald’s school records from Stripling—very minimal if they existed at all, as Kudlaty thinks he only received grades for one six-week period—the FBI is definitely a part of the conspiracy to frame Oswald for Kennedy’s murder.

Naturally, since we know that conspiracy theorists manage to find numbers of witnesses to say anything that the theorists are seeking to prove, and we *know* their statements are erroneous, it’s not surprising that the indefatigable Armstrong found two former students who claim they went to school with Lee Harvey Oswald at Stripling in 1954, and that he lived right across the street from the school in a duplex at 2220 Thomas Place. The big problem for Armstrong is that the CIA (behind the

*Unbelievably (is there another word?), Armstrong tells his readers that in 1952 and 1953, the imposter Oswald was living in New York City, as was the real Oswald. Indeed, for part of the time they attended the same school, P.S. 44, this time using the same name, Lee Harvey Oswald. “This resulted,” Armstrong says, “in the creation of two sets of school and court records.” (Armstrong, *Harvey and Lee*, pp.16, 60–62, 66) Also unbelievably, Armstrong writes that Robert Oswald (who Armstrong originally suggested believed that Harvey, the Russian refugee, was his brother Lee) apparently came to know “full well” that the Russian refugee “was not his brother” (Armstrong, *Harvey and Lee*, pp.96–97). So apparently Armstrong believes that Robert Oswald very possibly also joined in the conspiracy to frame his “real” brother, or at a minimum, sat by and acquiesced to whatever was taking place. Why? Oh, I don’t know. Maybe the CIA paid him a couple of bucks.

whole scheme) never, according to the story he tells in his own book, kept the name of Oswald's impersonator, Harvey Oswald, a secret; that is, he and his mother, Marguerite Oswald, didn't go by another name. Therefore, when Fort Worth property records revealed that from 1948 to 1954 one Rufie Cox occupied apartment A at the subject Thomas address, and there was no listing for anyone in apartment B, the other apartment in the duplex, that had to be a real blow to Armstrong's pet theory (Armstrong, *Harvey and Lee*, pp.100–103, 270–271), particularly when the Warren Commission, in a thorough effort, proved where Marguerite and her dwindling family lived throughout the 1948–1954 period, and none of the addresses was 2220 Thomas Place in Fort Worth. In fact, 2220 Thomas Place doesn't show up as a place where Marguerite *and her family* lived at any time. (CE 1963, 23 H 798–803) Armstrong says the 1964 and 1965 Fort Worth city directories list Marguerite as the tenant in apartment B at 2220 Thomas Place (Armstrong, *Harvey and Lee*, p.102). But Armstrong's little game ended on November 22, 1963, so 1964 and 1965 don't count, right? One wonders if Armstrong's whole investigation with respect to Stripling didn't start with these 1964 and 1965 Fort Worth directories, with Armstrong working backward trying to force everything into his fairy tale.

To demonstrate the mental pathology of Armstrong and conspiracy theorists like him, he actually writes that “nearly all of the houses in the neighborhood surrounding Stripling were built in the 1920's and 1930's and are still in very good condition.” He then writes and italicizes these words: “*Curiously, the duplex at 2220 Thomas Place was the only building in the neighborhood that was torn down and replaced with a newer structure.*” (Armstrong, *Harvey and Lee*, p.101) But, as I said, the CIA handlers of Harvey and Lee did not try to conceal the identity and presence of Harvey, Oswald's impersonator (since he was supposedly impersonating Oswald, this could be done only if there was no concealment), so what conceivable purpose under the moon could possibly be served by tearing down the home that Oswald's impersonator lived in? In the world of Armstrong, questions like this are never asked. Shouldn't Armstrong also ask himself this question: Since at the very heart of his book is the premise and allegation that while Lee Harvey Oswald was in one place, his imposter was in another (e.g., on September 25, 1963, Harvey Oswald left New Orleans for Texas, while on that same day Lee Harvey Oswald left Dallas for Austin, Texas [Armstrong, *Harvey and Lee*, pp.606–607, 609]), why would the FBI, apparently working with the CIA on this grand scheme, want to destroy the Stripling Junior High School records of Harvey Oswald in the ninth grade? For what purpose? Armstrong doesn't bother to say. If we can give Armstrong a reason—that evidence (documentary or otherwise) of the impersonator in one place while Oswald was in another would expose the fact of the impersonation and defeat the CIA's purpose for the impersonation—then why, as set forth throughout Armstrong's book, was there no effort by the CIA or FBI to destroy the documentary evidence of the impersonator's existence in the overwhelming majority of situations set forth by Armstrong? What was so special and incriminating about the impersonator's six-week ninth-grade period at Stripling?

And while we're asking, let's go back to the beginning of Armstrong's book where he sets forth (without source or citation, as I've said) the original purpose of the impersonation—before it metamorphosed into a presidential assassination. As indicated earlier, the plan was to merge the identities of the Russian-speaking

refugee and Oswald so that the CIA could send the Russian refugee back to Russia with an American identity to be used as a CIA spy in the Soviet Union. But this is, once again, too crazy for words available in the English language to describe. Instead of this incredibly complex and difficult impersonation over a period of many years, starting when Oswald was only thirteen, why not do what is always done when a person is presented as someone he is not? If the CIA, for whatever reason, wanted to send a Russian disguised as an American back to the Soviet Union to spy, why not simply give the Russian refugee a fake American identity—the documents, such as a birth certificate, would be routine and take all of a half hour to prepare—and after he lived in this country long enough to speak fluent English and acquire a documented history, send him back to the Soviet Union as a CIA spy?

Remarkably, Armstrong himself is very aware of this practice because he gives an example of it to support *his* cockamamy theory when it obviously *only* serves to refute it. He tells the story of Konan Trofimovich Molodi, who was born in Moscow in 1922 and was the son of a Soviet science writer. In 1929 he was sent to Berkeley, California, to live with his aunt, who he apparently believed was his mother. In 1939 he returned to the Soviet Union, was given a commission in the Soviet navy, and began training in espionage against the British, probably because he could speak English. Armstrong goes on to say, “In 1954, at the age of thirty-two, he [Molodi] was *provided with fake documents* and given the identity of a deceased Canadian citizen named Gordon Arnold Lonsdale.” Molodi-Lonsdale eventually journeyed to England, where he and four of his colleagues were ultimately arrested and convicted of espionage against the British government in March of 1961. (Armstrong, *Harvey and Lee*, pp.10–11) And Armstrong cites this case (fake documents allowing Molodi to assume the identity of a dead man) as support for his preposterous Harvey–Lee scenario? To the contrary, it is very clear evidence for the exact opposite: that fake documents would be used to establish a fake identity for Armstrong’s alleged CIA project, not the incredibly complex and sophisticated and difficult and vulnerable-to-detection method the CIA allegedly used in Armstrong’s fairy tale.

Armstrong’s theory is so looney that it even completely confuses him. For instance, much of it is based on the premise that although Lee and Harvey look very much alike (after all, the CIA got Harvey to impersonate Lee), there are sufficient differences, though slight, to prove that two different people are shown in the photographs. But on page 65 of his book, he completely forgets the above premise and suggests that a photo of Lee taken by his brother Robert at the Bronx Zoo in New York, supposedly during the spring of 1953, doesn’t look anything like Lee. Armstrong misleads his readers by telling them the Bronx Zoo photo (CE 282, 16 H 802) is of a “small, thin, almost frail-looking boy,” and very different from the “tall, husky” boy shown in a photo (CE 282, 16 H 802) taken a year earlier in Fort Worth. (Armstrong, *Harvey and Lee*, p.65) But the Bronx photo shows Lee to be a perfectly normal, healthy young boy. And he looks just like the Lee Harvey Oswald (except that he is a little younger) shown in the earlier Fort Worth photo as well as in earlier photos of Oswald in Armstrong’s companion publication of photos and documents (pp.2–6). Moreover, there is no way to discern from the Bronx Zoo photo that the boy depicted is of a different height. How was it possible for Armstrong to determine that?

Then he shows his further confusion about his own theory when he cites the testimony of Lee's half brother, John Pic, that the Bronx Zoo photo doesn't look at all like Lee (11 H 65, WCT John Edward Pic). In other words, it's a very poor impersonation, which contradicts Armstrong's own theory throughout most of his book. By the way, not only can anyone see that the boy in the zoo photo does look like Lee, but Lee's brother Robert identified the photo as being of Lee (1 H 302, WCT Robert Edward Lee Oswald).

Indeed, it seems that Armstrong was so confused by his own theory that he couldn't even come up with a title to his book that makes sense. The title of his book is *Harvey and Lee: How the CIA Framed Oswald*. This suggests that the real Oswald, Lee, was framed for Kennedy's murder, not some unknown Russian refugee who was merely using the name Oswald. But according to Armstrong himself the real Lee is the one who murdered Kennedy. (Armstrong, *Harvey and Lee*, p.808) Since you can't frame someone who is guilty, and Armstrong admits that the Russian refugee, not Oswald, was framed, if there are enough silly fans of Armstrong's fairy tale to justify another printing of his book, he should retit it, *Harvey and Lee: How the CIA Framed Oswald's Impersonator*. No?

There is another point that, all by itself, conclusively negates Armstrong's entire theory. Armstrong alleges that Harvey's impersonation of Lee commenced in 1952, when Lee was thirteen years old (Armstrong, *Harvey and Lee*, pp.66, 96). The problem for Armstrong is that Lee had a mastoidectomy to his left ear *before* then, when he was six years old (CE 2218, 25 H 118), and Armstrong, in constructing his little game, had to acknowledge that it was Lee, not Harvey, who had the mastoidectomy when he was six (Armstrong, *Harvey and Lee*, p.146), apparently realizing that even with his audience being as gullible as they are, they'd find it hard to swallow that Lee and Harvey had been recruited into the CIA at such an early age (six years old). Continuing on, Armstrong, as indicated, alleges it was Harvey, not Lee, who was arrested for Kennedy's murder and who was subsequently murdered by Jack Ruby and buried at Rose Hill Cemetery in Fort Worth (Armstrong, *Harvey and Lee*, pp.944-947). Therefore, if we are to believe Armstrong, when Harvey's body was disinterred on October 4, 1981 (because one of Armstrong's predecessors, Michael Eddowes, had convinced a lot of people that it was not Lee Harvey Oswald in the coffin, but an imposter), there shouldn't have been any scar from the mastoidectomy on the corpse since, per Armstrong, Lee had the mastoidectomy but Harvey was in the grave. Unfortunately for Armstrong, the distinguished group of surgeons who examined the corpse not only identified it as the corpse of Lee Harvey Oswald from dental records, but also said that "the mastoid prominence of the *left* temporal bone revealed an irregularly ovoid 1.0 × 0.5 cm. defect penetrating to the interior of the mastoid bone with the defect edges rounded and smooth." In their photographic exhibit of the defect, they said, "Note the evidence of prior mastoid surgery . . . Antemortem records of *left mastoidectomy* noted on military enlistment and separation medical records in October 1956 and September 1959, respectively." (Norton, Cottone, Sopher, and DiMaio, "Exhumation and Identification of Lee Harvey Oswald," p.25, figure 2(b) on p.26)

Armstrong, knowing that the jig was up on his grand little game if he told his readers about this (since at no place in his book did he allege that Harvey Oswald also had a mastoidectomy), solved his problem by simply not telling them about

the finding of the left mastoidectomy on the man in the Fort Worth grave. And it's not as if Armstrong was not aware of the exhumation and the doctors' report. Indeed, he mentions the exhumation, and the effort to identify the remains, even quoting from part of the medical report that Harvey Oswald's remains were identified by comparison with Harvey Oswald's dental records in the Marines. (Armstrong, *Harvey and Lee*, pp.147, 946–947) But hey, I understand. There wasn't room in his long book for such an insignificant detail as the mastoidectomy.

Armstrong's gross and deliberate misrepresentation, by omission, is serious and inexcusable, but typical in the conspiracy community. Yet Armstrong wasn't satisfied by this enormous deception of his. Since he failed to tell his readers of the mastoidectomy found on Oswald's left ear when his body was disinterred and examined, one would think he wouldn't have had the audacity to make any issue at all out of the presence or absence of the mastoidectomy. But Armstrong tells his readers that in Oswald's original autopsy "there was no sign of a large mastoidectomy scar behind Harvey Oswald's left ear." That, he *did* find space for in his book. (Armstrong, *Harvey and Lee*, p.946) But not bothering to mention the scar in the autopsy report is a very different matter from saying the scar was not there. The autopsy surgeon was not making an effort, as the exhumation doctors were, to identify the corpse. After all, on November 24, 1963, who in their right mind could ever dream that someday people like Eddowes and Armstrong would be conjuring up such incredible claptrap? In any event, this is all irrelevant since Armstrong contends that it was *Harvey* Oswald who was in the Fort Worth grave. And the corpse in that same grave *did* have evidence of the mastoidectomy to his left ear, which Armstrong concedes Lee Oswald had in 1945, seven years before Armstrong's game started. (Armstrong, *Harvey and Lee*, p.946) Is there really anything more to say?

In a murder trial I prosecuted years ago, the lawyer for the defendant asked a question of a witness to which I objected on the grounds that the question was "ridiculous." Though that is not a recognized legal objection the judge said, "Sustained." With Armstrong's theory, even if no evidence were offered to disprove it, it could be dismissed solely on the ground that it is "ridiculous" on its face. I said earlier that I resent having to write just one word in refutation of his theory but felt I had no choice since it has become so popular in the conspiracy community. I've already gone far beyond merely saying that Armstrong's theory is ridiculous, and could actually write much more pointing out one absurdity after another, which I of course will not do. But let me mention one last point.

If you find what you've read so far about Armstrong's theory impossible to believe, listen to this: Not content to try to convince people that there was an imposter impersonating Lee Harvey Oswald since he was a teen, the remarkable Armstrong asserts in his book that Marguerite Oswald, the short and stocky woman whom the rest of the world knows as Lee Harvey Oswald's mother, was not really his mother, but *also* an imposter. But here, Armstrong loses his grip on, well, insanity. *I say elsewhere in this book that within the world of insanity there's an internal logic.* And if you enter Armstrong's world of insanity—that a Russian refugee was impersonating Oswald—it makes perfect sense that, as he claims, the CIA would get someone who looks like Oswald to impersonate Oswald. But Armstrong tells his readers of a photo he has of the real Marguerite (her marriage photo with Edwin Ekdahl) showing her to be a "tall, slender, nice-looking" woman who

looks very different, he says, from her imposter, the “short, heavysset, dour-looking” woman the world knows as Marguerite and whom Lee’s young friend in New Orleans in 1956, Palmer McBride, identified as Marguerite for Armstrong.* Armstrong doesn’t even say the imposter’s face looked anything like the real Marguerite, indeed, suggesting the opposite. (Armstrong, *Harvey and Lee*, pp.6, 214)

Why the CIA, trying to have someone impersonate Marguerite, would choose someone who looked so unlike Marguerite, even being, per Armstrong, much taller, Armstrong doesn’t say. Neither does he explain to his readers why, when the imposter Marguerite appeared on television at the time of the assassination, the real Marguerite’s sons, Robert Oswald and John Pic, as well as the real Marguerite’s sister and brother-in-law (Lillian and Charles Murret), didn’t shriek to the world, “Hey, that’s not my mother [sister, sister-in-law], Marguerite. Who is this woman? She’s an imposter.” We already knew that Armstrong threw out logic and reason long ago with respect to his fairy tale, but at least he had his insanity to fall back on. The fairy tale loses even its “internal logic” insanity when he asserts that the CIA got someone to impersonate Marguerite who looked nothing like her. How much longer do we have to wait for Armstrong to inform us that it was a Kennedy imposter who was assassinated?

For those conspiracy theorists who feel I haven’t “done justice” to Armstrong by not mentioning every matter, issue, or witness Armstrong cited in his nearly one-thousand-page book—to do so would almost take a book in itself—if justice is giving something its due, the only justice for Armstrong’s book is to put it in a trash can. Every word I wrote about this freaky book is one more word than Armstrong and his theory deserve. Here’s a book that at worst doesn’t deserve First Amendment protections (I’m being facetious) and at best is merely fun and games. And yet, Walt Brown, a serious student of the assassination, while noting a few of the book’s absurdities, gives it a positive review in his publication, *JFK/Deep Politics Quarterly*, saying it is “required reading.” When someone of Brown’s stature in the conspiracy community tells his readers to go out and “get the book and set aside . . . everything you previously read about what happened in Dealey Plaza on November 22, 1963” (*JFK/Deep Politics Quarterly*, April 2004, pp.3–10), he is doing nothing more than encouraging other Armstrongs to go off on similar delirious odysseys into the twilight zone.

What I will say that’s good about *Harvey and Lee* is that Armstrong did an enormous amount of good research on Lee Harvey Oswald’s background and life that

*Armstrong doesn’t show the readers of his book these two photos, but he does on pages 1 and 2 of the companion publication. He doesn’t tell his readers that in the May 5, 1945, marriage photo (Murret Exhibit 1, 20 H 639; 11 H 472–473, WC affidavit of Lillian Murret), not only does Marguerite not look like a tall woman, but she is wearing high heels. She is on the slender side, but the photo was taken when Marguerite was younger, when she married Edwin Ekdahl in 1945, more than ten years before the 1956 photo. In Armstrong’s world, people don’t put on weight. Moreover, the 1956 photo of Marguerite, sitting down, that elicited “That’s her. That’s the woman I met” from McBride, doesn’t show Marguerite to be heavysset, only above average in weight. Much more importantly, she looks like the Marguerite in the marriage photo, only eleven years older, not the imposter Armstrong claims she is. So Armstrong is doing nothing but deceiving his readers. Armstrong has another photo in the companion publication that he claims is of Marguerite with a group in 1957, a photo he also tells his readers depicts Marguerite as tall. But only the upper half of her body and only portions of the bodies on her immediate left and right can be seen in the photo, so no clear opinion on height can be made. Moreover, as opposed to the unquestioned authenticity of the marriage photo with Ekdahl, it cannot be assumed that this second photo is even of Marguerite, though there’s a resemblance.

will be of use to researchers in the future, and Armstrong deserves to be commended for that. What prevented his biography of Oswald from being more valuable is not only the fact that he contaminated it throughout by the fun and games he plays with the two Oswalds, but that he relied hardly at all on by far the best source for Oswald's history from Minsk to Dealey Plaza, Marina Oswald's story as told in Priscilla McMillan's seminal book, *Marina and Lee*.

- 1026 **A reported sighting:** Though not a "sighting," the next report of Oswald being in an unexpected place was also in Wisconsin on September 14, 1963, where the name "Lee Oswald, Dallas, Texas," turned up on the guest book page for that date at the Fox and Hounds Restaurant in Huberton. The signature was turned over to the FBI lab and an FBI handwriting expert determined it was not the signature of Oswald. On Saturday, November 30, a woman phoned the FBI office in Milwaukee to state that she had been one of a party of six at the subject restaurant the previous Saturday night (November 24), and after a few drinks one of the men in the party had signed Oswald's name on a blank line of the guest book (presumably on the September 14 page). She declined to identify herself or the man, saying she was too ashamed to do so. (CD 36, December 2, 1963, pp.4–5)
- 1035 **was either Oswald:** An Oswald sighting that conspiracy theorists feel supports Albert Guy Bogard's story concerns a Dallas insurance agent. On December 2, 1963, Edward Brand called the FBI and said that about two weeks before the assassination, Oswald, using the name "O. H. Lee" (Oswald's alias at the rooming house where he lived, near Brand's office), came to his office to purchase automobile liability insurance. Because Mr. Lee presently didn't own a car, Brand couldn't quote him a rate. Brand's story, on its face, doesn't make sense. How likely is it that Oswald would want to buy auto liability insurance *before* he had even bought a car? Further, if Brand wanted the authorities to believe his story, he didn't know enough of the details of Oswald's life to make it believable. He claimed he saw Mr. Lee's "Texas driver's license," which we know Oswald never had, and believes the last name on the driver's license was Lee. (Interview of Edward Brand by Dallas FBI Agent James Graham on December 2, 1963, File DL 89-43)
- 1037 **Tippit himself, an alleged co-conspirator:** Because the Warren Commission's investigation of the assassination was so very comprehensive, it even included a "limited background investigation" of Officer J. D. Tippit and found nothing suspicious (CE 2985, 26 H 483–492). Among other things, the Commission checked all of his telephone records for the period following September 26, 1963 (the first day the Dallas papers confirmed that Kennedy was going to visit the state of Texas [CE 1368–1369, 22 H 620–621]), and "no suspicious long-distance calls from the Tippit household" were revealed (WR, p.369; CE 2985, 26 H 500–501).

Of all the alleged incidents cited by the conspiracy theorists to support their contention that Officer Tippit was part of the conspiracy to kill Kennedy, the only one that, if true, would go in that direction—though hardly enough to make a case for the proposition—is the one involving the Top Ten Record Shop at 338 West Jefferson Boulevard in the Oak Cliff area of Dallas. This location is a block and a half west of the Texas Theater, where Oswald was arrested, and about eight blocks southwest from where Tippit was murdered.

Assassination researcher Bill Drenas, who wrote a comprehensive and balanced

article on the alleged incident titled “J. D. Tippit and the Top Ten Record Shop” said that for years the following story had been circulating in Oak Cliff, an enclave in Dallas with a small-town atmosphere: Somewhere around 1:00 p.m. on November 22, 1963, shortly before Office Tippit was murdered, the owner of the record shop and his assistant saw Tippit rush into the shop to use their phone. He made a hurried call, and when he did not get an answer, he quickly left the shop, seemingly in a worried or upset state of mind, and drove away in his squad car at a fast clip in the general direction of Tenth and Patton, where he was murdered. If, indeed, the owner of the shop and his employee truly saw what they said they saw, why didn’t either of them call the authorities to tell them of this relevant and possibly suspicious conduct on Tippit’s part?*

The first time the story was publicized was in a December 1982 article in *Gallery* magazine by Earl Golz, the *Dallas Morning News* reporter who in the 1970s and 1980s wrote enough pieces on the JFK assassination to fill a book. In December of 1981, Golz tracked down and interviewed the record shop’s owner, J. W. “Dub” Stark (who was fifty-three at the time of the assassination), and his assistant, Louis Cortinas (eighteen years old at the time). From his interview of Stark and Cortinas, Golz wrote, “When Tippit entered the Top Ten Record Shop . . . W. R. Stark and Louis Cortinas were behind the counter. In his haste, Tippit had to ask customers to step aside as he made his way toward the phone. Stark and Cortinas recognized him from previous visits there, they said. Cortinas estimated Tippit let the phone ring ‘maybe seven or eight times’ without saying a word, hung up, and walked out fast. About ten minutes later, Cortinas said, he heard a policeman had been shot.”

The fact that Stark and Cortinas had told Golz the same story, coupled with the further fact that neither had apparently tried to sell their story to anyone or were seeking publicity, gave an element of credibility to the story. In addition, around the general time of the alleged record shop incident, Tippit, indeed, was not at his police radio. At 1:03 p.m., Dallas police dispatcher Murray Jackson attempted to get in touch with him. “I called him to ask him his location so I could keep track of him . . . but he didn’t answer.” (DPD Tapes, C1, 1:03:14 p.m.; CE 1974, 23 H 853; Transcript of *CBS News Inquiry: The Warren Report*, part III, June 27, 1967, p.3, CBS Television Archives)†

* Another story about Tippit acting in an agitated, overwrought way around the very same time as the Top Ten Record Shop incident involves an American National Insurance salesman named James Andrews. Andrews told Greg Lowrey, a Tippit researcher, that around 1:00 p.m. he was driving west on Tenth Street about eight blocks west of Tenth and Patton. He claims that Tippit passed him on the left and then pulled in front of him, to Andrews’s right, forcing Andrews to stop. Tippit, he said, rushed over to the driver’s side of his car, looked at the floor between the front seats (the implication being he was looking for something), then, without saying a word, just as quickly left, jumped back into his squad car, turned it around, and drove away at a brisk speed eastbound on Tenth. Not only doesn’t the story have the ring of truth to it, but Andrews told it to Lowrey in 1990 or 1991, more than thirty-five years after the assassination. (Livingstone, *Radical Right and the Murder of John F. Kennedy*, pp.324, 589 notes 9, 10) Lowrey reportedly is working on a book about the Tippit murder, and we can assume that if and when it is published he will have more detail to offer about this alleged incident, including whether Andrews told his story to anyone before Lowrey, and if so, when and to whom. And if not, why he waited over thirty-five years to finally tell it to Lowrey.

† However, although it was a Dallas Police Department regulation that if an officer on patrol duty was going to be away from his radio he was required to check out with the radio dispatcher (CE 2583, 25 H 855–856), Tippit had missed four known radio calls from a police dispatcher during his police career, so it was not completely out of character (Bill Drenas, “Car #10 Where Are You?” self-published, 1997, revised in 1998, p.6, available at <http://mcadams.posc.mu.edu/car10.htm>). Moreover, if there ever was a time when Dallas officers

But the story disintegrates from this point on. For starters, since the Kennedy assassination has proved to be the most publicized and controversial murder case in history, and Dallas, of all cities, has been at the vortex of that publicity and controversy, it defies all logic that neither Cortinas nor Stark picked up the phone and called the authorities, particularly during the Warren Commission period when the massive investigation was taking place and being covered daily by the Dallas newspapers. That failure hurts Cortinas's and Stark's credibility far more than the fact that they never tried to sell their story helps it.

And it gets much worse.

In doing research in late 1998 for his article on the Top Ten Record Shop, Drenas contacted Earl Golz, who informed him that he had turned over the raw notes of his interviews with Stark and Cortinas to Jim Lesar at the Assassination Archives and Research Center (AARC) in Washington, D.C. Drenas, who lives in Massachusetts, traveled to the AARC and made copies of the notes, which he published in his article. These notes turned out to be devastating to the credibility of both Stark and Cortinas. Stark told Golz that at 7:30 on the morning of the assassination, Oswald came into his store and bought a ticket to the Dick Clark show that evening at Dallas's Memorial Auditorium. So Oswald wasn't with Wesley Frazier riding from Irving to his work at the Book Depository Building with his Carcano rifle in the backseat on the morning of the assassination; he was in Oak Cliff planning on seeing the Dick Clark show that night. Right. Stark told author Dale Myers on September 8, 1997, that Oswald was actually waiting outside Stark's record shop for it to open when he, Stark, arrived. Stark added that after Oswald bought the ticket to the Dick Clark show, he left on a bus.

Only one of the citizens of Oak Cliff who heard the tale (about Oswald buying a Dick Clark ticket) that originated with Stark bothered to call the authorities. An FBI memorandum of December 3, 1963, from FBI agent Carl E. Walters to the special agent in charge of the Dallas office (Gordon Shanklin) reads, "On 12-3-63 [just eleven days after the assassination], Mr. John D. Whitten telephonically advised that he heard Lee Harvey Oswald was in the Top Ten Record Shop on the morning of 11-22-63. Oswald bought a ticket of some kind and left. Then sometime

would be likely to leave their patrol car without taking the time to notify their dispatcher, it would be in the hour after the assassination, when they would be much more inclined to leave the car to pursue, on foot, anyone who even remotely resembled the description of the presidential assassin sent out over the police radio.

Interestingly, five witnesses, all of whom knew Tippit, told *Ramparts* magazine reporter Bill Turner in 1966 that for around ten minutes between 12:45 and 1:00 p.m., shortly before the alleged record shop incident, they saw Tippit sitting in his squad car at the Gloco gas station at 1502 North Zangs in Oak Cliff watching cars coming over the Houston Street viaduct (one of several viaducts over the Trinity River) into Oak Cliff from downtown Dallas. (Two of the witnesses were a photographer and his wife, and the other three were employees of the Gloco station.) They said Tippit suddenly left the station and took off at a high rate of speed south on Lancaster, which would be the general direction in which he was killed, with the record shop being two miles to the southwest. (Welsh, "Legacy of Penn Jones," p.47) Reporter Greg Lowrey of the *Oak Cliff Tribune* located the five witnesses in 1988 on the twenty-fifth anniversary of the assassination and they confirmed the *Ramparts* story (*Oak Cliff Tribune*, June 30, 1988, p.D14). No one will ever know what caused Tippit to leave his observation post at the gas station and speed off down the road. Police radio logs are silent as to any instruction to Tippit to do so, and all we have from Tippit is his checking in at 1:08 p.m., the last anyone heard from him prior to his death, but there was no conversation with the dispatcher. (CE 705, 17 H 406) Conspiracy theorists, seeking to link Tippit to Oswald before the murder, like to point out that cabdriver William Whaley, around the general time that Tippit was at the station looking at cars coming over the Houston Street viaduct, drove Oswald over the viaduct on Oswald's way to his Beckley rooming house (2 H 257, WCT William Wayne Whaley).

later, Oswald returned to the record shop and wanted to buy another ticket. At this same time, Officer J. D. Tippit was in this store, but it apparently was a coincidence. Oswald then left the record shop for the second time. It is not known whether or not Oswald bought another ticket.” Written in longhand at the bottom of the memo are the words “No action taken—Oswald was at work all morning 11-22-63.”* It is amusing that according to what Whitten heard, Oswald came back to the record shop on the morning of the assassination to buy a second ticket, presumably to the same Dick Clark show, and this time Tippit was in the store. Maybe Tippit was also there to get one of these tickets, and Oswald had bought the last one. In fact, maybe the murder of Tippit by Oswald had nothing at all to do with the Kennedy assassination—it was just a fight that got out of hand over tickets to the Dick Clark show that night.

Stark had other goodies to tell Golz. Oswald, Marina, and their “kids” would come into his shop from time to time to buy records. Of course, not only didn’t the Oswalds have two nickels to rub together, and with what little they had there is no evidence from anyone other than Stark that they spent it on records, but Oswald’s youngest daughter, Audrey Marina Rachel, was born on October 20, 1963, just one month before the assassination on November 22. She lived at Ruth Paine’s house in Irving, about twenty miles from the Oak Cliff area of Dallas, during the entire period between the date of her birth and November 22. How credible is it that Oswald, who didn’t drive, would make arrangements to have someone pick up Marina, June (the Oswald’s older daughter), and the just-born Rachel in Irving and drive them into Dallas to rendezvous with him so they could all go to the Top Ten Record Shop?

Stark also told Golz that Jack Ruby used to come into his record shop all the time. And he said Officer Tippit often came into the store to buy records for his children. So three of the four main participants in the Kennedy assassination drama (the fourth being Kennedy) were habitués of the little Top Ten Record Shop. And I’m sure if Kennedy had lived in Texas, he would have been too.

Oh yes: though he didn’t say why, Stark told Golz he thought Oswald and Tippit knew each other.

For his part, young Cortinas told Golz that in addition to seeing Tippit at Austin’s Barbeque (adding that he thought Tippit was having an affair with one of the waitresses there, a true story he could have picked up when it publicly surfaced for the first time in 1977 after the waitress admitted the affair to HSCA investigators), he would also see Tippit at Ship’s, a private club, and the Theatre Lounge strip joint, places where, he said, Tippit was either a security guard or a bouncer. The only problem is that although one other person told Golz he had seen Tippit working at Ship’s, the weight of the evidence is that Tippit never worked at either Ship’s or the Theatre Lounge. Though Golz was unable to track down people who owned or worked at these two clubs, he told Drenas he spoke to two close friends and fellow officers of Tippit’s who said Tippit never worked at either place. Both officers, Bill Anglin and Morris Brumley, added that Tippit wouldn’t have been

*So in Stark’s original story (or at least the way John Whitten thought he heard the story told), there is no mention of Tippit rushing in to make a call from the store and rushing out in a worried state shortly before he was murdered. Stark, with his employee, Cortinas, may have embroidered the original story with the Tippit phone call story, as is so often the case with human beings.

allowed to work at either place because the police department's rules prohibited officers from working at any establishment that sold alcoholic beverages. And Officer Brumley, who worked "intelligence and vice" at the Dallas Police Department, said that his office had checked out the allegation that Tippit worked at these two clubs and found that he "never did work there." Further, Tippit's wife, Marie, told the FBI that other than his job with the Dallas Police Department, her husband only worked at Austin's Barbeque on Friday and Saturday evenings, and at the Stevens Theater in the Stevens Park Shopping Center on Sunday afternoons. This, of course, further erodes the credibility of Cortinas's entire story.

Both Stark and Cortinas told Golz that Tippit, while on duty, used to come into the record shop from time to time to use their phone. But this does not ring true since the shop was at the border of Dallas Police Districts 91 and 92, and Tippit's Patrol District, 78,* is about three miles, the way the crow flies, from the record shop at its closest point and a little over five miles by surface street. Why would Tippit ever want to travel over ten miles (round-trip), while on duty, no less, to make a phone call he could have made at a great many other places much closer? (Bill Drenas, "J. D. Tippit and The Top Ten Record Shop," *Dealey Plaza Echo*, vol.2, no.2, July 1998; vol.2, no.3, November 1998; and vol.3, no.1, March 1999; Golz, "Confidential: The FBI's File on JFK—Part Two," p.112; Telephone interviews of Bill Drenas by author on January 15, 2002, and February 16, 2004; Putnam Exhibit No.1, 21 H 274; Jackson called Tippit to ask him his location: Transcript of *CBS News Inquiry: The Warren Report*, part III, June 27, 1967, p.3, CBS Television Archives; see also DPD Tapes, C1, 1:03:14 p.m., CE 1974, 23 H 853; Oswald waiting outside Stark's record shop for it to open: Myers, *With Malice*, p.57; Oswald at work all morning: see also CE 2189, 24 H 873; Tippit working Friday and Saturday evenings and Sunday afternoon: CE 2985, 26 H 485–486; CE 2985, 26 H 485–486, FBI interview of Marie Tippit on May 15, 1964)†

*Per Tippit's supervisor, Sergeant Calvin "Bud" Owens, "Tippit had been assigned to District 78 for about six months to a year and had previously been assigned to Districts 83 and 84 for three years" (CE 1976, 24 H 1). District 83 was a little closer to the record shop, but still a good distance away, and 84 was equidistant from the shop with 78 (Putnam Exhibit No. 1, 21 H 274).

†This gives rise to another issue. Patton and East Tenth, where Tippit was killed, is in Dallas Police Patrol District 91, about four miles from the closest point of Tippit's own Patrol District 78 (Putnam Exhibit No. 1, 21 H 274; Bill Drenas, "Car #10 Where Are You?" self-published, 1997, revised in 1998, p.17) Why was he out of his district at the time? J. W. Finley, a Dallas police sergeant who was Tippit's superior for a time, said that it wasn't unusual for Tippit to have been in District 91 "because J. D. was an officer that would drive around a lot." And assassination researcher Ken M. Holmes Jr., who leans toward the conspiracy theory, lives in Dallas, and is very familiar with the Tippit case, having interviewed many of the witnesses, including Dallas police officers, says that he "did not think that it was out of the ordinary for Tippit to be out of his district so often." (Bill Drenas, "Car #10 Where Are You?" self-published, 1997, revised in 1998, pp.17–18) Former Dallas sheriff Jim Bowles, who was with the Dallas Police Department for many years, during which time, among other assignments, he drove a patrol car and was a patrol commander, said it was "not uncommon at all" for a patrol officer to drive outside of his district. The patrol districts "were not rigidly assigned under pain of disciplinary action" if one drove outside the district, "as long as there was some reasonable and legitimate reason to do so." (Telephone interview of Jim Bowles by author on September 29, 2006)

Just how often was Tippit, for instance, in Patrol District 91? William Scoggins, the cabdriver who was one of the Tippit murder witnesses, testified, "I noticed he [Tippit] stopped down there [in front of 404–410 East Tenth], and I wasn't paying too much attention to the man, you see, *just used to see him every day.*" Of course, it is not known just where Scoggins used to see Tippit every day—in the District 91 area or in the adjacent District 78, where Scoggins undoubtedly also worked? But another Tippit murder witness, Virginia Davis, testified that Tippit's car was parked "between the hedge that marks *the apartment house where he lives in* and the house next door" (6 H 458). This is very strange language since no one has ever claimed that Tippit lived on East Tenth

Dub Stark, now in his nineties, lives in Dallas and has advanced Alzheimer's disease. Louis Cortinas died of pneumonia in Palestine, Texas, in 1992. His son, Matthew, told me that whenever he and his sisters and brothers would ask their father about the record shop incident, "he'd never want to talk about it. We kind of joked that it was some kind of mystery that he didn't want to go into any of the details about. The only thing that he told me that I remember clearly is he said Officer Tippit was in the store shooting the bull with him and the owner of the store when they all heard over the radio that Kennedy was shot. He said Tippit then immediately left the store." Matthew said his father told him that Tippit would often come by the store to shoot the bull. When I asked Matthew if his father ever said anything about Tippit rushing into the store on the day of the assassination to make a phone call and then quickly leaving, he said, "No, my father never told us anything about Officer Tippit making a phone call." (Telephone interview of Matthew Vincent Cortinas by author on January 16, 2002)

Even if Stark and Cortinas's story were true, it could not overcome the complete lack of evidence that Tippit was part of any conspiracy to murder Kennedy, and this indicates some innocent explanation, unknown to us, for Tippit's conduct.* But the fact is, Stark and Cortinas could hardly have any less credibility in the story they ended up telling. Yet conspiracy authors have accepted it as if it were an established fact. See, for example, Hurt, *Reasonable Doubt*, pages 163–164, and Summers, *Not in Your Lifetime*, page 75. And the conspiracy beat goes on.

1037 **where Oswald was headed:** Warren Commission assistant counsel David Belin came up with a theory on where Oswald may have been headed. Belin, in the draft of chapter 6 of the Warren Report, wrote that at the time of his arrest, Oswald had the bus transfer from the Marsalis bus in his shirt pocket. "After the Marsalis bus left the downtown Dallas area, the only transfer point was at Jefferson Avenue, barely three blocks away from the scene of the Tippit shooting. At the time Tippit was shot, Oswald's bus transfer, marked for [expiration at] 1:00 p.m. in the down-

Street, and other than Virginia Davis's remark, no assassination researcher has ever found anyone on the block who had ever seen Tippit there before. If they had, we would all know about it. Why Davis said what she did is not known, but author Dale Myers interviewed Davis in 1997 and she told him, "I don't know where J. D. Tippit lived. The first time I ever seen him on the street or anyplace else was after Oswald shot him . . . I never did see him until that day, that one time" (Myers, *With Malice*, p.310).

*As far as Tippit making hurried phone calls while on duty unrelated to his work, that possibility was increased by the confirmation (it had been long rumored) to HSCA investigators in 1977 by Mrs. Johnnie Maxie Witherspoon that she had had a one-year affair with Tippit. Her married name in 1963 had been Thompson and she worked as a waitress at Austin's Barbeque in Dallas, where Tippit also worked as a security guard. Being as busy as he was with his police job and two part-time security jobs, and with the statement of his wife and others that he spent all his free time at home, whatever relationships he managed to squeeze into his tight schedule must have been "on the run." Mrs. Witherspoon told HSCA investigators that in late June or July of 1963 she quit her job at Austin's, told Tippit her husband "had returned home," and ended the affair, although author Dale Myers's research from divorce documents filed by Mrs. Thompson—a divorce was granted but the couple continued to live as common law man and wife until they eventually broke up for good—showed that the husband hadn't returned home until September and her affair with Tippit had extended into that month. In any event, it had ended sometime before November 22, 1963. Conspiracy theorists, always seeking to defend Oswald on the Kennedy and Tippit murders, suggest that maybe Thompson's husband (who was living at the time with his wife in the 2500 block of South Tyler in Oak Cliff, about two and a half miles away from Tenth and Patton) killed Tippit. Although Mrs. Witherspoon told the HSCA that her former husband "probably did know about Tippit" or "at least suspected something," she told author Henry Hurt in 1983 that her estranged husband actually followed Tippit and her around Oak Cliff at night during the months of their affair. (HSCA Record 180-10107-10004, HSCA interview of Mrs. Johnnie Maxie Witherspoon on September 24, 1977; 12 HSCA 37; Myers, *With Malice*, pp.304–311; Hurt, *Reasonable Doubt*, p.167) However, there is no evidence that Witherspoon's husband had anything to do with Tippit's murder.

town area, was still valid, expiring in Oak Cliff at 1:15 p.m., or when the next scheduled bus arrived after the time of issue, if the arrival time was after 1:15 p.m. By walking to the transfer point [at Marsalis and Jefferson] Oswald could save the bus fare by using his transfer, a not unlikely course of action based on his living habits. There were a number of buses which Oswald could have boarded at the Marsalis and Jefferson transfer point.” Then Belin gets into the most interesting part of his theory. Instead of Oswald getting on a bus at Marsalis and Jefferson, “barely a block away was another bus which could have been boarded by Oswald at Jefferson and Ewing. This particular bus, Route 55, traveled south on Ewing and eventually Lancaster Road. Since the first Route 55 bus to arrive after 1:00 p.m. at Jefferson and Ewing came at 1:40 p.m., Oswald’s transfer would have been good for that bus,” which “would have taken him to a point on Lancaster Road where the first south-bound Greyhound bus was scheduled to stop for passengers around 3:30 p.m. That Greyhound bus could be taken directly to Waco, Austin, and San Antonio, Texas, where connections could be made for Corpus Christi, Brownsville and Laredo, Texas, and Monterrey, Mexico. Oswald had just enough money on his person when arrested to pay for such a trip.”

Belin’s theory about Oswald’s plans, though possible, is pure conjecture, and it was not incorporated into the Warren Report (Kantor, *Ruby Cover-Up*, pp.387–389; CD 1128, p.2).

1038 **Oswald was the man seated in the car:** One immediate problem with Wayne January’s story is that unless the incident happened in the hour or two before 8:00 a.m. (when Oswald started work at the Book Depository Building), Oswald could not have been at the airport that morning. The conspiracy theorists cite, as additional support for the necessary implication in January’s story that Oswald wasn’t at work on the morning of November 20, the statement of Mary Dowling, a waitress at the Dobbs House Restaurant located close to two blocks from where Oswald lived and where she said he frequently had breakfast between 7:00 and 7:30 a.m. Dowling said that Oswald had breakfast at her restaurant around 10:00 a.m. on the Wednesday before the assassination, that he “got nasty” and complained to her about how his order of eggs had been cooked and that—*are you ready?*—Officer Tippit (who, Dowling claims, had his breakfast at the restaurant every morning at 10:00 a.m.) was in the restaurant at the time and she noticed he “shot a glance at Oswald” because of Oswald’s behavior. But payroll records at the Book Depository Building reflect that Oswald worked a full day on Wednesday, November 20, so Dowling could not have seen Oswald at 10:00 a.m. at the restaurant. Moreover, the likelihood of Tippit driving every morning to a restaurant more than six miles outside his assigned patrol district, 78, for his coffee break or to have breakfast seems implausible on its face. Further, although another waitress also said there was an incident with Oswald over the eggs (she said it was on Thursday, November 21), no one at the restaurant confirmed Dowling’s story that it took place around 10:00 on Wednesday morning and that Tippit was present. (CE 3001, 26 H 515–516, 519–520; six miles outside his district: Bill Drenas, “Car #10 Where Are You?” self-published, 1997, revised in 1998, p.3)

1039 **trying to make a name for himself:** Matthew Smith, the smiling Brit, decided to exploit the completely discredited Wayne January and see if, after twenty-eight years of lies by January, he could squeeze one more out of the story, even if it came from Smith himself. According to Smith, in 1991, after January first satisfied Smith

that he hadn't really told the FBI in 1963 that the incident at Redbird occurred in July of 1963 as opposed to two days before the assassination, and then confirmed to Smith the essence of what he had previously told others (like Popkin, Russo, and Summers), he added something spectacular he hadn't told anyone before: On November 18, two days before the subject incident and four days before the assassination, an air force colonel came out to Redbird to sign ownership papers for the purchase of a Douglas DC-3 that January's partner had sold to him over the phone a few days earlier. The colonel was accompanied by a CIA pilot who had been in Castro's air force but had eventually turned against him and had flown for the CIA in the Bay of Pigs invasion. January became friendly with the pilot. So friendly that three days later, the day before the assassination, the pilot confided to January that anti-Castro Cubans "are going to kill your president" for withdrawing air support during the Bay of Pigs. He added that "they are not only going to kill the President. They are going to kill Robert Kennedy and any other Kennedy that gets in their position." When January expressed skepticism, the pilot said, "You will see." He added, "They want Robert Kennedy real bad." "What for?" January asked. The pilot, suggesting he had firsthand knowledge about all he was saying, responded, "Never mind. You don't need to know." Shortly after the assassination, the CIA pilot told January at Redbird Airport, "It's *all* going to happen just like I told you." January told Smith that he was convinced the CIA pilot flew his DC-3 out of Redbird Airport a few hours later "with the complete team that had murdered the president."

I think I can safely say that I have finally found a lie that January didn't tell. Who told the lie? Smith, conveniently after January passed away and would never be able to say in effect, "That's one lie I never told." How can I be so confident of this? Because Smith wrote his main book on the assassination—*JFK: The Second Plot*—in 1992. Surely, if January had told Smith what Smith claims, he would have at least found a page in his 335-page book, which is filled with old, regurgitated conspiracy allegations, to tell something new that is as sensational and important as this. But though Smith, in his 1992 book, quotes January's words from his 1991 interview of January, he is completely mum on the CIA pilot's assertions about anti-Castro Cubans planning to kill Kennedy.

Yet in 2005, thirteen years later and forty-two years after the assassination, Smith not only tells the CIA pilot story but builds his entire 290-page book, *Conspiracy: The Plot to Stop the Kennedys*, around it. In the book, Smith suggests that anti-Castro Cuban exiles and CIA renegades working with them not only killed JFK and RFK but also eliminated their brother, Ted Kennedy, as a presidential candidate by killing Mary Jo Kopechne at Chappaquidick, knowing that Ted (who Smith informs us most likely wasn't in the car when it went into the water) would never be able to run for president after the tragedy. But just to make sure he never got any funny ideas, they had someone call Ted on the phone and tell him to accept what happened (Chappaquidick) as a warning of what would befall him if he pursued his ambition to reach the presidency. Smith, of course, gives no citation for any of his tommyrot. (Smith, *Conspiracy*, pp.137–145, 249, 264, 266–267, 269)

Smith should be embarrassed at telling such a tale, but my guess is that he is not. As I once said to a reporter who told me during a murder case I was preparing for trial that I had better slow down if I didn't want to get an ulcer, "I don't have time

to get an ulcer,” Smith is too busy working on the next outlandish story he intends to sell to be embarrassed by the last one. And if, perchance, he never made up the CIA pilot story, then we can know that his late friend, Wayne January, did.

Redbird Airport played into another invented story about the assassination, this time by a fraud so pathetic that he is an insult to those who make their living by fraudulent means. His name (can we even believe this about him) is William Robert “Tosh” Plumlee, aka William H. “Buck” Pearson. For some time Plumlee has been attempting to attract attention with his story, but on November 21, 2004, he issued a “Personal Statement” saying that “anything in previous publications is subject to question and is or has not been reviewed, approved, or authorized, by me. My purpose . . . is to clarify previous errors of fact, which have been attributed to me. Therefore, this statement supersedes all previous versions of what others have claimed, speculated, or produced in media and print form, as being my true testimony and story.” According to Tosh, whose story doesn’t “wash,” he is a former military intelligence pilot who, upon retirement, flew secret and dangerous missions for the CIA. Tosh says that on November 20, 1963, he was a “covert ‘contract’ military Intel pilot” assigned as a copilot, with one Emanuel Rojas, for a secret flight “supported by the CIA.” What was the flight all about? The CIA had learned that there was going to be an attempt on President Kennedy’s life in front of the Hotel Adolphus in Dallas on November 22, and it was Plumlee’s and his copilot’s job to fly a team of people from Florida to Dallas to “abort” the assassination. Who were members of the team? Mobster Johnny Roselli (whom Tosh knew as “John”), “a couple of Cubans and some people that I surmised were connected with organized crime in New Orleans.” Tosh says he and his copilot flew the abort team into Redbird Airport, without a flight plan (all the better when you don’t want anyone to check out your phony story), on November 22, landing “around 9:30 or 10:30 a.m., perhaps as late as 11 a.m.,” at which time the abort team deplaned “and went their own way.”

So if we’re to believe Tosh, when the CIA learns that Kennedy might be killed and the agency wants to prevent it, instead of using the Secret Service, the FBI, and local law enforcement to do so, the CIA flies in Johnny Roselli and some fellow mobsters, as well as “a couple of Cubans,” to stop the assassination, and this abort team is dropped off at Redbird Airport on the morning of the assassination right before the president is landing in Dallas at Love Field. It makes perfect sense to me, Tosh.

Tosh goes on with his story saying that he understood the abort team would “be looking for a minimum of 19 or 20 people” in Dealey Plaza* who were allegedly planning to kill Kennedy in a “triangulation ambush.” He adds that although he was not supposed to go to Dealey Plaza to help out, he couldn’t resist the invitation to do so from “a field operative friend of mine named Sergio.” He said Sergio and he looked around Dealey Plaza “to evaluate the most logical places where

*Tosh said that “the routing of the motorcade had been changed at the last minute to Dealey Plaza.” But we know, of course, that it was not, the route through Dealey Plaza being published in the Dallas newspaper as early as three days before the assassination. Sorry, Tosh.

shooters might be located,” but didn’t spot any potential assassins. He said he heard “4 or 5 shots,” and believed one was from a location near the underpass. After the shooting he returned to Redbird and flew his dejected team of aborters (except Roselli, who never showed up) out of Redbird around 2:00 p.m. that day.

My gosh, Tosh, wherever you are you should apologize to your loved ones for making such a fool out of yourself in public.

- 1039 **alleged Second Oswald impersonations:** Very briefly, here are some (but certainly not all) of the not-so-prominent other sightings of Oswald or someone allegedly impersonating him: On the Wednesday after the assassination, the night manager for the Western Union office in Dallas, C. A. Hamblen, told his supervisor, Laurance Wilcox, that about two weeks earlier he was “positive” that Oswald had sent a telegram from the Western Union Office to Washington, D.C. The next day he told a reporter for the *Dallas Times Herald*, Robert Fenley, that he was “certain” Oswald had been to the office on a few occasions to get money orders for “\$10 or \$15,” and Hamblen signed a statement to that effect, saying he knew it was Oswald because the picture of Oswald in the paper was “the spit image” of the man seen in his office.* But when he was called to testify before the Warren Commission and asked if the man was Oswald, Hamblen said, “I wouldn’t say that it was Lee Oswald” and couldn’t identify Oswald from photos. He also denied telling the reporter what he admitted signing his name to. A complete search by officers of the Western Union for records of the telegram and money orders under Oswald’s name or any of his known aliases failed to uncover any such telegram or money order. Hamblen’s supervisor concluded “that this whole thing was a figment of Mr. Hamblen’s imagination.” The Warren Commission, being generous to Hamblen, said it accepted this innocent assessment. (Wilcox Exhibit No. 3005, 21 H 744, Written statement of C. A. Hamblen on December 2, 1963; 11 H 311–314, WCT C. A. Hamblen; 10 H 414–415, 418–419, 421, 423–424, WCT Laurance R. Wilcox; 11 H 315, WCT Robert Gene Fenley; search of records: 10 H 411, 413, WCT W. W. Semingsen; WR, p.333)

Clifton Shasteen, the owner of a barbershop in Irving, told the FBI and the Warren Commission that he “knew” Oswald had had his hair cut in his store five or six times on Friday evenings or Saturday mornings during the months of October and November in 1963, three or four times by him and the other times by his other two barbers. One of Shasteen’s other two barbers, Bert Elmo Glover, identified Oswald, saying he was thirty-four to thirty-five years old. The second barber, Buddy Law, was unable to identify Oswald. Shasteen said Oswald would drive up in a 1955 Chevy station wagon. Of course, Ruth Paine, whom Shasteen said he saw around Irving, owned such a vehicle, but this fact had been reported in the news and Shasteen acknowledged learning that Oswald had stayed at the Paine residence and that he, Shasteen, had driven by the residence after the assassination. Paine told the FBI she had never let Oswald take her car anywhere, and did not recall Oswald going for a haircut on a weekend in October or November. Since

*Hamblen said that one time Oswald got upset because he wanted the money order without having to give proper identification (Wilcox Exhibit No. 3005, 21 H 744). Aubrey Lee Lewis, a coworker, remembered the incident, saying the man looked feminine, but was unable to identify Oswald when shown pictures of him by the Warren Commission (11 H 320–323).

Oswald *did* get haircuts, what relevance does any of this have to the assassination? On Friday evening, November 8, Oswald was accompanied to the barbershop, Shasteen said, by a fourteen-year-old boy, who came back to the shop alone three or four days before the assassination. The topic of conversation in the shop was foreign aid and the boy “volunteered” to Shasteen that things wouldn’t be right in the world until there was only one leader for all people and the wealth was spread equally—boilerplate Marxist dogma. (Although Shasteen said the boy’s remarks made him “so mad” he wanted to tear the boy up with his razor straps, after the boy left the shop Shasteen didn’t bother to tell his co-barbers, Bert Glover and Buddy Law, about the conversation that had just taken place, waiting until after the assassination to do so.)

I hope the reader now understands the extreme relevance of the barbershop story. Although Ruth Paine said she knew of no boy about fourteen years old with whom Oswald was ever associated in Irving, she simply didn’t know what was going on. Oswald most likely conspired with the boy to murder Kennedy. Indeed, the fourteen-year-old, from his piggy-bank savings, may have even funded the whole project, paying Oswald to do the awful deed. (10 H 310–315, 317–318, 326, WCT Clifton M. Shasteen; CE 2209, 25 H 89; Ruth Paine: CE 3130, 26 H 796; Glover and Law: CE 3130, 26 H 797)

In a January 23, 1964, interview by Dallas police detective Bob K. Carroll, Hubert Morrow, the manager of the Allright Parking Lot at the Southland Building on Commerce Street in downtown Dallas, said that “six or seven days” before the assassination, Lee Harvey Oswald applied for a job with him, asking how tall the building was and whether it had a good view of Dallas. Oswald, he said, was wearing a “dirty white T-shirt.” He said that the last he saw Oswald that day, Oswald was waiting to talk to his boss, Garnett Claud Hallmark. (Letter from Bob Carroll to Dallas police captain W. P. Gannaway, January 23, 1964, p.1) But Hallmark told Carroll and Dallas detective W. S. Biggio on January 27, 1964, that he did not believe Oswald was ever at the parking lot and he had no record of Oswald’s ever filling out an application for employment (Letter from Bob Carroll and W. S. Biggio to Dallas police captain W. P. Gannaway on January 27, 1964, p.1). Morrow told essentially the same story to FBI agents Arthur Carter and Will Griffin on January 25, except now it was “about two weeks” before the assassination and Oswald was wearing a “football-type sweatshirt” (CD 385, p.140). On January 27, Hallmark told the FBI he believed that the entire story concerning Lee Harvey Oswald, as told by Morrow, “was a fabrication” by Morrow (CD 385, p.142). Morrow never said why he never contacted the authorities with his information (the Dallas police contacted him when an informant told them that Morrow was telling his story to others), and the story he relates makes little sense. If Oswald, or his imposter, was planning on killing the president from a tall building, why would he apply for a job in the parking lot rather than the building itself?

- 1040 **Oswald’s height is listed differently:** Second Oswald conspiracy advocates point out that not only did Oswald himself *list* his height as being different at different times, but actual photos of Oswald show him to have different heights. For instance, in his induction-into-the-Marines photo taken at the age of seventeen on October 24, 1956 (6 HSCA 281; Folsom Exhibit No. 1, 19 H 734, 760), he measured five feet nine inches (6 HSCA 281, 284), whereas his arrest picture taken

almost seven years later in New Orleans on August 9, 1963, shows a height of five feet ten inches (6 HSCA 285). Of course, he easily could have grown one inch in the subject seven years, although his autopsy report lists his height at five feet nine inches (CE 1981, 24 H 7).

Of more relevance is the fact that the aforementioned measurements on October 24, 1956, and August 9, 1963, were by height charts, and the HSCA pointed out what has been known in law enforcement for years—these measurements are unreliable. The HSCA said that “unless the subject photographed is standing with his back against the height chart at a correct distance from a properly positioned camera equipped with an appropriate lens, it is unreasonable to assume that the resulting picture is ever a precisely accurate indicator of both height and head size. For this reason, height charts are no longer commonly used in law enforcement and industrial security.” The HSCA said that “no probative weight should be given to an Oswald imposter theory based upon differences in Oswald’s body measurements that have been detected from photographs of him standing against a height chart.” (6 HSCA 282–283) The HSCA also said that “a diurnal [daily] variation in height of half an inch or more is common during the course of a day, with the subject generally being taller in the morning when the spine has been less compressed” (6 HSCA 282–283).

Oswald did indeed, when asked, give different heights for himself—for example, five feet eleven inches in a March 4, 1959, application for a Swiss college (CE 228, 16 H 623), and five feet nine for an October 2, 1963, job application in Dallas (Cunningham Exhibit No. 1, 19 H 397). But since people don’t normally measure themselves, Oswald could be expected to tell people his height at various times based on documents he had seen showing his height as measured by a height chart. To add further uncertainty to the measurements, the HSCA said that a 1971 study of 6,682 army personnel that measured their actual heights versus the heights these individuals reported for themselves showed a typical discrepancy of just over one inch. “Generally men of average height (5 feet 9 inches) reported themselves 1.1 inches taller than their measured stature.” (6 HSCA 283) Apart from any motivation of possible vanity, it is well known that people don’t always give the same height when asked at various times in their lives.

Conspiracy theorists who argue that Oswald gave different heights at different times are necessarily arguing out of both sides of their mouths. If their position is that the difference in height means one is the real Oswald, the other an impersonator, they can only sound silly arguing that in one of the allegedly most sophisticated and complex impersonations ever, the impersonator gave a height two inches different from the height of the man he’s trying to impersonate to the world.

Five feet eleven inches, even today, is above average. It was more so in the late 1950s and early 1960s. If anything, Oswald is usually described as being of average height, and photos of him make him look around five feet eight or five feet nine. His autopsy height of five feet nine inches was probably close to his true height.

1041 **several known handwriting exemplars:** Three handwriting experts for the HSCA, all members of the American Society of Questioned Document Examiners, examined sixty-three documents purportedly signed or written by Oswald in the last seven years of his life, which necessarily included documents signed or written by him in the Marines, in the Soviet Union, and in Dallas, New Orleans,

and Mexico City. Nearly half of the documents available were originals, but since it is standard practice in the questioned documents profession not to make definitive conclusions about documents that are not the original, the panel members gave only tentative opinions for copies of documents. The panel concluded that “as far as original documents are concerned, the conclusion is that the signatures and writing on them which purport to be Oswald’s are all in the handwriting of the same person. In those instances where reproductions of any kind were examined, it was found that the writing conformed in pictorial aspects with the writing purporting to be Oswald’s on the original documents examined” (8 HSCA 225–247). There were some cases where, for whatever reason, an expert did not examine a particular document or, for whatever reason, had no opinion.* Also, there were, as would be expected, particularly in cases where the writing was very brief and limited, cases where one or two examiners would form one opinion, and the second or third another, such as with the November 8, 1963, letter to oilman H. L. Hunt purportedly written by Oswald. One examiner, Joseph McNally, concluded it was a fake (as it was later proved to be), another, David Purtell, had no opinion, and the third, Charles Scott, said it was “probably” Oswald’s signature. Remarkably, out of “some 50 documents” that the three examiners looked at, other than the Hunt letter and Marina Oswald’s signing Oswald’s alias, A. J. Hidell, to a Fair Play for Cuba card, I could find only one other instance in the separate reports of each examiner where one of them said he believed a document was not signed, written, or printed by Oswald. McNally concluded that two receipts for salary from the Texas School Book Depository Building did not contain Oswald’s signature, among other things saying the signatures were “more rhythmic” than known Oswald signatures. Assuming McNally was not wrong, since Oswald, by his canceled check, showed he did not dispute what he got paid at work, this very well could have been a situation where he neglected to sign a receipt for his pay, and an employee in the depository’s business department completed the formality by signing Oswald’s name for him. (8 HSCA 225–247)

1044 **could not grant him an immediate Cuban visa:** What I can’t figure out (I’m being facetious, of course) is why Oswald, before he left for Mexico City, didn’t get his friend Clay Shaw (who, according to Perry Russo [see main text and later endnote], had just recently conspired with Oswald and David Ferrie to murder Kennedy) to intercede on his behalf. After all, the Cuban consulate in New Orleans

*There’s been a question as to the authenticity of the signature on document 63 (CE 627, 17 H 282), a photograph of the fingerprint card for Oswald on the day of the assassination. Conspiracy theorists note that two of the HSCA’s handwriting experts, David Purtell and Charles Scott, did not authenticate Oswald’s purported signature on this document, simply not examining it. The third one, Joseph McNally, implies he did not authenticate number 63 by the fact he did not list it as being one of the documents he authenticated as containing Oswald’s signature. (8 HSCA 233–237; see also *Fourth Decade*, March 2000, p.13) But this is much to do about nothing. The main relevance of a signature on a fingerprint card is to help confirm that the fingerprints on the card belong to the party that law enforcement claims they belong to. And here, we know the fingerprints on document 63 (CE 627) are Oswald’s because the HSCA’s fingerprint expert, Vincent Scalice, after comparing them with known fingerprint exemplars of Oswald’s, concluded the prints were those of Lee Harvey Oswald (8 HSCA 248).

As far as the signature “Lee Harvey Oswald” on Commission Exhibit No. 627 is concerned, we know it’s not Oswald’s because Sergeant W. E. Barnes, one of the two Dallas police officers who took the prints of Oswald shown in Exhibit No. 627, told the Warren Commission that Oswald “would not sign the fingerprint card” (7 H 285). It is not known who signed Oswald’s name for him on the card, but it was probably Barnes or his partner, J. B. Hicks.

was located in the International Trade Mart, which Shaw managed. Since it's not what you know in life but whom you know, surely a word from Shaw to one of his tenants, passed on to its sister consulate in Mexico City, would have paved the way for Oswald for something as insignificant as a visa.

1046 **met with KGB members of the embassy staff:** In a 1975 interview with the *Los Angeles Times*, one Ernesto Rodriguez, who claimed he was a former CIA contract agent in Mexico City, said that Oswald had told both the Soviets as well as the Cubans that he had information about a new CIA plan to kill Castro, and offered to give it to them in exchange for the Cuban visa. Although Rodriguez's story, in the abstract, might be worthy of belief, we know it is not true since none of the many Cuban and Russian officials who met Oswald and have spoken or testified about what took place have mentioned anything like this. The credibility of Rodriguez's story was further damaged by his highly unlikely assertion that while in Mexico City, Oswald openly told Mexico City reporters and Fair Play for Cuba members about his offer to the Russians and Cubans (Summers, *Conspiracy*, p.363; *Dallas Morning News*, September 24, 1975, [reprint of *Los Angeles Times* story]; Russell, *Man Who Knew Too Much*, p.492), but there is no evidence to support Rodriguez's claim.

1049 **recordings of Oswald's voice secured by the CIA station in Mexico City:** Following are CIA *translations* of verbatim transcripts from CIA wiretapped phone conversations at the Cuban consulate, and Russian embassy and consulate, from September 27 to October 3, 1963 (*excluding* the October 1, 1963, phone conversation given in the main text), in Mexico City. It should be noted that two of these conversations (the first one on September 27 and the one on October 3) do not pertain to Oswald if for no other reason than the person seeking the visa is speaking in Spanish. Though Oswald had a Spanish dictionary, and Nelson Delgado, a friend of his in the Marines, says he taught Oswald a little Spanish while they were stationed in Santa Ana (8 H 241), certainly Oswald was far more fluent in Russian than Spanish. Indeed, when Pavel Yatskov of the Russian embassy staff asked Oswald on September 28 if he spoke Spanish, Oswald shook his head to indicate no (Nechiporenko, *Passport to Assassination*, pp.75–76). But even if he did speak Spanish, there would be no conceivable reason for him to call the Soviet embassy and speak to the staff in Spanish instead of in their native language, Russian. In fact, in a September 28 conversation, Oswald asked the person to whom he was speaking at the Soviet embassy to speak to him, Oswald, in Russian. Therefore, in any conversation where a male is calling the Soviet embassy and speaking in Spanish, we can know the man is not Oswald. One of these conversations (October 3, 1963) is nonetheless included here because it is erroneously believed by some to pertain to Oswald. Here are the verbatim transcripts of the phone conversations as the translator interpreted them:

“On 27 September 63 [no time of day given] call to Sov Mil Att. (Translation from Spanish): Man calling says he needs to get a visa to go to [looks like OUSSA]. Man inside [man talking on the taped phone inside the Soviet embassy] tells him to call 15 60 55 and ask for the Consul. Man outside [man talking on phone outside the embassy] asks for the address. Man inside gives it to him.”

“On 27 September 63 call to Sov Consulate 1605 HRS (Translation from Spanish): Woman outside from the Cuban Consulate says that over there she has

a male American citizen who came to apply for an in-transit visa for Cuba because he is going to the USSR and he wanted to know with whom he had talked because she sent him to them (from [*sic*?] the Soviet Embassy) saying that if they made or accepted the visa, then the Cubans would also give it to him without further procedures only by notifying immigration in Cuba and she wants to know with whom he talked because he says he does not know either with whom he talked who told him yes, that he would have no problem. Man inside asked her to wait. Woman outside is Silvia Duran from the Cuban Consulate and explains the same thing to another man inside. The latter asks her to leave his telephone and name so they can call him later. Silvia then furnishes it to him as well as telephone 11 28 47 [Cuban consulate phone number] and she takes that opportunity to say something personal of her that she changed her address and has not been able to notify them so they could send her the bulletin and that now she give it to them. Man inside asks her to call Kourkharenko to give him her change in address and the man asks for the name of the Counselor or Cultural Attaché. Silvia says that her name is Teresa Proenza and she can be called at 14 13 26. Man inside says thanks.”

“On 27 September 63 at 1626 HRS out call from Sov Emb to [telephone number] 11 18 47 (Translation from Spanish): Man inside asks Silvia if that American has been there. Silvia says yes, that he is there. Man inside says that according to the letters he showed him from the Consulate in Washington he wants to go to the USSR for a long time with his Russian wife, but the answer still has not been received from Washington about his problem, but that according to the procedures this takes some four or five months but that without that permit from the USSR they should ask and rather they cannot grant the visa there without asking Washington but according to this man he showed him a letter showing that he is a member of an organization in favor of Cuba and he has said that Cubans cannot give him the visa without the Russian visa and now the man inside does not know what to do with him, because they must wait for an answer from Washington. Silvia says that they too, because his problem is that he knows nobody in Cuba and that way it is very difficult for him to obtain the visa, because he was thinking in processing his visa, because since he knew this would take long he was going to wait in Cuba for the Russian visa and from there go to the USSR. Man inside says that the thing is that if his wife is now in Washington but is going to get right now the visa or the permit from the USSR to return to this country, she is going to get her visa in Washington but having his visa she could be notified at any place, here for example, or anywhere else, but they don’t have it right now. Silvia says of course and that besides they cannot give him a letter because they don’t know if his visa will be granted. Man inside says that they will only grant the visa according to the instructions. Silvia says that then that’s what she will put in his card. Man inside says that besides he is not known and excused himself for the inconveniences. Silvia says it’s alright and thanks him.”

“On 28 September 63 [11:51 a.m.] reported FOL: Starts woman outside, from the Cuban Consulate, who says that there in her Consulate is an American that was there in the Soviet Embassy. Man inside tells her to wait. Woman outside is Silvia Duran and she speaks in English with someone outside and comments in Spanish that Aparicio got a telephone and she writes it down: 14 12 99.

Silvia tells about the American citizen and that he is going to talk to them. Man outside speaks Russian. Man inside speaks to him in English. Silvia Duran asks Northamerican ‘Do you speak Russian?’ Then ‘why don’t you talk to him?’ Northamerican takes phone and says in broken Russian ‘I was in your Embassy and spoke to your Consul. Just a minute.’ Man in Sov Emb asked Northamerican in English ‘what does he want?’ Northamerican: ‘Please speak Russian.’ Soviet: ‘What else do you want?’ Northamerican: ‘I was just now at your Embassy and they took my address.’ Soviet: ‘I know that.’ Northamerican: ‘I did not know it then. I went to the Cuban Embassy to ask them for my address because they have it.’ Soviet: ‘Why don’t you come again and leave your address with us. It is not far from the Cuban Embassy.’ Northamerican: ‘Well I’ll be there right away.’ Station [blacked out] noted Northamerican spoke terrible hardly recognizable Russian.”

“On 3 October 63* call to Sov Mil Att: Man outside *speaks in broken Spanish*, then in English to Soviet. ‘Hello. Visa for Russia.’ Soviet: ‘Call on the other phone.’ Man outside: ‘I’m looking for a visa to go to Russia.’ Soviet: ‘Please, call on the telephone of the Consul.’ Man outside: ‘Oh, the Consul.’ Soviet: ‘That’s right. 15 60 55.’ Man outside: ‘One moment please, I’ll have to get a pencil to write the number down. They issue the visa there?’ Soviet: ‘That depends on your conversation. I don’t know about this business. Please call the office of the Consul and ask your question.’ Man outside: asks the number of the telephone again. Soviet: gives the number to him and tells him to ask for the Consul of the Soviet Embassy in Mexico. Man outside: ‘Thanks.’” (CIA Document CSCI-3778826, Memorandum from CIA Deputy Director for Plans to Director, FBI, November 25, 1963, Oswald box 1, folder 5, National Archives)

- 1050 “**tapes for this period *already erased*”**: Consistent with what happened, the report on Oswald’s trip to Mexico by HSCA investigator Edwin Lopez, commonly referred to as the Lopez Report, cited CIA Directive 88680, which governed the handling of the surveillance tapes. Though it is directive more than mandatory, it provides that “upon receipt [back from transcription and translation] you may resume *usual practice of keeping Cuban and Soviet tapes two weeks and then erasing.*” The Lopez Report went on to say that “this committee has not found any evidence that would contradict the above-quoted [directive].” The report also stated that if an “interested” CIA officer wanted any given tape preserved, this could be done. (HSCA Record 180-10110-10484, Lopez Report, pp.62–63) However, there is no evidence that any CIA officer requested preservation of any Oswald tapes, nor, it would seem, was there anything on the tapes that would have alerted or alarmed the CIA into wanting to preserve the tapes.

Keeping the myth going that the Oswald Mexico City tapes still exist, or at least existed for some time past the assassination, conspiracy author John Newman wrote in the September–October 1999 edition of *Probe* magazine (p.1) that

*We know this call was not from Oswald because Oswald left Mexico City the previous day (CE 2121, 24 H 595–603) and was in Dallas on October 3 doing several things, including filing a claim for unemployment insurance (Burcham Exhibit No. 1, 19 H 193; see also Cunningham Exhibit No. 1, 19 H 397, and Hullen Exhibit No. 1, 20 H 192). Additionally, as indicated earlier, the man is speaking to the Soviets in Spanish, the man’s words don’t quite “sound” like those of Oswald, and the Russian official directs Oswald to a phone number (15-60-55) that we know Oswald was already given during the October 1, 1963, conversation set forth in the main text.

the ARRB “found CIA documents in which the *Agency itself* explicitly states that some of the tapes were reviewed *after* the assassination.” But the ARRB, in its final report (p.87), writes that “although CIA has transcripts of the calls believed to have been made by Oswald, the CIA has consistently maintained that it did not retain tapes from the period of Oswald’s visit as the [Mexico City] station continually recycled the tapes after it transcribed any useful information. According to the transcripts, only one of the calls, made to the Soviet Consulate, actually identifies a Lee Oswald as the caller. Since CIA had already erased the tapes, in accordance with the Station’s standard procedure, it could not perform post-assassination voice comparisons.”

A September 17, 1998, memorandum from J. Barry Harrelson, senior reviewer for the CIA, to Ms. Laura Denk, ARRB’s executive director, further states, “Over the years, there have been a number of efforts to determine if any electronic surveillance audio tapes made during the period Oswald visited Mexico . . . still existed. The Directorate of Operations has again made a thorough search of its records system as well as the index to retired records trying to locate any such tapes or documentation that would shed light on their disposition. In addition, the Agency has discussed this question with operational experts whose professional opinion is that, most likely, the tapes in question were recycled for further use and never sent to [CIA] headquarters for retention . . . In conclusion, based on the search efforts that were undertaken and the studied opinions of operational experts who were consulted, the Agency is satisfied that the audio surveillance tapes made during Oswald’s visit to Mexico do not exist and almost certainly were recycled in the normal course of business before their potential value was known.” In the memo Harrelson says, “There is a possible explanation for the personal recollection of some people about tapes being sent to headquarters.” During the search for the Oswald tapes, “185 audio surveillance tapes of the Soviet and Cuban facilities in Mexico City for the period 22 November 1963 to early January 1964 were forwarded on to CIA headquarters.” CIA headquarters sent instructions to its Mexico City station on November 22, 1963, to suspend its usual practice of erasing and reusing tapes. (ARRB Memorandum to File by Irene Marr, “Mexico City Surveillance Wrap-Up Memo,” September 24, 1998, p.9)

So the ARRB flatly contradicts what John Newman claims the ARRB found. And when I wrote to Newman at the University of Maryland on November 15, 2000, and told him, “I would greatly appreciate it if you would give me the citation or citations for the CIA documents [he referred to in his *Probe* article] so I can order them from the National Archives, or if it wouldn’t be too much trouble, if you could fax them to me,” Newman did not respond to my request. Based on the evidence I presently have, I can only conclude that the CIA erased the Oswald tapes *before* the assassination. Further, the reason Newman did not respond to my request is that he has no documentary evidence to support the categorical assertion he made in the *Probe* article.

The only possible CIA document (Newman said there were “documents”) I know of that Newman could be using to base his assertion on is really, upon scrutiny, no authority at all. An FBI memo dated November 25, 1963, from the deputy director of plans to J. Edgar Hoover, refers to a CIA Teletype, 84515, dated November 23, 1963, and says that the CIA had transcripts of several phone calls made, pre-

sumably by Oswald, in Mexico City during late September and early October of 1963. The memo goes on to say that “*voice comparisons* indicated that the North American who participated in several of these conversations is probably the person who identified himself as Lee Oswald on 1 October 1963.” But when were these voice comparisons made and who made them? The clear weight of the evidence is that Boris Tarasoff, the CIA staff officer in Mexico City who translated and transcribed the tapes, did so, and he did so on or around October 1, 1963, long *before* the assassination. On his typed transcription of Oswald’s call to the Soviet embassy on October 1, 1963, in which Oswald identified himself, he wrote that the caller (Oswald) was “the same person who phoned a day or so ago and spoke in broken Russian.” In Tarasoff’s testimony before the HSCA, HSCA counsel asked Tarasoff, “Are you saying then that you were able to make the connection between the two speakers based on your recollection of the voice from the September 28 [tape]?” Tarasoff: “Exactly.” Question: “Would you also state whether the language [in] the October 1 conversation, quote, ‘I was at your place last Saturday and spoke to the consul,’ did that language also contribute to your inference that the September 28 speaker was the same as the October 1 speaker, namely Lee Oswald?” Tarasoff: “Yes.” (HSCA Record 180-10110-10001, Transcript of testimony of Boris Tarasoff before HSCA on April 12, 1978, pp.32–33)

It should be noted that the ARRB obviously did not accept as having merit the testimony of Anne Goodpasture before the Review Board on December 15, 1995, and the reasons, I think we will see, are obvious. Goodpasture was a close assistant to Win Scott, the head of the CIA station in Mexico City, and was very knowledgeable about everything taking place there. When she testified before the HSCA on April 13, 1978, she was asked, “How long were the . . . Mexico City station’s tapes concerning Oswald’s conversations with Cuban and Soviet officials maintained?” She answered, “I think they were probably destroyed,” which she said was after “about two weeks.” “At the time of the assassination, did the Mexico City station have on hand the tapes of the Oswald conversation?” “Not to my knowledge.” “Are you aware of the fact that, after the assassination, it has been alleged that some tapes were given to the FBI to listen to and that it was said that these tapes contained Oswald’s voice on them?” “Someone asked me about that, but I do not think that I had the tapes . . . I was not aware that we gave any to the FBI.” Goodpasture was also asked, “At any time, did anyone in the Mexico City station find any photographs showing Lee Harvey Oswald?” “Not to my knowledge.” “There was no picture taken of him [by the CIA’s “photo-surveillance operations” covering the Russian and Cuban embassies]?” “That is right,” she said under oath. (HSCA Record 180-10131-10339, Transcript of HSCA Executive Session testimony of Anne Goodpasture, April 13, 1978, pp.63, 93–94, 96–97) And she told the ARRB she recalled “a definite message sent to [CIA headquarters in] Washington which said there was no photograph of Oswald.”

Yet remarkably, seventeen years later Goodpasture told the ARRB that “I *think* there was” a “copy” made of that portion of the main tape of the CIA’s intercept of the Soviet embassy calls on October 1, 1963, that contained Oswald’s phone conversation with the embassy. “Do you yourself have any knowledge or recollection about a tape of the voice from the October 1st transcript having been given to the FBI?” “No,” Goodpasture answered. “Do you have any knowledge about the tape

being identified after the assassination as . . . having Oswald's voice on it?" After answering no, she went on to say, "I don't know what happened to the tape after I brought it in." (In this last sentence she has gone all the way from what she told the HSCA in 1978 [that the Oswald tapes were probably destroyed and she was not aware of any Oswald tapes in existence at the Mexico City CIA station at the time of the assassination] to what she had just testified [that "I *think* there was a tape"], to there definitely being a tape that she had "brought in.") She then sounds almost delusional (she retired from the CIA in 1975 after thirty-one years, and although she still spoke well in 1995, she must have been up in years) when she added, "After the assassination, look in the records, there *might be*—there should be a reference to some FBI agent who hand-carried material to Laredo. I believe they carried a photograph [of Oswald?] and they *may* have carried the tape dub [copy of Oswald part of October 1, 1963, tape] . . . I seem to recall he carried *something* up to the border the night of the assassination or the next day." Let's see if we can get this straight. An FBI agent came to Mexico City (or was already there) and instead of flying from Mexico City to Washington, D.C., with the photo and tape of Oswald, he *hand-carries* it to Laredo? Somehow I have the image of the photo and tape in a small bag of the agent, and the agent trekking across mountain ranges and desert from Mexico City to far off Laredo. Did he then also hand-carry what he was transporting from Laredo to Washington, D.C.?

Goodpasture, after all this, proceeded to tell ARRB counsel that he should contact a particular person who was at the CIA's taping center in Mexico City during the period in question because "he might remember *whether* [whether? I thought you said there *was* a tape?] he made a duplicate of that tape." (Transcript of oral deposition of Anne Goodpasture before ARRB on December 15, 1995, pp.136, 144, 146–147)

Conspiracy theorists are convinced they have conclusive evidence that copies of several taped intercepts with Oswald's voice on them were still in existence years after the assassination. Melbourne Paul Hartman was the CIA agent responsible for maintaining the CIA's file on Oswald at CIA headquarters between 1964 and 1976. When HSCA counsel asked him in 1978, "Did you ever receive tape recordings of voice recordings of Lee Harvey Oswald taken during his stay in Mexico City?" he answered that sometime in the late 1960s he received a "package of tapes [he believed from the Mexico branch] . . . concerning the Oswald case," which he put in the file.

But it is highly unlikely that the CIA would have kept the Oswald recordings for more than the standard two weeks before recording over them because Oswald, at the time, would have been of little or no interest to the agency. And if, for whatever reason, the CIA did, it is also highly unlikely that it would have kept the tapes when it had already gone on record as not having them, risking their discovery and, hence, proof that the CIA had lied.

Further, Hartman's testimony is very weak. For one thing, he said, "I never opened the packet." Also, that "all I can tell you . . . concerning the packet of tapes, whether there were any tapes there with Oswald's voice on them or whether they were . . . some of the other tapes of some of the other [electronic] taps . . . some other case, [Silvia] Duran or whoever, what have you, I don't know . . . They were simply tapes *concerning* the Oswald case." Question: "Did you at any time feel that

these were tapes of Oswald's voice?" Answer: "I have no feelings one way or the other." "Do you know whether any tapes of Lee Harvey Oswald's voice obtained in Mexico City were ever recovered?" Hartman answered, "No, I don't." (HSCA Record 180-10110-10003, Executive Session transcript of testimony of Melbourne Paul Hartman on October 10, 1978, pp.6, 30, 35, 38-39, 73)

Steve Tilley at the National Archives says that in 1999 the CIA turned over to the archives "three large boxes of tape-recordings made in Mexico City around the time of the assassination." He said that although "they all related to the assassination, and Oswald was mentioned on some of the tapes, we received no tape with Oswald's voice on it." Contrary to the suggestion of an assassination researcher (whose name I am not mentioning), Tilley said he never indicated to the researcher that he was alarmed that at one time the Hartman-Oswald tapes were at the archives and someone removed them and they are no longer there. "I never said or suggested this," Tilley said. "Whatever was sent to us, we still have." (Telephone interview of Steve Tilley by author on June 1, 2006) Pursuant to my request of Tilley, he had Martha Murphy, an archivist, check to see the exact dates covered by the tapes, and she later informed me they covered the period from November 22, 1963 to December 13, 1963 (Telephone interview of Martha Murphy by author on June 5, 2006).

Conspiracy theorists have also relied on the statements of former Warren Commission counsel W. David Slawson that the CIA retained one or more tapes of Oswald's telephone calls to the Russian embassy. Slawson visited the Mexico City CIA headquarters in April of 1964 with fellow assistant counsels William Coleman and Howard Willens. When I called Slawson about this in February of 2000, he said he could not remember hearing any tapes of Oswald during his visit to Mexico City. But he told me that while he was being shown something elsewhere at the headquarters, he believed, but was not sure, that his partner, Coleman, heard the tape of a call Oswald made to the Soviet embassy. (Telephone interview of David Slawson by author on February 26, 2000) When I thereafter called Coleman, he told me he could not remember if he heard any Oswald tape, "but if David said I did, then I did. You're asking me to remember something that happened over thirty-five years ago" (Telephone interview of William Coleman by author on March 9, 2000).

With respect to Slawson, in March 2006, the expert assassination researcher Gus Russo provided me with information I had been unaware of. Russo was one of the two lead reporters for the *Frontline* documentary on Lee Harvey Oswald that was shown on PBS in November 1993. He sent me the transcript of Anthony Summers's September 11, 1993, taped interview of Slawson for *Frontline* dealing with the Mexico City tapes issue. Slawson's statement to Summers was not used on the *Frontline* show and this is why I had been unaware of it. Slawson told Summers, "I know that they had the tapes of the wiretaps with Oswald's voice on them. My recollection [which implies he is not 100 percent positive] is that we listened to them, but I don't think we listened to them all the way through. They were of poor quality and *there didn't seem to be any point in listening to them* because we had the transcript that we could study . . . There was no way I could have authenticated [that it was Oswald's voice] because I didn't know Oswald's voice from anything." Hardly the type of statement that one could take to the bank on the issue of whether Slawson heard Oswald's voice on a CIA tape in Mexico City. Russo also furnished me with

copies of letters Slawson had written to assassination researchers C. J. Rowell and his daughter in which he said things like the following: “Yes, we had access to the CIA tape of Oswald in Mexico City”; “We were able to listen to as many of the [Oswald tapes] as we wanted to. We listened to some, at least”; “Yes, I listened to the tape of Lee Harvey Oswald’s telephone conversation with the Soviet Embassy in Mexico City.” (Letters from David Slawson to C. J. Rowell or his daughter [each wrote to him] dated August 24, 1990, December 4, 1992, and April 14, 1993)

When I called Slawson back in March of 2006 to discuss the tape issue, he essentially reiterated what he had told me in February of 2000, adding a few details. He remembered that the head of the CIA station in Mexico City, Win Scott, and one of his chief assistants, whose name he could not remember, showed him and Coleman transcripts of Oswald’s tape-recorded conversations, which Slawson said he had already seen in Washington, D.C. He said they were told that if they wanted to hear the actual tapes, they could, although Slawson seems to recall that some of the tapes were missing and there “may have only been one left—I’m not sure.” At that point Slawson said he didn’t see any point in it, since he had the transcript and he could not authenticate that it was Oswald’s voice on the tape since he was not familiar with Oswald’s voice. “But Bill [Coleman] said something like, ‘Being a trial lawyer I should hear all the evidence,’ so he stayed in the secure room while I went upstairs to meet with the FBI agents to discuss our joint efforts to trace Oswald’s activities during his trip to Mexico City in the fall of 1963. I believe, but am not positive, that Bill listened to the tapes.”

When I brought up to Slawson what he had told Summers and the Rowells about having listened to the tapes himself, he said, “You know, Vince, when I was saying these things, my memory was very vague. I was talking about something that happened close to forty [*sic*] years earlier . . . The first time I really focused on it was when I spoke to you. Actually, to you and [Warren Commission staff member] John Ely, which was after the early 1990s [Summers] interview and letters. I finally clarified in my mind what had happened.” When I asked him whether he was absolutely sure that Win Scott and his assistant told him and Coleman that they had the actual tapes of Oswald’s voice, he responded, “I cannot be 100 percent positive, but to the best of my knowledge and belief we were told that they did.” (Telephone interview of David Slawson by author on March 8, 2006; Letter from David Slawson to author dated March 22, 2006)

There is no way to know, for sure, whether the CIA, *after* the assassination, retained the tapes of Oswald’s telephone conversations with the Russian embassy, but the weight of the evidence is that it did not. Leaving aside the fact that the CIA has always insisted it never retained the Oswald tapes, the HSCA investigated the entire matter and said, “The committee determined that CIA headquarters never received a recording of Oswald’s voice” (HSCA Report, p.250). And certainly, if the Mexico City station of the CIA had the Oswald tapes after the assassination, it would have forwarded them on to headquarters. As indicated in the text, even Edwin Lopez, the chief HSCA investigator in Mexico City, who is strongly pro-conspiracy, said the Oswald tapes, after being transcribed, were “most likely erased after 16 October 1963” (HSCA 180-10110-10484, Lopez Report, pp.9A, 183). And the ARRB, after a reexamination of this issue, came to the same conclusion (ARRB memorandum to file by Irene Marr on September 24, 1998, p.9).

Plus, common sense tells us the tapes were erased before the assassination. If they weren't, what reason would the CIA have for saying they were? Since the agency *has* provided the world with the transcripts of the tapes, why not provide the tapes themselves to back up the transcripts? Also, as David Phillips indicated to me, there was nothing on the tapes, as evidenced by the transcripts, that would cause the CIA to feel they should be retained—that is, Oswald's words fell into the 95 percent category of conversations that the CIA erased. On the other hand, as Slawson argues, because of Oswald having defected to the Soviet Union and the fact that he was now having multiple contacts with the Cuban and Soviet embassies and talking about returning to Russia, et cetera, the CIA would not be as likely to treat the Oswald tapes routinely by destroying them (Letter from David Slawson to author dated March 22, 2006). As far as Slawson's "belief" that the CIA people told him in Mexico City that they had the Oswald tapes, no one can question the integrity of someone of Slawson's well-earned stature, but his belief is most likely incorrect, and attributable simply to a failure of memory. Not only would this belief be inconsistent with the weight of the evidence, but if the CIA has consistently maintained to everyone from the very beginning that it had no tapes of Oswald after the assassination, why in the world would the head of the CIA in Mexico City be telling Warren Commission assistant counsel that it did? That makes no sense.

Jeremy Gunn, the former executive director of the ARRB, has articulated an interesting twist on the whole tape issue. Some conspiracy theorists have alleged that the CIA in Mexico City routinely impersonated people in telephone conversations with the Russian embassy (e.g., Newman, *Oswald and the CIA*, p.364). Gunn says, "A standard operation there was to impersonate Americans who were in phone contact with the Embassy. I am convinced that this is the big secret with the Oswald tape." Gunn said the purpose for the impersonation was to learn more about the embassy and its employees. He believes that someone at the CIA impersonated Oswald's voice, and the CIA destroyed this tape because "the CIA feared, first, that the public would assume they were working with Oswald and two, their impersonation gambit would be exposed." (Memo of conversation by Gus Russo of his interview of Jeremy Gunn on September 8, 2003, p.1) While Gunn's assertion may be true, it has never been substantiated.

- 1051 **Robot Star camera:** The Lopez Report says a second Robot Star camera was installed and broke down five days later, but doesn't say when this second camera was installed (HSCA Record 180-10110-10484, Lopez Report, pp.20, 26).
- 1051 **Soviet embassy:** There were two other "photographic sites or bases" covering the Soviet embassy. One, called LILYRIC, was located in a second-floor apartment also across the street from the embassy, but down the street a bit from LIMITED. It did not directly face the gate of the embassy and was not installed until after Oswald's Mexico City visit. The second, from a home owned by the CIA that backed up to the rear of the embassy property, was trained on the courtyard where the employees would spend leisure time, including playing volleyball, behind the embassy. (HSCA Record 180-10110-10484, Lopez Report, pp.31-33, 36; CIA owned home: HSCA Record 180-10130-10012, pp.5-6, HSCA interview of Philip Agee on January 11, 1978) CIA Teletypes from the Mexico City station to CIA headquarters also make reference to the "LIEMBRACE surveillance team" covering KGB agent Valeriy (spelled "Valery" by fellow KGB officer Nechiporenko)

Kostikov, but its composition and nature are not known, and the team's operation was cancelled on November 23, 1963. (CIA Record 104-10127-10207, "Mexico City Chronology," pp.6, 10)

- 1051 **surveillance cameras:** It should also be borne in mind that the operators of the surveillance cameras were not CIA agents, for whom a certain degree of competence could be expected. They were contract employees. "It is extremely difficult to get people to do this kind of work at all," said John Scelso (pseudonym for John Whitten), head of the CIA's clandestine operations for the Western Hemisphere at the time of the assassination. "It is deadening, boring" work, he added, "and to get people who are [security] clearable to do it is very, very difficult." When asked to make a "wild guess" as to how many people entering the Russian and Cuban embassies in Mexico City were picked up by the cameras, Scelso said "at least half of the people, or even more," meaning that a very high percentage weren't picked up. Even so, with the number of times we know Oswald visited one or the other embassy in Mexico City, the percentages would seem to dictate that a photo of him would be secured on at least one occasion, yet none were. In this regard, Scelso noted that "many people entering and leaving these installations deliberately conceal their faces," and he felt that Oswald, being a defector, would be the type of person who might do so. When HSCA counsel asked Scelso how Oswald or anyone else could do this without knowing where the cameras were, he replied that Oswald would be "perfectly capable of approaching the Cuban or Soviet embassy [so] that his face could not be photographed. In other words, if this is the Soviet embassy [pointing] and our vantage point is over here, he can walk under the window and [then] walk [with his back to the camera] straight across the street. You can figure where [the camera] is. It can only be in a certain number of places." When HSCA counsel asked Scelso, "Are you certain that the Mexico City station never obtained any photograph of Oswald?" he replied that as far as he knew, it had not, adding, "The thought that they might have gotten it, that the Agency or the station might have suppressed it deliberately to cover up their omission to send it to Headquarters, or something like that, is to me inconceivable." (HSCA Record 180-10131-10330, May 16, 1978, pp.93-97)

Is there any evidence that Oswald tried to avoid being photographed at the embassies in Mexico City? Very definitely, yes. Colonel Oleg Nechiporenko, the KGB consular official at the Russian embassy who had contact with Oswald, writes in his book, "When I led Oswald out of the reception area into the courtyard and showed him the way to the gate, he pulled his head down and raised the collar of his jacket to conceal his face and thus attempt to avoid being clearly photographed" (Nechiporenko, *Passport to Assassination*, pp.80-81).

It should be further noted that, as Mexico City desk CIA veteran Charlotte Bustos put it, "I don't know whether you can say [Oswald] managed to avoid being photographed . . . What you might have had were shots that were blurred or backs of heads or something you could not identify" (HSCA Record 180-10110-10026, May 19, 1978, pp.64-65).

- 1052 **CIA denied:** CIA turncoat Philip Agee told HSCA investigators in 1978 that "the story" he had heard when he was assigned to the Mexico branch of the Western Hemisphere Division of CIA Clandestine Services in 1966 at CIA headquarters is that on the afternoon of the assassination, Charlotte Bustos, who worked at the

“Mexico desk” at CIA headquarters in Washington, found a photo or photos of Oswald at headquarters that presumably had been taken at the Russian embassy (HSCA Record 180-10130-10012, January 4, 1978, pp.5, 7). However, with all the confusion about the embassy photos, “the story” Agee heard may have been incorrect. Agee was a bitter enemy of his former employer, unbelievably publishing a book that “outed” hundreds of CIA agents and informants around the world, thereby possibly endangering their lives and causing the CIA to terminate many of them and relocate others, as well as terminating every operation that Agee “might have been privy to.” (Phillips, *Night Watch*, pp.238–239, 261–262)*

However, the likelihood that Agee had made up the story of “the story” to hurt the CIA was negated when Joseph Piccolo Jr., an operations officer in the Deputy Directorate of Operations section of the CIA when the HSCA interviewed him in August of 1978, told HSCA investigators he had heard the same story about Bustos finding a photo or photos of Oswald at headquarters (HSCA Record 180-10142-10353, HSCA’s interview of Joseph Piccolo on August 11, 1978, p.5). Another former CIA officer, Joseph Burkholder Smith, told the HSCA he had also heard the story, but thought the woman who found Oswald’s photo was named Lynch, not Bustos (HSCA Record 180-10070-10404, May 8, 1978, pp.6–7).

For her part, Bustos testified before the HSCA that “I don’t remember ever finding an Oswald photograph” at Washington headquarters, and denied telling Agee or Smith that she had. She added, at least as to Agee, “I think Phil had lots of problems. I certainly think he is capable of exaggerating.” (HSCA Record 180-10110-10026, Testimony of Charlotte Bustos [under pseudonym registered with CIA as Elsie I. Scaletti] before HSCA on May 19, 1978, pp.45–47; Bustos’s pseudonym is no longer classified information)

One thing we *do* know. The HSCA never believed “the story,” not even mentioning Agee or Piccolo in its report or volumes, and concluding that the CIA did not have any Mexico City photos of Oswald.

- 1053 **“probably obtained a photograph of Lee Harvey Oswald”**: With essentially nothing to go on except Lopez’s finding, the HSCA concluded in a weak footnote, “The committee believed that photographs of Oswald might have been taken and subsequently lost and destroyed” (HSCA Report, p.125 footnote).

Perhaps Lopez’s main reason for believing the CIA surveillance cameras captured a picture or pictures of Oswald is that Win Scott, the CIA’s Mexico City station chief, who died in 1971, left an unpublished manuscript behind titled “Foul Foe” about his entire intelligence career. Using the pen name Ian Maxwell, on page 273 Scott wrote that “persons watching these embassies [Cuban and Russian] photographed Oswald as he entered and left each one, and clocked the time he spent on each visit.” Scott tells his hoped-for reader that this was “not heresay [*sic*].” Conspiracy theorists like Lopez couple this with the belief that when Scott died, the

*Agee, a twelve-year CIA veteran agent (1957–1969), said he became disillusioned with the deceit, hypocrisy, and corruption being practiced by the CIA during his work for “the Company” in Ecuador, Uruguay, Mexico, and Washington, and no longer wished to be a “servant of the capitalism I rejected” (Agee, *Inside the Company*, p.558). It was one thing for him to thereafter expose and denounce whatever CIA misconduct he saw or participated in, but to publish the identity of CIA agents, operatives, and informants he had encountered during his years with the CIA throughout Latin America, as he did in a twenty-two-page index to his book, is inexcusable. (Agee, *Inside the Company*, inside flap of dust jacket, pp.17, 597, 600–622)

CIA's counterintelligence chief, James Angleton, didn't fly down to Mexico City just to attend his colleague's funeral, but to empty out everything in Scott's safe, presumably including photos of Oswald.*

The only thing that stands in the way of Scott's story is common sense. For starters, since Scott was the head of the Mexico City station, and the FBI, CIA headquarters in Washington, and the Warren Commission were all working hard, as Scott well knew, to gather all the evidence they could find about Oswald's trip to Mexico City, which would certainly include photos and tape-recorded conversations, what conceivable reason on earth would Scott have to keep these photos to himself? Or even if he didn't personally have them, why wouldn't he tell his superiors and the FBI about them? Not to do it and for it to be found out that he conceded this information could be the end of his career. Yet Scott never said boo. Why? For what reason? Second, even if we assume that the CIA, or rogue elements thereof, were involved, as nearly all conspiracy theorists believe, in the assassination, and they ordered Scott to remain silent, this too makes no sense. Obviously, if they were involved in Kennedy's murder, they'd *want* to show photographs of Oswald with the Cubans and Russians more than anyone in the world, since doing so would promote a theory that they would be pushing—that someone *other than they* were behind Kennedy's murder.

Since Scott's story on its face isn't reasonable, it sounds to me like he was just puffing up a book he wanted to peddle.† I have found that when people say some-

*Indeed, a former CIA officer told the HSCA he had seen CIA surveillance photos of Oswald taken in Mexico City. The aforementioned Joseph Piccolo Jr., who was working out of the CIA station in Mexico City from 1957 to 1960 and 1965 to 1968, told the HSCA in 1978 that he didn't know where or when, but someone in the CIA, he didn't know who, had shown him two photographs of Oswald that the person said were taken in Mexico City, and he was "led to understand" they were of Oswald "entering or leaving" the Cuban embassy/consulate; one was a left profile of Oswald looking downward, the other of the back of Oswald's head. (HSCA Record 180-10142-10353, HSCA interview of Joseph Piccolo on August 11, 1978, pp.1, 4)

However, Anne Goodpasture, described by many as Scott's "right-hand person" or "girl Friday" in Mexico City since she worked with him longer than anyone else, and who acknowledged that "at times" Scott "asked me to do things for him that he did not ask other people to do," told the HSCA, "We never photographed Oswald or identified a person as Oswald entering or leaving either place [Russian and Cuban consulates and embassies]." It should be noted that Goodpasture was working at the CIA station in Mexico City throughout this entire period, and if anyone would know about photographs it would be she since one of her jobs was to review all photographs taken by the CIA's photographic surveillance of the Russian consulate and embassy. She also reviewed photographs taken at the Cuban consulate and embassy when there was a question of the identity of someone who may have also gone to the Russian embassy.

Goodpasture said that Angleton did come to Scott's funeral, but suggested it was not to retrieve anything from Scott's safe at home. She said it was she who told Angleton, while he was in Mexico City for the funeral, "that there might be classified documents in his [Scott's] home." After it was rather clear from the context that Angleton only came to Mexico City for the funeral, HSCA counsel asked not only a very leading question but one that he had to know was in contradiction to what he had just been told: "Did Mr. Angleton personally go to Mexico City to retrieve those documents?" and Goodpasture answered, "Yes, he went there to the funeral and I think he talked to the [new] chief of station at that time, Mr. John Horton." (HSCA Record 180-10110-10028, November 20, 1978, pp.14, 22-25, 25, 33-34; HSCA Record 180-10131-10339, Transcript of HSCA Executive Session testimony of Anne Goodpasture, April 13, 1978, p.9; review all photographs: HSCA 180-10131-10339, pp.14-15, 36, 40, 42-45) Goodpasture's "yes" answer to the improper question should carry little weight, if any, on this issue, particularly since nothing she said after the "yes" seemed to go along with what HSCA counsel was so obviously looking for.

†A few years after I wrote these words, I got a hold of the HSCA deposition of the previously mentioned Anne Goodpasture, who was one of Scott's closest assistants at the CIA station in Mexico City. She testified, "I had been in Mexico longer than anyone else in the [CIA] station except Mr. Scott, and for that reason a lot of the people came to me and asked me questions about things that had happened rather than going to the files and looking up the answer." She spoke very highly of Scott, describing him as a very competent, intelli-

thing that doesn't ring true at all, all one has to do is give them a little time, as I did with Lopez at the London trial, and they self-immolate. As far as I'm concerned, Scott self-immolated even earlier, on page 192 of his manuscript, when he wrote, "Aren't the contacts made in Mexico [City] by Lee Harvey Oswald in the five day period he had in that city and what took place during his visits to and conversations with communist embassies in September-October 1963, quite enough to cause a *suspicion of Soviet involvement in the murder of President Kennedy?*" Not really, Win. Only enough to get you on some talk shows. Can you imagine that? Oswald goes to the Soviet embassy because the Cuban consulate tells him he needs the Soviets' cooperation to get an in-transit visa to Cuba, and Scott thinks that's enough to suspect the Soviets of murdering Kennedy! Win Scott may have been a nice man but when he wrote his manuscript, he was full of, er, wind. (Scott's manuscript is available at the National Archives.)

- 1054 **she sent out a cable (telegraph) on October 10:** Also on October 10, Charlotte Bustos, at Langley headquarters, sent out *another* cable regarding Oswald, this one transmitted only to the CIA's Mexico City station and, other than a physical description of Oswald in the opening paragraph, focused almost *exclusively* in its five paragraphs on Oswald's defection to, and return from, Russia and his status as a U.S. citizen. This is probably why there is no reference in the cable to Oswald's activities in New Orleans, which the CIA had already learned about from FBI reports. (Some critics have considered the absence of a reference to New Orleans suspicious.) Thus, the statement in paragraph three of the cable that the latest information on Oswald that Langley had was in May 1962, though technically incorrect, was correct in the context of information relating to Oswald's status as a citizen, which was the subject of the cable. In fact, the very next words following "the latest hdqts info [is a] report dated May 1962" are: "saying ODACID [State Department] had determined Oswald is still U.S. citizen and both he and his Soviet wife have exit permits and Dept [of] State had given approval for their travel with their infant child to USA." These words clearly show that the May 1962 reference *only* pertained to matters concerning Oswald's citizenship status, and a reference to Oswald's activities in New Orleans would have been out of place. (CIA Record 104-10125-10366, October 10, 1963; 4 HSCA 216-218; HSCA Record 180-10110-10026, Testimony of Charlotte Bustos [Scaletti] before HSCA on May 19, 1978, pp.26-29; see Newman, *Oswald and the CIA*, pp.401-405, for fuller and more sinister interpretation of this issue; also Jefferson Morley, "The Oswald File: Tales of the Routing Slips," *Washington Post*, April 24, 1995)
- 1055 **no resemblance to Oswald in face or physique:** Anti-conspiracy theorists have repeated the claim that "the CIA did not have any photographs of Oswald in the files they maintained on him, and did not know what he looked like" (Posner,

gent, and honest man. But when HSCA counsel showed her passages of "Foul Foe" to read, she said, "Well, to me it appears that he was writing this for sales appeal," and added that the contents of the manuscript, such as the allegation that the CIA station had photographs of Oswald, were in "conflict with the records." Trying to soften her criticism of her old boss's manuscript, she said he may have written it many years later, and "maybe his memory was faulty." (Spoke highly of Scott: HSCA Record 180-10131-10339, Transcript of HSCA Executive Session testimony of Anne Goodpasture, April 13, 1978, p.10; Scott writing for sales appeal or might have faulty memory: HSCA Record 180-10110-10028, Transcript of HSCA deposition of Anne Goodpasture on November 20, 1978, pp.13-14)

Case Closed, p.186). But actually, Oswald's 201 file did contain two photos of him. Of the thirty documents in his file at CIA headquarters, there were four newspaper clippings: in chronological order, two from the *Washington Post* dated November 1 and 16, 1959, one from the *Washington Evening Star* of November 26, 1959, and one from the *Washington Post* of June 9, 1962. The November 16, 1959, *Washington Post* clipping contained a UPI photo of Oswald, with a one-paragraph story beneath it captioned "Rebuffed" about Soviet authorities rejecting Oswald's bid for Soviet citizenship. The November 26, 1959, *Washington Evening Star* clipping was an article by Priscilla Johnson ("U.S. Defector to Reds Turned to Marx at 15") with an AP photo of Oswald. (CD 692, Letter from Richard Helms to J. Lee Rankin on March 6, 1964, and "Inventory of Documents Contained in Oswald dossier forwarded to Commission" attached to Helms's letter; NARA Document 1993.07.20.15:16:21:930270, JFK box JFK27, vol./folder F3, National Archives; *Washington Evening Star*, November 26, 1967, p.E-20)

Why didn't the CIA staff at headquarters immediately realize that the photographs of the "unknown American male" were not photographs of Oswald? Obviously, they didn't look closely through Oswald's 201 file and see the photos they had of him. Perhaps the conclusive evidence that CIA employees were unaware that they had any photograph of Oswald in their files is that on October 4, 1963, CIA headquarters requested of the Office of Naval Intelligence (ONI) two copies of the most recent photographs of Oswald so that an attempt could be made to verify his reported presence in Mexico City. Pursuant to this request, ONI did get one photograph of Oswald taken at the approximate time of his Marine Corps induction. It is not known how or from whom ONI got this photograph. It sent the requested copies of it to the CIA, but not until after the assassination. (HSCA Report, pp.224-225; JFK Document 009383)

On the issue of why the CIA never knew it had photographs of Oswald, two realities have to be considered. First, there is an endemic incompetence among human beings at all levels in our society. Second, this may not even rise to the level of incompetence. Though we know, now, that Oswald would eventually shake the world, it's so easy to forget that back when this incident happened, other than his being a defector, Oswald could not have been too much less important to the CIA. Viewed from this perspective, the two small newspaper photos of Oswald being overlooked and slipping through the cracks at the time of the incident is more understandable.

Moreover, it is not even 100 percent certain that Charlotte Bustos, the person at the "Mexico desk" at CIA headquarters who sent a cable to the Mexico City station of the CIA on October 10, 1963, regarding Oswald, actually examined Oswald's 201 file. As noted in the text, she testified she asked for a "name trace" for Lee Oswald on October 9 after the Mexico City station cabled CIA headquarters that someone named "Lee Oswald" had been to the Russian embassy. A "name trace" implies that a *report* containing information from Oswald's 201 file would come back to her, not the 201 file itself. But when Bustos testified before the HSCA, it was obvious from HSCA counsel's questioning that he was determined not only to put Oswald's file under Bustos's nose, but to have her review it, and by leading questions she eventually seemed to accept that she had seen Oswald's 201 file, though she never clearly said she reviewed all of its contents.

Bustos had a reputation, given to her by others in their testimony before the HSCA (e.g., John Scelso), of being extremely sharp, knowledgeable, and possessed of a great memory. However, she came across in her HSCA testimony not only as having a dreadfully poor memory, but as not being particularly competent. Just one example: Sitting at the Mexico desk, she acknowledged that among her responsibilities was receiving and transmitting memorandums dealing with the Mexico City station of the CIA. One would think she would know the numbers and nomenclature of these memos very well. Yet when HSCA counsel asked her to identify the numbers “200-5-41” on the left side of an October 9, 1963, memo to headquarters from the Mexico City station, she said, “The 200 is always the general series and I *believe* that 200 stands for something international. The second number is the more specific category and I *believe* 5 has *something to do with politics*. 41 is just the title of the folder that is next in line. It starts out with ‘D’ colon. I *don’t know what that means* but I *guess* it means cross filing or something or duplicate maybe.” With respect to the issue of whether Bustos, who was *not* the Mexico desk chief but an assistant, did not think that the October 9, 1963, cable from the Mexico City station was that important at the time, she did say the fact that Oswald was an American who had defected to the Soviet Union and was next seen at the Russian embassy in Mexico City raised the “possibility” he was working for the Soviets. But the unmistakable inference from her testimony is that the Oswald incident in Mexico City was not treated with any sense of importance or urgency at CIA headquarters. (HSCA Record 180-10116-10026, Testimony of Charlotte Bustos [Scaletti] before HSCA on May 19, 1978, pp.5, 9-10, 12, 16-17, 25-29, 33, 39, 48-49)

One has no way of knowing why, right after the assassination, CIA headquarters apparently did not discover the newspaper photos in Oswald’s 201 file.

Actually, there was another photograph of Oswald in a CIA file at CIA headquarters at the time of the Mexico City incident, but the CIA was not aware of it. On August 10, 1961, two American tourists, Rita Naman and Monica Kramer, were visiting Minsk. Miss Naman took a picture of their car, showing Mrs. Kramer and their Intourist guide to the left of it and the Palace of Culture and a statue of Joseph Stalin to the rear and left rear, respectively. Standing to the right of the car are three men, none of them known by Naman or Kramer, and the man in the middle is Oswald. (11 H 212, WC affidavit of Monica Kramer; 11 H 213, WC affidavit of Rita Naman; Kramer Exhibit No. 1, 20 H 474. Note: Kramer Exhibit No. 2 in 20 H 475 is a similar photo that also shows Oswald but may not have come into the CIA’s possession.)

In March of 1962, a CIA agent from its Domestic Contact Service division in Los Angeles contacted the two women, who then provided the CIA with 160 color slides they had taken during the trip. The CIA returned the slides after making negatives of five of them. One was the picture showing Oswald on the right side of the car. These photos were stored at the CIA in the graphics section for the Minsk area. After the assassination, the CIA found the photograph during a search of its graphics files for photographs possibly relevant to Oswald’s stay in Minsk. The photograph had never been in Oswald’s 201 file, the only file the CIA would have looked at when Oswald’s name came up in relation to the photo outside the Soviet embassy in Mexico City. The HSCA said “the CIA could not have stored

this photograph in Oswald's 201 file or in any other file relating to him since the Agency did not identify Oswald's presence in the photograph until it conducted a post-assassination review of its files." (HSCA Record 180-10147-10239, January 22, 1979, pp.1-5, 8, 11, 14; CD 871, pp.1-2, CIA memorandum to Warren Commission, April 29, 1964)

- 1055 **photos of the unknown American male [footnote]:** Though Edwin Lopez believes the CIA got photographs of Oswald at the Cuban consulate and/or the Soviet embassy, he says in his report that the photo of the unidentified man outside the Soviet embassy that has been shown the most (per the Lopez Report, the photo was taken on October 2, 1963, not listed by the CIA as one of the days that photos of the man were taken) "was mistakenly linked to Oswald by the [CIA's] Mexico City station" (HSCA Record 180-10110-10484, Lopez Report, pp.9, 81, 122, 139, 141).
- 1056 **Oswald in Mexico City:** An alleged Oswald sighting in Mexico City that has been given considerable attention by conspiracy theorist Anthony Summers and others is that of Oscar Contreras Lartique, at one time a pro-Castro law student at the National Autonomous University of Mexico in Mexico City. In 1967, Contreras told a U.S. foreign service officer at the U.S. embassy in Mexico City that one evening in late September 1963, Oswald approached him and some other students following a roundtable discussion at the School of Philosophy. Oswald told them he had come to the university looking for pro-Castro students who might help persuade the U.S. embassy to grant him a visa to Cuba, and that he was from California and was a member of a pro-Castro organization in New Orleans. Contreras described Oswald as "strange and introverted," and said he spent the rest of that day, that night, and part of the following day with Oswald and some other students (whose identity he would not reveal because they were still active revolutionaries). Contreras alleges he made an unsuccessful effort to help Oswald with the Office of the Cuban Consulate, but that officials there told him Oswald was suspected of being an American intelligence agent. (HSCA Report, pp.124-125; 3 HSCA 316)*

The HSCA's attempts to contact Contreras were unavailing. However, in 1978, Summers tracked Contreras down in Tampico, Mexico, where he was the editor of a local newspaper, *El Mundo*. Contreras told Summers that the main reason he remembered the American who approached him and his friends, whom he identified as Oswald, was that the man spelled out his name, and "Harvey" and "Oswald" were familiar as names of characters in a popular cartoon in Mexico about rabbits. As he had told the U.S. foreign service officer over a decade earlier, Contreras told Summers that Oswald said the Cuban consulate was refusing him a visa, and asked Contreras and his fellow students for their help, including accompanying him to

*Mexican authorities reported to the HSCA that Contreras was registered at the university in 1960, but not 1963. However, the HSCA, in an unsourced footnote, said that the CIA had earlier "confirmed" that Contreras had, in fact, been a student there in 1963. This may have been loose language since the CIA's June 29, 1967, entry into its "Mexico City Chronology," the likely source for the HSCA footnote, merely seems to be setting forth what Contreras told CIA agents. There's no suggestion that they confirmed that Contreras was at the university in 1963. And the CIA's later, July 11, 1967, entry, which the HSCA must not have seen, specifically says that "the UNAM Law School files reflect that the only Oscar Contreras listed is one Oscar Contreras Lartique, who was registered as a student in 1959 and 60, but not during the period 61 to 63." (3 HSCA 316; HSCA Report, p.125 note 17; CIA Record 104-10127-10207, "Mexico City Chronology," pp.118, 121)

the Cuban consulate, but they did not do so. Summers writes that the physical details that Contreras gave about Oswald “add further to the suspicion that the Oswald who visited the Cuban Consulate was an impostor.” Contreras said, like Azcue, that the man looked over thirty years old (Oswald was three weeks shy of twenty-four at the time) and was at most five feet six inches tall; short enough for Contreras, who Summers reports to be five feet nine inches, to look down on. Oswald said he was broke and asked if he could spend the night at the apartment of Contreras and his friends, and they let him stay one night. Contreras also told Summers that that same night he and his friends contacted Azcue as well as a Cuban intelligence officer, who told them to break off contact with Oswald because they were suspicious he might be trying to infiltrate left-wing groups. (Anthony Summers’s notes of his interview of Oscar Contreras Lartigue on September 23, 1978, Tampico, Mexico, pp.1–2; see also Summers, *Conspiracy*, pp.351–352) But as we have seen, Oswald paid for five nights’ lodging at the Hotel del Comercio from September 27 through the night of October 1, 1963.

On June 3, 1986, Mark Redhead, the producer of *On Trial: Lee Harvey Oswald*, the television trial I was preparing my prosecution case for, also interviewed Contreras in Tampico. Contreras told Redhead essentially the same story he told Summers, except, he said, he was certain the incident took place in 1959 or 1960 (when we know Oswald was in Russia), not 1963, and that Oswald had stayed at his place for two or three nights. (In an earlier March 14, 1986, telephone interview with a London Weekend Television researcher, Contreras said Oswald stayed with him and his friends for “five, six, or even ten days.”) Redhead told me shortly thereafter that he felt Contreras may have “invented the story,” and the “yarn got a bit out of hand.”

The amazing thing about the Contreras incident is that the U.S. authorities considered it to be of any significance at all. Remarkably, the CIA felt the Contreras incident “to be the first significant development in the investigation of the Kennedy assassination after 1965.” (HSCA Report, p.125 footnote 17) But why? In what way? And HSCA chief counsel Robert Blakey says that his committee “placed some significance [on] Contreras’ story because it has been learned that a professor [Ricardo Guerra] from the University [where Contreras allegedly met Oswald] held philosophy seminars at the Duran home. The . . . professor, a close friend of the Duran’s, was a well-known Marxist at the University” (3 HSCA 316). Again, so? Where does the story go? Each of the two options that present themselves in the Contreras incident is benign. (Whichever it is, Contreras himself seems aware of its insignificance. Summers writes that Contreras “did not bother to report” the incident to the authorities until four years after the event [Summers, *Conspiracy*, p.352].) If Contreras fabricated the incident, it of course has no significance. But even if the incident took place the way he described, there is absolutely nothing from which any sinister inference can be drawn. In this latter scenario, Oswald would simply be seeking to do what we know, from all the other evidence, he would be expected to do—ask for help in getting an in-transit visa to Cuba. Moreover, Silvia Duran testified before the HSCA that she had told Oswald that his effort to get a visa would be enhanced if he could get a letter of recommendation from a Mexican Communist (3 HSCA 100; see also HSCA Report, p.124). Oswald would be following Duran’s advice in approaching Contreras, who obviously fit the bill.

And as far as the imposture issue, since, as stated earlier, we know it was the real Oswald at the Cuban consulate and Soviet embassy, any suggestion of imposture arising out of the Contreras incident (as with all the other alleged incidents) is by definition devoid of any merit.

There are two other Mexico City allegations, indirectly related to the issue of imposture, that deserve only scant attention.

Elena Garro de Paz, the mercurial former wife of Octavio Paz, a prominent Mexican poet and diplomat, was a very significant author and playwright in her own right, her first book, *Recollections of Things to Come*, hailed by writer Carlos Fuentes as “one of the most important Mexican novels of the 20th century.” The *Ms.* magazine review of the 1963 book called Garro “one of the three important pioneering women in modern Mexican fiction” (Chevigny, “Surviving Revolution and Obscurity,” p.32). In October of 1964 Garro told Charles Thomas, a friend of hers who was an American foreign service officer at the U.S. embassy in Mexico City, that on September 2 or 3, 1963, Oswald and two tall “beatnik looking” American companions had attended a “twist” party at the home of Ruben Duran Navarro, Silvia Duran’s brother-in-law. (Garro told another person that the party was at the “Cuban Embassy.”) The conspiracy theorists (most of whom feel Oswald wasn’t even in Mexico City, only his impersonator was) argue in self-contradiction that this proves Oswald had associates in Mexico City, and hence, the specter of a conspiracy arises once again. Apart from the fact that we know Oswald was in New Orleans, not Mexico City, on September 2 and 3, 1963, the CIA “checked out” Garro’s allegation “without finding any substantiation.” If the CIA never pursued it with intensity it was only because the agency did not consider Garro to be “totally rational.” Indeed, one CIA memo has a handwritten annotation on it: “She [Garro] is said to be extremely bright. She is also ‘nuts.’” (CIA Record 104-10016-10031, October 5, 1964; HSCA Report, p.123; 3 HSCA 286-287; party at the “Cuban Embassy”: CIA Record 104-10013-10172, October 12, 1964; no substantiation of allegation: CIA Record 104-10086-10042, February 23, 1966)

Despite the improbability on the story’s face that Oswald, who was on a very serious and frustrating mission in Mexico City, would go to a twist party, the HSCA also pursued the matter and found no corroboration for Garro’s claim. Silvia Duran did confirm that there was a twist party that Garro attended at the home of her brother-in-law in the fall of 1963. But Duran said that Oswald was definitely not there. Garro claimed that Azcue was also at the party, but Azcue told the HSCA that he was never at any party with Oswald. (HSCA Report, pp.123-125; 3 HSCA 149, 286-287, 291, 316) It should be noted that Elena Garro is the same person who alleged that at another party at one of the Durans’ homes (she does not claim Oswald attended this one) she overheard Azcue say that there was no alternative than to kill President Kennedy. Azcue, in testimony before the HSCA, denied having made any such remark, calling the allegation “absurd” and “incredible” (3 HSCA 150).

Garro told the CIA in 1964 that an American Communist by the name of June Cobb rented a room from her. Cobb, she said, was very promiscuous, and she feared Cobb would “break my arms and legs” if she (Cobb) ever got angry with her

because Cobb had broken the legs and smashed the ribs of her (Cobb's) pet cat. She also believed Cobb had been "planted" on her by Communists since her former husband—the poet Octavio Paz—was a Communist. The CIA found that Cobb did "translation work and writes articles and makes enough money to pay her rent and expenses." (CIA Record 104-10055-10101, Interview of Elena Garro by CIA agent Willard C. Curtis on November 24, 1964. Author Gus Russo asserts, without citing a source, that Willard Curtis was the code name for Mexico City station chief Winston "Win" Scott [Russo, *Live by the Sword*, p.552 note 36].)

In December of 1965, Garro also told Thomas that Victor Rico Galan, a pro-Castro journalist in Mexico City, told her that Silvia Duran had been Oswald's mistress while he was in Mexico City (CIA Record 104-10013-10087, December 25, 1965, p.4; HSCA Record 180-10110-10484, Lopez Report, p.213). So Oswald is only in Mexico City for four days and already acquires a mistress. This unlikely story was kept alive when an unidentified informant (code-named LIRING/3) told the CIA in May of 1967 that Duran had told him that she had gone out with Oswald "several times" and "had sexual relations with him" during the four-day period, and—get this—that the Mexican authorities had beaten her until she admitted her affair with Oswald. LIRING/3's credibility suffers from his own admission that he called Duran at the home she shared with her husband, Horacio, and Duran asked him how he got her phone number. He told her "at the Cuban Institute." (CIA Record 104-10054-10040, Interview of LIRING/3 by CIA agent Wallace Rowton on May 26, 1967, p.3) How likely is it that LIRING/3 isn't close enough to Duran to even have her phone number, but close enough for her, a married woman, to confess to him that she had an adulterous relationship with Oswald?

In any event, all of this information was forwarded to CIA headquarters by the CIA Mexico City station (CIA Record 104-10054-10040, Interview of LIRING/3 by CIA agent Wallace Rowton on May 26, 1967, p.3; HSCA Record 180-10110-10484, Lopez Report, pp.195-196). By clear implication (counsel never expressly asked her), Duran denied to the HSCA that she had any affair with Oswald, that the Mexican authorities* beat a false confession out of her, or beat her period. However, she did confirm that the day after the assassination, the Mexican authorities placed her under arrest and she physically resisted them. After grilling her, they let her go but returned the following Wednesday and held her in custody for two and a half days. During both grillings they accused her of being a Communist (she denied it, saying she was a socialist) and of having sex with Oswald. She said she was in fear of her life while in custody. (3 HSCA 81-82, 84, 86, 89-91, HSCA interview of Silvia Duran on June 6, 1978; see also CE 2121, 24 H 587-590)

And then there was the tale told by a thirty-one-year-old Mexican man from the slums of Guadalajara named Ylario Rojas Villanueva, aka Eladio Villanueva Ramirez. Young Rojas wrote to Robert Kennedy on December 31, 1963, claiming he "used to be a friend of Oswald" as well as "three more people" associated with

*The Mexican Federal Security Police arrested and interrogated Duran, a Mexican citizen, at the request of the Mexico City station of the CIA on November 23. Knowing she had dealt with Oswald's request for a visa at the consulate, the CIA asked that she "be arrested immediately and held incommunicado until she gives all details of Oswald known to her." Duran was arrested with "seven others including her husband." (CIA Record 104-10127-10207, "Mexico City Chronology," pp.8-9)

Oswald, and he knew of their plan to kill RFK's brother. On January 10, 1964, the Mexico City station of the CIA interviewed Rojas. To condense Rojas's long story, he claimed that in the middle of August 1962 Oswald was introduced to him for the first time in front of a Guadalajara theater by a Cuban. He had met the Cuban in June or July in Mexico City, and the Cuban at that time had talked to him about "smuggling Cuban propaganda into Mexico." In the latter part of December 1962 the Cuban told Rojas to travel by bus from Guadalajara to the town of Cozumel on the island of Cozumel, just off the easternmost seaboard of Mexico, well over a thousand miles away but close to Cuba, which Rojas said he did. There, Rojas met with two Cuban men, a Cuban woman, and Oswald, who had flown in from Jamaica, about the proposed Castro propaganda operation. Rojas stayed in Cozumel, and in mid-February Oswald flew in again from Jamaica. A day later, an American named Albert also arrived from Jamaica. Together with the three Cubans (whose names Rojas said he had forgotten but had written in a notebook and given to Daniel Solis, a policeman relative of his in Cozumel who told the CIA, when they tracked him down, that he had no such notebook), Oswald and Albert discussed assassinating Kennedy. Though Albert and the Cubans ended up being against it, Oswald said he had to go through with it to save his life, and that he was under orders to do so. On March 5, 1964, Rojas, who admitted being desperately in need of money, and about to be given a lie detector test, decided to stop playing his game and signed a statement in Guadalajara that he had never known or met Oswald anywhere. (CIA Record 104-10127-10207, "Mexico City Chronology," pp.56-57, 59-61, 66)

1062 **the president's casket [footnote]:** Per the wishes of the Kennedy family, the Britannia casket was eventually disposed of at sea in an airdrop on the morning of February 18, 1966, off the Maryland-Delaware border (Department of Defense Memorandum for File by John Steadman on February 25, 1966). When the Department of Defense documents pertaining to the casket's disposal were released by the National Archives in 1999, Melody Miller, a Kennedy family spokeswoman, said that what was done was "in keeping with the tradition of President Kennedy's naval service and his love of the sea" (*Los Angeles Times*, June 2, 1999, p.A11).

On February 3, 1966, Robert Kennedy called Lawson B. Knott Jr., the administrator of the General Services Administration, which had jurisdiction over the National Archives at the time, and said he had talked "to Secretary [of Defense Robert] McNamara about getting rid" of the casket. Knott replied that there was a "question of authority to release and dispose of it," whereupon RFK replied, "I think it belongs to the family and we can get rid of it in any way we want to . . . What I would like to have done is take it to sea." When Knott said he needed "clearance from the Attorney General" (Nicholas Katzenbach), Kennedy said, "I don't think anybody will be upset about the fact that we disposed of it. I will take responsibility for that and I will call Mr. Katzenbach and have him call you." (These quotes are from a typewritten document among the documents on the casket released by the National Archives in 1999. It's dated February 3, 1966, 6:10 p.m., and the first words are "Senator Kennedy called." The format gives Kennedy's name, followed by a colon and Kennedy's words, then Knott's name, followed by a colon and his words. It appears to be a transcript of a tape-recorded phone conversation between Kennedy and Knott, typed up or dictated by Knott, though no authorship for the one-and-a-half-page document is given.)

On February 11, 1966, U.S. Attorney General Nicholas Katzenbach wrote to Knott that the casket, which was stored in the basement of the National Archives building, had not been a Warren Commission exhibit, and hence was not an "item of evidence" requiring preservation under the Act of November 2, 1965, Public Law 89-318. He added that since he was "unable to conceive" of any manner in which the casket could otherwise have an "evidentiary value" nor of "any reason why the national interest would require its preservation" and its "public display would be extremely offensive and contrary to public policy," the casket should be destroyed. On February 17, 1966, forty-two holes were drilled through the casket, three sandbags weighing eighty pounds each were placed inside the casket, the lid was locked into place, and the casket was bound with metal banding tape. The casket was turned over to Department of Defense representatives early on the morning of February 18. (Memorandum for the Record by Lewis M. Robeson, Chief, Archives Handling Branch, February 21, 1966) At 10:00 a.m. that same day, the casket was dropped from a height of five hundred feet from a C-130E cargo plane into the Atlantic Ocean in an isolated area off the coast near, as indicated, the Maryland-Delaware border (1,500 fathoms [9,000 feet] of water at latitude 38° 30' N, longitude 72° 06' W). Two airdrop parachutes were used to break the shock of impact upon hitting the water.

(Memorandum for File from John M. Steadman, Special Assistant, Secretary of Defense, February 25, 1966, pp.1–3)

1063 **the body:** What David Lifton doesn't purport to know is the identity of the doctor or doctors who did the alteration to Kennedy's body. What he also doesn't know is that the only alteration done was to someone else's body. And it wasn't done at Walter Reed hospital. How do I know all these things? The quintessential Texas con man Billie Sol Estes, in his book *Billie Sol Estes: A Texas Legend*, told me and all the other readers of his book what happened. Although he's a little short on details, he says there was only one alterationist, and the alterations weren't to Kennedy's body but to a Kennedy look-alike. The alterationist, per Estes, was James Melvin Liggett, a Dallas mortician who reportedly performed reconstruction surgery on the body of deceased actress Jayne Mansfield. Estes said that Liggett himself confessed to him in 1971 that he was assigned two jobs (Estes doesn't say by whom) in Kennedy's assassination, the only inference from the context being that the assignment came before the assassination. "First, he was to acquire a body which matched Kennedy . . . Secondly, he had to make sure the body matched the first descriptions from Parkland." According to Liggett, on November 22, 1963, he was in charge of a funeral for a member of his wife's family at Restland Cemetery in Dallas. In the middle of the ceremony a cemetery aid whispered in Liggett's ear, and a few minutes later Liggett and his aid left the ceremony in a hearse containing the corpse of the Kennedy look-alike whom Liggett had apparently already found, and who had been stored in the morgue at Restland. When they got to Love Field, Liggett and the body got on a private plane headed for the nation's capital. "On the way to Washington, messages from Parkland were relayed to Liggett," who apparently performed surgery on the plane to make it look like Kennedy (actually, someone else's corpse) had been shot in the head from the rear.

At this point, everything was making a lot of sense to me, but then what followed was, well, hard to follow. Estes writes that "I do not know all the details [which was a big disappointment to me] except I know there were two bodies [presumably the real JFK and his look-alike] at Bethesda and at least ten pictures were taken of each body. The pictures were then mixed, creating the effect of a third body. The grand conspiracy theory of controlling the autopsy and making changes at Bethesda Naval Hospital was not necessary. You simply needed the right mix of autopsy photographs. The autopsy report and photographs were immediately sent to the White House. The White House controlled the evidence sent to the Warren Commission and the National Archives." It's nice to know, finally, what happened, and as you can see, Lifton was all wet with his theory.

Estes said Liggett told him that after he completed his work, he flew back to Dallas, packed his wife and children in a car, and left in a great hurry for Galveston, receiving a speeding ticket between Dallas and Austin. Staying at a motel in Galveston (Liggett's wife said it was in Corpus Christi), he saw Ruby shoot Oswald, whereupon he told his family, "Now we can go back to Dallas."

Estes said that Liggett was not only a mortician but a "cold-blooded murderer. His trademark was sexual mutilation of his victims and death by fire. In the years after the assassination, he would kill at least six people to cover up the truth." Liggett was arrested in 1974 for the attempted murder of the widow of one Jay

Bert Peck, who Estes claimed was a distant cousin of LBJ's. (Estes, *Billie Sol Estes*, pp.155–157)*

The Liggett alteration story has been around the conspiracy community for some time (see, for instance, *JFK/Deep Politics Quarterly*, January 2002, pp.9–10).

There's a footnote to the Liggett story: In one of Nigel Turner's episodes in his series *The Men Who Killed Kennedy*, called *The Smoking Guns*, shown on the History Channel in November of 2003, Liggett's former wife, Lois, who had divorced Liggett, said she believes that her then husband was involved with JFK's body in a cover-up of the assassination. "His role was to do something to the body. How—alter it, fix it—I have no idea. Now he may have gone with it to Bethesda. I think his job was to do something with that body—of John F. Kennedy." She added that two days after the assassination she was present when her husband and his brother Malcolm were in a Corpus Christi motel room. She said "they had conversations that made one feel like I didn't belong . . . , that they knew something I didn't know," the implication being that Malcolm was involved in the cover-up. Turner then capped the segment by showing a photograph of Jack Ruby allegedly standing beside Malcolm and his wife, Suzanne. The only problem was that it was not a photo of Malcolm and his wife. Also, Malcolm was in California at the time he was supposed to be in Corpus Christi with his brother discussing their participation in covering up the conspiracy to assassinate Kennedy. The outraged Malcolm filed a federal lawsuit against A & E Network, the company operating the History Channel, for its blatantly false story, and a settlement was reached in March of 2005. (Article posted to the Internet on April 30, 2005, by Scripps.com staff writer Grace Murphy; Article posted to the Internet on July 6, 2004, by Scripps.com staff writer James Kirley)

- 1069 **he was interviewed in 1978 [footnote]:** To my further consternation, the only copy of JFK Document 013613 (detailing the 1978 interview of Paul O'Connor by HSCA investigators) I can presently locate says the interviewer of Paul O'Connor was Daniel Flanagan, not Andrew Purdy, and the interview was by phone, not in person. Andy Purdy and another HSCA investigator did interview O'Connor at his home in Florida, but that was on August 25, 1977, and *that* was the long interview, not the 1978 telephone one, the documentation of which I had in my hand in London. I can understand how the time discrepancy probably came about. O'Connor, in his telephone conversation with me, told me the length of the interview conducted at his home, but he was talking about one date and I another. But I have no explanation for how the rest of the discrepancy came about. It's a mystery to me, and may have involved something lost in the translation between the London Weekend staff—when I asked them to secure all prior interviews of

*Mrs. Peck had been beaten about her face and head and left for dead on a burning bed inside her home. Liggett was forty at the time and was described by police as an unemployed undertaker. (*Dallas Morning News*, March 27, 1974, p.9B; *Dallas Morning News*, March 28, 1974, p.16A; *Dallas Times Herald*, March 28, 1974, p.B9) On February 14, 1975, Liggett was in the Dallas County courthouse for a pretrial hearing on charges arising out of the attempt on Mrs. Peck's life, arson and aggravated robbery being added to the attempted murder charge. During the one-block ride back to the county jail on Houston Street with eleven other prisoners, Liggett somehow freed himself from his handcuffs and when the paddy wagon doors opened, he bolted and ran away on Houston Street in Dealey Plaza. When a Dallas deputy sheriff commanded him to stop and he didn't, the deputy shot him once in the back. Liggett died a half hour later at Parkland Hospital. (*Dallas Times Herald*, February 15, 1975, p.1B; *Dallas Morning News*, February 15, 1975, p.10C)

O'Connor—and me. And yet I *know* I wasn't holding a report of O'Connor's August 25, 1977, interview in my hand (where he did say there was nothing left of the president's brain) when I cross-examined him at the trial.

- 1069 **the total was thirty-two:** Of the thirty-two personnel present at the autopsy, nearly all of whom either testified before some official body or gave a statement or affidavit, the only two I could find who even came close to saying what Paul O'Connor did were the assistant autopsy photographer, Floyd Riebe, and an X-ray technician, Jerrol Custer. When ARRB counsel asked Riebe whether he had seen the brain removed from President Kennedy's body, he responded, "What little bit there was left, yes." But he quantified this by saying, "It was less than half a brain there" (ARRB Deposition of Floyd Albert Riebe, May 7, 1997, pp.43–44), quite a ways from O'Connor's assertion that the brain was entirely missing. Custer had told Lifton in 1979 that the wound to the president's head was so large he felt he "could put both of my hands in the wound" (Lifton, *Best Evidence*, p.619). In an interview with author William Law, circa 1998–2000, he said that "very little—five, ten, fifteen (cubic centimeters)"—of brain was left in the president's head (Law with Eaglesham, *In the Eye of History*, p.119; Note: the authors didn't tell their readers when most of the interviews took place). But Riebe's and Custer's statements (neither of which goes as far as O'Connor's does) were at odds with the recollections of everyone else present at the autopsy as well as with actual photographs of the brain. Lab technician James Jenkins said, "The brain was taken" out of the president's cranium by "Dr. Humes" who "took it and went to the bucket . . . [that] had formaldehyde in it . . . or formalin . . . I did see the brain." Jenkins said that "really only a portion . . . was gone in the brain" and it was in the "right anterior [front]." (Law with Eaglesham, *In the Eye of History*, pp.81–82, 93)
- 1070 **the specific color of the casket:** In *Case Closed*, Gerald Posner writes that "technicians Paul O'Connor and Jerrol Custer" said "the president's body was . . . in a simple gray metal coffin and . . . he was zippered inside a military body bag." Posner does not cite any source for this, and Custer, as indicated, was never interviewed by the HSCA and did not tell Lifton this.* Posner goes on to say that O'Connor and Custer may have been confused about the simple gray casket and body bag because "James Jenkins, a laboratory technician, said that a plain gray coffin, containing the body of an Air Force Officer in a body bag, arrived at Bethesda *before* JFK's coffin." Posner doesn't quote Jenkins as having told him this, and he doesn't cite any other source or document. (Posner, *Case Closed*, p.301 footnote) In the HSCA's interview of him in 1978, Jenkins said he was present in the morgue for several hours before the president's body was brought in, and his duty during this time "included admitting a body into the morgue and the discharge of the body" (JFK Document 009526, HSCA interview of James Jenkins on June 27, 1978, p.1). In a 1977 HSCA interview, Jenkins had said that *after* the president's autopsy, "an Air Force colonel and a child were autopsied that night" (HSCA Record 180-10105-10166, August 29, 1977, p.3). But, as Posner writes, the colonel's body may have arrived at Bethesda before the president's body did.

*Custer told an interviewer, circa 1998–2000, that he saw two caskets in the morgue. "One was a regular shipping casket, one was a ceremonial casket." Conspiracy theorist William Law then asks, "But you did see a cheap shipping casket?" and Custer replied, "Yes." (Law with Eaglesham, *In the Eye of History*, p.111)

In a transcribed interview by William Law of Jenkins conducted sometime between 2000 and 2005, Jenkins said he recalled the president's casket as being "silver bronze . . . a plain coffin . . . like the ones they used to transport bodies in." But when Law asked, "A cheap casket?" Jenkins responded, "Well, I'm not sure." (Law with Eaglesham, *In the Eye of History*, pp.69–70)

Dennis David, the medical corpsman at Bethesda hospital who was "chief of the day" on November 22, and whose credibility has been shown to be very poor (see earlier endnote), also told Law (in an interview probably conducted between 2000 and 2005—Law doesn't say) that it was a "gray shipping casket," the type "used to ship bodies back from Vietnam in" (Law with Eaglesham, *In the Eye of History*, p.9).

A good example of how far off the recollections of people like Paul O'Connor are is that in 1991, author Harrison Livingstone met with O'Connor, James Jenkins, and Floyd Riebe in Dallas and showed them some autopsy photographs. Each found different things in one or more of the photographs that convinced them the photographs were definitely not taken at the Bethesda Naval Hospital. (One or another of the three said the floor in the photos Livingstone showed them wasn't the same as the Bethesda morgue floor; there was no wooden structure in the morgue; there was no phone on the wall alongside the autopsy table, etc.) (Livingstone, *High Treason 2*, pp.291–292)

The inference is clear. The photos must have been taken when the president's body was somewhere else, most likely when it was being altered by Lifton's alterationists before the autopsy. But assassination researcher Allan Eaglesham came into possession of photographs taken during the autopsy of Lieutenant Commander William B. Pitzer at the Bethesda morgue in October of 1966, and in a very detailed analysis of the background in the Pitzer photographs as compared to that in the subject JFK autopsy photographs he found that "the photographs appear to be mutually consistent, and may [even] show the same autopsy table" (*JFK/Deep Politics Quarterly*, January 2006, pp.30–35).

- 1070 **"wrapped in sheets"**: In a transcribed interview conducted sometime between 2000 and 2005, laboratory technician James Jenkins said that "Paul [O'Connor] said [the body] was in a body bag. I don't remember a body bag . . . but I wasn't specifically involved in taking the body out of the casket. My earliest memory of the body is a clear memory of it being on the table and wrapped in sheets. We were removing the sheets from the body and leaving the head wrapped" (Law with Eaglesham, *In the Eye of History*, p.70).

1071 **Ruby would not have been in the basement at the right moment:** Author Gerald Posner says that Jack Ruby “told the Warren Commission that he could never have planned to have made it there [in the basement] at the instant Oswald walked past, unless they believed it was ‘the most perfect conspiracy in the history of the world . . . If it had been three seconds later I would have missed this person’” (Posner, *Case Closed*, p.396). However, Posner gives no citation for this quote and I have not run across Ruby having told the Warren Commission these precise words.

However, in talking about the fact that he left the Western Union office just a few minutes before he shot Oswald, Ruby did tell the Commission, “You wouldn’t have time enough to have any conspiracy,” and asked who “could have timed it so perfectly by seconds? If it were timed that way, then someone in the police department is guilty of giving the information as to when Lee Harvey Oswald was coming down” (5 H 199, 206). And Dallas police detective Barnard Clardy testified that during Ruby’s interrogation shortly after he killed Oswald, Ruby said, “If I had planned this I couldn’t have had my timing any better. It was one chance in a million” (12 H 412).

1072 **less than a minute:** Dallas police reserve officer William J. Newman, who was on duty in the basement that Sunday morning, told the Warren Commission on March 25, 1964, that he heard someone yell, “Here he comes” or “Here they come” (presumably referring to Oswald and his police escort leaving the basement elevator), and he said that “immediately after” those words were “called out,” he “saw a man come down” the Main Street ramp. (At one point, Newman said the man “ran.”) He could not identify Ruby as the man because he didn’t “pay that much attention” to him and did not see the man shoot Oswald. (12 H 316, 322–324, 331) If Newman’s testimony is accurate, this would mean that Ruby arrived near the place where he shot Oswald within a few seconds of Oswald being shot, although Newman said only that the time between his seeing the man and the shooting was “one minute or less” (12 H 331). Earlier, Dallas police lieutenants Jack Revill and C. C. Wallace wrote in a report to Dallas police chief Jesse Curry that Newman had told them he saw the man “run down” the Main Street ramp “just *prior* to someone in the crowd announcing, ‘Here he comes.’” As in his testimony before the Warren Commission, Newman told Revill and Wallace that the time between when he saw the man and the shooting was less than a minute. (Newman Exhibit No. 5038-C, 20 H 648, Letter from Jack Revill and C. C. Wallace to Jesse Curry dated December 1, 1963; see also Newman Exhibit No. 5038-D, 20 H 649, FBI interview of William J. Newman on December 4, 1963)

Author Seth Kantor wrote that even earlier, just “two days” after Ruby shot Oswald, Newman filed a report with Curry “stating he had seen nothing unusual happen before the shooting” (Kantor, *Ruby Cover-Up*, p.277), but this isn’t true. Newman’s report to Curry on November 26, 1963, contains no such language, and that part of it that is above where he signed his name is extremely brief, containing entries like this: “1. Approximate time I reported to duty. 9:30 A.M. 2. I reported to Lt. Merrell, Assembly Room. 5. Did you know Ruby? No.” (Newman Exhibit No. 5038, 20 H 645) The short nature of the report would have made it unlikely for Newman to have included his observation about seeing a man come

down the Main Street ramp, particularly since he couldn't identify the man and never said he saw this man go on to shoot Oswald.

However, in two typewritten paragraphs on the next page, which strangely are called a "deposition," and are followed by his signature, are the words "I recall someone going over the railing [not coming down the ramp] at the bottom of the Main Street ramp, but I have racked my brain and cannot recall whether it was before or after the shooting. I do remember that the person had on a suit, but I do not know the color. I don't remember seeing a hat, but I can't say whether he was wearing one or not. This could have been about the time the ambulance pulled in" (Newman Exhibit No. 5038-A, 20 H 646).

If, indeed, Newman had seen a man walking down the Main Street ramp within a minute of the shooting, it would seem that he should have mentioned it in his deposition, particularly if the man was, as he says, running. The fact that he did not, and mentioned this man for the first time a week later (December 1) when he spoke to Lieutenants Revill and Wallace, and then three days later (December 4) when he spoke to the FBI, and in March of 1964 when he testified before the Warren Commission, causes one to question his credibility on the matter. However, if Newman had made up this story about seeing the man walk (or run) down the Main Street ramp, it is very curious why, *after* telling Revill and Wallace this on December 1 and the FBI on December 4, he would call Dallas detective R. W. Westphal of the Dallas Criminal Investigation section on December 6 and instead of telling Westphal his new, invented story, he proceeded to tell him only about seeing the man going over the railing, not mentioning the man coming down the ramp. (Newman Exhibit No. 5038-B, 20 H 647)

At one point in Newman's testimony before the Warren Commission, Assistant Counsel Burt Griffin told Newman, "You are a damn liar," although it is not completely clear from the context what part of Newman's testimony Griffin felt Newman was lying about,* and Griffin ended the questioning at that point, Griffin telling Newman, "I want you to come back tomorrow night and I want . . . to question you some more." Newman told Griffin, "I certainly don't appreciate that accusation. I have given you all I can, to the best of my memory." Apparently because of the verbal skirmish between the two, the next night Assistant Counsel Leon Hubert took over the questioning. Hubert told Newman that there seemed to be "some contradiction" in his earlier statements, but "maybe there is not . . . These reports seem to indicate that you saw a man coming down the ramp. These records also seem to indicate that you saw a man climbing over a rail in the basement. Now, I think we can clarify this situation immediately by asking you, do those reports relate to two different instances?" Newman: "That's correct." "In other words, there was a man coming down the Main Street ramp, and as far as you know they are two different episodes?" "Two different things." "All right. We got a lot clarified there." (12 H 329-331)

However, this supposed contradiction that was cleared up was not even explored by Griffin, in his questioning, the previous day. In an April 2, 1964, memorandum by Griffin to Warren Commission general counsel J. Lee Rankin, Griffin finally set forth the basis for his problem with Newman. He wrote, "Newman

*Just before Griffin called Newman a liar, he asked Newman, "Would you recognize the name of this guy in the Juvenile Bureau if I gave you his name?" "No . . . I have only been in there, I think, twice," whereupon Griffin called him a liar without explanation.

had no recollection of two automobiles being driven out of the basement garage and being placed on the Commerce Street ramp [the area where Newman said he was standing] immediately after Lieutenant Pierce's car went up the Main Street ramp. It is inconceivable to me that he could not have seen these cars . . . from where he was supposed to be standing. His failure to recall these movements is understandable; however, his willingness to state positively that these movements did not occur cast doubt on his reliability." (Kantor, *Ruby Cover-Up*, pp.278–279) I must confess that I could not find, in Newman's testimony, a clear basis for Griffin's statement to Rankin. At one point, Griffin asked Newman, "Do you remember two cars being moved out of the garage up behind the armored van?" Newman: "I recall one that was parked right here. I don't remember whether there were two or not, but there was definitely one parked right here . . . I am almost certain a car did leave . . . One is all I recall . . . I wasn't paying that much attention as to what they were doing." (12 H 320, 324)

In any event, Newman's failure to mention seeing the man coming down the Main Street ramp in his "deposition" just two days after the shooting makes it difficult to have too much confidence in what he said later, and that could have been the basis for Griffin feeling that Newman was a liar.

- 1072 **a report to Chief Jesse Curry:** In almost illegible handwriting in the bottom left side of the Wallace-McCaghen report there are words written (author unknown) that seem to question the report. In part, the handwriting says that the film "does not show [Sergeant] Putnam in front [Putnam was seated in the front passenger seat of the car driven by Lieutenant Pierce] and shows only 1 man in rear [but there *was* only one man in the rear seat, Sergeant Maxey]; and it was [illegible word that may be "perhaps"] 56 seconds; but [illegible] do not believe it was Pierce's car referred to by this [illegible]." (CE 2002, 24 H 124)

One doesn't know how much weight to give this short, handwritten notation. It's not the official report of the Dallas Police Department, we know it's wrong when it suggests there should have been two men in the rear seat of Pierce's car, and if it wasn't Pierce's car, whose car was it? The notation doesn't even hazard a guess, unless it does in handwriting illegible to me. In any event, what other Dallas police car *could* it be? Pierce's car is the only police car known to have exited the Main Street ramp just prior to the shooting.

- 1076 **Lieutenant George Butler:** Conspiracy author Seth Kantor wrote that *Fort Worth Star-Telegram* reporter Thayer Waldo told him that in the moments before Oswald's appearance in the basement, Dallas police lieutenant George Butler, who he felt was a normally calm individual, seemed to be "an extremely nervous man," and when Kantor later tracked Butler down in 1976, he confirmed Waldo's observation. He said he was "tense and angry on account of the poor transfer plans for Oswald—the lack of preparation." (Kantor, *Ruby Cover-Up*, pp. 136–137)

In fact, way back on December 9, 1963, when the FBI interviewed Butler, he indicated the same thing by saying he felt Dallas police chief Jesse Curry was too "level-headed" to have attempted to transfer Lee Harvey Oswald to the county jail with all the news media present and in the way it was handled. Butler felt that Curry must have been pressured and ordered to do so, but he did not know by whom. (CE 1265, 22 H 370) If Butler were a part of any conspiracy to silence Oswald, I think we can safely assume he would not be making statements like this that go, if they go in any direction, in the direction of a conspiracy.

- 1079 **another child, a girl:** An FBI report of an interview with two of Ruby's sisters says the child who died was a boy around two and a half years old (CE 1185, 22 H 304). But since the report contained what was *supposedly* told to the FBI agent, as opposed to the *actual* testimony of Hyman Rubenstein, I've opted to use Hyman's version in the book. A State of Illinois Department of Health report on the Rubenstein family says the child was a girl named Gennie, and she died at the age of three months (CE 1291, 22 H 429).
- 1080 **an IQ of 94:** Surprisingly, as part of a battery of psychological tests given to Jack Ruby prior to his trial, the Wechsler Adult Intelligence Scale showed his IQ to be 109, certainly not high, but above average and in the "73rd percentile" (Psychological Test Report on Ruby from Dr. Roy Schafer, January 7, 1964, p.1; for substantial excerpts from report, see Belli with Carroll, *Dallas Justice*, pp. 64–67). Of course, the issue with Ruby has never been how bright or dumb he was, but how crazy—and even some geniuses have been known to be crazy.
- 1082 **old friends of Ruby's [footnote]:** One so-called casual acquaintance of Ruby's came up with information that stood out for me because I'm unaware of anyone else giving similar information. He said Ruby served as a bouncer in several Chicago clubs and often wore a hearing aid to avoid the World War II draft. Because this information doesn't turn up anywhere else, even from people who were more than acquaintances of Ruby's, one wonders about its credibility. (FBI Record 124-10077-10053, November 27, 1963)
- 1092 **Carousel:** The phone number at the Carousel Club was 214-747-2362. Who better to have that number than Dallasite Ken Holmes, an assassination researcher who specializes in the historical, non-evidentiary details of the assassination saga. In 1991, Holmes, who had one of Ruby's Carousel cards with the phone number on it, called the local telephone company on a whim and asked if that number was still available. He got a call back that it was and he's had the number ever since. (Interview of Ken Holmes by author on January 26, 2006)
- 1094 **net income:** The net income of \$5,619.65 for the Vegas Club is the exact amount Ruby declared on his 1040 U.S. *Individual* Income Tax Return for 1962, Ruby seeking a tax refund of \$1,217.75 (CE 1713, 23 H 209). It is not known if he received the refund. In 1960, Ruby claimed an income of \$9,703.90 and a refund of \$25.12 on his individual return (CE 1715, 23 H 220), and in 1961 an income of \$7,155.29 and a refund of \$586.18 (CE 1714, 23 H 214). Again, it is not known if he received these refunds. In two of the three years, 1961 and 1962, Ruby reported a salary from the Carousel, \$900 for 1961 and \$650 for 1962.
- 1098 **liquor at a cut rate:** Although it was frequently stated (and believed by me at the time of the London trial) that the police got free liquor at the Carousel (and undoubtedly Ruby did give an officer a free drink from time to time), this information generally came from people who had infrequent contact with the club or were reporting hearsay (e.g., CE 1612, 23 H 92; CE 1505, 22 H 923; Cartwright, "Who Was Jack Ruby?" p.3).^{*} However, from those who definitely would know,

^{*} A former employee at the Carousel who said he was a "general handy man," which included bartending and helping to book shows, told the FBI that during the three-month period he worked for Ruby in 1960, Ruby had instructed the bartenders and waitresses not to charge police officers for anything they got at the club. The credibility of this employee is in question because he also said that thirty to forty officers, including those from out of town, had a party at the Carousel during a law enforcement convention in town, and he

the evidence is overwhelming that Ruby only gave policemen a reduced rate for their alcoholic drinks. They were not free. Not only did Ruby himself say this (Hall [C. Ray] Exhibit No. 3, 20 H 62), but his bartender, Andrew Armstrong, who certainly would know, said the police only got a cut rate (13 H 324). Also, Carousel handyman and part-time bartender Larry Crafard and even the girls who worked at the club said the same thing (13 H 434, WCT Curtis LaVerne Crafard; Hunter and Anderson, *Jack Ruby's Girls*, p.145; see also 14 H 214, WCT George Senator). Dallas police officer Joe Cody said, "When people from out of town would come in, he'd charge them \$1.50 for a beer when he'd only pay 9 1/2 cents. When the police would come in, he'd charge them 35 cents" (Sneed, *No More Silence*, p.473). It should be noted that giving the police reduced rates for their alcoholic drinks may not have been anything unusual for the operators of Dallas nightclubs (CE 1659, 23 H 132; CE 1636, 23 H 111).

- 1098 **never let his girls at the Carousel Club:** Out of character for Jack, Joe Bonds, Ruby's partner for a few months at the Vegas Club (which, unlike the Carousel Club, was not a striptease house), claimed that Ruby made his female employees available to police officers (CE 1696, 23 H 169). This varies from all accounts, particularly those concerning the Carousel Club. The only other story similar in nature came from Dallas radio station (KLIF) announcer Ken Dowe. Dowe hardly knew Ruby, having met him briefly only once, but says he heard around the station that Ruby had procured girls, either from his club or other girls he knew, for record producers visiting Dallas. (15 H 432) Nothing like this ever came from a firsthand source. Indeed, two of "Ruby's girls" at the Carousel Club wrote that Ruby even had a rule at the club—though not ironhandedly enforced—that the girls were "not supposed to go out with any of the customers" (Hunter and Anderson, *Jack Ruby's Girls*, pp.159–160).
- 1102 **other mob figures:** The Warren Commission didn't do itself any favors when it deleted in one of its volumes the last three paragraphs of an FBI interview of Bobby Gene Moore on November 27, 1963 (CE 1536, 23 H 27). In one of the deleted paragraphs Moore said that Ruby had frequently visited a place where he, Moore, worked, the Civello and Zamonte Italian Importing Company, which imported cheese from Italy, and Ruby was an "associate" of Civello's and Zamonte's. There is no evidence to support this allegation, and Moore himself offered none. However, it is not known if Dallas mobster Joe Civello, an acquaintance of Ruby's, was the same Civello who co-owned the cheese company. Joe Civello did own Civello's Liquor Store, which also sold pastas, cheeses, and tomato products. (9 HSCA 390) In any event, I can't think of another example where the Commission did something like this. Since the deleted paragraphs would not have materially affected its conclusion about Ruby's not being a mob figure, and since the Commission kept the entire Moore interview document intact anyway and available to assassination

believes Ruby "picked up the tab." He also said Ruby once threw an after-hours party at the club for fourteen Dallas vice officers. But neither of these incidents were ever corroborated, and they both sound unlikely. (CE 1659, 23 H 131–132, FBI interviews of James H. Rhodes on December 16 and 20, 1963)

However, a Dallas deputy sheriff, Jack Faulkner, said, "Everybody knew Jack Ruby. He was a character . . . I never ran into Jack Ruby anywhere that he didn't say 'Come on out [to my clubs]; have a good time; won't cost you a cent.'" But Faulkner couldn't vouch for the truthfulness of this since he said he never took Ruby up on his offer. (Sneed, *No More Silence*, p.219)

researchers, it is hard to see what it expected to achieve by the deletion. Inasmuch as the paragraphs contained nothing of importance, there probably is some completely innocent explanation for the deletion.

- 1103 **Ruby was not involved:** The only direct accusation that Ruby was involved in professional gambling in the Dallas area was from a highly questionable source. On December 24, 1963, one Jack Hardee Jr. told the FBI in Mobile, Alabama, that while spending some time in Dallas about a year earlier, he was advised by an individual he did not identify that in order to operate a numbers operation in Dallas it was necessary to get clearance from Jack Ruby. Not only is there no evidence that Ruby was ever involved in the numbers business in Dallas, but Hardee gave his story's already weak probability three self-inflicted wounds. First, he acknowledged that he did not like Ruby because Ruby was making sexual advances toward the mother of Hardee's illegitimate daughter (which may be true, but immediately raises the issue, at least, of his reason to lie). He then told two stories that we know to be false. He claimed that Officer J. D. Tippit used to hang around the Carousel Club a lot and was very close to Ruby, and that Ruby ran a pimping operation for the girls at his club, keeping half of what they earned. (CE 1762, 23 H 372–373)

There is another similar charge against Ruby, this one involving narcotics, which, though almost assuredly not true, isn't as transparently false on its face, particularly since it was made seven years *before* the assassination. A Los Angeles prostitute named Eileen Curry (aka Bunny Breen, Carol Conner) was serving, with her boyfriend, James Breen, as an informant for the Federal Narcotics Bureau and the Los Angeles Police Department Vice Squad. The two jumped bail on their own narcotics violations and fled to Dallas. On March 18, 1956, Curry called a Los Angeles FBI agent named Ambrose K. Law from Dallas to advise him that Breen had left her, but before he did he told her he had made a connection with a narcotics ring operating between "Mexico, Texas, and the East." The FBI report on Curry's contact with Law reads that Curry "*believes* James [Breen] made connections with the narcotics ring through a former associate from Seagoville Prison [in Seagoville, Texas] where James served time. *In some fashion* James got the okay to operate through Jack Ruby of Dallas." (CE 1761, 23 H 369)

So far there would be little reason to question Curry's sincerity. But that would change after the assassination. She embellished on Ruby in such a way that if what she said had been known to her when she had spoken to Special Agent Law on March 18, 1956, it is quite likely she would have given Law this information back then. On June 9, 1964, she told the Chicago FBI that when she and Breen had moved to Texas from Los Angeles in December of 1955, Breen actually took Ruby by their apartment to meet her. A few days later, Breen told Curry that Ruby had taken him to a location where he showed Breen film of various Mexican and American border guards, as well as narcotics agents and "contacts" on the Mexican side of the border. Breen was impressed with what he considered to be an extremely efficient narcotics traffic operation. Shortly thereafter, per Curry, Breen left town for awhile, and while he was gone Ruby came by her apartment once or twice and tried to become intimate with her. He also took her to his nightclub after closing time, and attempted to interest her in selling pornographic photographs, which he would provide, to her customers. She said she never saw Ruby after that time. (CE 1762, 23 H 370–371)

Even if we write off the June 11, 1964, statement Curry made to the FBI as probably a typical fabrication that we've become so accustomed to during the post-assassination period, we're still left with the earlier 1956 statement of Curry's that would seem to be devoid of any reason to dissemble on her part. Indeed, in the vast assassination literature, I can't think of any other item of information that is so substantially inconsistent with what we know, *from all the evidence*, about Oswald and Ruby—that Oswald was a highly disturbed misfit who killed Kennedy on his own, and Ruby was a small-time, perpetual loser who, again on his own, wanted to become someone important in life.

Was, in fact, Curry's boyfriend involved in a narcotics ring operating out of Dallas after being okayed by, apparently, the main Dallas trafficker, Jack Ruby? Arrayed against this statement by Curry is the fact that no evidence has ever surfaced that Ruby was ever involved in drug trafficking. Indeed, the Dallas Police Department, Dallas DA's office, Warren Commission (FBI), and HSCA—the latter two examining every single aspect of Ruby's life and interviewing every known friend and acquaintance—not only did not come up with any evidence of drug trafficking by Ruby, but also concluded there was no evidence that Ruby, while in Chicago or Dallas, was involved in any criminal activity apart from the most minor of violations. Under these circumstances, to accept Curry's hearsay statement over the official record would not seem to be warranted. And for good measure I guess we should also observe that in 1955–1956, we know Ruby was struggling very hard just to keep the doors of his clubs open, hardly likely if he were, like James Breen believed, running an “extremely efficient narcotics trafficking operation” in Mexico and Texas.

I guess one possibility is that Ruby, who we know was a big talker and liked people to believe he had mob connections, had somehow convinced Breen that he was the man to know in Dallas when it came to big-time crime.

Author Douglas Valentine makes an effort to connect Ruby with narcotics traffic, but comes up with absolutely nothing. Laughably, one way he seeks to connect Ruby is to say that “the Ruby family had a long history in the illicit drug trade. Jack's older brother Hyman was convicted in 1939 of buying two ounces of heroin from Jacob Klein” (Valentine, *Strength of the Wolf*, pp.308–314, 316).

1107 **not too many people, even in the conspiracy community:** Actually, there are some in the conspiracy community who do believe Ruby was part of the conspiracy. One is New Orleans district attorney Jim Garrison, who said, “I can say, with the same certitude that I can say the sun will rise in the east tomorrow morning, that Jack Ruby was involved in the conspiracy to kill John Kennedy” (“Playboy Interview: Jim Garrison,” p.174).

1107 **Ruby's contacts by phone:** Among other phone calls Ruby made to shady characters during the pre-assassination period was one to Murray W. “Dusty” Miller on November 8, 1963 (the same day that Ruby spoke to Barney Baker for the last time), at the Eden Roc Hotel in Miami. Miller was another assistant of Hoffa's, the head of the southern conference of Teamsters, and according to the HSCA, an “associate of various underworld figures.” Miller told the HSCA that in his four-minute conversation with Ruby, Ruby stated that a “mutual friend” suggested he contact Miller, that he had heard that Miller was friendly with the president of the American Guild of Variety Artists (AGVA), and that he needed Miller's help with

the AGVA in solving his labor problems in Dallas. He said he quickly terminated the conversation when he learned this “mutual friend” was Barney Baker, whom he considered to be a person of questionable character and with whom he did not wish to be involved in any dealings, adding that he was surprised Baker had given Ruby his phone number. (9 HSCA 199) Several days later Ruby called a San Francisco gambler named Frank Goldstein, whom he had known from his Chicago youth. Goldstein was surprised to hear from “Sparky,” and told him he couldn’t help him with union problems in Dallas because his connections were only in the news media field, not the entertainment world. (9 HSCA 199)

Before the upsurge in his phone calls in October and November, Ruby had also attempted to contact underworld figure Lenny Patrick, a hoodlum whom Ruby knew (“Everyone knows Lenny Patrick,” Ruby’s brother Hyman told the Warren Commission [15 H 29]) from his days on the streets of Chicago. The HSCA referred to Patrick as a “mafia executioner” (HSCA Report, p. 155) but failed to provide solid evidence for this characterization, although there was one murder indictment against him, which was subsequently quashed, and several homicides in which he was suspected of being involved (9 HSCA 943–946). He was, unquestionably, a member of Chicago’s “Outfit” who had a long criminal history, starting with the robbing of a bank in 1933. During most of his Chicago years thereafter he was involved in Syndicate gambling. (9 HSCA 942–943) Though there are no phone records to substantiate it, Ruby’s sister Eva, who referred to Patrick as “a gambler,” told the Warren Commission that at some time in the summer of 1963 her brother told her, “I tried to call Lenny Patrick” because “maybe he knows somebody in the AGVA” to take care of his labor problems with the Weinstains (14 H 445–446, 460). The implication is that Ruby never reached Patrick. And when Patrick testified before the HSCA in 1978, he denied ever speaking on the phone with Ruby in 1963. In fact, Patrick, after being asked by HSCA counsel if he wanted an attorney and responding, “No, I don’t see why I should have an attorney,” said that during his Chicago years he “never had anything to do with [Ruby] as far as any business or anything. I knew him. I run into him now, hello, how are you, glad to see you, all that, that’s all” (9 HSCA 955, 967–968, Deposition of Leonard Patrick before HSCA on July 21, 1978).

In Ruby’s testimony before the Warren Commission, Chief Justice Warren and General Counsel Rankin neglected to ask Ruby about the nature of the pre-assassination calls referred to in this book, but he in effect indicated what his answer would have been when he told the Commission that “all these phone calls” were related to his labor problems with the Weinstains (5 H 200). And in a polygraph test he took, the FBI examiner asked him, “Did any long-distance telephone calls which you made before the assassination of the president have anything to do with the assassination?” Ruby: “No.” The examiner said he did not detect any deception by Ruby in this answer. (14 H 559, 584)

- 1110 **Lewis McWillie, a gambler:** In a Warren Commission exhibit, a one-sentence reference to McWillie secured from a Dallas Police Department report refers to him as a “gambler *and murderer*” (CE 1693, 23 H 166). The conspiracy theorists, looking no further, have quickly cited this reference to show that one of Ruby’s friends was a murderer (e.g., Scheim, *Contract on America*, p.93). This reference was in error. McWillie was never convicted or even charged with murder (CD 686, p.2), and the biographical sketch of McWillie by the HSCA, which investigated

his background thoroughly, makes no reference to his being a “murderer,” saying he “had been engaged in gambling activities for 46 years” and that he “did not have an extensive arrest record” (9 HSCA 803).

- 1111 **their trip to Havana:** Although Lewis McWillie had told the FBI back in 1964 that he invited Ruby to Havana because Ruby was a very close friend and he felt he could use the rest, and did not mention Tony Zoppi at all, nor that the purpose for the trip was to promote the Tropicana (CE 1697, 23 H 170, FBI interview of Lewis McWillie on June 11, 1964), he admitted in his testimony before the HSCA in 1978 that the only purpose for the trip was to promote the famed night spot. Question: “It wasn’t to give Jack Ruby a vacation, was it?” Answer: “No, I don’t think so.” McWillie said that when he spoke to the FBI, “I was so shook up . . . and I didn’t know what to tell them . . . The only reason [Jack] came down there was he was supposed to bring Tony Zoppi and he didn’t bring him.” McWillie said that if Ruby had told him he wasn’t bringing Zoppi with him he would have told Ruby to stay in Dallas. (5 HSCA 125–126) In any event, it ended up being a pleasure trip for Ruby, although Ruby said he got a little “bored by the gambling” (5 H 201–202).

Conspiracy theorists, attempting to connect Ruby with mob boss Santo Trafficante, have raised the issue of just how many times Ruby went to Havana, the theorists maintaining that the real reason Ruby went to Havana was not pleasure and relaxation but to meet with Trafficante,* although as set forth in the text, Trafficante was no longer in Havana when Ruby visited there in September of 1959.

Ruby is adamant he went to Havana only one time, but the HSCA came to the conclusion that the evidence “supports the possibility that Ruby visited Cuba on at least three occasions” during the late summer of 1959 (9 HSCA 176). The main basis for this conclusion is that in addition to the short trip to Cuba in early September that Ruby and McWillie each confirm, on March 31, 1978, the Cuban government gave the HSCA two tourist cards bearing the name and signature Jack Ruby. One indicated he entered Cuba on August 8, 1959, and left on September 11, the other that he reentered Cuba from Miami the very next day, September 12, and left the following day, September 13. The HSCA had two handwriting experts compare the signatures on the two tourist cards with known Ruby exemplars. One expert concluded that the signatures were Ruby’s, and the other agreed but qualified his conclusion because of the use of photographs of the cards, not the originals. (9 HSCA 172, 174)

One Captain Filipe Villa of the Cuban Ministry of the Interior, which provided the tourist cards to the HSCA, acknowledged that these cards were normally routinely disposed of—after what period he did not say—but that these particular cards were kept because of Ruby’s role in a historical event (9 HSCA 172). But that doesn’t answer the question of why the cards were still being kept in 1963, *four years after* Ruby supposedly filled them out, and *before* Ruby became a historical figure. One thing we can be reasonably sure of—Ruby wouldn’t be going back to Cuba through any encouragement by McWillie. As McWillie said, “six days” (Ruby

*For whatever it’s worth, Ruby passed a polygraph test on the issue of why he went to Havana, which he said was solely for pleasure (14 H 557).

thought it was eight) was “long enough” to be around someone of Jack’s personality (9 HSCA 173). Ruby has said many times he only went to Havana once (e.g., 5 H 205), McWillie said Ruby was there only once (9 HSCA 166, 173), and even Alice Nichols, Ruby’s girlfriend since 1949, said that Ruby had only gone to Cuba once around Labor Day in September of 1959. He told her about the upcoming trip and wrote her from Havana on September 8, 1959, telling her about how beautiful the Tropicana was and how carefree the Cuban people were. (14 H 113–115, WCT Alice Reaves Nichols; 9 HSCA 162) In Nichols’s testimony before the Warren Commission, she displayed a knowledge of Ruby’s background, personal traits, and business affairs that could only have been gleaned from a long and close relationship, and if anyone had known of more than one trip by Ruby to Cuba other than his sister Eva, it would have been Nichols (14 H 110–126).

In any event, the HSCA came up with no solid evidence that Ruby “visited Cuba on at least three occasions.” But it did come up with good evidence that while Ruby was visiting McWillie in Havana, for some unexplained reason he took the short flight to Miami for one day. In addition to the tourist card records, the HSCA said that INS records showed that Ruby left Cuba for Miami on September 11, 1959 (9 HSCA 176), and returned to Havana from Miami the following day, September 12, on American Airways Flight 415 (JFK Exhibit F-589, 5 HSCA 226, Letter from INS Commissioner Leonel J. Castillo to G. Robert Blakey, May 11, 1978; see also CE 1442, 22 H 859).^{*} Why would Ruby go to Miami? A longtime friend of Ruby’s and McWillie’s, Meyer Panitz, was living in Miami at the time, and Panitz told the FBI that McWillie called him and told him their mutual friend, Ruby, was presently in Miami Beach, and Panitz said he visited Ruby there and “believes” Ruby was there for two or three days and that he visited Ruby twice. Panitz did not recall the month he saw Ruby but believes it was in the summer of 1959, which September 11–12 would be. (CE 1441, 22 H 858, FBI interview of Meyer Panitz on January 14, 1964; 5 HSCA 6)

Panitz had been a bookmaker many years ago, but in recent years he had become, per McWillie, a casino worker, and he believed that Panitz was working at one of the casinos in Havana at the time Ruby was there. Even when confronted with Panitz’s statement and asked, “Is it possible that Panitz was not there [in Havana] and that he was in Miami and that you called him?” McWillie responded, “No, I don’t think so.” (5 HSCA 114–116, 221–222) HSCA chairman Louis Stokes never got around to asking McWillie the obvious question of whether Ruby, while he was visiting him in Cuba, left for Miami for a day or two, and to my knowledge no one else ever asked Ruby this question either. But the INS records plus Panitz’s statement would seem to confirm that he did. The HSCA concluded that Ruby’s purpose for going to Miami was “most likely” to serve “as a courier for gambling interests . . . There was a continuing need for Havana casino operators to send their assets out of Cuba to protect them from seizure by the Castro government” (HSCA Report, p.152). The committee, of course, had no evidence to prove that

^{*}The HSCA said that Ruby left Havana for good on September 13, 1959. Citing INS records, the HSCA said that when Ruby left Havana on September 13, 1959, his Delta Airlines Flight 750 took him to New Orleans. (CE 1443, 22 H 858; 9 HSCA 176) The HSCA did not say when it believed Ruby resumed his trip back to Dallas.

this is why Ruby went to Miami for one day. The reason may have simply been to visit Panitz, who, McWillie said, was a “good friend” of Ruby’s who used to live in Dallas. (5 HSCA 6; lived in Dallas: CD 84, p.106; 9 HSCA 1080) However, the HSCA’s speculation is not unreasonable. McWillie testified before the HSCA that he had traveled himself to Miami on many occasions to deposit money in a Miami bank for his employers, the Fox brothers, who owned the Tropicana (9 HSCA 166).

The HSCA, in its several references to Meyer Panitz, never indicated that he had any connection to organized crime.

Though the HSCA, with its INS records, was on solid ground with respect to Ruby’s apparent one-day trip to Miami, it was not with respect to a trip it says Ruby probably took to Cuba on August 8, 1959. In one breath it said that Ruby “entered Cuba on August 8, 1959, and left on September 11, 1959” (for his one-day trip to Miami), then proceeds to say in the next breath that Ruby visited his safe-deposit box at the Merchants State Bank in Dallas on August 21, 1959, and September 4, 1959, and was interviewed by FBI agent Charles Flynn in Dallas on August 31, 1959. Realizing this severe contradiction, the HSCA said that maybe Ruby entered Cuba on August 8, and flew back to Dallas sometime before August 21, then flew back to Cuba on or after September 4, 1959, which is contradictory to its earlier assertion that once he entered Cuba on August 8, he didn’t leave until September 11 (9 HSCA 175–176). The scenario is bad enough as it is, but what makes it worse is that the HSCA offers no evidence to support it. I have come to expect silliness on the part of conspiracy theorists, but when I have to take my time dealing with silliness by the HSCA, it’s a bit much. But wait. I have something that might not be so silly for the HSCA. If there was a second Oswald (someone impersonating Oswald), as a great number of conspiracy theorists believe, why can’t there be a second Ruby? If Oswald is important enough to have an impersonator, why not Ruby? With a second-Ruby hypothesis we can eliminate having poor Jack enter and leave Cuba as if he couldn’t escape from a revolving door.

The only other connection Ruby had with Cuba is one he volunteered to the FBI in an interview at the Dallas County jail on December 21, 1963, saying that “at a time when Castro was popular in the United States,” he read of an individual in Houston engaged in “gun-running to Castro.” He attempted by telephone to get in touch with this person to “make a buck,” but nothing came of it. (Hall [C. Ray] Exhibit No. 3, 20 H 60)

Ruby’s alleged contact with another city outside of Dallas, Las Vegas, cropped up after Ruby killed Oswald. On November 29, 1963, Las Vegas television commentator Gordon Kent said on TV that a confidential source had told him that Ruby had played golf at the Tropicana Golf Club the weekend of November 16 and 17, 1963, and Ruby had made out a credit card application at the Stardust Hotel, and “had a credit card” at the Riviera Hotel and Casino. FBI agents spoke to the golf pro, caddy, and general manager at the golf club and none recalled seeing Ruby at the club, although the caddy said that someone from Texas had given him a card from the Carousel Club. Also, although the credit manager at the Stardust Hotel identified Ruby as attempting to cash a check in the casino credit department about a month before the assassination weekend, saying Ruby was turned

- down because he had no credit at the hotel, Stardust registration records for September, October, and November did not show Ruby staying at the hotel and there was no credit application for a Ruby or Rubenstein. Additionally, the manager of the Riviera searched all credit and hotel registration records for the name Jack Ruby or Jack Rubenstein and said there was no record of these names at the hotel. (FBI Record 124-10049-10004, December 14, 1963; FBI Record 124-10065-10047, December 3, 1963; FBI Record 124-10119-10380; FBI Record 124-10119-10387)
- 1111 **the most casual of acquaintances with Trafficante:** Conspiracy theorists are unimpressed with Lewis McWillie's denial, convinced that he was an important member of organized crime (Schein, *Contract on America*, p.93; Marrs, *Crossfire*, pp.393-394). Here's how big and important a member of the mob McWillie was. When McWillie, in Havana, got worried about the possibility of Castro's regime taking over and wanted some protection, he contacted Jack in Dallas and asked him to go to Ray Brantley's hardware store in Dallas, where McWillie used to buy hunting rifles, and get four little Cobra handguns for him, which Ruby did, although it isn't clear from Ruby's testimony before the Warren Commission whether it was he or Brantley who sent the guns to McWillie. Note that McWillie is such a big mobster and is so tied in with major Mafia figures like Santo Trafficante—who is right close by at another casino in Havana—that he has to turn to his friend Jack Ruby in Dallas to get some handguns for him at a Dallas hardware store. For whatever reason, McWillie was afraid to pick the guns up at the Havana post office, and never did. (5 H 201, WCT Jack L. Ruby; 4 HSCA 505) McWillie denied that he asked Ruby to send him guns in Havana, claiming that when he was working the graveyard shift in early 1963 at the Thunderbird Hotel in Las Vegas, he asked Ruby to send him a gun because he got frightened over a series of holdups in Las Vegas casinos. McWillie said Ruby sent him the gun but he didn't pick it up because his wife was afraid their two young children "would get ahold of it in some way and maybe get hurt." (5 HSCA 33-34, Testimony of Lewis McWillie before the HSCA on April 4, 1978) Whichever story is correct—Ruby's sounds more believable; among other things, if the gun was to protect McWillie at the Thunderbird, why would he have to bring it home with him?—McWillie was certainly a real mobster, wasn't he?
- 1112 **nothing at all to go on:** Author James Duffy felt he personally had enough to go on to flatly declare that "on at least one occasion during his time in Cuba, [Ruby] went to Trescornia . . . to visit with Santos Trafficante" (Duffy, *Who Killed JFK?* p.175). It's nice to know someone knows such things, even if he doesn't take the space in his book to tell his readers how he came to such knowledge.
- 1112 **Ruby and Oswald:** Remarkably, a Munich weekly, *Deutsche National Zeitung und Soldaten Zeitung*, even claimed that Lee Oswald and Jack Ruby worked together on the attempted murder of Major General Edwin Walker. In its November 29, 1963, edition, the German paper went so far as to allege (the allegation was repeated in the *National Enquirer* on May 17, 1964) that the Dallas police were about to arrest Oswald and Ruby for the attempt on Walker's life when the FBI intervened, at the request of Attorney General Robert F. Kennedy, and asked the police not to do so for "reasons of state."

No evidence, of course, has ever surfaced to support this allegation, and the Warren Commission said it had been "reliably informed" that the allegation was simply fabricated by the newspaper's editor (WR, p.662).

- 1112 **their being part of a conspiracy to kill Kennedy:** Remarkably, author Léo Sauvage, the American correspondent for the Paris newspaper *Le Figaro*, was convinced of just the opposite—that Henry Wade, in prosecuting Ruby, did everything possible to prevent the existence of a conspiracy from coming out. Why? Wade would be destroying “all that he had said and done” (about there being no evidence of a conspiracy) before Oswald was killed. Sauvage even suggests that the defense was in on suppressing the truth too, citing the article (see earlier endnote) by reporter Dorothy Kilgallen in the *New York Herald Tribune* that there had been an agreement between the FBI and Ruby’s lawyers to furnish them with documents on the case in return for their not asking questions about Oswald. (Sauvage, *Oswald Affair*, p.199; *New York Herald Tribune*, February 23, 1964) So according to Sauvage, both the prosecution and the defense in the Ruby case were trying to prevent the truth from coming out. That’s kind of a new one, isn’t it?
- 1112 **no connection:** The Warren Commission made every effort to see if, through the known friends and acquaintances of Oswald’s and Ruby’s, there was any chance of a possible link between the two, but it found nothing. One possible link the Commission looked into was Ruby’s association with Bertha Cheek, the sister of Earlene Roberts, who was the housekeeper where Oswald lived at 1026 North Beckley. Cheek had been in the real estate business in Dallas for many years, saying, “I invest in properties all the time.” In response to an advertisement Ruby had run in the newspaper a few years earlier seeking to sell a half interest in the Carousel Club, she called him. When she learned he wanted \$12,500, she felt it was way too high and had no further contact with him until November of 1963. In November she had been scouting around Dallas to invest in a nightclub. This may have gotten back to Ruby because he called her and she went to the Carousel Club to meet with him sometime around November 18. Ruby had an interior decorator with him, one Frank Boerder, and Ruby proposed that he and Mrs. Cheek open a club at an undisclosed location he had found, Ruby putting up \$1,000 and being responsible for operating the club, and Mrs. Cheek investing \$6,000 in return for a 50-50 split of the profits. Again, Mrs. Cheek wasn’t interested in Ruby’s proposal, not wanting to invest six times as much as he. That was the extent of her association with Ruby and she did not know of Oswald prior to the assassination. (13 H 383, 385–388, WCT Bertha Cheek; Cheek Exhibit Nos. 5353 and 5354, 19 H 326–329, FBI interviews of Mrs. Cheek on November 27 and December 9, 1963; CE 2386, 25 H 360–361, FBI interview of Frank Boerder on December 13, 1963; CE 3011, 26 H 546, FBI interview of Frank Boerder on July 15, 1964; see also 14 H 99, WCT Wilbyrn Waldon Litchfield II)

Another possible link that fizzled out was so tenuous that it is remarkable the Commission even took time to include it in its report. Ruth Paine’s residence in Irving, where Marina lived and Oswald visited, was at 2115 West Fifth Street. Living at 2539 West Fifth in Irving (presumably about four blocks away) was William F. Simmons, a piano player in a musical combo that worked at Ruby’s Carousel Club from September 17 until November 21, 1963. Simmons said his only relationship to Ruby was in his short employment at the club, that he had never seen Ruby in the neighborhood where he (Simmons) lived, and that he did not know Oswald and had never seen him in the Carousel Club. (WR, pp.363–364; CE 2831, 26 H 273, FBI interview of William F. Simmons on November 24, 1963)

A possible link between Ruby and Oswald that has excited some conspiracy the-

orists is the one involving Thomas Henry “Hank” Killam, the husband of Wanda Joyce Killam, a waitress and cigarette girl at Ruby’s Carousel Club. You see, Killam ended up dying a truly unusual death a half year after the assassination, and conspiracy theorists believe, of course, that he was silenced by the conspirators who murdered the president. But what could he have known that the conspirators felt they had to silence him over? The six-foot-three-inch, 250-pound Killam was a house painter who, along with his wife, was acquainted with (and may have even worked with at times, though this point was never established) John Carter, another house painter who lived in the same rooming house at 1026 North Beckley as Oswald. So, the conspiracists say, Killam could have possibly put Ruby and Oswald together, and that’s why he was probably killed. But if Killam could have put Ruby together with Oswald because of his association with Carter, what about Carter? Why didn’t the conspiracists silence Carter? By the way, Carter told the FBI that he was “acquainted with” Killam and his wife, Wanda, and knew Wanda worked at the Carousel Club, but that he himself had never met Ruby or been to the club. (Carter recalled seeing Oswald at the rooming house, that he was very quiet, and said he spoke briefly to Oswald on one or two occasions there.) (CE 2882, 26 H 338, FBI interview of Wanda Joyce Killam on December 13, 1963; CE 2883, 26 H 339, FBI interview of John Carter on December 19, 1963; WR, p.363)

Not too much is known about Hank Killam, but in March of 1964 he was living with his mother in Pensacola, Florida, his wife still working nightclubs in Dallas. Around four o’clock in the morning on March 17, his mother recalls that her son received a phone call and left the house. She heard a car drive off, though she said her son did not own a car. About a half hour later, two street sweepers heard a crash on a downtown street and saw a man (Killam) staggering in front of a broken display window. They called the police but Killam died before he got to the hospital. The coroner, A. H. Northup, suggested the death was probably accidental, saying in his report that there was only one cut on Killam’s body—“a long, three inch deep laceration over the lower left side of the neck. [Killam] apparently sustained a deep laceration in the throat when he fell through the plate glass window” (*New York Times*, February 23, 1967, p.22).

Although the coroner seemed to believe that the cause of death was accidental, there is some indication that the Pensacola police, after what must have been the shortest of reflections, concluded it was a suicide. Responding to this, Killam’s brother, Earl, said, “Did you ever hear of a man committing suicide by jumping through a plate glass window?” And his wife, Wanda, said, “No, Hank wouldn’t do that.” (*New York Times*, February 23, 1967, p.22; police conclude suicide: Roberts and Armstrong, *JFK: The Dead Witnesses*, p.10)

Killam’s brother said that two days before Killam’s death, Killam told him, “I’m a dead man. I’ve run as far as I’m going to run,” and had earlier complained to him that he was being constantly questioned by “agents” or “plotters,” though not specifying who these agents or plotters were, a possible implication being that Killam was a disturbed individual who was running from himself. Conspiracy theorist Penn Jones Jr. writes that “according to Wanda Joyce Killam, her husband was constantly hounded by federal agents after the assassination. Killam lost jobs repeatedly in Dallas when Agents would call on the job and cause Killam to lose time from his work for more questioning, she told this writer.” Not only does this not

seem realistic, but the only record of the FBI speaking to Killam was one short interview of him on January 22, 1964, in Tampa, Florida. He told FBI agent John R. Brett that he had been to Ruby's club about three times and considered Ruby a violent man, basing this on two incidents, one of which being when his wife, Wanda, fed some pizza to Ruby's dog and Ruby became so enraged that his wife thought he might strike her. The other incident involved his overhearing the Carousel bartender telling Ruby about some customers heckling the emcee and Ruby asking his bartender why he didn't hit them in the head. Killam said he did not know Ruby well, did not know Oswald, and knew of no connection between Ruby and Oswald. (Jones, *Forgive My Grief*, vol.1, p.8; *New York Times*, February 23, 1967, p.22; CE 1451, 22 H 875, FBI interview of Henry Thomas Killam on January 22, 1964)

The conspiracists suspect Killam was murdered, and include him in their mysterious-death lists (e.g., Marrs, *Crossfire*, p.558; Jones, *Forgive My Grief*, vol.2, pp.1–2). Jones suggests that Killam didn't fall through the plate glass window but was "pushed through the plate glass" (Jones, *Forgive My Grief*, vol.1, p.8).

There can be no question that Killam died a strange death, but there also can be no question that it had nothing to do with the Kennedy assassination. How could it? There's no evidence that he knew of any connection between Ruby and Oswald. In fact, the only evidence we know of is that he did not. So there would be no need to "silence" him. Moreover, though I agree with Killam's brother that one doesn't commit suicide by jumping through a plate glass window, murder of his brother by the alleged conspiracy conspiracists is even more far-fetched. If, indeed, they wanted to silence him, why wait six months to do so? Isn't that really stretching their luck he wouldn't talk? Far more importantly, it is too ridiculous to imagine that if they were determined to silence him, the method they would use would not be to shoot him dead on the spot, but push him through a plate glass window on a downtown Pensacola street, particularly when such a method might only cause injury, not death. The coroner's conclusion of an accidental death, though itself unlikely, seems the least improbable—at least as compared to the other alternatives of suicide or murder.

A few other claims of a Ruby–Oswald connection include one by a Dallas lawyer named Carroll Jarnagin, who came up with such a far-fetched story it's a wonder the Texas State Bar didn't conduct a hearing into his fitness to practice law. It wasn't so much his lie (or dream) that on the evening of October 4, 1963, he was seated in a booth in the Carousel with a former Carousel stripper known as "Robin S. Hood" (Shirley Ann Mauldin) and that he saw and heard Jack Ruby talking to Oswald in the next booth. People lie or imagine things all the time, and if Jarnagin had left it at that he wouldn't have stood out. But shortly after the assassination, Jarnagin sent an *eight-page typewritten letter* to the FBI detailing, *word for word*, like a transcript, everything Ruby and Oswald said back and forth to each other in a very long conversation. No rational person would believe this, particularly when Jarnagin admits he was drunk at the time, had an alcohol problem, and was considering joining Alcoholics Anonymous. (A few years earlier, Jarnagin was arrested for being drunk out on the street.) The gist of Ruby and Oswald's conversation, per Jarnagin, concerned their decision to murder Governor Connally because Connally wasn't allowing syndicated crime into Texas. Oswald assures Ruby that since

he was a marine sharpshooter he can get the job done. (CE 2821, 26 H 254–258) “Robin S. Hood” was interviewed by the FBI and said she and Jarnagin were indeed at the Carousel that night but no such incident took place. She does recall Ruby coming over to their booth and asking her to work at the Carousel again. (CE 2821, 26 H 259, FBI interview of Shirley Ann Mauldin on December 8, 1963) Why anyone would even bother giving Jarnagin a polygraph test I don’t know, but Dallas DA Henry Wade did, and Jarnagin, of course, failed it (5 H 232–234, 239, WCT Henry Wade). So badly did he fail it that Wade told *Dallas Morning News* reporter Hugh Aynesworth that the needle “went off the charts, far off the charts” (Aynesworth with Michaud, *JFK: Breaking the News*, p.231).

Another Ruby–Oswald connection undoubtedly was based on the fact that Curtis “Larry” Crafard, the roustabout who lived at the Carousel Club for awhile, very definitely resembled Oswald, as a large photo of Crafard in the Warren Commission volumes clearly shows (CE 451, 17 H 170). Ruth Paine herself testified to the resemblance (WR, p.360), and among those Ruby–Oswald “sightings” that were from sincere people, Crafard’s similarity to Oswald probably caused the confusion. For instance, Robert Patterson, a Dallas electronics salesman, said that on November 1, Ruby, accompanied by a man who he “believes” was Oswald, came into his place of business to discuss the installation of speakers at Ruby’s club (CE 2830, 26 H 271). And Crafard stated that sometime in late October or early November he did accompany Ruby to an electronics equipment store in Dallas (WR, p.360). And several people said they saw someone at the Carousel Club resembling Oswald, most likely Crafard, though not in the company of Ruby (WR, pp.360–361).

Mary Lawrence, a waitress at the Lucas B & B Restaurant in Dallas, which was right next door to Jack Ruby’s Vegas Club, said that about 2:15 or 2:30 in the morning on the day of the assassination, she saw Ruby, whom she knew, having breakfast with a young man who, from television and photographs, looked “very similar” to Lee Harvey Oswald. She said the cashier at the B & B, Bobby (last name unknown), agreed with her on this. (CD 223, pp.366–367, FBI interview of Mary Lawrence on December 5, 1963) Of course, we know from Crafard himself that he had breakfast with Ruby at the B & B Restaurant at the same time Lawrence saw Ruby with a man who looked like Oswald (Crafard Exhibit No. 5226, 19 H 356). Parenthetically, Lawrence said that the man with Ruby had a “small scar near his mouth, either on the right or left side.” In all of the medical records on Oswald, there is no mention of his having such a scar. So if anyone had a scar near his mouth, it had to be Crafard. Although there is no reference to this in the Warren Commission volumes, photos of Crafard in volume 17 appear to show a small scar above and to the right of his mouth. (CE 451, 453–455, 17 H 170, 172–174)

Beverly Oliver, the “Babushka lady” of conspiracy legend, claimed in later years that Carousel stripper Jada (Janet Adams Conforto) introduced her to Ruby and Oswald at the Carousel Club. However, Jada told the FBI she had never seen Oswald in the Carousel Club and had no knowledge of any connection between the two men. (CE 1561, 23 H 52, FBI interview of Janet Adams Conforto on December 4, 1963)

And Bill DeMar (real name, William D. Crowe Jr.), a stand-up comic and impressionist at the Carousel, told the authorities he had “possibly seen” Oswald, from the stage, sitting in the audience “eight or nine” nights before the assassination, and had used him in one of his memory skits. When he later saw Oswald on

TV he felt that “his face was familiar,” though he acknowledged that despite his memory routine, his memory was no better than that of an ordinary person. (15 H 104–106, WCT William D. Crowe Jr.) What indicates that Crowe was not simply mistaken, but had made his story up, is that less than twenty minutes after Oswald was shot, which was two days after Crowe had first seen Oswald on TV and allegedly thought his face looked familiar, he called a news media friend of his, David Hoy, in Evansville, Indiana, and said nothing to Hoy about having possibly seen Oswald in the Carousel. But when the local Dallas media saw DeMar (Crowe) shortly thereafter outside the Carousel Club, he came up with his story. Hoy, in fact, said he was “shocked” to later hear DeMar had told the media in Dallas about Oswald possibly being in the club. Why, Hoy wondered, since DeMar was his friend and had called him and knew that he was the news director at a radio station in Evansville and would be very interested in having this information, hadn’t DeMar told him? (CE 2995, 26 H 502–503) Indeed, DeMar had no satisfactory explanation why he hadn’t told Hoy when he first called him, only telling him after first telling the Dallas media (15 H 109–110, WCT William D. Crowe Jr.).

Additionally, Wally Weston, a master of ceremonies at the Carousel Club, pointed out that because of the spotlight shining in your face while on the stage—and it being relatively dark in the area where the patrons sit—it would be extremely difficult to recognize anyone in the audience, as DeMar claimed. DeMar, Weston said, was just making up this claim to get publicity. (CE 1530, 23 H 20–21; DeMar’s allegation: *Dallas Morning News*, November 26, 1963, sect.4, p.3; Kantor, *Ruby Cover-Up*, p.390) So what does Weston himself go on to do? Thirteen years later he told the *New York Daily News*, in a major exclusive, that Oswald had been in the Carousel “at least twice” before the assassination and was a heckling patron. On one occasion, per Weston, Oswald walked right up to the front of the stage and called Weston “a Communist.” When Weston told Oswald, he, Weston, was an American and to please sit down, Oswald said, “Well, I still think you’re a Communist,” whereupon Weston said he jumped off the stage and slugged Oswald. Oswald landed in Ruby’s arms and Ruby said to Oswald, “You . . . , I told you never to come in here.” Ruby, per Weston, wrestled Oswald to the floor and then threw Oswald down the stairs. Why hadn’t Weston come forward with this sensational story before? He told the *News*, “Personal safety. So many people connected with it [the assassination] died or disappeared.” But as author Seth Kantor points out, when the FBI interviewed Weston on November 24, 1963 (the time he debunked DeMar’s story), no one had yet “died or disappeared” (Kantor, *Ruby Cover-Up*, pp.390–391).*

*Right after DeMar’s claim that he had seen Oswald in the Carousel Club, other people came out of the woodwork claiming the same thing. One was I. T. (Troy) Rackley, who said he saw Ruby and Oswald seated at a table together at the Carousel on the evening of November 8, 1963. Rackley claimed that he asked a blonde waitress who the two men were, and she told him one of them was her “boss,” whom she referred to as “Jack,” and the other man, who was Oswald, she called “Bettit” or “Pettit.” The obviously phony storyteller gave no explanation why he would ask a waitress the identity of two men sitting at a table. Rackley was very hazy on describing the interior of the Carousel Club or even where it was located. (CE 2367, 25 H 347)

Another witness, Harvey Wade, said he was at the Carousel Club on the evening of November 10, 1963, between 11:00 p.m. and 1:00 a.m. He said he saw Oswald seated with two other men at the Carousel bar. (CE 2370, 25 H 349; see also CE 2432, 25 H 535–536) One slight problem for Wade is that Ruth Paine testified that Oswald spent the entire holiday weekend of November 9, 10, and 11 at her home in Irving, Texas (2 H 515, 3 H 41).

There was also a “rumor” floating around the docks of Key West and Marathon Shores, Florida, that Oswald docked a boat at Marathon Shores sometime in 1962 or 1963, and when he couldn’t pay the fueling cost for his boat, he went to the nearby home of the owner of the dock, Phillip Toppino, and called Jack Ruby collect in Dallas to pay for the fuel. The FBI located the source of the rumor, one William Huffman, who worked at a boat fueling dock in Key West. The rumor had changed from his original story which, he told the FBI, was that Oswald, accompanied by four or five Cubans, had gassed up at his dock “sometime after Fidel Castro came to power in Cuba.” Since Oswald never had money to pay for the fuel, he called a “Ruben” in Key West to come and pay for it, which Ruben did, in cash. Huffman said he “had Oswald sign the fuel delivery ticket and told him I wanted his autograph in case he should become famous at some later date” (which would mean that Huffman would have to get the autograph of every person he ever did business with). Huffman said that Ruben (supposedly Jack Ruby) was five feet three inches tall, of heavy build, “pot-bellied,” and had brown hair. The FBI spoke to George Reena, the bookkeeper for the dock business, and he said the fuel delivery tickets were no longer in existence but that Huffman was a “nut” and had an “abnormal imagination.” Phillip Toppino said that Huffman’s story was “completely without foundation.” (CD 953, pp.1–4, May 5, 1964) And so on.

Perhaps the most well-known and investigated allegation by someone claiming to have seen Oswald at the Carousel with Ruby was made by one Wilbyrn Waldon (Robert) Litchfield II, a thirty-year-old who claimed to be a professional bowler. He was also a professional con man who served hard time in the early 1950s for forging three checks in Fort Worth and eight in Dallas. After he got out, he served another six months for writing “hot checks” in Virginia. His military record included a special court martial, for which he served six months, and a dishonorable discharge. As late as April of 1961 he was arrested on an armed robbery charge in Dallas, but no charges were filed. According to Litchfield, one night within the first few weeks of November 1963 (he later told the Warren Commission it was the “middle of October”) he was in the Carousel Club and saw a man wearing a white sweater go into Ruby’s office with Ruby for fifteen to twenty minutes. Litchfield said that when he later saw Oswald on TV on the day of the assassination, he told someone (he forgot who) that he thought he had seen Oswald before. Two days later he was playing poker with his friends when the news of Ruby shooting Oswald came on the television screen. He claims he said to his poker-playing buddies (one of whom said, “I think I’ve seen that Oswald around somewhere”), “Yes, I think I have seen him too.” Upon further reflection he was certain that Oswald was the man in the sweater he had seen that night at the Carousel, although he said that man looked “real sloppy” in his uncreased pants, and “his hair wasn’t combed,” hardly the description of Oswald we would expect.

A week or so later he called Don Green, a Dallas police officer on the vice squad who was a friend of his and told him the story. The Dallas Police Department gave Litchfield a polygraph test on December 2, 1963. He was asked the following questions and gave the following answers: “Have you told the complete truth about seeing Oswald at the club the night you were there?” “Yes.” “Have you made up any of this story about seeing Oswald at the club the night you were there?” “No.” “Are you looking for any personal gain or notoriety from making this statement?” “No.”

“Have you deliberately lied about your thinking this was Oswald?” “No.” The polygrapher, Dallas detective R. D. Lewis, wrote in his report, “It is the opinion of this Examiner that this person has been untruthful to the above questions.”

Even though Litchfield failed the test, because his charges were so serious, Captain Will Fritz, head of the Homicide and Robbery Bureau, personally interviewed Litchfield the following day, December 3. Fritz already knew Litchfield to be a “confidence man” because of past dealings with him. After talking to Litchfield, Fritz concluded that Litchfield was “definitely lying about seeing Oswald and Ruby together,” Fritz telling the FBI he wouldn’t place credence in anything Litchfield said. The FBI also interviewed Litchfield, and he retreated somewhat, signing a statement that although he felt the man he saw at the club closely resembled Oswald, “I cannot make a positive identification.” One thing that caused him to back down in his identification of Oswald, he said, was that one of the FBI agents had told him that furnishing false information to the authorities was a federal crime.

Litchfield’s story crumbled further when the FBI tracked down three of the men Litchfield was playing poker with when the news of Ruby shooting Oswald came on the TV. All three said he only mentioned knowing Ruby, not Oswald, one recalling Litchfield saying, “That’s the fellow that owns the nightclub. I have been there” and another recalling his saying, “What did that crazy bastard do! He’s a close and personal friend of mine.” *But not one word about Oswald.* One added he felt Litchfield was an honest person, but another said he would never place any faith in anything Litchfield said, saying that if any names were prominent in the newspapers, Litchfield would make a point of remarking he was familiar with that particular person. He also knew Litchfield to have made several statements that were “untrue and unbelievable.” Laughably, we learned from the third poker player, who described Litchfield as being “of poor character and definitely not a man to trust,” that Litchfield was up to his old tricks on the subject night. He lost at poker that night and paid his debt with a check that bounced over the moon.

Litchfield’s story, from the beginning, invited incredulity. He claims that the night he saw Oswald at the Carousel he offered to buy the Vegas Club (which he used to frequent) from Ruby but Ruby said no, making a counteroffer to sell Litchfield the Carousel Club (CE 2249, 25 H 163, Affidavit of Wilbyrn Waldon Litchfield to State of Texas on December 2, 1963; HSCA Record 180-10083-10067; 14 H 96-97, 100-108, WCT Wilbyrn Waldon [Robert] Litchfield II; polygraph test: CE 2249, 25 H 164; CE 3149, 26 H 842-845, FBI interview of Wilbyrn Waldon Litchfield on December 2, 1963; CE 3149, 26 H 842, FBI interview of Captain Fritz on December 3, 1963; statements of Litchfield’s poker-playing friends: CE 2889, 26 H 344-345; CE 3149, 26 H 842-845). No one who knew Jack Ruby and his relationship to the two clubs could possibly believe that he would prefer to sell his beloved Carousel Club *over* his Vegas Club, although we do know that near the beginning Ruby was amenable to selling an interest in the Carousel Club, with him still continuing to run it, of course (13 H 386, WCT Bertha Cheek).

I cannot leave the subject of Ruby’s alleged association with Oswald without mentioning that within days after the assassination, a “Mrs. Conine,” who used to operate a beer joint in Dallas, said that she had a waitress who worked for her several years earlier, and the waitress told her back then that she knew Oswald and Ruby and “Oswald was the illegitimate son of Jack Ruby.” The Dallas police actu-

ally spent valuable time interviewing three witnesses, trying to confirm if the rumor was true, but of course were unable to do so. (CE 2249, 25 H 164, Police report to J. E. Curry, Chief of Police, December 3, 1963; see also CE 2249, 25 H 166, Police report to Mr. J. E. Curry, Chief of Police, December 9, 1963, on same allegation, possibly from a different source)

- 1114 **Ruby's sexuality:** Two other people, young women, believed Ruby to be homosexual, but how they arrived at this conclusion is somewhat dubious. Both of them, one an exotic dancer at Ruby's Carousel Club, claim Ruby used to call them on the phone and speak obscenely about sex with them, including describing his private parts to one and telling her in minute detail about the great pleasure she would have engaging in sexual intercourse with him. Both felt Ruby was just doing this to cover up for the fact he was homosexual. (CE 1459–1460, 22 H 880–881)
- 1114 **“all the allegations were based on hearsay”:** Indeed, if there was one similarity among most, if not all, of the comments gathered by the FBI about Jack Ruby's sexuality, it was that it always seemed to be either the person's opinion without any hard facts to back it up, an opinion they had heard from others, or idle chatter or gossip without any attribution.

It is this fact that makes FBI special agent James Weir's report on the remark by Edward H. McBee stand out. Unlike many reports that merely stated the feelings of others (such as former employee Jean Flynn, who stated that it was a general rumor among the employees that Ruby was sexually interested in both men and woman, and she assumed he was bisexual [CE 1663, 23 H 136], as did another former employee, Jean Sims, who had heard the same rumors and made the same assumption [CE 1637, 23 H 112]), McBee's comments and his opinion that Ruby was possibly bisexual were based on an actual event he witnessed. McBee worked for years as a waiter and bartender at various nightclubs in the Dallas area. He was once employed by Ruby and had frequent contact with him. It seems that McBee and his roommate shared an apartment that became a frequent after-hours watering hole and party place for Dallas nightclub employees. Their parties would often last until dawn, and one frequent guest was Ruby, usually accompanied by girls from his club. McBee stated that Ruby rarely drank as he could not hold his liquor, but on one occasion he appeared to have been drinking when he showed up, and then continued to drink wine. As McBee recalled it, when one of the girls started a gyrating and suggestive dance, Ruby was goaded into joining her and stripping down to his underwear. While attempting to do the twist, he found himself down on all fours, his face just inches away from the gyrating dancer. When she backed away, McBee recalls Ruby saying in a loud and excited voice, “Come on, man or woman. I'll take anyone on.” After this incident, McBee said he concluded there was a strong possibility Ruby was bisexual. (CE 1635, 23 H 110) Because Ruby was apparently inebriated, and particularly in view of the frivolity and excitement of that evening, we can't say with any conviction that his words were not loose and therefore clearly reflected a bisexuality on his part.

- 1115 **his dogs:** A story about Ruby that may be true, but has only been told, as far as I know, by one witness, comes from an old friend of Ruby's from his teenage Chicago days, Harry Goldbaum. On a trip through Dallas in the summer of 1963, Goldbaum paid Jack a visit at the Carousel. Goldbaum said that Ruby had several dogs in his office, including three small ones he was taking care of for some unknown

doctor. A female dog among the three was in heat and Goldbaum claims that Ruby told him he would show him something interesting, whereupon he proceeded to sexually excite one of the male dogs by masturbation. Ruby stopped when Goldbaum objected, telling Ruby it was making him sick. (FBI interview of Harry Jack Goldbaum on November 25, 1963, p.3) If Ruby had such an abnormal propensity, and apparently had no hesitation about demonstrating it openly, it seems almost certain there would have been others who witnessed such occurrences. When Warren Commission counsel asked Ruby's roommate, George Senator (in reference to either the above incident and dog, or some other incident or incidents with one of Ruby's own dogs), about "some rumor . . . that at some time or another Jack had a strange sort of relationship with one of [his] dogs," Senator responded, "I don't listen to that stuff because it is not true." Senator added that he had been around Ruby and his dogs enough to know if there was any truth to the rumor, and said he had "never, never" seen anything like that, and it was "so far-fetched." (14 H 195-196, WCT George Senator)

- 1115 **proud of his physical condition:** Though Ruby did take pride in his physical conditioning, in a story of questionable validity (since the teller had only worked for Ruby for ten days), dancer Penny Dollar said that Ruby was so very proud of his physical build that he would "frequently" (during a ten-day period?) come back to the girls' dressing room with his shirt off, pat his chest, and ask the girls if they didn't think he had a good physical build. In the absence of any statement like this from any of the other girls who worked for Ruby over much longer periods, Penny Dollar's statement has to be considered highly problematic. She also said she was at a party where Ruby had gotten drunk (we know he drank very little), had taken off his clothes, and rolled on the floor naked. (CE 1499, 22 H 917)
- 1121 **in the office of Assistant District Attorney Ben Ellis:** In a letter to Chief of Police Jesse Curry on November 25, 1963, Lieutenant W. F. Dyson said that as Ruby was leaving the office, Ben Ellis and an associate walked in, whereupon Ruby introduced himself to Ellis and reportedly said, "You probably don't know me now, but you will" (CE 2002, 24 H 160). This sounds like a highly improbable remark, and one wonders if it was fabricated the day after Ruby shot Oswald by an officer wanting to become part of an international story. Of the five other people in the room (the three Dallas officers, Ellis, and his colleague, Don Stodghill), as far as I know, only Dyson has claimed to have heard the alleged remark. In any event, even if Ruby made the remark, he obviously wouldn't be referring to any plan of his to commit murder in the near future, but to the fact that he was a man about town, as he was, and that in due time Ellis would know all about him. As Ruby said to the officers who subdued him immediately after he shot Oswald, "You guys all know me. I'm Jack Ruby." Bill Alexander, who prosecuted Ruby for killing Oswald, told me he had never heard of this alleged statement of Ruby's before, and had not called Dyson or Ellis to the witness stand at Ruby's trial (Telephone interview of Bill Alexander by author on November 23, 2004), virtually conclusive evidence that either the statement was never made or, if it was, no one who was gathering evidence against Ruby, and certainly looking for evidence of premeditation, took the statement in an incriminating way.
- 1121 **Thursday afternoon:** Six black people were positive that Ruby was in Houston on the afternoon of November 21. The first one to come forward was Houston

deputy sheriff Bill “Red” Williams, who told the Secret Service on November 26, 1963, that at around 3:00 p.m. on November 21 while Williams was on Milam Street in a black section of the city, a man, whom he later identified from photos as being Ruby, came up to him, said he was an oil field worker and was looking for a man named Joe who ran a pool hall in the vicinity. When Williams saw Ruby on TV three days later, he was certain he was the man he saw in Houston. Subsequently, five other black people living on or near Milam Street were located, all of whom identified Ruby from photographs as being the man they saw talking to Williams or the man they had personal contact with that afternoon. Since the man, they said, had a two- to three-day-old beard, his hands were dirty, and he was wearing an army-type jacket with boots, he made a point to tell them he was “not a bum,” that he had money and a nice car parked around the corner. He told one or more of them the same story about being an oil field worker and looking for a man in the pool hall. One of the witnesses actually had a beer with “Ruby,” who pointed out to him a faint scar he had on his left cheek running from just under his left ear to within about one inch of his mouth.

The Secret Service conducted an investigation and concluded that Ruby was in Dallas on the afternoon of November 21, and that the Houston story was false. Not only did Ruby’s bartender, Andrew Armstrong, and handyman, Larry Crafard, tell the Secret Service that Ruby was at the Carousel Club that afternoon,* but also the Secret Service determined that Ruby had no scar on his face (CE 2399, 25 H 378–381; CE 2081, 24 H 516; Crafard Exhibit No. 5226, 19 H 356).

Conspiracy author David Scheim says he is convinced that the man in Houston was in fact Ruby operating in “a carelessly presented disguise” as an oil worker and that, from the statements of the witnesses in the Secret Service report, he was there from about 2:30 to 7:15 p.m. He notes that the Milam Street area is in “close proximity to [President Kennedy’s] route to the [Rice] hotel and [to] the Rice hotel itself,” where Kennedy stayed, and concludes that “Ruby was there, monitoring President Kennedy’s movements in preparation for the next day’s assassination in Dallas.” He writes further that the composite description of the Houston man, five feet seven to five feet eight inches, 180 to 210 pounds, was close to Ruby’s five feet eight inches and 175 pounds, and he had brown hair thinning on top like Ruby, though the Houston man was described as being dark complexioned, which Ruby was not. But how does Scheim account for the fact that we *know* Ruby was in Dallas that day, at least to around 12:30 or 1:00 p.m. (from noon on he was in the office of Assistant DA Ben Ellis and the office of Bill Alexander, followed by a meeting with Max Rudberg at his bonding company)? No problem. He simply doesn’t discuss the 12:30 to 1:00 p.m. issue, and also ignores the statements of Andrew Armstrong and Larry Crafard that they saw Ruby at the Carousel Club that afternoon. Ruby, he says, left Dallas “at about noon” and drove the 243 miles to Houston at

* Armstrong told the Secret Service that Mickey Ryan was also there that afternoon and wanted to borrow money from Ruby. And Ruby himself seemed to recall talking with Ryan (he didn’t say about what) probably in the early afternoon hours at the club. (CE 2399, 25 H 380, Secret Service interviews of Andrew Armstrong and Jack Ruby on December 4, 1963) But Ryan told the FBI he did “not recall” being at the club on the afternoon of November 21. However, the FBI interviewed Ryan (true name, Roy Pike) on July 23, 1964, eight months after the alleged incident (CE 2322, 25 H 282–283), whereas agents interviewed Ruby and Armstrong just two weeks afterward.

“an 80 to 100 mile per hour clip.” But what about the fact that Ruby was seen in Dallas around 3:00 to 3:30 p.m. by the woman he tried to pick up, someone who knew Ruby, as opposed to all of the Houston witnesses, none of whom would have had any reason to make note of or remember “Ruby” at the time they saw him? In the best traditions of the conspiracy community, he simply ignores her, just as he ignores the fact that Ruby could not have been in Houston up to 7:15 p.m., as Scheim claims he was, because he picked Larry Crafard up at the Carousel around 7:30 p.m. (Crafard Exhibit No. 5226, 19 H 356).

Not only doesn't Scheim have the evidence on his side, but his whole premise is ludicrous. It first requires the belief that Ruby was part of the conspiracy to murder Kennedy, a notion that even most of his fellow conspiracy theorists don't subscribe to. Second, even if there was a conspiracy to kill Kennedy and Ruby was part of it, what conceivable purpose could possibly be served by sending Ruby to Houston to watch Kennedy when the assassination was scheduled for the next day in Dallas? Scheim doesn't say. Nor does he say why, if there was such a purpose, Ruby would be spending his time, apparently for several hours, in a black area of Houston.

Finally, in the very finest traditions of the conspiracy theorist profession, Scheim decides to deliberately mislead his readers by saying that the Secret Service concluded “that Ruby's visit [to Houston] ‘very probably had some connection with the President's appearance in Houston,’” with full knowledge that the Secret Service report said “if” it was determined that it was Ruby in Houston, *then* his visit “very probably had some connection with the President's appearance in Houston.” But hey, what's the big deal about leaving out the word *if* in his book? *If* is just a little word, and the cause is so much bigger. (Scheim, *Contract on America*, pp.260–262; CE 2399, 25 H 380–381)

1121 **apparently was not there that night:** In a December 6, 1963, FBI interview, Joe Campisi said the last time he had seen Ruby before the assassination was on the “Thursday night before Thanksgiving” (CE 2259, 25 H 184). Since Thanksgiving is always on the fourth Thursday of the month, and Thanksgiving in 1963 was on November 28, *six days after* the assassination, if Campisi was referring to the previous Thursday, November 21, it's rather odd he would remember that he saw Ruby at his restaurant seven days before Thanksgiving, instead of the night before the assassination, if that had been the case. In any event, Campisi told the HSCA fifteen years later that he didn't see Ruby the night before the assassination because he was off and his brother Sam was running the lounge (9 HSCA 362–363). Sam told the FBI on January 4, 1964, that Ruby and Ralph Paul were at the lounge for dinner the night before the assassination, but did not say if Joe was also there that night (CE 2274, 25 H 198).

1121 **Meyers and Aase:** In Jim Garrison's book *On the Trail of the Assassins*, he tries to bring Lawrence Meyers, Jean Aase, and Jack Ruby into the assassination conspiracy with David Ferrie. He writes that in 1967 he asked New Orleans attorney G. Wray Gill for his office's 1962 and 1963 telephone records and to have his secretary indicate which calls she *believed* (she could not know) were made by David Ferrie, who had been a part-time investigator for Gill during this period. Gill and his secretary did what Garrison asked. But since this was four to five years after the fact, it is difficult to see how Gill's secretary could have a good sense of which

calls Ferrie might have made. It seems her only guidelines were the fact that, as Wray complained to Garrison, Ferrie had almost “bankrupted me” with all the long-distance phone calls he made from his office and “about ninety percent of my business is right here in New Orleans.” So right off the bat we’re on very shaky footing. Even 10 percent of a law office’s long-distance phone calls over two years would add up to hundreds of legitimate business calls by others in Gill’s office, as opposed to only Ferrie’s supposedly unauthorized ones.

In any event, Garrison said he found a phone call that was made on September 24, 1963, from Gill’s office to Chicago phone number WH 4-4970. The telephone records did not indicate the recipient of the call. Garrison, like Gill’s secretary, had no way of *knowing* that Ferrie made the call (he could only have an educated guess),* and doesn’t know to whom the call was made. But he was suspicious because he writes that September 24, 1963, was “the day before Lee Oswald left New Orleans,” and Garrison wondered whether Ferrie was reporting this fact to someone. When Garrison believed he had struck gold was when this same Chicago number turned up in the Warren Commission volumes in the phone records of the Ero Manufacturing Company of Chicago, the employer of Lawrence Meyers, a friend of Ruby’s. A call was made to this number on November 20 at 9:09 a.m. from Kansas City using a credit card. Though it has not been conclusively established, assassination researcher Peter Whitney is confident, and he is probably correct, that the call was made by Meyers to a young lady friend named Jean Aase (alias Jean West), who accompanied him later that day to Dallas, where the two of them saw Ruby the following evening at the Carousel Club, and Meyers (and possibly Aase) saw Ruby later again that night at the Cabana Motel, where Meyers and Aase were staying. (See main text.)

This was all that Garrison needed to connect Ferrie to Ruby, the guy who killed Oswald. But assassination researcher Dave Reitzes, availing himself of additional research by other researchers such as Peter Whitney and David Blackburn, demonstrated that the likelihood of a connection between Ruby and Ferrie based on the Chicago phone number is virtually nil. In addition to the fact that we don’t know that Ferrie made the New Orleans call to Chicago, Reitzes writes that “dialing WH 4-4970 [the Chicago number] connected one to the main desk of the apartment building at 20 East Delaware Street, the Chicago building where Aase lived in Room 1405 in 1963. There were 146 apartments at Delaware Towers, plus an unknown number of telephone extensions for employees.” So even assuming it was Ferrie who made the call, the likelihood is only 1 out of 146, or worse, that he was calling Aase. Moreover, not only does Aase (twenty-seven years old at the time and described by Meyers as a “rather dumb, but accommodating broad” and a “semi-professional hooker”) say she never met or spoke to David Ferrie over the phone, but she says she met Meyers only a few weeks before going to Dallas with him. This would be about a month and a half *after* the September 24 phone call from New Orleans to Chicago. If this is true, she could not have been a conduit or intermediary for information from Ferrie to Meyers back on September 24.

*Yet Garrison had no doubt that Ferrie made the call. Neither do authors G. Robert Blakey and Richard N. Billings, who state it as a fact but give no citation except to say their “inspection of telephone records.” But telephone records could not have said who made the call from Gill’s office. Even the HSCA flatly declared that it “found” that Ferrie had made the call. But the committee didn’t say how it knew because it couldn’t. (Garrison, *Heritage of Stone*, pp.107–108; Blakey and Billings, *Fatal Hour*, pp.335–336; 4 HSCA 499)

Apart from the apparently nonexistent Aase link, the HSCA said, "There is no indication that Meyers had engaged in criminal activities, had a criminal record, or had been the subject of any criminal or related investigations (besides the assassination investigation). He did not appear to have any political or law enforcement connections." (Garrison, *On the Trail of the Assassins*, pp.127–131; Garrison, *Heritage of Stone*, pp.107–108, 207 note 43; Dave Reitzes, "Phone Factoid: Tortured Connection," available at <http://mcadams.posc.mu.edu/factoid.htm>, pp.1–16; CE 2266, 25 H 190, FBI interview of Jean Aase on December 3, 1963; CE 2267, 25 H 191, FBI interview of Lawrence V. Meyers on December 3, 1963; telephone record of call to WH 4-4970 on November 20, 1963, believed to be from Meyers to Aase: CE 2350, 25 H 335; 9 HSCA 805; 9 HSCA 919–922, Testimony of Lawrence Meyers before HSCA on May 22, 1978) Assassination researcher John McAdams, on whose Web site Reitzes's article appears, makes several logical observations about the Ferrie–Aase–Meyers–Ruby alleged linkage, among which are these: "Why have Aase relay a message from Ferrie to Meyers? Why didn't Ferrie just call Meyers directly, if necessary using an untraceable public phone? If Meyers and Ruby were plotting an assassination, why be seen together at two very visible Dallas night spots the night before the assassination?" (<http://mcadams.posc.mu.edu/factoid.htm>, p.6)

1123 **periods of normality and lucidity:** As stated in the main text, hearsay is inadmissible in a court proceeding unless one of the many hearsay "exceptions" applies, situations in which the out-of-court statement carries a likelihood of trustworthiness, such as a self-incriminating statement from a defendant, since people normally do not incriminate themselves falsely. Another exception is a deathbed declaration since, again, people about to meet their maker aren't as likely to lie. Jack Ruby, in the three years since he shot and killed Oswald, slipped in and out of lucidity. On December 16, 1966, during one of his last lucid intervals, and less than two weeks before he died, he was interviewed on tape at his Parkland Hospital bedside. Present were his attorney, Elmer Gertz, his brother Earl, and two of his sisters, Eva and Eileen. The Uber tape recorder was concealed in a black attaché case and the taping took place without the knowledge and consent of the authorities.

On tape, Ruby confirmed everything he had told the authorities earlier. A few examples: About the ramp incident, he said, "As I walked toward the ramp, I noticed the police squad car at the head of the ramp and an officer leaning over talking to him with his back to me. All I did was walk down there, down to the bottom of the ramp." He said that why the driver of the car, Lieutenant Sam Pease, whom he knew, "had not seen me, I don't know." Question: "Had you ever known Oswald, Jack?" "No." "Ever know Oswald before?" "Never had known him or seen him before." "Did you know when Oswald was going to be moved, Jack?" "I'll be honest with you, no." "You had no idea?" "*Later on* I found out he was supposed to be moved at ten o'clock." (This is an understandable lapse of memory on a small point after more than three years; the evidence indicates that it was prior to his shooting of Oswald that he heard Oswald originally was to be moved at 10:00 a.m. We can assume Ruby heard this far more times *after* he shot Oswald than before.) "The ironic part of this," Ruby said in the taped interview, is that if he had not "made an illegal turn behind the bus to the parking lot, had I gone the way I was supposed to go straight down Main Street, I would have never met this fate because the difference in meeting this fate was thirty seconds one way or the other." If this had been planned or premeditated, Ruby said, "it would have to be synchronized

so perfect to the second.” (Lewis, *Scavengers and Critics of the Warren Report*, pp.151–153, 155–156)

- 1126 **He told the FBI on the very day he killed Oswald [footnote]:** Hall (C. Ray) Exhibit No. 2 (20 H 41) says that the interview of Jack Ruby took place on November 25, 1963, the day after Ruby killed Oswald. However, in an internal FBI memorandum of February 7, 1964, to Al Belmont, the assistant director in charge of investigative activities who supervised the entire FBI investigation of the assassination (DeLoach, *Hoover’s FBI*, pp.116, 127), Assistant Director Alex Rosen said that the November 25 date was a “typographical error which had been discovered by SA C. Ray Hall of the Dallas Office while he was preparing to testify at [Jack] Ruby’s bond hearing on January 20, 1964. This error consisted of having set forth in one of the Dallas reports two interviews with subject Jack Ruby, and the dates of the two interviews were reflected [as] November 24 and 25, 1963, when in fact both interviews actually occurred on November 24, 1963.”
- 1128 **Cuba:** Chief Justice Warren proceeded to ask Ruby if there was “anything” to the story that he “had been interested in shipping jeeps down to Cuba.” Ruby acknowledged there was, and it had taken place around “the first time Castro had ever invaded Cuba . . . As a matter of fact, the U.S. Government was wanting persons to help [Castro] at that particular time, when they threw out the dictator, Batista.” Ruby went on to say he tried to get in touch with someone he had read an article about who had “smuggled guns to Castro” and had been given a jail term for doing so. When Ruby went on to start talking about the John Birch Society, Warren didn’t have Ruby return to the jeep story, but the implication from the context was that nothing came of his plans. (5 H 202, WCT Jack L. Ruby; Hall [C. Ray] Exhibit No. 3, 20 H 60)

In an earlier interview with the FBI on December 21, 1963, Ruby said that he had had an interest in selling jeeps to Castro “at a time when Castro was popular in the United States,” and the man he read about and tried to contact by telephone was from the vicinity of Houston. He said he wanted to do this to “make a buck,” but nothing came of it. Ruby didn’t say whether he actually contacted the man, but the implication was that he did not. The FBI in Houston concluded that the man Ruby had most probably tried to contact (or did contact) was Robert Ray McKeown, an American who was arrested on a charge of conspiracy to smuggle guns to Cuba. He was convicted and on October 24, 1958, given a sentence of sixty days and a \$500 fine on one count and a two-year suspended sentence on another in a Houston federal court. (CE 1688, 23 H 157; 9 HSCA 588) Indeed, there had been articles about McKeown’s gunrunning in the *Houston Chronicle*. Ruby undoubtedly felt that if McKeown could get guns to Castro, he could also get jeeps. When Castro visited Houston thereafter in April of 1959, McKeown met with him at the Houston airport and the *Chronicle* published a photograph of them in its April 28, 1959, edition, quoting Castro as saying McKeown would be given a post in his administration if McKeown moved to Cuba. (9 HSCA 178–179)

When FBI agents contacted McKeown on January 24, 1964, he told them that about a week after Castro came to power on January 1, 1959, he was working at his place, the J and M Drive-In near Houston, when a Harris County deputy sheriff told him that someone from Dallas was desperately trying to get in touch with him, but the name of the caller was unknown. McKeown said that shortly thereafter a

man called him on the phone, identified himself as “Rubenstein,” and said he wanted to get three people out of Cuba and had Las Vegas money behind him to pay \$5,000 for each person.* When McKeown said he’d have to be paid up front, he never heard from “Rubenstein” again. About three weeks later, a man personally appeared at McKeown’s drive-in and said he had an option on a great number of jeeps in Shreveport, Louisiana. He desired to sell them to Castro and needed a letter of introduction to Castro. McKeown said he’d do it for \$25,000 but would need \$5,000 up front. The man agreed to the terms but said he didn’t have the \$5,000 on him, and McKeown never heard from the man again. From photographs, McKeown felt “strongly” that the man was Jack Ruby, though the FBI never went back to Ruby with what McKeown said. (CE 1689, 23 H 159–160, FBI interview of Robert Ray McKeon on January 24, 1964; 9 HSCA 587–589) The evidence would seem to indicate it was Ruby who at least tried to contact McKeown, since not only do we know from Ruby himself that he was trying to sell jeeps to Cuba, but his sister Eva confirms this (CE 3069, 26 H 661). The further proof is that although in his testimony before the Warren Commission five years later, Ruby couldn’t remember the man he tried to contact, he said he lived in “Bay something Texas” (5 H 202), and McKeown lived at the time in Bay Cliff, Texas, a small town just east of Houston (9 HSCA 587).

Of course, McKeown’s credibility could be better. For instance, he told the HSCA in 1978 that in the fall of 1963, Lee Harvey Oswald met with him regarding the sale of four automatic weapons, but he told the FBI in 1964 that he had never seen or met Oswald (no contact with Oswald: CE 1689, 23 H 160; contact with Oswald: 9 HSCA 588, 596). And the HSCA said it was unable to confirm or refute his allegations, but based on “his demeanor” alone during his appearance before the committee, said his story did not seem to be credible (HSCA Report, p.152).

My assessment is that Ruby did try to contact McKeown, but whether Ruby actually met and talked to him about the jeep deal, as McKeown claims, is very debatable, although this would not be unlikely. What is unlikely and almost assuredly not true (either because of McKeown’s faulty memory or because he simply fabricated the story, as he clearly appears to have the Oswald story) is that Ruby called him on the phone to help him get three people out of Cuba. There’s no evidence, anywhere, that Ruby wanted to get anyone out of Cuba, nor that anyone in Las Vegas would supply Ruby with money to do so. Moreover, even by McKeown’s own story, he doesn’t say that when he met Ruby a few weeks later, Ruby talked to him about getting anyone out of Cuba or made any reference to calling him on the phone earlier. It is probable, however, that someone may have called McKeown for help to get people out of Cuba since, as the HSCA said, “McKeown’s close association with Castro prompted many people to ask him for assistance in affairs pertaining to Cuba and Castro. For instance, McKeown stated that he contacted Castro . . . to obtain the release of three persons being detained in Cuba who were close friends of McKeown’s brother” (9 HSCA 589).

* Author Gerald Posner writes that McKeown told the FBI that Ruby wanted the release of three prisoners from Cuba, “including [mob boss Santo] Trafficante,” but the citation Posner gives for this, the interview of McKeown by the FBI on January 24, 1964, doesn’t say that McKeown mentioned Santo Trafficante or any other names (Posner, *Case Closed*, p.360 footnote; see CE 1689, 23 H 157, 159).

The FBI and Warren Commission had to deal with several other people, all of whom turned out to be totally devoid of credibility, who claimed that Ruby was gunrunning to Cuba. One was Nancy Perrin Rich, discussed in the “Other Assassins” section of the book, someone whose own lawyer told the FBI was “an habitual liar,” and who failed a polygraph test (9 HSCA 187–188).

Another nut case was one Blaney Mack Johnson, who said that when he knew Ruby in 1952 and 1953 in Miami, Ruby was a part owner of the Colonial Inn in Hallandale and was engaged in gunrunning to Cuba. But there is no credible evidence of Ruby being in South Florida in the early 1950s, and the FBI determined that the Colonial Inn, a mob hangout, wasn’t open then, having been closed on February 12, 1948. People who knew Johnson said he was “highly imaginative, a story-teller, and inclined to identify himself with unusual situations.” The FBI contacted three people who Johnson said could verify his story, and each said they had no idea what Johnson was talking about. (CE 3063, 26 H 636–643)

Yet another nut case, Mrs. Mary Thompson, puts Ruby back in Florida, this time in Islamorada. Visiting her brother and sister-in-law there, she says she met Ruby, who she said was from Chicago and had killed a couple of men there. (Jack probably told her this, I suppose, when they first met and talked over coffee.) She said Jack had a trunk full of guns in his car and was going to supply them to “the Cubans.” Someone who knows Thompson well said he “wouldn’t believe her on a stack of bibles.” Dolores, Thompson’s daughter, saw the man her mother said was Jack Ruby, but said his last name was not Ruby and he had a “full head of dark brown hair,” whereas the real Jack Ruby was nearly bald. (CE 3065, 26 H 644–645, 647; see also WR, p.369)

- 1127 **“I have been used for a purpose”**: The notion that Ruby was used by others to further their ends and that his real motive for killing Oswald never came out was voiced by Ruby in a slightly different but again irrational way to a reporter from Fort Worth television station KTVT during a “press conference” at his earlier trial in 1964, during which his lawyers did not call him to the witness stand to testify on his own behalf. Ruby: “Everything pertaining to what’s happened has never come to the surface. The world will never know the true facts of what occurred, my motive. In others words, I’m the only person in the background that knows the truth pertaining to everything to my testimony.” Reporter: “Do you think it will ever come out?” “No, because unfortunately the people who have so much to gain and have such a [word is unclear, perhaps “ulterior”] motive for putting me in the position I am in will never let the true facts come above board to the world.” Question: “Are the people in very high places, Jack?” “Yes.” (Tape of interview; see also *Continuing Inquiry*, August 22, 1977, p.8) If his words are taken literally, which exposes the irrationality of them, Ruby wanted to tell the truth, but apparently his own lawyers, either on their own or with someone holding a gun at their head, wouldn’t let him tell the jury the true facts, and he couldn’t tell the Warren Commission or anyone else either. But he *was* free to talk to the Fort Worth television interviewer and say whatever he wanted to him. I get it.
- 1129 **“the relevant questions during the polygraph examination”**: It is well known in law enforcement that the validity of a polygraph examination is almost directly dependent on the competence of the operator. And although not a direct reflection on Bell P. Herndon’s ability to administer the test and interpret the charts, his com-

petence is indirectly challenged by the almost unbelievable failure on his part to ask Ruby the obvious questions of whether he was involved with *any* person or persons in the assassination of Kennedy, and whether he was involved with *any* person or persons in the murder of Oswald. (There are other ways to ask these two questions.) Although he asked Ruby questions that undoubtedly served the same purpose, and we can know what Ruby's responses would have been to these two questions, and they likewise would have shown no deception, Herndon's beating around the bush with his questions and his apparent inability to ask the only two explicit ones that any sensible person would want to know the answer to, slightly throws into question his ability to do anything right with respect to the test.

Since the polygraph test is not considered scientifically conclusive and inasmuch as Herndon acknowledged that the test's reliability depended on Ruby being mentally competent, and Dr. William Beavers, a psychiatrist who was present at the test, testified he believed Ruby to be a "psychotic depressive," FBI Director Hoover said the test results should be considered "nonconclusive" (CE 2651, 25 H 931). An HSCA panel of polygraphers concluded that because Herndon had violated normal procedures in conducting the test, the test was "probably invalid and unreliable."* Among other errors Herndon committed, standard practice is to have only the polygrapher and the person being tested in the room, whereas here, as many as ten people were sometimes in the room, several talking during the pretest period, causing inevitable distraction to Ruby. Also, recommended practice is to ask only three *relevant* questions, because the more a person is tested, the less he tends to react when lying. One panel member said that in twenty-seven years of practice he had never seen more than seventeen relevant questions asked. Herndon asked Ruby an astounding fifty-five. (8 HSCA 208–210, 217)

Even if we were to assume the total invalidity of the polygraph test given to Ruby, his willingness—in fact, his insistence—that he be given one is strong circumstantial evidence of his innocent state of mind and the truthfulness about everything he said. Lay people, including Ruby, for the most part believe that lie detector tests can detect lies. It is a considerable stretch to believe that if Ruby were guilty of being involved in a conspiracy, he would insist on taking a polygraph test, supremely confident he could conceal his guilt and pass the test.

- 1132 **"Ruby was a snitch":** Ruby even aspired to being an informer for the FBI, whose offices were only a block from his club, and on March 11, 1959, Dallas FBI agent Charles Flynn wrote that "on the basis of preliminary contacts and information developed to date [which Flynn did not set forth], I recommend the captioned individual [Jack Ruby] for informant development." The term was "*potential* criminal informant" (PCI), and Flynn said that "PCI advised he was willing to assist Bureau by supplying criminal information, on a confidential basis, which comes

*The HSCA panel took issue with several of Herndon's conclusions, the most notable of which was when he said, "From this test, it appeared to the panel that Ruby was *possibly* lying when answering 'no' to the question, 'Did you assist Oswald in the assassination?' This is contrary to Herndon's opinion that Ruby was truthful when answering that question." The panel found an "indication" that Ruby was lying in response to 3 other "relevant" questions out of the 55 (101 questions were asked in all) asked during the test. The panel went on to say, "It is emphasized by the panel, however, that no opinion could be rendered on the validity of this examination or the reliability of the results for the numerous reasons discussed in this report." (8 HSCA 201–204, 217–219)

to his attention.” (HSCA Record 180-10107-10160) But after going to Ruby for information on eight occasions over a seven-month period regarding cases Flynn was working on, most involving crimes in other cities like Baltimore and Louisville with, I assume, an apparent Dallas connection, and getting no worthwhile information (HSCA Records 180-10107-10161 through -10165), Flynn terminated his relationship with Ruby on November 6, 1959, with the notation that because “contacts [with Ruby] have been negative to date, it is felt that further attempts to develop this man would be fruitless,” and Ruby never became a CI (criminal informant) for the FBI. (HSCA Record 180-10107-10166, November 6, 1959; HSCA Record 180-10116-10082, Testimony of Charles Flynn before HSCA on November 16, 1977, pp.107-108, 115-116, 119, 125-128) No matter. Ruby was trying to help. He was on the side of law enforcement, not the bad guys.

1134 **the *only* people who believe Ruby was connected to organized crime:** One person who *did* claim to know Ruby fairly well and believed him to be a criminal was one Harry Hall. The problem is that the story Hall told the FBI from his Terminal Island penitentiary cell off Long Beach, California, didn’t sound believable. Among other things he said Ruby wasn’t patriotic at all (completely contradictory to everything we know about Ruby), that Ruby talked about having a couple of his thugs hold up a Texas millionaire (Ruby is into armed robbery? Really?), and Ruby was a big gambler who used to bet H. L. Hunt, the richest man in Texas at the time, large sums of money on big football games, claiming that Ruby won “a large sum of money from Hunt,” which he and Ruby split. So one of the wealthiest men in the country is a pal of Jack Ruby, who takes him for large sums of money gambling. Silly. (CE 1753, 23 H 362-363) The other problem with Hall is that the HSCA tried to substantiate that he even knew Ruby by asking people who knew Ruby well if they had ever heard of Harry Hall. All except two said they didn’t have any idea who Harry Hall was. (9 HSCA 325, 558, 867; 12 HSCA 419-420) One of the two said the only Harry Hall he knew had been dead for thirty to forty years (5 HSCA 71). The other one knew Hall, saying he was a “con artist” whom one “could write a book about,” but he was unaware that Hall knew Ruby or had ever been connected with Dallas (9 HSCA 485-486). A third source said the name Harry Haller, an alias of Hall’s, “sounds familiar,” and he may have had a few casual conversations with Haller at Teamster pension board meetings in Chicago (9 HSCA 1046, 1069). It sounds like Hall told a hell of a whopper.

1135 **the *only* support, Kantor gives:** The only additional item of “support” for Seth Kantor’s statement (that Ruby “had been preparing most of his life for the job”) represents poor scholarship on Kantor’s part. Moreover, although he lists it with the Capone errands as support, on its face it is not. It only implies a mob connection, not doing things *for* the mob. Kantor writes, “Ruby had . . . a coded message delivered to Lewis McWillie, his mob ally in Havana, in 1959, and then appeared before the feared narcotics and gambling don, Santo Trafficante Jr., in a Cuban prison.” Since Kantor wrote in a way to suggest that there was some connection between the coded message and Ruby’s alleged meeting with Trafficante, what was this “coded message”? Remarkably, elsewhere in his book, Kantor writes that in May of 1959, Elaine Mynier, a mutual friend of Ruby’s and McWillie’s from Dallas, was going to visit McWillie in Havana for a few days and Ruby told her, “Tell McWillie that Sparky from Chicago is coming.” She apparently didn’t know that

Sparky was Ruby's boyhood nickname and felt the message was some type of code, if we're to believe Kantor. In any event, what does this utterly benign message have to do with mob boss Santo Trafficante? Obviously, nothing. Further, we know that Ruby did not meet with Trafficante in Cuba since the latter had left Cuba the previous month. The only support for the contention that Ruby met Trafficante which Kantor cites is the British journalist, John Wilson Hudson, whose story is absurd on its face. (See main text.) (Kantor, *Ruby Cover-Up*, pp.254, 399, 438, footnote 8)

- 1145 **came from a village near Naples:** The parents of Vincent “The Chin” Gigante, the head of the Genovese mob family in New York in the 1980s and 1990s, and who for many years tried to stay out of prison by wandering the streets of Greenwich Village in a bathrobe and slippers feigning mental illness, were also from Naples.
- 1145 **Frank Costello:** In May of 1957, Costello was shot in the vestibule outside his apartment on Central Park West in New York City. The shot grazed his forehead and was believed to have been fired by Vincent “The Chin” Gigante, a Vito Genovese enforcer at the time. A doorman at Costello’s apartment identified Gigante as the gunman, but at Gigante’s trial for attempted murder, Costello testified he was unable to identify Gigante as the person who shot at him and Gigante was acquitted. As Costello was leaving the courtroom, several reporters heard Gigante say to him, “Thanks, Frank.” Genovese achieved his goal when Costello, having gotten the message, retired shortly thereafter as boss of the New York mob family he had taken over from Charles “Lucky” Luciano, and Genovese became the new boss. (Selwyn Raab, “Vincent Gigante, Mob Boss Who Feigned Incompetence to Avoid Jail, Dies at 77,” *New York Times*, December 20, 2005, p.A27)
- 1147 **organized crime is a shell of its former self:** Just in terms of numbers alone, according to organized-crime authority G. Robert Blakey, “The Mafia’s ‘made’ membership in the United States in 1963 was approximately 5,000 . . . Today, La Cosa Nostra . . . membership is down to 1,150” (Griffin with DeNevi, *Mob Nemesis*, pp.15, 17). One reason for the decline of organized crime is the “Racketeer Influenced and Corrupt Organizations Act” (RICO), Title IX of the Organized Crime Control Act of 1970. Per Blakey, Senator John L. McClellan was the “architect” of RICO, but Blakey, a McClellan staffer at the time, “advised on it, designed it, and drafted its legal language” (Letter from Robert Blakey to author dated January 27, 2005, p.4). RICO was a sleeping giant that was rarely used until the early 1980s, and is credited with being instrumental in helping, since then, to severely weaken organized crime in America. The statute, which provides for criminal punishment as well as civil remedies, and is not limited in its application to organized crime, has proved to be complex in its application and interpretation. In very simplistic form, if a group, like a Mafia family, commits two or more criminal acts (e.g., murder, extortion, drug trafficking, loan sharking, etc.) constituting a “pattern of racketeering activity” that affects interstate or foreign commerce, it becomes a criminal “enterprise,” and if one receives income from, invests in, or participates in the enterprise, he is guilty under RICO not only for the individual criminal acts, but simply for being members of the criminal enterprise. (See *Moss v. Morgan Stanley, Inc.*, 719 F.2d 5, 17 [1983]; *St. Paul Mercury Ins. Co. v. Williamson*, 224 F.3d 425, 439 [2000]; Bonavolonta and Duffy, *Good Guys*, pp.84, 86) The criminal punishment for the RICO violation itself can be up to twenty years, frequently stiffer punishment than for the underlying criminal acts. The federal RICO statute has been effectively used against several Mafia figures, perhaps the most famous of which was New York City mafioso John Gotti, and earlier against mob leaders Tony Salerno, Antonio “Tony Ducks” Corallo, and Carmine Persico in the famous “Commission” case in the mid-1980s.

Today, mob defections and the ignoring of *omerta* have become almost routine.

The most recent example was the conviction for murder on July 30, 2004, of Joseph Massino, the head of the Bonanno organized-crime family in New York, based primarily on the testimony of his underboss, Salvatore Vitale, whose story was strengthened by the testimony of seven other Bonanno crime family members, all of whom had struck a deal with federal prosecutors. What made Vitale's turning on Massino even more of a classic case of betrayal is that Vitale was Massino's brother-in-law, Vitale acknowledging to the New York City federal district court jury that Bonanno had "made me who I was." Vitale testified he had participated in eleven mob murders, seven of which were on the orders of Massino. (John J. Goldman, "Last Don Found Guilty of Murder," *Los Angeles Times*, July 31, 2004, p.A14)

Two reasons for these defections are that RICO extends the reach of the authorities into people and activity involved in organized crime not previously covered, and, perhaps more important, it increases the jail time, since before federal law enforcement started utilizing the RICO statute in the early 1980s, mob members convicted of various crimes (other than murder) were generally given only two- to five-year sentences. Robert Castelli, professor of criminal justice at the John Jay College of Criminal Justice in New York, says, "Now looking at 15 to 20 year sentences under RICO laws, they [mob members] are more likely to cooperate in return for a more lenient jail penalty." Former FBI agent Joseph Pistone, who infiltrated the Bonanno crime family for six years in the late 1970s and early 1980s using the alias Donnie Brasco (the movie by that name based on his story was a box office success), says, "A new, younger generation of Mafia guys could care less about the traditions of refusing to cooperate with law enforcement officials. They'll cut a deal for themselves the first chance they get." (*Los Angeles Times*, May 3, 2004, p.A17)

1147 **"the nineteenth century"**: Mafia historian Humbert S. Nelli says, "The Mafia developed only after 1860, and its period of greatest glory came after 1890." He writes that the general term in Italy that used to describe not only the Sicilian Mafia but its companion groups, the Calabrian "Fibbia" and the Neopolitan "Camorra," was *Mala Vita*. An Italian writer, Gino C. Speranza, described it in an American magazine. "*Mala Vita* is the Italian phrase for that evil and parasitic class we call the 'criminal element' or the 'underworld.'" (Nelli, *Business of Crime*, p.8)

1149 **convicted of federal income tax evasion [footnote]**: Al Capone's incarceration on the eleven-year federal sentence for income tax evasion was not the first incarceration for him. In May of 1929, just over two years earlier, Capone, on his way home from Atlantic City, where he had convened a meeting of Mafia family leaders from New York, Philadelphia, Detroit, and Chicago to create a nationwide organization for bootlegging, gambling, prostitution, labor racketeering, and so on, went to a movie in Philadelphia while he was waiting for his next train. On his way back to the train depot from the theater, two Philly detectives recognized him and during a frisk discovered his shoulder holster with a loaded automatic. Though he produced for them a permit to carry the gun in Chicago, the grinning detectives reminded Capone he was in Philadelphia, where the permit was no good. He was arrested, convicted, and served ten months of a one-year sentence in Pennsylvania for carrying a concealed weapon, during which time his brother Ralph and Frank "The Enforcer" Nitti acted as his surrogates in running the Chicago mob. (Sondern, *Brotherhood of Evil*, pp.74-76)

- 1151 **Salvatore Maranzano and Joseph Masseria:** It was the belief for many years that Salvatore Maranzano's murder set off a "purge" of *old-style* mafiosi around the country that very same day, the number who were murdered said to be as high as sixty (Chandler, *Brothers in Blood*, p.160; Carter, *Most Evil Mobsters in History*, p.135). The source for this high number was always thought to be Joseph Valachi. But author Alan A. Block checked Valachi's testimony on this very point before the McClellan's Senate Permanent Investigations Subcommittee in 1963 and found Valachi had only said "four or five." Block, in excellent research, checked newspaper archives in the major mob cities of New York, Philadelphia, Detroit, New Orleans, Boston, Buffalo, and Newark (and for good measure, Los Angeles) beginning two weeks before Maranzano's murder on September 10, 1931, all the way through two weeks after, and while he found "various accounts of the Maranzano murder," he could only find "three other murders that might have been connected," two in Newark and one in Pittsburgh reported in the Philadelphia *Inquirer*. (Block, *Perspective on Organizing Crime*, pp.2–5) Similar research by author Humbert Nelli reached the same general conclusion (Nelli, *Business of Crime*, pp.182–183). An additional indication that the purge, often called the "Sicilian Vespers," was just a myth is that those who have repeated the story throughout the years have never presented any solid evidence to support it, only multiple hearsay.
- 1152 **psychological connection to the American public:** Author George De Stefano writes that "the Mafia gangster truly became a mythic figure in the late 1960's with the publication of Mario Puzo's novel *The Godfather*, and in the early 1970's with the release of the first two *Godfather* films. *The Godfather*, in both its literary and cinematic incarnations, sold the public the fiction of a vast, centralized, and enormously powerful criminal organization run by Sicilians and their American-born offspring. These dark, dangerous men made offers that could not be refused, sent their enemies to sleep with the fishes, and loved their families enough to kill for them. They captivated audiences in America, and later the world, becoming cultural archetypes who represented more than just crime," becoming "one of the longest-running shows in pop-culture history." (De Stefano, *Offer We Can't Refuse*, pp.344–345)
- 1153 **reason for the FBI's inattention to organized crime:** The only connection between Meyer Lansky and J. Edgar Hoover that one could argue, albeit very weakly, induced Hoover to go easy on the mob is that reputedly, Lansky was instrumental in arranging to turn over to Hoover in 1939 Louis "Lepke" Buchalter, whom Hoover had called "the most dangerous criminal in America" because he was perhaps the nation's leading drug trafficker at the time. Buchalter being under federal indictment for heading a narcotics (mostly heroin) smuggling ring, "the hunt for Lepke became the biggest sensation since the Lindbergh kidnapping." Lepke was not tied in to the mob as much as Lansky, but his operation was intertwined with mob business, and he was close enough to the mob to have Albert Anastasia, head of organized crime's Murder, Inc., kill witnesses against him. Though Lepke was a close friend of Lansky's, Lepke was thought to be "kill crazy" and no one felt comfortable or safe dealing with him. Finally, Lansky had an associate convince Lepke to turn himself in to Hoover under the pretext that a "deal" had been worked out with Hoover, which it had not. It is not known if Hoover was aware of

Lansky's intervention, but he may have been. The apprehension of Lepke, who surrendered to Hoover personally by getting out of one car on a Manhattan street and entering Hoover's car (famed newspaper columnist and radio broadcaster Walter Winchell, a Hoover friend, was in the car with Hoover), was a major victory for Hoover that helped solidify his image as America's number-one crime-buster. Lepke was eventually convicted of first-degree murder and was executed by electrocution at Sing Sing in 1944. (Messick, *Lansky*, pp.27, 97–102, 109, 111)

1154 “**clandestine sex life**”: One of the two principal facts that spawned the homosexual allegations against J. Edgar Hoover is that Hoover, who at one time reportedly was linked romantically with Lela Rogers, mother of actress Ginger Rogers, never married. (Wow!) The standard response from Hoover's friends when asked why he hadn't was, “He *is* married, to the FBI.” Hoover told *Look* magazine that “I was in love once when I was young. I guess you'd call it puppy love. But then I became attached to the Bureau, and I don't think any wife would have put up with me.” (Knebel, “J. Edgar Hoover, the Cop and the Man,” p.30) It has been said, without confirmation, that the object of his youthful love was a young woman he worked with in the early 1920s at the Justice Department in Washington, D.C. But she chose an army officer who was stationed in Europe during the First World War over him.

The other, perhaps most important fact was that Hoover's constant and virtually only companion, at evening dinners as well as on vacations, was his FBI colleague Clyde Tolson, Hoover's closest friend and confidant for forty-two years. Indeed, when Hoover died on May 2, 1972, after specific bequests of small sums of money to people like his housekeeper, Annie Fields (\$3,000), and his personal secretary for fifty-three years, Helen Gandy (\$5,000), he left “the residue and remainder of my estate, both real and personal, to Clyde A. Tolson,” whom Hoover appointed as the executor of his estate (Last Will and Testament of J. Edgar Hoover, July 19, 1971; Petition to Probate Will and for Letters Testamentary, In re Estate of John Edgar Hoover, May 1972; Demaris, *Director*, pp.333–338). The estate that Tolson received included Hoover's home, into which Tolson moved on the morning after Hoover died (Demaris, *Director*, p.42).^{*} Hoover and Tolson, who died three years after Hoover, are buried in graves beside each other in Washington's Congressional Cemetery (Powers, *Broken*, p.242).

All of this, indeed, would be, shall we say, “circumstantial evidence” that the relationship between Hoover and Tolson was something more than mere friendship. But that would mostly be so if Tolson were someone who was not associated with the FBI. Tolson, however, as associate director, was the number-two man at the FBI, a career man whose total devotion to the bureau was matched only by Hoover's. In fact, those who knew the two said that Hoover “couldn't have done the things he did [at the bureau] without Clyde,” that Tolson was “equal, but subordinate” to Hoover. Tolson was the bureau's “administrator” and “worked all the

^{*}The assessed value for tax purposes of Hoover's home in Washington, D.C., at the time of his death was \$40,437; the estimated value of approximately forty oil, gas, and mineral leases in Texas and Louisiana was \$125,000; and the estimated value of his stocks and bonds, cash, etc., was \$326,500 (Demaris, *Director*, pp.335–336). However, there are those who believed the estimates of Hoover's estate, including his home, were very low. Hoover's only debt at the time of his death was a bill for \$650 for two custom-made suits ordered a month before he died. (Gentry, *J. Edgar Hoover*, pp.730–731)

budget stuff.” Hoover’s reliance on Tolson to help run the FBI was so great that, per Hoover’s chauffeur, James Crawford, Hoover would cajole Tolson to come to work “even when he was ill.” Speaking of Crawford, and the allegations of Hoover’s homosexuality, a “high Washington official” told a Hoover biographer “that he had it on good authority that Hoover got off a train early one morning and embraced his young white chauffeur.” The problem is that Hoover’s chauffeurs were always black. Crawford, a black who was an FBI agent himself, was Hoover’s chauffeur for thirty-seven years up to his retirement in 1972. (Demaris, *Director*, pp.30–32, 327)

- 1155 **FBI never had enough federal laws:** J. Edgar Hoover was adept at excuses for not enforcing laws he apparently had little interest in. Perhaps the most egregious example of this was his complete failure to investigate crimes against blacks by law enforcement in the South. This was the main reason why Martin Luther King publicly asked for Hoover’s resignation. Hoover would later say that he didn’t have jurisdiction over these crimes until the Civil Rights Act was passed in 1964. But this is nonsense. Ever since the Reconstruction era in the South following the Civil War, federal authorities have been authorized to arrest, prosecute, and convict “whoever [virtually always law enforcement] under color of law” violates the civil rights of another. The law (Title 18, Section 242 of the U.S. Code) was passed in Congress in 1873 and to this very day (e.g., the prosecution of four LAPD officers in the Rodney King case) remains the main law, not the Civil Rights Act of 1964, under which the Department of Justice prosecutes law enforcement for brutality and misconduct toward blacks, other minorities, and everyday Americans.

A contributing factor toward Hoover’s nonaction against civil rights violations by law enforcement in the South was his racism. Though never blatant, it manifested itself in several ways, one of which was that at the time RFK became attorney general, there wasn’t one single black FBI agent doing regular FBI work. The only five in the entire bureau were employed doing personal work for Hoover. So the bureau was really all white. RFK kept pressuring Hoover to employ black agents, to the point where FBI agents would mock Kennedy by saying, “Boys, if you don’t work with vigah, you’ll be replaced by a niggah,” in reference to all the black agents they could expect in the bureau if they didn’t expose the civil rights movement to Kennedy as being a Communist front. Hoover finally yielded to Kennedy to the extent that by the end of 1962 there were ten black FBI agents in the bureau. (Powers, *Secrecy and Power*, pp.367, 127–128, 324, 461)

- 1155 **“to waste time prosecuting the [American] Communist Party”:** That Robert F. Kennedy told a reporter this suggests that as late as December of 1961, Hoover still wasn’t really aboard in fighting organized crime. However, author Curt Gentry noted that the very next month Hoover at least “officially declared” war on organized crime. Hoover announced “in his monthly editorial in the January 1962 issue of the *FBI Law Enforcement Bulletin*: ‘The battle is joined. We have taken up the gauntlet flung down by organized crime. Let us unite in a devastating assault to annihilate this mortal enemy.’” (Gentry, *J. Edgar Hoover*, p.529) But the actual commitment didn’t quite match the words at this point.

- 1155 **“its membership consists largely of [undercover] FBI agents”:** RFK was obviously hyperbolizing when he said this about FBI Communist Party membership. Around 1961, the U.S. Communist Party had approximately 8,500 members.

Surely there weren't over 4,250 FBI *agents* in the party. Former FBI agent Jack Levine, who had left the force around the time RFK made his statement because of what he termed the "radical, right-wing" culture in the bureau, said that of the 8,500 Communist Party members, 1,500 were FBI *informants* (not agents, though there undoubtedly were some of those too), a ratio of 1 FBI informant for every 5.7 party members! The FBI, not denying Levine's charges, responded only by saying that his 1,500 number was an "exaggeration," which would seem to imply its concession that Levine's number was at least fairly close to the mark. One thing analogous to what RFK said was true. By paying for the membership of many of its members (i.e., informants), the FBI almost assuredly was the U.S. Communist Party's chief single financial benefactor. (Levine, "Hoover and the Red Square"; Cook, *FBI Nobody Knows*, pp.1, 3, 33, 40)

- 1156 **connection with the narcotics traffic:** In an investigation in 1955 by Senator Price Daniel and his judiciary subcommittee on narcotics traffic, the names of familiar mafiosi kept cropping up (Sondern, *Brotherhood of Evil*, pp.224, 236–237).
- 1157 **mob's Apalachin meeting:** There is disagreement as to the number of mob leaders who attended the Apalachin summit. HSCA mob expert Ralph Salerno says the number was sixty-three (5 HSCA 381). Author Walter Sheridan says fifty-eight (Sheridan, *Fall and Rise of Jimmy Hoffa*, p.64). HSCA chief counsel G. Robert Blakey says fifty-nine (Blakey and Billings, *Plot to Kill the President*, p.190).
- 1157 **Joseph Valachi:** Valachi had been serving time on two drug trafficking convictions at a federal penitentiary in 1962. He was sharing a cell with Vito Genovese, the head of the Mafia family Valachi was a member of, who was serving time on his own narcotics conviction. Valachi said that one night in their cell Genovese, who had been the best man at Valachi's wedding years earlier, said to him, "You know, you buy a barrel of apples, and one of them is touched. That apple has to be removed or it'll touch the rest of the apples." Then Genovese kissed Valachi on the cheek. Valachi knew this was a Mafia kiss of death, resulting, Valachi said, from Genovese's erroneous belief that he had informed on the mob to the Federal Bureau of Narcotics on another matter. Valachi kissed Genovese back "to let him know I was smart and I would answer him in the same style—kill him too." ("Investigations," p.33; see also Maas, *Valachi Papers*, pp.26–27, 34)

Convinced he was marked for death, Valachi was on the alert in the prison yard and elsewhere for other Mafia soldiers attempting to kill him. On June 22, 1962, Valachi, holding a two-foot piece of iron pipe, bludgeoned a co-inmate named John Joseph Saup to death, mistakenly believing that Saup was actually Joe Di Palermo (to whom Saup did bear a striking resemblance), who was out to kill him. When Valachi learned the U.S. attorney was going to seek the death penalty against him for the Saup murder, he decided to become an informant against the Mafia for a plea bargain that let him plead guilty to second-degree murder with a life sentence. ("Investigations," p.33; "Kiss of Death," pp.34, 39; Maas, *Valachi Papers*, pp.25, 27, 33)

- 1158 **more members of organized crime "had been sent to jail":** Joe Valachi would have to go some, however, to compete with his counterpart in the Sicilian Mafia, Tomasso Buscetta, who turned on his fellow mafiosi and became the chief prosecution witness against them. It is believed that his 1986 testimony in Sicily "was instrumental in the conviction of 435 members of the Sicilian Mafia." Buscetta

was also a key witness in New York City the previous year when he “helped to convict 35 members of the New York and Sicilian La Cosa Nostra” in the famous Pizza Connection case. (Block, *Perspectives on Organizing Crime*, p.21)

1158 **Valachi’s credibility has been challenged by some:** For example, author Peter Dale Scott goes so far as to say that Joseph Valachi’s allegation that organized crime was controlled by a national commission “is largely a myth” (Scott, *Deep Politics*, pp.146–151).

1159 **He did not need the mob:** In an interesting book on the Chicago mob, *The Outfit: The Role of Chicago’s Underworld in the Shaping of Modern America*, author Gus Russo suggests that at least JFK’s father, Joe Kennedy, felt his son needed the mob to win the presidential election. Russo says the Chicago mob was contacted for help in the 1960 presidential campaign by Joe, whose association with mob figures stemming from his bootlegging days in Boston during Prohibition has been well chronicled in several books (e.g., Summers and Swan, *Sinatra*, p.250), and whose passion to get his son elected president knew no boundaries.

Russo says sources told him that Joe Kennedy actually met with Chicago mob boss Sam Giancana in a judge’s chambers in Chicago to ask him to deliver the union vote in Cook County. No one really had any firsthand knowledge of what was said, but Russo, not giving his source, says that later Giancana “was telling his associates that, as a quid pro quo, he expected a hot line to the White House.” (Elsewhere, Russo quotes the wife of Chicago mob figure and fixer Murray “The Camel” Humphreys as saying, “Apparently, Joe had promised that his boys (Jack and Bobby) would back off the Outfit, especially in their Las Vegas business.”)

Even if these questionable sources for Russo’s information are to be believed, the quid pro quo (a hot line to the White House for Giancana, and JFK’s administration going easy on the *Chicago* mob) still does not begin to establish the agreement that conspiracy theorists allege was entered into—that in return for organized crime in America supporting Kennedy’s candidacy in a big way, JFK would not vigorously pursue the Mafia in America.* After all, there was much, much more to the American Mafia than the Chicago Outfit.

Perhaps even more important, JFK’s father, not JFK himself, was a party to this alleged agreement, so why would the mob work up such a murderous rage against JFK personally for breaking the alleged quid pro quo when Bobby Kennedy ended up pursuing organized crime like never before? Indeed, there is no implication in Russo’s book that JFK had anything to do with the alleged agreement, the sense being, in fact, that this was something Joe Kennedy had done on his own and without authorization from his son. Russo goes on to write, without source or citation, that “as president, John Kennedy *refused to go along with* [not

*The only indication of this in Russo’s book is the assertion by Humphreys’ wife that her husband was locked up in the Chicago Hilton for two weeks before the 1960 presidential election receiving “politicians and Teamsters . . . from around the country” in a coordinated effort to help Kennedy win the election (Russo, *Outfit*, p.379). The problem with this story is that it makes little, if any, sense. Powerful politicians from around the country would be highly unlikely to fly to a mobster’s hotel room in Chicago to get marching orders on how to help Kennedy. And I wouldn’t think too many Teamsters would be willing to defy their iron-willed boss, Jimmy Hoffa, someone who didn’t look kindly on dissenting members. Hoffa and the Teamsters’ executive board, you see, had endorsed Nixon over Kennedy for president. Indeed, columnist Drew Pearson wrote that Teamster influence had been critical in “switching Ohio, considered safe for Kennedy, into the Nixon column.” (Beschloss, *Crisis Years*, p.140)

refused to *live up to*] the deal.” (Russo, *Outfit*, pp.370–372, 375; on allegation that Joe Kennedy sought mob help, see also Summers and Swan, *Sinatra*, pp.270–271; Raab, *Five Families*, p.126; Talbot, “Fatal Flaw,” p.19)

In his book *The Dark Side of Camelot*, Seymour Hersh relates the same story that Russo does about Joe Kennedy meeting with Sam Giancana, and says the meeting took place in Judge William J. Touhy’s chambers, the judge excusing himself. Hersh says Joe Kennedy had turned to Touhy, an old friend, to set up the meeting and Touhy had in turn asked Robert McDonnell, a mob attorney, for help. Hersh says McDonnell told him (Hersh) that he gave Touhy the name of a local politician (unnamed in Hersh’s book) to set up arrangements for the meeting. (Hersh, *Dark Side of Camelot*, pp.134–136, 462)

And then there’s the story, told many times over, about mob money being responsible for Kennedy’s win over Hubert Humphrey in the West Virginia primary in 1960. Paul “Skinny” D’Amato, a New Jersey gambler and friend of Frank Sinatra’s who at one time ran the 500 Club in Atlantic City, became the manager of the Cal Neva resort and casino on the border of California and Nevada in the late 1950s. Cal Neva was owned in part by Chicago mobster Sam Giancana and Sinatra. D’Amato would tell anyone who would listen that Joe Kennedy approached him to raise money among his mob associates for the West Virginia primary. D’Amato says he agreed if Joe Kennedy would see to it that a 1956 federal deportation order against New Jersey mobster Joe Adonis was overturned in the event Jack Kennedy became president, which D’Amato says Joe Kennedy agreed to. D’Amato claims he raised \$50,000 from his mob friends and delivered it to local Democratic politicians in West Virginia, not, he says, as bribes, but to help them buy campaign supplies in their effort to support Kennedy’s efforts. When D’Amato, after Jack Kennedy won, wanted Joe Kennedy to deliver on his agreement, D’Amato claims that Joe Kennedy said that Bobby Kennedy, now the attorney general, would not allow it. (Hersh, *Dark Side of Camelot*, pp.100–101) One could expect D’Amato, if anything, to exaggerate his contribution to the West Virginia primary, and \$50,000 is a rather piddling sum. But in *The Money and the Power*, authors Sally Denton and Roger Morris, without a citation for a source, added a zero to D’Amato’s efforts, claiming the sum was \$500,000 (Denton and Morris, *Money and the Power*, p.222).

- 1162 **“not an inkling that the JFK assassination was connected to any part of the mob”**: William Roemer of the FBI told author Gerald Posner, “The mob would never go after someone as high-ranking as RFK or JFK. They don’t [even] go after reporters, they don’t go after judges, they don’t go after FBI agents or cops—they *will only go after those people* when they have stolen money from them and double-crossed them” (Posner, *Case Closed*, p.464). Roemer’s last clause was loose speaking on his part in that it implies he was aware of examples when the mob did go after a member or members of these categories of people. But no one, including Roemer, has come up with any evidence that organized crime in America ever killed or attempted to kill a reporter, judge, FBI agent, or cop, much less a powerful public official.
- 1169 **“Sicilian curse”**: In one of the more transparently worthless observations about whether or not Carlos Marcello made the subject remark, author Gerald Posner quotes one Hubie Badeaux, a former New Orleans police intelligence chief, as say-

ing he was “personally acquainted” with Marcello. Right off we already know that whatever Badeaux says is going to be lightweight, because based on who Marcello was and who Badeaux was, the personal acquaintanceship was most likely not that of a social friend or, obviously, as a member of Marcello’s mob family. And we can also be reasonably confident that Badeaux never investigated Marcello because if he had, certainly Posner, who is trying to make a point, would have emphasized this fact. That really only leaves one other option—that Badeaux “knew of” Marcello, possibly to the extent of even nodding to him in passing each other on the street. But he certainly wasn’t any kind of authority on Marcello. If he were, I assume Posner would be sure to tell his readers precisely why he was. Badeaux goes on to tell Posner that “Carlos doesn’t talk like that. He talks with ‘dees, dems, and dose, just like in Brooklyn.’” But *dees*, *dems*, and *dose* are English, not Italian, and Marcello, per Becker, was speaking Italian, a language he was much more fluent in. Badeaux adds that for Marcello to have said what was claimed he said “would have been a goddamn oration” for Marcello. Then Badeaux tells Posner, “*I don’t even know* if he speaks Sicilian a damn.” (Posner, *Case Closed*, p.461) The reason you don’t know, Hubie, is that it couldn’t be more obvious that you are no authority, of any kind, on Marcello. If you were, by definition you *would* know. Finally, Hubie, Marcello was speaking Italian, not Sicilian. Sicily is a region of Italy and although Sicilians speak a distinctive dialect, they still speak essentially Italian. Sicilian is not a language. Marcello, speaking Italian, allegedly uttered a well-known Sicilian expression. And if you think the very simple words in Italian, “take the stone out of my shoe” would be a “goddam oration” for Marcello and too far above him to say, then the probability is that you know even less about Marcello than I think you do.

- 1172 **“nice dinner and evening with Roppolo and his wife”**: John Davis, author of a book (*Mafia Kingfish*) that imputes guilt in the Kennedy assassination to Carlos Marcello, offers up a flake to his readers as one of his supports for his charge. One Eugene R. Dela Parra, an ex-marine on a 70 percent nervous-breakdown disability who worked as a racetrack groom and part-time waiter at Traegle’s Bar in New Orleans, which Davis says was “backed” by Vincent Marcello, Carlos’s brother, told the FBI on November 28, 1963, that one day in March of 1963 he overheard a conversation at the bar between Traegle and two friends, one a horse trainer, the other someone referred to as the “Professor,” in which they were all looking at an advertisement in a detective magazine for a foreign-made rifle that sold for \$12.98. The well-known cost of Oswald’s Carcano without a telescopic sight and shipping charges was \$12.78. Apparently, if we’re to believe Dela Parra, he was not just over-hearing a conversation. He looked over their shoulders and down on precisely what they were looking at, even picking up—though the parties to the conversation never mentioned it—the cost of the rifle. Dela Parra says he heard Traegle say, “This would be a nice rifle to buy to get the President. [Why Traegle would say that the cheapest rifle imaginable would be a good rifle to get for a hit man to kill the president, is a question Davis doesn’t trouble himself with.] There is a price on the President’s head, and other members of the Kennedy family. Somebody will kill Kennedy when he comes down south.” (FBI Record 124-10007-10360, FBI interview of Dela Parra on November 28, 1963, pp.1-2) Davis surmises that Traegle probably heard about the plan to kill the president from Vincent Marcello. So Car-

los tells Vincent about his plan to murder Kennedy, and “Vinnie” proceeds to tell everyone he knows about it. If Davis isn’t troubled by any of this silliness, who am I to be?

Davis, who writes loosely throughout his relatively well-received book, frequently without citing any source for what he says, does say that on February 23, 1967, Dela Parra was interviewed by the FBI in Newark, New Jersey, and he came up with something new he hadn’t mentioned before. Around June of 1963, Vince Marcello’s brother, Tony, came into the bar, Dela Parra said, to service the pinball machine, and stated to Ben Traegle and three or four others at the bar that “the word is out to get the Kennedy family.” (To say the “word is out” is an enormous understatement. With Vinnie and Tony Marcello carrying the word with their megaphones, the real question is, Who in New Orleans didn’t know about the plot to kill Kennedy?) Dela Parra said that after the remark was made, Ben Traegle came up to him in the backroom. He repeated the remark (Dela Parra didn’t have to eavesdrop and look over anyone’s shoulder anymore) and then, laughing, added that they were “only paying \$1,000” for the hit. Well, at least Oswald got something for his day of work.

The author, John Davis, was educated at Princeton, Columbia, and the Italian Institute for Historical Studies in Naples, where he studied on a Fulbright scholarship. Not only doesn’t he ridicule the Dela Parra nonsense (indeed, he chastises the FBI for disbelieving Dela Parra’s tale), but adds his own rubbish to the brew. Recall the “Professor” in Dela Parra’s first story? Davis writes that David Ferrie listed himself in the New Orleans telephone directory as “Dr. David Ferrie, Psychologist.” Since, Davis claims, David Ferrie frequented Marcello-backed bars in New Orleans and was known to lecture people in a professional manner, “one wonders whether the ‘Professor’ in Traegle’s bar” was David Ferrie. Yes, *one* wonders. *One* person. You, Mr. Davis. (Davis, *Mafia Kingfish*, pp.131–133, 176, 251–254)

1175 **“nothing developed in the Brilab investigation”**: One of the BRILAB bugs that the FBI placed picked up a conversation between Carlos Marcello and his mob friend Santo Trafficante in Marcello’s New Orleans office on September 16, 1979. In the twenty-seven-page transcript of the conversation there is only one very brief and passing reference to the Kennedy assassination. It’s in the middle of another subject, Marcello telling Trafficante, without any response from the latter, that some person (unidentified) had told him, “Carlos, he said, I guess they gonna nail us for this shit, just like that. This Kennedy assassination, just like that.” The FBI concluded that nothing of any evidentiary value could be inferred from this Kennedy reference. (FBI Record 124-10164-10166, p.4 of transcript, pp.2–3 of FBI memo, April 23, 1980)

In a July 1998 interview, former HSCA chief counsel Robert Blakey told author John Davis that an FBI official told him (Blakey) that there was a point on the BRILAB tape when an unidentified person came into Marcello’s office in the spring of 1979, at a time when the papers were reporting the HSCA’s investigation of his possible role in the assassination. When the person asked Marcello how he would respond to the HSCA’s suspicions about him, Marcello allegedly told the man to shut up, and that they should go outside and talk, which the two did. (Davis, *Mafia Kingfish*, p.531) Blakey later told me that his informant was an “assistant director of the FBI,” but did not reveal his name to me. Blakey acknowledged, however,

that when the ARRB released the BRILAB transcripts in 1998, “nothing like what the assistant director told me was in the transcript.” (Telephone interview of Robert Blakey by author on February 23, 2003)

An internal FBI memorandum in 1980 speaks of Blakey’s “conspiracy theory” of the assassination and his belief that the BRILAB investigation “had come up with some information relating to the Kennedy matter.” The memo says that “I advised Blakey that nothing developed in the Brilab investigation which supported his theory or could be considered evidence in the Kennedy assassination.” (FBI Record 124-10164-10166, FBI memo from W. D. Gow to Mr. Mullen, April 23, 1980, p.3)

- 1175 *no evidence has ever surfaced that Marcello had Kennedy killed*: However, conspiracy theorists have accused Carlos Marcello so many times of being behind Kennedy’s murder that he allegedly blurted out in 1989 that he was. Marcello, seventy-nine at the time, was serving time on a conspiracy to commit bribery conviction at the Federal Correctional Institution (FCI) in Texarkana, Texas. He had been diagnosed as having generalized vascular deterioration with cerebrovascular disease and secondary organic brain syndrome, which his doctor, Jerry Stringfellow, said meant “senility.” In February of 1989, his mental condition had worsened to the point where he would wander around the FCI halls and forget where his cell was located. When he started having dizzy spells, he was placed in the Wadley Regional Medical Center in Texarkana. On February 28, 1989, FCI guards James Cates and Vincent Brown were asked to work overtime and go to the hospital to guard Marcello, which was not their regular assignment. Cates says (corroborated by Brown) that Marcello climbed out of his bed and told the two of them, “I want to thank you boys for coming by. Stop by about 2:00 or 3:00 tomorrow afternoon and we’ll take care of that business.” When they told him he had to get back in bed, he said, “No, no, no, boys, it’s okay, go ahead and leave now, the money’s on the shelf, there is \$1,000 a piece, and if you need more, take more.” They got the impression he thought they were his bodyguards in New Orleans. Cates and Brown and a nurse then got Marcello back in bed and secured his restraints after a brief struggle with him. Marcello proceeded to mumble incoherently for most of the next two hours, though he slept very briefly and was heard to say things like, “Tomorrow we are going to have to go back to New Orleans.” But at 2:30 a.m., per Cates (Brown corroborating), Marcello allegedly blurted out *very clearly*, “That Kennedy, that smiling mother-fucker, we’ll fix him in Dallas.”

One has to be very skeptical of the story told by Cates and Brown. Marcello is supposedly mumbling inanities and incoherently for two hours but he suddenly became crystal clear when confessing to have prior knowledge of Kennedy’s assassination? Also, Dr. Stringfellow had been Marcello’s doctor for five years at Texarkana, had never heard Marcello make any such remark, and said he was “surprised” to hear Cates’s and Brown’s story. And none of the many other guards or nurses who attended to Marcello (because of his steadily deteriorating condition he was eventually transferred to the Federal Medical Center in Rochester, Minnesota) during his increasing senility ever reported hearing anything close to what Cates and Brown claimed they heard. (FBI Record 124-10273-10349, FBI interview of James Cates by SA George Oosterhaus on March 2, 1989, pp.1-3; FBI interview of Vincent Brown by Oosterhaus on March 2, 1989, pp.1-4; FBI inter-

view of Jerry Stringfellow by Oosterhaus on March 2, 1989, pp.1–2; FBI Record 124-10273-10337, p.2; FBI Record 124-10267-10460, pp.1–3)

A longtime personal secretary of Marcello's referred to the guards' story as "a crock." She added that Marcello "looks good [but] he doesn't remember any of us." (*Los Angeles Daily News*, February 3, 1992, p.11)

But let's assume (which is not an unreasonable assumption) that Cates and Brown told the truth. If there were one tiny speck of credible evidence that Marcello had Oswald kill Kennedy, that would be one thing. But there is nothing. If Marcello said these words, they probably reflected a desire on his part that Kennedy die (not surprising), coupled with the thought of his being behind Kennedy's murder being implanted indelibly in his subconscious mind by so many accusers. It is noteworthy that even the conspiracy community that trumpets Marcello's involvement in the assassination has virtually ignored the report from Cates and Brown, since Marcello was senile or delirious when he made the alleged statement.

When the FBI interviewed Marcello at the Federal Medical Center in Rochester, Minnesota, in September of 1989, he denied making the statements attributed to him by Cates and Brown and said he had no information on the killing of John F. Kennedy. When he was told that someone allegedly overheard him say in December of 1985 that he had had John Kennedy killed and that his only regret was that he did not kill Kennedy himself, Marcello said this was "crazy talk," and that he had never made such a statement.

Unless Marcello was feigning senility, it was clear that at this point in time he was indeed suffering from it. When FBI agent Michael Wacks asked him if he blamed Robert Kennedy for his abduction and deportation to Guatemala in 1961, he said, "Who else?" Yet when other agents interviewed him shortly thereafter that day, he said he had nothing against Robert Kennedy and did not have any information to indicate he was responsible for his deportation. In the same interview, he was asked if he was familiar with certain names. He said the name David Ferrie was familiar to him but could not recall who he was. He did not recall the names Emile Bruneau or Dutz Murret. When told that Murret had worked as a bookie for his sports wire service, he apparently recalled running such a service but said he had many people working for him and could not recall all of them. He said he did not know anyone named Edward Becker and denied telling anyone what Becker said he said. Most notably, Marcello said he never had an attorney named Gil Wray (his name was actually G. Wray Gill), only one Mike Maroon, who had come to Guatemala to help him. When Marcello was informed that Gil Wray was the attorney who defended him in his 1963 prosecution for falsifying government documents, he said he did not recall any such prosecution. (FBI Record 124-10273-10360, FBI interview of Carlos Marcello by SAs David Price, Michael Wacks, and Tase E. Baily, September 6, 1989, pp.1–3; "Who else?": FBI Record 124-10273-10366, FBI interview of Carlos Marcello by SA Michael F. Wacks, September 6, 1989, p.1)

1177 **Marcello had Kennedy killed:** In 1987, seven years after the FBI's BRILAB sting operation ended and eight years after Robert Blakey had already concluded that Marcello and the mob were behind Kennedy's assassination, author John Davis says that one Joe Hauser told him that Marcello had told him in 1979, as part of

the BRILAB sting, “Oswald? I used to know his fuckin family. His uncle he work for me. Dat kid work for me too. He worked for Sam [Saia] outa his place downtown, you know, Saia’s restaurant, the Felix Oyster Bar or something like dat. The feds came up to de motel askin’ about him, but my people didn’t tell ’em nuttin! Like we never heard of the guy, y’know” (Davis, *Mafia Kingfish*, pp.485, 628).

I’m putting this in an endnote because its credibility is so weak it’s not worthy of the main text.* There are several reasons why I say this. One is that wherever Oswald worked, there were witnesses to his employment. Here, all of Oswald’s time in New Orleans has been accounted for by several sources, including documentation and work records (see the many citations in the Oswald biography in the book), and there is no meaningful period when Oswald could have been working for his uncle. Even if there were, there is no evidence, from anyone, to confirm Oswald’s having done so.

Further, we know that Hauser, a convicted insurance swindler who agreed to go undercover for the FBI as part of several sting operations after serving his time (Moldea, *Dark Victory*, p.338), did, in fact, as a part of the BRILAB sting operation against Marcello, manage to insinuate himself into Marcello’s circle of acquaintances and record many conversations with Marcello using a tape recorder hidden in the false bottom of his specially designed attaché case (Davis, *Mafia Kingfish*, pp.12–13). How come this remark by Marcello was not picked up on tape, which caused Hauser, per Davis, to have to “reconstruct” the conversation for Davis years later? Davis’s excuse for Marcello’s remarks about Oswald not being on tape is nothing short of laughable. He says Hauser never recorded them “because they were made in informal conversations.” Apparently, if we’re to believe Davis’s rationale, Hauser, working for the FBI as part of a sting against Marcello, only bothered to record Marcello when they were having “formal” conversations, perhaps only when Hauser told Marcello, “Carlos, this is serious now, we’re going on the record.” Isn’t this terribly ridiculous? Let’s assume that for whatever reason, Hauser never had his tape recorder present when Marcello made the alleged remarks. Since Hauser knew the HSCA (and everyone else) had just recently been trying to connect Marcello with Oswald, why wouldn’t he bring up the conversation about Oswald again, when he made sure he could get it on tape?

There are many other reasons why I don’t believe Hauser on this matter. Dutz Murret seemed to be quite concerned about the welfare of his nephew Lee and desired that he lead a straight and narrow life. For instance, he told Lee he had better show up in court on the Bringuier altercation, and to thereafter go out and get a job and support his family. Dutz was also appalled at his nephew’s affinity for Fidel Castro, indicating his displeasure to Lee by asking him if he was part of any “Commie” group, to which Lee, cowed, said he was not. (McMillan, *Marina and Lee*, p.434) It’s not believable that Dutz would try to introduce his nephew into the world of unlawful bookmaking activity. However, Marina’s biographer, Priscilla McMillan, did write that “Lee had confided to Marina that he suspected the Murrets lived beyond what his uncle’s earnings would support . . . Murret

*Even conspiracy author Anthony Summers says that Hauser “claims” to have been told this by Marcello (Summers, *Conspiracy*, p.503).

... was a steamship clerk and Lee thought that his uncle might be engaged in some other activity on the side, like bookmaking" (9 HSCA 99).

Finally, if Marcello told Hauser what Hauser claimed to Davis that Marcello had told him, why did we have to wait until Davis's book in 1989 to find out about it? Since the ex-felon Hauser was now working for the FBI and doing everything to please the bureau, why didn't these alleged remarks by Marcello find their way into any FBI report at the time back in 1979? It makes no sense whatsoever.

It should be noted that even if, for the sake of argument, Marcello had made the subject remarks, they certainly don't add up, in any way, to what conspiracy theorists want us to believe—that Oswald killed Kennedy for Marcello.

By the way, even Davis doesn't apparently think too much of Hauser's credibility. Though he gives a little play in his book to Marcello's alleged remark about Oswald working for Sam Saia, he virtually ignores another claim by Hauser, that when Hauser told Joe Marcello, Carlos's brother, in 1980 that the Kennedy brothers (Jack and Bobby) had given Carlos a rough time when they deported him, Joe allegedly remarked, "[but] we took care of 'em, didn't we?" meaning, apparently, that his brother not only had JFK murdered but also got Sirhan Sirhan to murder RFK. (Davis, *Mafia Kingfish*, pp.484–485) Gee, I wonder why a confession to both murders never made it into any FBI report based on Hauser's word? Maybe it's because it's all just nonsense on Hauser's part?

- 1182 **Ragano's story:** There are other examples of Frank Ragano taking vast liberties with the truth in his book *Mob Lawyer*. One concerns Ragano's allegedly saving Santo Trafficante's life. On June 8, 1959, six months after Fidel Castro took power in Cuba, he announced that all undesirable aliens would be rounded up for deportation. Trafficante, who had stayed in Havana trying to salvage what he could of the wealth generated from his gambling interests, fell under that rubric and was arrested without any specific charges lodged against him. He was detained at the Trescornia Immigration Station in Havana, a large old home being used as a temporary detention center. Describing his visiting Trafficante there, Ragano writes, "The house was encircled by a chain-link fence about five feet high, but no guards were in sight and the front gate was unlocked. Santo was sitting on the front porch talking to several men." Castro has no history (as, say, Papa Doc Duvalier of Haiti) of killing people willy-nilly. In fact, he has sometimes shown remarkable compassion against some of his most deadly enemies, such as Rolando Cubela, whose sentence of death for conspiracy to murder Castro was reduced by Castro to life imprisonment. Although Trafficante had done business with Castro's predecessor, Fulgencio Batista, and Castro could assume that Trafficante had supported Batista financially, that still would have been no reason for Castro to kill Trafficante as opposed to incarcerating him if he decided on any punitive measures at all. Indeed, if we're to believe Frank Sturgis, the Watergate burglar who claims he was Castro's liaison man with the casinos and has a photo of himself with Castro in the latter's Sierra Maestra revolutionary days, Trafficante, to hedge his bets during the revolution, "gave money through the underground to help support Castro financially." ("JFK, Hoffa and the Mob," *Frontline*, PBS, November 17, 1992) (And we know that Castro allowed Trafficante a furlough from his "jail" at the immigration station to attend his daughter Mary Jo's wedding and reception at the Havana Hilton on June 21.) Yet Ragano told *Frontline* in the 1992 documentary, "They were going

to execute him [Trafficante]. They were going to put him before the firing squad. And I went down there and I met with the attorney general. And as a result of that meeting, Santo was allowed to leave there.” Trafficante was released to return to the states on August 18, 1959. (Ragano and Raab, *Mob Lawyer*, pp.53–60)

- 1185 **she saw Kennedy as well as Chicago mobster Sam Giancana:** In *My Story*, Judith Exner’s tell-all book in 1977, she never said or even hinted that there was any relationship between John F. Kennedy and Sam Giancana. Earlier, in her testimony before the Church Committee in 1975, she said she never told Kennedy about any of her mob friends. And in a December 17, 1975, press conference, she expressly stated that her relationships with Kennedy and Giancana were completely separate and she did not even “discuss either of them with the other.” But in a long cover story by writer Kitty Kelley in the February 29, 1988, edition of *People* magazine, she changed her story and came up with the extremely improbable tale that she was Kennedy’s link with the mob, and she told Kelley that at Kennedy’s insistence, she actually set up about ten meetings between Kennedy and Giancana, one of which, she believes, was at the White House. (Mafia chieftain Sam Giancana came to the *White House* to have a meeting with the president?) Also, before and after Kennedy became president, she served as a “courier” for Kennedy, delivering envelopes to Giancana and mobster Johnny Roselli. Kelley writes, “For days and sometimes weeks at a time, [one] spring and summer, Exner criss-crossed the country by train and plane at her own expense carrying plain 9” × 12” manila envelopes from Kennedy to Giancana and Roselli and back again.” The story gets even funnier. Kelley writes that Exner told her that Kennedy, after the Bay of Pigs invasion, “asked her to fly to Las Vegas to pick up an envelope from Roselli, which she was to deliver to Giancana in Chicago.” In other words, the two mobsters apparently had no way of communicating with each other, so Kennedy had to get Exner to deliver an envelope from one to the other. What could have possibly been in all these envelopes? Exner believes that she “was probably helping Jack orchestrate the attempted assassination of Fidel Castro with the help of the mafia.” I see. (Kelley, “Dark Side of Camelot,” pp.106, 108–114)

I haven’t met too many people who actually believe Exner’s fairy tale. An exception: In *The Dark Side of Camelot*, Seymour Hersh writes that Martin Underwood, a former political operative for Chicago mayor Richard Daley who worked as a presidential advance man for LBJ, told him “in a 1977 interview” that on one train trip from Washington to Chicago he followed Exner and watched her hand a satchel in Chicago to Sam Giancana. Hersh seems to suggest that he believes Underwood even though the story is not believable. (Hersh, *Dark Side of Camelot*, pp.4, 304–305) When the ARRB interviewed Underwood, he said he never followed Judith Campbell Exner on a train and had no knowledge about her alleged role as a courier (Final Report of the ARRB, p.136). What prompted Exner to tell such a fable? She had terminal cancer (she died in 1999) and she says she wanted to clear her conscience. The more likely reason is a sadder one: she understandably wanted to give some meaning and importance to what was probably only a physical relationship with her on JFK’s part.

- 1186 **law enforcement agencies:** In misleading language, the HSCA Report would lead any reader to believe that the Special Investigative Division of the FBI, which, since 1961, handled organized crime at the bureau, should naturally have handled

the investigation of organized crime's possible involvement in the assassination. (Instead, the General Investigative Division, the division of the FBI that handled murder cases, and up to 1961 also handled organized crime, handled the organized-crime aspects of the investigation.) The report said the bureau was "uniquely equipped, with the Special Investigative Division . . . to investigate organized crime." And the report goes on to quote former assistant FBI director Courtney Evans, who headed the Special Investigative Division, that those conducting the investigation "sure didn't come to me. We had no part in that that I can recall." (HSCA Report, pp.168, 242-243) How can anyone help but feel that the HSCA and Evans believed that those conducting the investigation goofed in a major way in not coming to the Special Investigative Division to investigate all possible organized-crime links to the assassination? But it's remarkable that the HSCA Report would use Evans to support a position that the committee, for whatever reason, was pushing. Because when Evans testified before the HSCA he couldn't have been clearer that under the facts of this case, it would not have been FBI policy for the Special Investigative Division to investigate organized crime. When HSCA counsel asked Evans "Can you give us any reason why your division was never contacted regarding Ruby and possibly organized crime connections?" he responded, "Under the administrative set-up in the bureau at that time the supervision of a case depended upon the nature of the violation that was being investigated. In this situation the primary criminal statute involved was the killing of a federal officer. The jurisdiction of this type of crime was in the General Investigative Division. And they assumed jurisdiction over *not only* the assassination of the president but also the various ramifications growing out of that investigation." Question: "Namely, the Oswald killing?" "Yes. And I think I also explained to you that there could well have been a consultation between supervisors in the General Investigative Division and those assigned to organized crime in the Special Investigative Division on a man-to-man basis with regard to that investigation, but I have no knowledge whether this took place." (He also said in an interview that supervisors in the General Investigative Division could have called up any organized-crime file in the Special Investigative Division without contacting him [Evans] or his supervisors.)

Later, HSCA counsel tried once again to elicit from Evans a concession that the powers that be (i.e., Warren Commission, FBI headquarters) had acted improperly, by asking Evans did he not "consider it surprising that due to Ruby's possible links, that due to his connections with organized crime at whatever level they were, that the Special Investigative Division was not brought formally into the assassination investigation?" Evans answered firmly, "*That just wasn't the system the bureau used.*" (HSCA Record 180-10112-10067, Transcript of deposition of Courtney Evans before HSCA on September 6, 1978, pp. 4, 27, 35; HSCA Record 180-10076-10310, HSCA staff interview of Courtney Evans on August 24, 1978, p.1) Shame on the HSCA for misleading its readers in its report.

- 1187 **"sinister story held his listeners in its grip"**: The box-shouldered, crop-haired Joseph Valachi, a product of Manhattan's East Harlem, even provided the TV audience with intermittent but unintentional humor. When Senator Karl Mundt of South Dakota asked Valachi, a career gangster, "How long was it" that he "made an honest living before turning to crime?" "About a year," the gruff mafioso

answered. Senator Carl Curtis of Nebraska wanted to know about organized crime in his area. "Do you know of any Cosa Nostra groups in Omaha?" he asked. "I never heard of Omaha," Valachi replied. "How about Des Moines?" "Where is that?" Valachi asked. "I never heard of the place." (*New York Times*, October 3, 1963, p.24; description of Valachi: "Kiss of Death," p.34; Maas, *Valachi Papers*, p.61)

- 1188 **even very intelligent ones:** Another deep thinker, university professor Peter Dale Scott, has the Warren Commission deliberately suppressing Jack Ruby's ties to organized crime (Scott, *Deep Politics*, p.70).

1189 **Central Intelligence Agency's involvement in the assassination of JFK:** Though the conspiracy theorists think nothing of accusing the CIA of being behind the assassination (e.g., Brown, *Treachery in Dallas*, p.113), they become upset when the CIA does the perfectly normal thing to defend itself in any lawful way it can from the charge. There are many examples of this. For instance, in conspiracy theorist James DiEugenio's book *Destiny Betrayed*, he is sufficiently irritated to fill nearly three pages of his book with an April 1, 1967, dispatch from CIA headquarters to "Chiefs, Certain [CIA] Stations and Bases" to counter the charges of the Warren Commission critics. DiEugenio calls the CIA's conduct "insidious" and writes, clearly with disapproval, that the purpose of the dispatch is to instruct the recipients of the dispatch how to "discredit and/or defame their targets in the eyes of the public." Apparently, DiEugenio believed the CIA, even if innocent, should just lie down and play dead when being accused of murdering Kennedy. (DiEugenio, *Destiny Betrayed*, pp.310–313) In the April 1 dispatch, CIA headquarters said that "conspiracy theorists have frequently thrown suspicion on our organization [for the assassination of Kennedy], for example, by falsely alleging that Lee Harvey Oswald worked for us. The aim of this dispatch is to provide material for countering and discrediting the claims of the conspiracy theorists so as to inhibit the circulation of such claims in other countries." Among many suggestions was to contact "friendly elite contacts (especially politicians and editors), pointing out that the Warren Commission made as thorough an investigation as humanly possible [and] that the charges of the critics are without serious foundation." Also, to "employ propaganda assets to answer and refute the attacks of the critics. Book reviews and feature articles are particularly appropriate for this purpose . . . Where possible, counter speculation by encouraging reference to the [Warren] Commission Report itself." (CIA Record 104-10013-10048, "Countering Criticism of the Warren Report," April 1, 1967, pp.1–12)

CIA headquarters sent out a similar dispatch (though only one page) on July 19, 1968, which was at the height of New Orleans DA Jim Garrison's charge that the CIA was behind Kennedy's murder. The dispatch forwarded a reprint of a July 13, 1968, article by Edward Jay Epstein in the *New Yorker* that was highly critical of Garrison's investigation. The CIA document said that CIA station chiefs "may use the article to brief interested contacts, especially government and other political leaders of any such conspiracy." The letter added that "any personal attacks upon Garrison must be strictly avoided." (CIA Document 1127-987, July 19, 1968)

1189 **CIA's short laundry list of dissatisfactions:** The CIA budget remains classified to this day. Steven Aftergood, a senior research analyst at the Federation of American Scientists in Washington, D.C., said that as a result of a Freedom of Information Act request of his, in 2005 a federal court ordered the CIA to disclose the CIA budget for 1963. Aftergood's request was for the CIA budgets between 1947 and 1970, not seeking budgets beyond that date in an acknowledgment, he said, that they might be "understandably sensitive." The reason he got the 1963 budget, he said, was that the budget figures for that year, \$550 million, had "already been accidentally leaked," so the court said its order "simply means that the CIA must disclose to the plaintiff what he already knows." Aftergood said he was unable to confirm any CIA budget other than the one for 1963. He

estimated the 2006 CIA budget to be “around \$5 billion.” (*Aftergood v. CIA*, No. 01-2524 [D.D.C.] [RMU]; Telephone interview of Steven Aftergood by author on June 12, 2006)

Other than 1963, we do know that in 1954 the CIA submitted for approval a proposed CIA budget for 1955 of \$335 million. (May 11, 1954, letter from a CIA official, one E. R. Saunders, to Gordon A. Nease, a “professional staff member of the Senate Appropriation Committee” in Washington, D.C.)

Aftergood said that he came into possession of a declassified document at the National Archives dated September 1, 1965, titled “Cost Reduction Program, FY [fiscal year] 1966, FY 1967, Central Intelligence Agency” that lists the CIA “Appropriation” for 1963 as \$550 million, \$517 million for 1964, \$525 million for 1965, and \$505 million for 1966, which was “supplemented by \$40 million for Southeast Asian escalation.” (How a 1965 document would have a 1966 appropriation is not known.) In fact, in a May 4, 2005, letter to Aftergood from CIA counsel Janice Galli McLeod, in which she complied with the court order to furnish Aftergood with the CIA budget figure for 1963, she curiously attached a copy of the aforementioned “Cost Reduction Program” (which Aftergood said he already had), which contained the 1963 appropriation of \$550 million as well as the appropriations for 1964, 1965, and 1966, and did not suggest in her letter that any of the figures were incorrect. However, Aftergood told me that during the court proceedings on his Freedom of Information Act request, “the CIA said that the 1964, 1965, and 1966 numbers were not correct.” (Telephone interview of Steven Aftergood by author on June 12, 2006)

- 1190 **they’re talking too much:** All CIA agents take an oath of secrecy, and this oath can collide with the imperatives of law. One of the most famous examples was the testimony of the director of central intelligence, Richard Helms, on February 7, 1973, before a congressional committee that the CIA had not given funds to the opponents of Salvador Allende Gossens, the Marxist president of Chile, in an attempt to oust Allende from power in the 1970 national election. Although technically the CIA had not given money directly to the candidates but to groups behind them (about \$8 million had been funneled through the CIA to anti-Allende groups), this was a distinction without substance, and although there was no passion in official Washington to charge Helms with perjury, some in the Department of Justice wanted to. But since Helms, if he lied, which he surely did, was not lying to protect himself but the CIA and our national interests, most everyone wanted the matter to go away. It didn’t though, and a three-year investigation ensued. Finally, with Helms never having been formally charged with perjury, a plea bargain was worked out wherein if he pled *nolo contendere* (“I will not contest it”—not a plea of guilty but the legal equivalent) to two misdemeanor counts of failing to testify “fully and completely” to Congress, he would be fined \$2,000 and given a two-year prison term, which would be suspended. When he entered his plea and was sentenced on November 4, 1977, his famed Washington attorney, Edward Bennett Williams, said that Helms would “wear this conviction like a badge of honor.” When a reporter asked Helms if he agreed, Helms said, “I do indeed. I don’t feel disgraced at all. I think if I had done anything else I would have been disgraced.” He said he felt bound by his oath as an intelligence official “to protect intelligence sources and methods.” Williams said that had Helms answered the question truthfully “he would have sacrificed American lives, he

would have sacrificed friends of ours in Chile, and he would have violated his oath.” (*New York Times*, November 5, 1977, pp.1, 24; Powers, *Man Who Kept the Secrets*, pp.383–391) Of course, this all presupposes that Helms had no alternative but to mislead Congress. There’s no way to know what would have happened if he had simply refused to answer. He might have been held in contempt of Congress or his refusal might have been interpreted by some as the equivalent of a yes answer.

1190 **get in bed with organized crime:** The CIA is not the only federal agency that has gotten in bed with the mob when it was to its benefit. It is well documented and acknowledged that during the Second World War, U.S. naval intelligence officers solicited and received the assistance of Lucky Luciano, Meyer Lansky, and others to aid them with intelligence and informants in the Allied invasion of Sicily in July of 1943 through the mobsters’ ties with the Sicilian mob. The Sicilian mob hated Mussolini because in the last half of the 1920s he attempted to cleanse Sicily of the Mafia by having “whole families of mafiosi arrested, given drumhead trials, and deported to the penal colonies of the Lipari Islands and the island of Ustica” (Sondern, *Brotherhood of Evil*, pp.65–66). William B. Herlands, the New York State commissioner of investigation, stated in his 1954 report on the operation that through Luciano and his associates, “the names of friendly Sicilian natives and even Sicilian underworld and Mafia personalities who could be trusted were obtained and actually used in the Sicilian campaign” (Report of William B. Herlands, Commissioner of Investigation, Executive Department, State of New York, September 17, 1954, p.8, Thomas E. Dewey Papers, University of Rochester; McCoy, *Politics of Heroin in Southeast Asia*, p.33).

Luciano and his associates also worked with naval intelligence to set up a network of informants “against potential German sabotage” on the East Coast, particularly on the New York docks. The significance of this assistance was such that it earned Luciano an early parole from a New York State prison shortly after the war (January 3, 1946), and he was deported to Italy a little over a month later (February 9, 1946).^{*} Governor Thomas Dewey signed the parole release on Luciano’s thirty- to fifty-year prison term for conviction on vice charges (operating a New York City prostitution ring). Ironically, it was Dewey, as a special prosecutor in the biggest case of his career, who convicted Luciano and fifteen of his associates on the vice charges in 1936, a few of the prostitutes themselves testifying against Luciano. (Campbell, *Luciano Project*, pp.78–79, 97–100, 145–146, 152, 247, 252; Sciacca, *Luciano*, pp.178–186; Smith, *OSS*, p.86; Committee to Investigate Assassinations, *Assassination of JFK by Coincidence or Conspiracy?* pp.178–179; Gosch and Hammer, *Last Testament of Lucky Luciano*, pp.262–277)

Those who wonder why Lucky Luciano, the head of the national crime syndicate, would reduce himself to running a local prostitution ring should read *Luciano* by Tony Sciacca. Sciacca, no defender of Luciano, whom he accuses of multiple murders, writes a powerful indictment of the prostitution conviction in his book. He concludes, as Luciano would always maintain (and the most notorious madam of the era, Polly Adler, supported), that Luciano had absolutely nothing to do with

^{*}The Sicilian Mafia was also rewarded. For instance, Don Calogero Vizzini (“Don Calo”), the leader of the Sicilian Mafia, “was the first to receive acknowledgment for his efforts on behalf of the Allies . . . He was appointed mayor” of the town of Mussomeli “by the American Lieutenant Beehr of the Civil Affairs Control” (Pantaleone, *Mafia and Politics*, p.61).

prostitution, and that the main witnesses who testified against him did so “because of favors promised or because of threats by Dewey’s staff,” several witnesses later signing statements recanting their trial testimony. Indeed, Frank Hogan, a Dewey aide who later went on to serve as the Manhattan DA for thirty-three years, allowed in 1972 that “I sort of doubt that Luciano could be convicted today.” (Sciacca, *Luciano*, pp.135–166) A leading mob chronicler, Selwyn Raab, writes that the evidence that tied Luciano to the prostitution ring was “astonishingly thin.” He goes on to say that “most Mafia and legal scholars who have reviewed the trial record agree that Luciano as the family boss profited from the prostitution racket; yet, in retrospect, they suspect there is a strong possibility that he may have been framed by compliant witnesses with false accusations. These experts believe” that as the chief mafioso in the nation, Luciano was “too important and busy to micro-manage the bordello business and allow himself to become implicated in the specific counts [of the indictment] leveled against him.” (Raab, *Five Families*, pp.55–56) On the other hand, respected mob historian Frederic Sondern, though he only touches on the subject, seemed to have no question that “with three stalwart mafioso as field generals, Luciano put together the largest combine of brothels in the history of this country,” grossing “approximately \$10 million a year” (Sondern, *Brotherhood of Evil*, pp.107–108). The conviction of Luciano vaulted Dewey to national prominence and he was elected DA in Manhattan in 1937, where he continued his assault on organized crime. Mafia author Thomas Reppetto says that although Dewey succeeded in cleaning up the restaurant industry, “the mob was not forced out of lucrative areas like the garment center, the waterfront, or the Fulton Fish Market,” Dewey being “no more effective in breaking the mob’s grip on New York than the Capone prosecutors were in destroying the Chicago syndicate” (Reppetto, *American Mafia*, p.177).

Shortly after Luciano arrived back in Italy, the Sicilian-born mobster obtained a Cuban passport and in late September of 1946 headed for Havana, where his brethren, primarily Meyer Lansky, had established a gambling empire years earlier under the friendly protection (for some of the profits) of Cuban leader Fulgencio Batista, who was now in exile but continued to wield enormous influence on the island’s affairs.

Setting up headquarters in his room at Havana’s largest and most fashionable hotel, Hotel Nacional, Luciano quickly tried to reestablish his hands-on power over the American Mafia by convening on December 22–26, 1946, what might be the most impressive gathering of top mafiosi ever assembled: Frank Costello, Vito Genovese, Albert Anastasia, Meyer Lansky, Carlos Marcello, Santo Trafficante Sr., Joe Adonis, Joe Profaci, Thomas Lucchese, and Tony Accardo, among many others, along with their lawyers, advisers, and special guests, including Frank Sinatra, who came to Havana to sing in honor of Luciano. The meeting was so big that the Hotel Nacional was closed to the public. On the agenda besides fun, women, and vino? Matters like new or confirmed spheres of influence, launching a drug trade, and opening up Las Vegas, starting with the Hotel Flamingo. Luciano, who had presided over the Havana summit, naturally thought he was back, big-time. When everyone left the city to go back home, Luciano, of course, stayed, and moved into the exclusive Miramar neighborhood, just a few blocks from the private mansion of Cuba’s then president, Grau San Martin. (Cirules, *Mafia in Havana*, pp.37–41) It was the good life for a while. On February 11, 1947, Frank Sinatra flew back to

Havana accompanied by Chicago mobsters Joe and Rocco Fischetti to visit Luciano, and for four days, per columnist Robert Ruark, the two “were seen together at the race track, the gambling casino and at special parties.” (Robert Ruark, “Sinatra Is Playing with the Strangest People These Days,” Scripps-Howard Newspapers, dateline Havana, February 20, 1947; Kuntz and Kuntz, *Sinatra Files*, pp.95, 97, 244)

Though Sinatra would later say that his contact with Luciano in Havana was limited to one handshake, authors Anthony Summers and Robbyn Swan, in their research, said they learned the identity of the several good sources (including Larry Larrea, the general manager at the Hotel Nacional, where Sinatra and Luciano had separate suites at the same time) whom Ruark relied on for his story (Summers and Swan, *Sinatra*, pp.131–133).*

Harry Anslinger, the U.S. commissioner of narcotics at the time, writes that Luciano quickly became close to Cuban officials through the lavish use of expensive gifts. “Luciano had developed a full-fledged plan which envisioned the Caribbean as his center of operations. The Isle of Pines, south of Cuba, was to become the Monte Carlo of the Western Hemisphere. Cuba was to be made the center of all international narcotic operations.” Anslinger had the American ambassador to Cuba demand that the Cuban government deport Luciano, but it refused to do so. Anslinger proceeded to have the Havana agent for his Bureau of Narcotics and Dangerous Drugs (as noted, the predecessor to today’s Drug Enforcement Administration) inform the Cuban government that “as long as Luciano remains in Cuba, America will not send one more grain of morphine, or any other narcotics, for medicinal needs.” But Luciano’s Cuban protectors held fast. Eventually, the U.S. government formally announced an embargo of medical supplies to Cuba. Since the United States was virtually its only supplier of medical narcotics at the time, the Cuban government was forced to capitulate, and in March of 1947, Luciano, once again, was sent back to Italy, where he lived until his death in Naples in 1962. Throughout Luciano’s exile in Italy, American mafiosi paid homage to him by visiting him, and Meyer Lansky, Frank Costello, and Vito Genovese sent him money on a regular basis from their mob earnings in the states. (Anslinger and Oursler, *Murderers*, pp.105–106; Sciacca, *Luciano*, pp.194–195, 197–199, 210, 212–213, 217)

On a less direct level, although no one would seriously suggest that the U.S. government and the CIA were responsible for the enormous amount of cocaine exported from the Andean nations to the United States in the late 1970s and 1980s (causing the drug epidemic which continues, to a lesser degree, to this very day), there is some evidence that at least during the Contra-Sandinista war in Nicaragua

*What is not clear is whether Sinatra’s trip to Havana was at the same time as the mob convention held there. Both Enrique Cirules, author of *The Mafia in Havana*, and the FBI agree that Sinatra attended the convention, but Cirules places the convention in December of 1946, but the FBI, in an April 25, 1969, letter to John D. Ehrlichman, legal counsel to President Nixon, said, “Sinatra was present in 1947 in Havana, Cuba, with top leaders of La Cosa Nostra who had gone there to meet with Salvatore Lucania, more commonly known as Lucky Luciano, former ‘boss of bosses’ of La Cosa Nostra in the United States” (Kuntz and Kuntz, *Sinatra Files*, p.208). Cirules, whose entire book is about the mob in Havana, is very specific and speaks with detail and authority about the dates of the mob convention being from December 22 through December 26 (Cirules, *Mafia in Havana*, p.38). If he is correct, as I am inclined to believe, it is possible that Sinatra made two trips to Havana, once during the convention to sing for a Luciano tribute, and two months later when he came with the Fischetti brothers.

in the early 1980s, the U.S. government and the CIA, which were heavily involved in helping the Contras, looked the other way with respect to narcotics trafficking by Contra leaders working to finance their operations, since it was to our advantage that the Contras succeed. In *The Politics of Heroin in Southeast Asia*, Alfred McCoy writes that “the head of the CIA’s Central American Task Force stated in May 1986: ‘We knew that everybody around Pastora [Eden Pastora, the Contras’s southern front commander] was involved in cocaine . . . His staff and friends . . . were drug smugglers or involved in drug smuggling’ [and] the DEA and CIA reported that leading Contra commanders were major traffickers. After holding extensive hearings on the Caribbean cocaine trade, Senator [John] Kerry’s [D-Mass.] subcommittee concluded that ‘individuals associated with the Contra movement’ were traffickers . . . and the U.S. State Department had made ‘payments to drug traffickers . . . for humanitarian assistance to the Contras, in some cases after the traffickers had been indicted . . . on drug charges [by the DEA and U.S. attorney’s office]’” (McCoy, *Politics of Heroin in Southeast Asia*, pp.479–481; *Drugs, Law Enforcement and Foreign Policy: A Report Prepared by the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations*, pp.36–39). McCoy goes on to write about “the conflict between the DEA’s drug war and the CIA’s Contra operation” (McCoy, *Politics of Heroin in Southeast Asia*, p.483).

- 1191 **aborted a move toward democracy:** “The CIA, then just six years old and deeply committed to winning the cold war, viewed its covert action in Iran [“Operation Ajax”] to install the shah in power as a blueprint for coup plots elsewhere around the world, and commissioned a secret history [of it] to detail for future generations of CIA operations how it had to be done” (James Risen, *New York Times*, June 18, 2000, p.7). The *Times* managed to obtain a copy of this secret history, though the history still remains classified, and has published excerpts of it.
- 1193 **FBI started conducting foreign intelligence operations [footnote]:** In 1940, when the Roosevelt administration learned that Axis (mostly German) agents had established a “string of espionage bases from Mexico City southward to the Strait of Magellan,” the president issued a directive (June 24) giving the FBI jurisdiction over the gathering of intelligence in Central and South America. The bureau set up a precursor to the CIA in the Special Intelligence Service (SIS) to coordinate this gathering of intelligence south of the border not just for the FBI, but also for the State Department and other governmental agencies. The FBI even set up an SIS school to train agents for assignment in Central and South America, which included a comprehensive course in conversational Spanish and Portuguese. In undercover operations identical to those conducted later by the CIA, one FBI agent, for example, went to South America as a soap salesman for an American company, which had no idea he was an FBI agent. Another opened a stockbrokerage business in Argentina, from which his reports to the FBI were even more important than those to his clients. Another went to South America under the guise of being an American reporter. At one point in 1944, when five SIS informants were being detained by Argentine police and it was feared that they might disclose the identities of SIS (FBI) agents there, Hoover ordered the agents out of Buenos Aires.

The National Security Act of 1947, creating the CIA, statutorily removed the SIS from jurisdiction over the gathering of foreign intelligence. Author Don Whitehead writes, “The decision to disband the SIS operation had been made in

the top echelons of government. The FBI had no choice but to accept it. And so ended the story of the FBI's Special Intelligence Service." Whitehead notes that the ending of the SIS's role in foreign intelligence "brought a deluge of letters from the heads of foreign missions in South America protesting the withdrawal of the FBI. Many of them said the breakup of the SIS was foolhardy since it had become so established." Certainly no one could dispute it had been effective. The final accounting of its operations in Central and South America between July 1, 1940, and March 31, 1947, revealed that as a result of its undercover work, 887 espionage agents, 30 sabotage agents, 281 propaganda agents, and 222 smugglers of war materials were identified, many of whom were arrested and convicted. Additionally, 7,064 enemy aliens in the United States were moved from strategic areas, or deported. (Whitehead, *FBI Story*, pp.15, 211–213, 220–221, 230, 347 footnote 3) My guess, without knowing, is that the CIA has never achieved this degree of effectiveness.

1193 **do not specifically authorize the conduct of covert political activity:** A front-page article in the *New York Times* on December 24, 1974, by investigative journalist Seymour Hersh alleging widespread CIA clandestine activities against ordinary American citizens in unlawful violation of its mandate prohibiting domestic intelligence activity was sufficiently powerful to cause President Gerald Ford, just a week and a half later, to create the eight-member Commission on CIA Activities within the United States (popularly known as the Rockefeller Commission after its chairman, Vice President Nelson A. Rockefeller). The purpose was to "determine whether any domestic CIA activities exceeded the Agency's statutory authority." The commission noted that despite the prohibitory language in the National Security Act, it was "understood from the beginning that the CIA is permitted to collect foreign intelligence . . . from American citizens within this country by *overt* means" (only *covert*, clandestine activities were prohibited). Thus, the Domestic Contact Service of the CIA, which openly gathered intelligence on foreign countries from American citizens returning home after traveling abroad, was deemed to be perfectly lawful. (Rockefeller Commission Report, preface, p.210)

But Hersh and others alleged that the CIA had gone far beyond this and, for instance, had spied on and kept dossiers on American dissidents, and opened and intercepted personal mail of American citizens to and from the Soviet Union.

In 1952, the CIA Counterintelligence Division commenced HT-LINGUAL, an operation to start monitoring mail between the United States and the Soviet Union at a New York City postal facility, in an attempt to identify American citizens "cooperating with the Soviet Union and its intelligence forces to harm the United States." It wasn't long (1953) before the CIA started opening the mail, and a 1962 CIA memorandum indicates the agency was "aware that the mail openings would be viewed as violating federal criminal laws prohibiting obstruction or delay of the mails." By the time the mail intercept operation ended in 1973, it had spread to San Francisco, Hawaii, and New Orleans for brief periods. The Rockefeller Commission found that the mail intercept program was "unlawful" and "in the last year before the termination of the program, out of 4,350,000 items of mail sent to and from the Soviet Union, the New York intercept examined the outside of 2,300,000 of these items, photographed 33,000 envelopes, and opened 8,700." (Rockefeller Commission Report, pp.20–21)

It turns out that separate and distinct from the CIA's 201 file opened on Oswald

on December 9, 1960 (see text in book), Oswald was placed on the HT-LINGUAL watch list during two periods, from November 9, 1959, through March 16, 1960, and from August 7, 1961, until May 28, 1962. Although Oswald is known to have sent or received more than fifty pieces of correspondence during his stay in the Soviet Union, the HSCA's review of the HT-LINGUAL file on him uncovered only two items, a letter from his mother Marguerite to him dated July 6, 1961 (when he wasn't on the watch list, per an August 10, 1976, letter to the Rockefeller Commission from CIA Director George Bush), and a photo of the cover of the letter from Marguerite to Lee's infant daughter June on March 3, 1962 (June was born February 15, 1962). When asked for an explanation on why only two Oswald-related letters were flagged, the CIA pointed out, as indicated earlier, that it only opened up a very small percentage of letters to copy and analyze. (HSCA Record 180-10147-10239, January 22, 1979)

In 1967, the CIA's Counterintelligence Division had started Operation CHAOS. Its goal was to collect information on dissident Americans overseas from CIA stations in foreign countries. That always remained its primary focus, but the Rockefeller Commission found that, perhaps inevitably, the CIA eventually began spying on and accumulating files on New Left activists, campus radicals, and black nationalists in this country, most of whom were involved in the anti-Vietnam War movement. By the time Operation CHAOS closed down in 1974, the CIA had compiled files on 7,200 Americans. The Rockefeller Commission found that although "it was probably necessary for the CIA to accumulate an information base on domestic dissident activities in order to assess fairly whether the activities had foreign connections . . . , the accumulation of domestic data . . . exceeded what was reasonably required . . . and was thus improper." (Rockefeller Commission Report, pp.23-25; Mangold, *Cold Warrior*, p.309)

As a result of Congress and the president enacting recommendations from the Rockefeller Commission to restrict *covert* CIA activities in the United States and increase congressional oversight of all CIA activities, post-Rockefeller Commission (1975) allegations of CIA *domestic* abuse have been virtually nonexistent.

1193 **at the height of the Second World War:** "CIA exists because of Pearl Harbor," says author Andrew Tully. "That surprise Japanese attack which all but destroyed our Pacific fleet was not only a shock to the average citizen; it carried a lesson with it to governmental authorities that a nation of America's power and wealth and responsibilities should never have been caught with its guard down. Investigation revealed there had been ample warning that the Japanese were up to something, reams of information picked up here and there that should have alerted Army and Navy commanders in the Pacific that we were in danger. But for the most part this intelligence, gathered by military informants, had lain unused because there was no single, central organization equipped to analyze it and see to its speedy dispatch to those concerned. In the crisis of war, Franklin D. Roosevelt created the country's first national spy agency, the Office of Strategic Services" (Tully, *CIA*, pp.8-9).

Although Tully may be right, it is not 100 percent clear whether Pearl Harbor or the Second World War itself was the principal reason for the formation of the OSS. If it was Pearl Harbor, the U.S. government took quite a while to establish the OSS, in December of 1942, in response to it, one entire year having elapsed. But undoubtedly Pearl Harbor was at a minimum a substantial contributing factor to the birth of the OSS.

- 1193 **Truman disbanded it on October 1, 1945:** On January 23, 1946, President Truman created an agency responsible for foreign intelligence in the interim until the establishment of the CIA, in July of 1947. This agency was called the Central Intelligence Group (CIG). The CIG had a staff of only around eighty “officers and clerks on loan from the War and State Departments. With no funds of its own, [it was] dependent upon money from the budgets” of the federal departments, and left no marks of achievement before being replaced by the CIA. Many say that the CIG was simply renamed the CIA when the CIA was created under the National Security Act of 1947 as a fully staffed and funded, independent agency. (Helms with Hood, *Look over My Shoulder*, pp.70, 80–81) And therefore, they view Rear Admiral Sidney Souers, the first head of the CIG in January of 1946, to be the first director of the CIA. Souers was succeeded after four and a half months by General Hoyt Vandenberg, who served for almost a year and then was succeeded by Roscoe Hillenkoetter. It was during the period that Hillenkoetter was the head of the CIG (May 1, 1947–October 7, 1950) that the CIG became the CIA. Hence Hillenkoetter was the first director of today’s CIA.
- 1194 **to aid in bringing about the death of America’s adversaries:** In fact, in an early 1961 CIA covert project code-named ZR/RIFLE, the brainchild of CIA Deputy Director for Plans Richard Bissell, and headed by William Harvey, the chief of Task Force W (the CIA’s Cuban section), “Executive Action” capability, a CIA euphemism for the standing capability to assassinate foreign leaders, was set up. Harvey testified before the Church Committee, however, that Executive Action covered a “wide spectrum of actions” to “eliminate the effectiveness” of foreign leaders, with assassination as the “most extreme” action in the spectrum. His cryptic handwritten notes of meetings held on January 25 and 26, 1961, with Joseph Scheider, chief of the Technical Services Division of the CIA at the time, contain phrases like “last resort beyond last resort and a confession of weakness,” “the magic button,” and “never mention word assassination,” which Harvey acknowledged to the committee all referred to the assassination capability. (*Alleged Assassination Plots*, pp.181–183, citing testimony of William Harvey before Church Committee on June 25, 1975, pp.34–37, 45, 49; see also *Alleged Assassination Plots*, pp.183–184, citing testimony of Richard Bissell before Church Committee on June 9, 1975, p.51, and July 17, 1975, p.10) McGeorge Bundy, President Kennedy’s special assistant for national security affairs, acknowledged to the Church Committee that Bissell had informed him of the Executive Action capability and that he took no steps to halt the project because he was satisfied “that this was not an operational activity, and would not become such without two conditions: first, that there be a desire or a request or a guidance that there should be planning against some specific individual; and second, that there should be a decision to move against the individual.” Bundy believed that neither of these conditions had been fulfilled, and said further that he did not brief President Kennedy on the Executive Action project. (*Alleged Assassination Plots*, pp.186–187, citing testimony of McGeorge Bundy before Church Committee on July 11, 1975, pp.4, 7, 10, 15–16, 19)

The ZR/RIFLE project was unrelated to the CIA’s separate effort to eliminate Fidel Castro, and only one “asset” was assigned to it, a European criminal and soldier of fortune code-named Q J/WIN, who was already on the CIA payroll as an operative. CIA Director Richard Helms had this to say about Q J/WIN in his testimony before the Church Committee: “If you needed someone to carry out mur-

der, I guess you had a man who might be prepared to carry it out.” (*Alleged Assassination Plots*, p.182, citing testimony of Richard Helms before Church Committee, June 13, 1975, p.50)

The ZR/RIFLE project, which the HSCA concluded was also “unrelated” to the Kennedy assassination (HSCA Report, p.204 footnote), was disbanded in 1964, but long before that, when Helms took over as deputy director for plans from Bissell in 1962 and discovered the project’s existence, although he allowed it to continue in a different form, he testified before the HSCA on September 22, 1978, that “I put on the shelf for good any and all use of [QJ/WIN’s] capacity for killing people. We didn’t need that, so that was the end of that . . . He never killed anybody” (4 HSCA 189–190, 125; HSCA Report, p.204 footnote). And the 1967 CIA Inspector General’s Report found no evidence “that the Executive Action capability of ZR/RIFLE-QJ/WIN was ever used” (CIA Record 104-10213-10101, 1967 CIA Inspector General’s Report, pp.40–41).

But even prior to ZR/RIFLE in 1961, on November 20, 1960, the CIA dispatched QJ/WIN to Léopoldville presumably to assassinate Congolese leader Patrice Lumumba, but before he could, opposition forces captured Lumumba and eventually killed him, on January 17, 1961 (*Alleged Assassination Plots*, pp.14, 43–44, 48). Though the word *assassinate* was not used, only that QJ/WIN was to undertake a mission that “might involve a large element of personal risk” (*Alleged Assassination Plots*, p.43; CIA Cable, November 2, 1960), there can be no question from the timing of the visit to Léopoldville, and the history of what was transpiring leading up to the visit, that he was sent there to kill Lumumba.*

The seminal document in this affair was an August 26, 1960, cable from the CIA director himself, Allen Dulles, to Lawrence Devlin, the CIA station chief in Léopoldville, in which Dulles said that if Lumumba “continues to hold high office, the inevitable result will at best be chaos and at worst pave the way to communist takeover of the Congo with disastrous consequences . . . for the interests of the free world . . . Consequently, we conclude that *his removal* must be an urgent and prime objective . . . and this should be a high priority of our covert action” (*Alleged Assassination Plots*, pp.14–15; Ranelagh, *Agency*, pp.340–341).

The support for the proposition that “removal” meant assassination is extensive. Bronson Tweedy, the CIA’s chief of the Africa Division, testified before the Church Committee that shortly before the Dulles cable, Deputy Director for Plans Richard Bissell spoke to him about the feasibility of assassinating Lumumba. Bissell also asked a CIA scientist, Joseph Scheider, to prepare the necessary toxic biological substances to poison Lumumba (by implanting it in his food or toothpaste), and Scheider did so, delivering the lethal substances to the CIA station officer in

* Another CIA operative at the time who was already assigned to the Léopoldville station was code-named WI/ROGUE, an apt name for a forger and former bank robber who was, per a March 14, 1975, CIA inspector general memo, an “essentially stateless” soldier of fortune whose job in Léopoldville was to “(a) organize and conduct a surveillance team; (b) intercept packages; (c) blow up bridges; and (d) execute other assignments requiring positive action. His utilization is not to be restricted to Leopoldville.” Whether these “other assignments” could include assassination is not known, but he was described as someone who, if “his [CIA] case officer ordered him to carry out [an assignment] . . . he will dutifully undertake appropriate action for its execution without pangs of conscience. In a word, he can rationalize all actions.” There was an unconfirmed report that WI/ROGUE once asked QJ/WIN to join an “execution squad.” However, he was not a part of any effort to assassinate Lumumba, nor was he even a part of ZR/RIFLE. (*Alleged Assassination Plots*, pp.45–47)

Léopoldville in late September of 1960. Scheider was under the clear impression that President Eisenhower had ordered the CIA to assassinate Lumumba. (*Alleged Assassination Plots*, pp.13, 19–26, 37–42) As to who was actually going to carry out the mission of poisoning Lumumba, Justin O'Donnell (who used the cover name Michael Mulroney in his testimony before the Church Committee), a CIA agent working under William Harvey (the chief of Task Force W, the CIA's Cuba section) at CIA headquarters, testified that in October of 1960 Bissell had expressly asked him to go to the Congo to supervise the assassination of Lumumba, but he refused to do so, testifying, "I told him that I would absolutely not have any part [of] killing Lumumba." (*Alleged Assassination Plots*, pp.37–42, citing testimony of Michael Mulroney [Justin O'Donnell] before Church Committee on June 9, 1975, pp.11–14, 16, 19, 37, 43, and on September 11, 1975, pp.7–7A, 9, 26, 43–46) Bissell himself conceded in his testimony before the Church Committee that he remembered "very clearly" discussing with Mulroney the assassination of Lumumba and that Mulroney reacted negatively, but in his first appearance before the Church Committee only allowed that he had asked Mulroney merely "to investigate the possibility of killing Lumumba." In a later appearance, however, he acknowledged that Mulroney "had been asked [by him] to plan and prepare for" the assassination of Lumumba. (*Alleged Assassination Plots*, p.40, citing testimony of Richard Bissell before Church Committee on June 11, 1975, p.54, and on September 10, 1975, p.24)

The toxic substances delivered to Léopoldville in September were never used against Lumumba, but as we have seen with the dispatch of QJ/WIN to Léopoldville in November, this did not end the CIA's effort to assassinate him.

- 1195 **federal agencies investigating the assassination:** Of all the federal agencies, the FBI conducted the principal investigation into the assassination, the Secret Service being a distant second. However, the CIA conducted its own investigation in foreign areas touching on the assassination. (WR, p.xii) Who was in charge? At least at the beginning, at least technically, it was John Scelso (CIA pseudonym of John Whitten), a CIA veteran who at the time was the chief of WH3, which ran clandestine operations for the Western Hemisphere. Richard Helms, the deputy director of the CIA, gave Scelso the assignment and made it clear that everything pertaining to the investigation should go through him. But the legendary James Angleton, the CIA's chief of counterintelligence, ignored Helms's directive and conducted whatever investigation he deemed appropriate on his own, dealing directly with J. Edgar Hoover, with whom he had "enormously influential" ties, and former CIA director Allen Dulles, a member of the Warren Commission. When Scelso went to Helms to ask him to make Angleton obey his, Helms's, order, Helms simply told Scelso, "You go tell him," and refused to reprimand or stop Angleton, evidence that Angleton was a force and island unto himself at the CIA. Scelso said that "none of the senior officials at the Agency were ever able to cope with [Angleton] . . . Angleton was a very formidable person to deal with."

Scelso said he had a staff of around thirty agents and thirty clerical workers assigned to the investigation. "Key stations [around the world] were receiving tips on the case, most of which were phony." After sifting out the relevant from a great amount of "bizarre fabrications," and passing on allegations, with his unit's evaluation, to the FBI and Warren Commission, he submitted a report to Helms stating that Oswald killed Kennedy and acted alone. But Scelso said the report turned

out to be “completely irrelevant” in view of all the information the FBI turned up and presented in its report, including “vast amounts of information which we had not known,” like Oswald’s diaries, his pro-Cuban political activity in the United States, his attempt on General Walker’s life, all the information from Marina, and so on. When Helms, sometime around early January of 1964, called a meeting in his office with Scelso and Angleton to discuss Scelso’s report, Angleton proceeded to savage it for its many purported inadequacies, and Helms thereupon removed Scelso from the case and formally turned over the continuing CIA investigation of the assassination to Angleton and his counterintelligence staff. (HSCA Record 180-10131-10330, Testimony of John Scelso before HSCA on May 16, 1978, pp.73–74, 111, 113–116, 133, 165)

- 1197 **“showed us everything”**: At least with respect to its wiretaps of phone conversations at the Russian and Cuban embassies, showing everything the CIA used for surveillance didn’t reflect the *original* state of mind of the CIA. A December 21, 1963, Teletype (90466) from CIA headquarters to the CIA station in Mexico City (this was several months *before* Slawson’s trip to Mexico City) read in part, “Our present plan in passing info to Warren Commission is to eliminate mention of [phone] taps [at Russian and Cuban embassies], in order to protect your continuing ops [operations]” (CIA Record 104-10127-10207, “Mexico City Chronology,” p.55).
- 1197 **Agency’s electronic data storage system**: Of course, if the CIA had been behind Kennedy’s murder, and had Oswald kill Kennedy, examining the agency’s whole file would be close to worthless, as we could expect all incriminating documents (in the unlikely event anything incriminating would have been reduced to writing) to have been removed, as well as bogus entries to have been made. Anyone behind Kennedy’s murder would do this. Indeed, in the ZR/RIFLE project, the CIA’s William Harvey, in handwritten notes to himself regarding covering up the identity of hired operatives in Europe, writes, “Should have phony 201 [personnel file] in [illegible] to backstop this, all documents therein forged and back-dated.” (JFK Exhibit F-522, 4 HSCA 200)
- 1198 **“did not support the allegation that Oswald had an intelligence agency relationship”**: Though no member of the HSCA has changed his position on the CIA’s cooperation with the committee, G. Robert Blakey, the former general counsel for the committee, has. It apparently started with a provocative article in the April 12–18, 2001, edition of the *Miami New Times* titled “Revelation 19.63” and written by *Washington Post* reporter Jefferson Morley. But as we will see, from his article alone, one could conclude that Morley himself doesn’t have too much confidence there is any meaningful “revelation” in his article. This inference was in part confirmed when I later wrote and spoke to Morley.

But first, the Morley article. Morley’s article focuses on one George Joannides, an hitherto unknown and obscure CIA agent, now deceased, who an ARRB researcher in 1998 found was the Miami case officer for the anti-Castro group DRE (Directorio Revolucionario Estudiantil, “Revolutionary Student Directorate”),*

*The DRE was an organization of young Cuban exiles formed in Miami in November of 1960 as an outgrowth of Catholic students on the University of Havana campus in early 1960 who were opposed to Fidel Castro. Because of their open opposition to Castro, they were forced to go underground or flee to Miami. In mid-1961, the CIA station in Miami began working with the DRE to send anti-Castro students to universities throughout Latin America. The Miami CIA station also trained certain DRE members in clandestine operations in the hope that they would be infiltrated into Cuba in teams. The one big problem was that the

from December 1962 to April 1964. In 1978, the CIA had called Joannides out of retirement to handle the HSCA's requests for CIA documents. Blakey told Morley, "I worked closely with Joannides. None of us knew that he had been a contact agent for the DRE in 1963. That was one of the groups we had targeted for investigation." Very upset, Blakey, for *Frontline's* fortieth anniversary special on the assassination in 2003, sent to PBS an "Addendum" to his appearance on the November 16, 1993, *Frontline* special on the case. The addendum said that since the DRE was a focal point of the investigation (along with many other groups, of course), "had I known who [Joannides] was, he would have been a witness who would have been interrogated under oath . . . He would never have been acceptable [to the HSCA] as a point of contact with us to retrieve documents." Blakey, who at one time believed the CIA had cooperated fully with the HSCA, concluded that because of Joannides's deception, which he implicitly infers was with the knowledge of his CIA superiors, "I am no longer confident that the Central Intelligence Agency cooperated with the committee," and "I no longer believe that we were able to conduct an appropriate investigation of the agency and its relationship to Oswald." Blakey later added in a letter to me that "Scott [Breckenridge, the CIA official who assigned Joannides to handle HSCA requests for documents] put G. J. [George Joannides] in the loop; he knew that G. J. had been the case agent for DRE [Breckenridge told Morley he did not]. He knew that we had been examining under oath the case agents for the files in which we had a particular interest . . . Scott's and G. J.'s dissimulation on G. J. and DRE went to the heart of the good faith judgment that I had to make about, not just the DRE stuff, as important as it was (and is), but the whole relation[ship] between the HSCA and the Agency." Blakey conceded that DRE was a "small part" of the HSCA's request to George Joannides for CIA documents, but it was still significant to the committee's investigation, and Joannides and his conduct could not be minimized by resorting to "counting papers." (Letter from Robert Blakey to author dated January 21, 2005, p.2)

Where does all this go?

In his article, Morley, clearly a very fair-minded and responsible writer, tries to build a case against Joannides as perhaps being involved in the assassination. The heart of his suspicion is that Joannides's personnel file (201 file), released under the JFK Act in 1998, only contains performance reviews (four),* and he writes that "there are no reports in the file for the entire seventeen-month period he handled the DRE, from December 1962 to April 1964." Morley secured statements from former CIA operations officers that if Joannides were the DRE contact officer, he almost for certain would have completed reports on the DRE on a monthly or at least quarterly basis. While this may be true, why in the world would those reports be in his personnel file, which would be expected to contain mostly biographical and administrative information like performance reviews, clearances, et cetera?

group was notoriously strong-willed and independent and given to actions not authorized by the CIA, such as a mortar assault from their boat on a hotel where Castro was supposed to be on the evening of August 25, 1962. An internal CIA report dated August 29, 1962, said, "Although the CIA conducts joint activities with the DRE and puts up all of the money for such operations, the DRE is not fully responsive to CIA direction. Control over this organization does not exist."

*Apparently Joannides was an agent of limited previous accomplishment in the agency because one performance review says that his Miami assignment in 1963 was his introduction to "first echelon supervisory responsibilities," and he had performed in "an exemplary manner."

When HSCA counsel asked a twenty-six-year veteran of the CIA in another matter, "Would the 201 file contain information pertaining to the individual's operational activity?" she responded that that information would normally not be in the 201 file but in the "project file"—here, the file on Joannides's work with the DRE. (HSCA Record 180-10110-10026, May 19, 1978, p.62)

But when I spoke to Morley later, he seemed to be on more solid footing on this matter than in his article. He said that Joannides's predecessor, CIA agent Ross Crozier, filed a three- or four-page summary report to JM/WAVE, the CIA station in Miami, each month from September 1960 to November 1962 on his relationship with the DRE, the report including such things as how the budget given the group by the CIA was being spent. And whether they were in Crozier's personnel file or not, these reports were released under the JFK Act and Morley has copies of them. But he said, "Everything stopped with Joannides." From December 1962 to April 1964, the Joannides period with the DRE, the CIA has refused to furnish him with one single report on or by Joannides, from his personnel file or elsewhere, on the DRE. "Refusing to furnish" implies that the reports actually exist, though the CIA has not expressly said they do or do not. Morley believes they do exist and the CIA is stonewalling for some reason that's not good. (Telephone interview of Jefferson Morley by author on January 13, 2005)

Morley's Washington attorney, Jim Lesar, told me he also believes these reports do exist at the CIA, though not in Joannides's personnel file, and he has filed a FOIA request to get them, adding that he is meeting resistance from the CIA (Telephone interview of Jim Lesar by author on January 5, 2005), which Lesar knows is standard operating procedure for Langley (CIA headquarters at Langley, Virginia), which is averse to providing any records, of any kind, unless forced to by law. But Morley, who tells his readers that "the Joannides' story doesn't prove the existence of an assassination conspiracy," is obviously proceeding under the assumption that the CIA may be hiding something, and the thing it is hiding, just as obviously, is Joannides's knowledge of the DRE having Kennedy killed, or being complicit with the agency in the assassination. After all, if that's not what Morley suspects, *then why is he taking up space in magazines and newspapers* (e.g., *Washington Post*, April 24, 1995)? However, if the Joannides conspiracy theorists (Morley and his inevitable band of followers) actually think that the only reason why the CIA is resisting the release of documents pertaining to Joannides is because the agency must have something to hide, they clearly haven't learned from years and years of experience by people like Lesar, who have found that the CIA had nothing to hide in thousands of previous documents the agency initially refused to release voluntarily but ultimately did release under court order. The CIA specializes in always acting guilty, even when it is not, and always being, from a public relations standpoint, its own worst enemy.

Apart from the fact that after close to forty-five years of investigation, not one speck of credible evidence has ever emerged showing that anyone other than Oswald was involved in the assassination, the gaping hole in the above allegation by Morley of Joannides and DRE involvement in Kennedy's murder is that, whether Morley realizes it or not, even he, the chief proponent of such a possibility, apparently doesn't truly believe it himself. The reason I say this is that the essential premise to this whole story, without which there would be no story, is that the DRE was behind

or involved in Kennedy's murder. Yet Morley, in putting his story together, went to former DRE leaders to find out about their relationship with Joannides, and although he builds his whole case around what these people (e.g., Luis Fernandez-Rocha, now a Miami obstetrician; Isidro "Chilo" Borja, the owner of an air-conditioning business in Miami; and DRE mastermind Juan Manuel Salvat, now running a Cuban publishing house in Miami) told him (e.g., Fernandez-Rocha: "He [Joannides] was a very cultured, impressive man . . . We used to have a cup of coffee at Howard Johnsons . . . three times a week to once every two weeks"), he never even remotely hints that they were involved in the assassination.* Indeed, the main person he wants to talk about is Joannides, the DRE only having, for the most part, a supporting role in his stage production. In fact, in his long, thirteen-page article, only once, in the second-to-last paragraph, does he bring up the issue of DRE participation in the murder, and here's how he does it: "Salvat shrugs at the suggestion that the Directorate had a hand in Kennedy's death. His response is self-deprecating, *not defensive* [Morley is really being accusatory here, isn't he? To the contrary, he's putting in a favorable observation]. 'If there was a conspiracy,' he offers, 'it was at a much higher level than the DRE.'" The bottom line is that Morley seems to accept unquestioningly every word the former DRE members told him, and relies on them to prove his case against Joannides.

If one reads Morley's article *literally*, one can only conclude that Joannides, not the DRE with whom he dealt, may have been involved in the assassination.† And this, of course, defeats the whole unstated premise of Morley's writing, because if the DRE didn't kill Kennedy or have him murdered, then what is Morley's point? That Joannides got *someone else* to murder Kennedy? But if so, why is he writing about Joannides and the DRE? What seems to have eluded Morley is that if he exonerates the DRE, which he does by default in his writing, he thereby also exonerates Joannides.

When I told Morley in a telephone conversation that the likelihood of the DRE being involved in the assassination was virtually nonexistent, he didn't try to argue forcefully that it was, merely telling me the group may have been "unwitting" participants (Telephone interview of Jefferson Morley by author on January 13, 2005). But unwitting is synonymous with innocent, since one cannot be guilty of any serious crime unless they have "*mens rea*," a guilty and reprehensible state of mind.‡ And Morley hasn't yet spelled out for our edification how Joannides or anyone else used the DRE, without its knowledge, to get Oswald to murder Kennedy.

There are other gaping holes in Morley's implied allegation. *We know* that

*He does let someone else make the accusation in just one sentence—Fabian Escalante, the retired head of the Department of State Security (G-2) under Castro.

†At one point Morley goes so far as to write, "In October [*sic*] 1964 the Warren Commission issued its final report, concluding that Oswald 'alone and unaided' had killed Kennedy. The Commission, of course, knew nothing about Joannides." In a later, unpublished and undated article titled "The Perfect Man for the Job," he writes, "As debate . . . and investigation of the Kennedy assassination would grow over the years, *George Joannides' role* in the events of 1963 would remain invisible," and that Joannides was "at the heart of the Kennedy assassination cover-up."

‡In a February 9, 2005, letter to me, Morley rejected the notion that the DRE hated Kennedy as much as Castro, only saying that "the DRE vehemently opposed Kennedy's Cuba policy," something of course that a great number of Cuban exiles also did. The popular anti-Castro group, Morley wrote in his article, had around "2200 supporters" and once "took out an ad offering ten million dollars to persons willing to help the group assassinate Fidel Castro."

Oswald killed Kennedy. If the DRE was behind Oswald's act, why would it ever make the effort it did, as Morley shows (see later text), to reveal its relationship *with* Oswald? Wouldn't the organization necessarily thereby be increasing the likelihood that its complicity with Oswald in the assassination would be unearthed? Morley writes that when José Antonio Lanuza, the coordinator of the DRE's North American chapters, heard the stories on November 22, 1963, that linked Oswald to the shooting, he "remembered delegate Carlos Bringuier's reports from New Orleans and went to DRE headquarters to check his files. There he found Bringuier's letter about the confrontations with Oswald, along with tapes of the WDSU radio debate. The groups' leaders gathered, he said, and one of them—Salvat, Fernandez-Rocha, or Borja—made the first outside call about the discovered material." The call was to Joannides, who told the DRE representative not to do anything or contact anyone else for at least an hour so he could contact Washington headquarters for instructions. But by the time Joannides called back to tell the DRE leaders to hold what they had until the FBI came to pick it up, Lanuza was so anxious to release the information about Oswald's being associated with the pro-Castro group FPCC that he contacted the *New York Times* and *Miami News* before the hour was up. (JFK Document 007463, HSCA staff interview of José Antonio Lanuza on April 22, 1978, p.2; *New York Times*, November 23, 1963, p.4) Indeed, the very next day after the assassination, after stating on page 1 of its publication, *Trinchera* (Trenches), that "we express our deepest sorrow at the death of the President of the United States of America John F. Kennedy," the DRE goes on, on page 2, to publish a photo of Oswald and one of Castro, calling them "The Presumed Assassins." Most of the paper's contents consisted of Carlos Bringuier's recitation of his contact with Oswald in New Orleans. Since Morley makes no effort to attack the above rendition of events, first told by Lanuza to HSCA investigator Gaeton Fonzi in 1978 (10 HSCA 85), doesn't it sound as if he is writing about innocent witnesses to an event, as opposed to perpetrators in the assassination? This is why the more one reads of Morley's story, the more illogical it becomes.

There are several other weaknesses in Morley's story. For example, if it turns out that Joannides wrote little, if anything, about the DRE's connection to Oswald, it may very well be because he was unaware of it. Being in Miami, not New Orleans where Oswald had his contact with the exiled group, he would have been far less likely to know about the insignificant event in New Orleans at the time it happened. Indeed, although one DRE leader (Borja) told Morley that his group told Joannides about the Oswald-Bringuier street incident and radio debate, two other leaders (Fernandez-Rocha and Lanuza) indicated they had not, Lanuza only recalling telling Joannides *after* the assassination, when it quickly became common knowledge anyway. Morley himself, without quoting any source, unwittingly betrays that he subconsciously believes his own story is just piffle (this time not only as to the DRE, but as to his main villain, Joannides), by writing that after Lanuza told Joannides, "Joannides reported *what he had just learned about Oswald* to his boss, Ted Shackley."

Several other points have to be kept in mind. If we know the DRE was independent enough not to tell the CIA of its plan to kill Castro by firing, from a boat, cannon shells at the hotel where he was supposed to be, why would it bother to tell Joannides something infinitely less important—a non-entity (Oswald) in New Orleans trying to infiltrate their small group there, and one of their group

(Bringuier) debating Oswald on the radio? Morley makes a point that the DRE's Miami leaders had been instructed by the CIA's Miami station that if they ever went on *TV or scheduled a press conference*, "Let us know about it." But not only did the DRE think nothing of not following CIA's orders, but the *radio* debate—in New Orleans at that, mind you—wouldn't even qualify as falling within the instruction. However, in a February 27, 2005, telephone conversation with me, Morley said that since he wrote the article, he has "recently" learned from a "source whose identity I am not free to disclose" that Joannides visited New Orleans in the "spring or summer" of 1963. Morley doesn't know what brought Joannides to New Orleans (though his source says it was CIA-related business) or whether it was before or after the Oswald-Bringuier incident. But if after, and if he met with Bringuier, he most likely would have learned of it from Bringuier. Morley has met with Bringuier, but said he has not yet nailed down whether Bringuier met Joannides in New Orleans.

Finally, the Joannides conspiracy devotees are led to believe that being a handler of the DRE was Joannides's job in Miami. It was, but apparently it was a relatively small job. Per his performance reports (e.g., for the period April 23, 1963, to March 31, 1964), his "Specific Duty No. 1" was "supervises and manages the [JM/WAVE] Station's covert action branch which employs 24 staff officers and 24 contract employees," an obviously difficult and very comprehensive assignment. His second duty is listed as "senior case officer for a student project [DRE] which involves distribution of printed propaganda, production of radio programs, and the development of political action programs." So the notion that the entirely insignificant incident that happened in New Orleans would be something Joannides would automatically know about and be on top of is unrealistic. A further indication that Joannides's DRE job was a small part of his CIA responsibilities is that while the Miami CIA branch had a yearly budget of \$2.4 million (CIA Fitness Report on Joannides, June 4, 1964, p.2), the monthly sum the CIA paid the DRE, though it fluctuated, seemed to be about \$25,000. However, Morley, without knowing, believes that Joannides's "duties with the DRE constituted a great portion of his activities." (Letter from Jefferson Morley to author dated February 9, 2005)

In an undated letter sent to me around January 18, 2005, Morley drew my attention to the fact that Joannides, in his performance reports, drew praise for being able to exercise "control" over the DRE, a recalcitrant group. I'm not sure what Morley meant to convey by this. Certainly he can't mean that since Joannides was exercising control over the group he could order them to kill Kennedy for him. In any event, whatever modicum of control he exercised, we know it wasn't for long. In a dispatch to "Chief, Special Affairs Staff" in Washington, D.C., on November 8, 1963 (right before the assassination, when control would count, if at all, in Morley's apparent hypothesis), Joannides's superior, JM/WAVE station chief Ted Shackley, speaks of AMSPELL's (code name for DRE) "penchant for insecure behavior," and of its being "freewheeling" with a "chameleon sense of loyalty and an arrogant contempt for ODYOKE [U.S. Government]." Some control. All the group had, Shackley reported, was "a desire to liberate its country, but in its own way."*

*The DRE's propaganda chief, Juan Manuel Salvat, told Morley, "We worked *with* the CIA. We never *subordinated* ourselves to them."

Shackley speaks with considerable derision of the DRE, saying it is “a small group of individuals who purport to represent a larger number,” and that they continue to play “an inordinately large role in the exile community” because their “voices are heard in the councils of their elders, and betters, by virtue of the power wielded by KUBARK [CIA headquarters]-supplied funds rather than by virtue of any talent, knowledge, or noteworthy service.” Shackley said the group had “failed to create anything in the past 18 months. Nor, has it availed itself of our offers of training and assistance.” He goes on to write about their plans for invasion of Cuba by saying that “rather than encourage them further in spheres where they possess only limited, if any, competence, we would prefer to encourage the more militant and activist AMSPELL elements to merge with the AMBIDDY-1 [code name, Morley believes, for Cuban exile leader Manuel Artime’s group, the MRR, a CIA favorite]. As for the others, we would prefer to whittle away at their budget and restrict the scope of their activities until both would be closer to what is expected of a student group.” In the ultimate denigration, he treats them like the youth they actually were—students who had left school in Havana to flee Castro—by saying, “We would prefer to maintain on the payroll 15 or 20 AMSPELLS provided they were fully matriculated at a junior college or college in the JM/WAVE area. In their *after school hours*, we would encourage this group to continue a radio and mailing propaganda effort targeted toward fellow students” in Cuba. “In two words, we would support only students who were willing to be and act like students. We have no further need of AMSPELL members who act like equals of generals or ambassadors or teachers or lawyers or doctors merely because KUBARK funds have given them the power to do so.” (CIA Record 104-10170-10395, November 8, 1963)

In other words, just two weeks before the assassination (when, if Morley’s story makes any sense, DRE should be gearing up to kill Kennedy, under Joannides’s direction), Joannides’s superior, Shackley, is assessing the group as unreliable and incompetent, and like children who should be sent back to where they belong—school.

There seems to be nothing to the Joannides–DRE story, and I’m confused that someone like Morley feels there is possible merit to it. I’m also confused by Blakey’s statement in his addendum to *Frontline* that “outrageously, the Agency [CIA] did not tell . . . our Committee that it had financial and other connections with the DRE, a group that Oswald had direct dealings with,” Blakey suggesting this all came out with Morley’s article years later. And Morley, in his article, suggested that until the ARRB release of documents in 1998, CIA payments to the DRE “remained hidden.” But it is too well known to cite that the CIA was funding virtually the entire anti-Castro effort by the exiled groups and making direct monetary payments to them. Even volume 10 from Blakey’s own HSCA way back in 1978 says that “*the leaders of the DRE were kept on a regular monthly retainer by the U.S. Government, as were all members engaged in training for paramilitary operations and propaganda dissemination. They were also supplied with weapons and ammunition on occasion*” (10 HSCA 81). Indeed, some of the CIA documents cited in volume 10 get into specifics. For example, a CIA document of January 4, 1963, says, “AMSPELL Support for November 1962: \$36,968.90” (CIA Record 104-10171-10281, January 4, 1963, p.2). A November 8, 1963, document furnished to the HSCA says that there are “thirty paid AMSPELLS,” and “the monthly expenditures which keep AMSPELL alive now come only to \$20,000” (CIA

Record 104-10170-10395, November 8, 1963, p.5). By itself, the fact that the CIA was paying the DRE proves the “strong” connection between the agency and the DRE. But documents furnished by the CIA to the HSCA are overflowing with the extent and nature of that connection. Just one small example: A January 1963 CIA document given the HSCA says, “Problems in the JM/WAVE AMSPELL control relationship as cited in the last progress report, continued unresolved during November” (CIA Record 104-10171-10281, January 4, 1963, p.1).

As noted, in his article Morley says that “there are no reports in [Joannides’s personnel] file for the entire 17 month period he handled the DRE from December 1962 to April 1964.” Apart from the fact, as previously alluded to, that one wouldn’t expect to find these reports in Joannides’s personnel file, the HSCA’s chapter on the DRE (10 HSCA 81–88) contains citations to CIA documents written within this precise period (though it is not known whether the HSCA received these documents from the CIA before Joannides took over as CIA liaison to the HSCA or after). Just two among other such CIA documents about the DRE are the aforementioned CIA document dated January 4, 1963 (CIA Record 104-10171-10281; 10 HSCA 81, 87), and the November 8, 1963, document containing a long CIA evaluation of the DRE in which the group is referred to as an “enfant terrible” (CIA Record 104-10170-10395, p.5; 10 HSCA 82). If Joannides gave these to the HSCA, this would controvert the Morley argument, as set forth in his civil action against the CIA filed by Lesar to obtain Joannides’s records, that in 1978 Joannides “provided *no* records [to the HSCA] on DRE for the critical period December 1962 to April 1964.”*

To repeat, in Morley’s unpublished article following his *Miami New Times* piece, he wrote that Joannides was “at the heart of the Kennedy assassination cover-up.” He added that when Joannides died, “the Agency’s JFK’s secrets were safe.” And in a March 4, 2005, telephone conversation with me, he said that “whatever Joannides knew about Oswald, his superiors, like Helms, knew.” Hence, with absolutely nothing to go on, this fine writer who reports for one of the world’s premier newspapers, the *Washington Post*, is, in effect, saying that either the CIA murdered Kennedy or it covered up for those who did. Morley hasn’t written what I have just said, and won’t say it in conversation, but the words he writes necessarily mean this. Again, if they don’t, then what’s his point in these articles of his?

In any event, although I believe that if there had been a conspiracy to kill Kennedy (which I don’t believe, and for which there is no evidence) the most likely conspirators would have been anti-Castro Cuban exiles, the Morley story, as presently set forth, proves nothing to me. And if there is anyone who actually believes that if and when Joannides’s assumed reports on the DRE see the light of day they will show that the DRE, either on its own or at Joannides’s direction, had Kennedy murdered, I have a bridge I’d like to sell them, the Brooklyn Bridge, and I’m offering a special discount to anyone who pays by certified check. (Jefferson

*In the unpublished, undated article he later wrote, “The Perfect Man for the Job,” Morley retreated somewhat from this statement, writing that Joannides “did eventually share what he described as ‘miscellaneous [CIA] records’ with an HSCA researcher.” But this strongly suggests they weren’t important records. However, if the CIA records on the DRE that the HSCA received were those turned over by Joannides, this isn’t accurate. For instance, CIA Records 104-10170-102395 and 104-10171-10281 are fairly in-depth reports on the DRE, the first one being a six-page, small-print recitation of the DRE’s plan to invade Cuba followed by a highly critical evaluation of the DRE and its members.

Morley, “Revelation 19.63,” *Miami New Times*, April 12–18, 2001; Jefferson Morley, “The Perfect Man for the Job,” undated and unpublished 37-page article; *Jefferson Morley v. United States Central Intelligence Agency*, Civil Action No. 03-2545 [RCL], Plaintiff’s Opposition to Defendant’s Motion for an Open America Stay, June 21, 2004)

In Morley’s quest to put the conspiratorial hat on Joannides and the CIA, there’s one very staunch ally he can count on to help him in any way it can, the CIA. To the point, arguably, of perversity, the silly spooks at Langley—like the pathological liar who lies even when it would be to his benefit to tell the truth—will fight Morley and his lawyer every inch of the way, thereby helping them, every inch of the way, to convince everyone that it has something to hide—Joannides’s and perhaps its own complicity in the assassination. But as I’ve said before in the book and these endnotes, it’s all just sublime silliness. Joannides and the CIA conspired with Oswald to kill Kennedy as much as you and I did.

Before we leave the Joannides affair, we should discuss its real origin, which is none other than a tired and hoary allegation from conspiracy theorist extraordinaire Gaeton Fonzi, the former HSCA investigator whose main claim to fame in the conspiracy constellation is his charge that an anti-Castro militant named Antonio Veciana Blanch had dealings for many years with a CIA agent named Maurice Bishop, and on one occasion he saw Bishop with Oswald in Dallas. As set forth in the main text, Fonzi was positive Bishop was CIA agent David Atlee Phillips, and even after Veciana saw Phillips in Washington, D.C., and told Fonzi he was not Bishop, the incredible Fonzi refused to give up his belief. Since Fonzi actually went on to write a book, *The Last Investigation*, making this foundationless allegation (never a problem for the conspiracy community), Phillips has been the main “rogue” CIA agent the conspiracy community has claimed was behind the assassination. So whenever Phillips’s name comes up, everyone around him, and even those who weren’t but could have been, are brought into the conspiracy net—thus, George Joannides, who may or may not have even known or met Phillips. They both, apparently at different times, were associated with the DRE, and that is enough to make Joannides a part of a conspiracy to murder Kennedy or cover it up. I mean, no one is really claiming that a completely obscure CIA agent named George Joannides decided, on his own, to murder Kennedy or cover up the deed for those who did. Someone had to bring him into the preexisting conspiracy, and that person was the real villain and mastermind (along with people like E. Howard Hunt), David Atlee Phillips. Indeed, Jim Lesar, Morley’s lawyer, asserts that if there was a conspiracy to murder Kennedy, as he believes there was, Phillips, along with a few others, was “at the center of it” (Telephone interview of Jim Lesar by author on February 1, 2005).*

*Phillips had played a key role, as Hunt’s assistant, in the CIA’s successful effort, Operation Success, to overthrow left-leaning Guatemalan president Jacobo Arbenz Guzmán in 1964. Arbenz, duly elected president in 1951, had been one of the heroes of an uprising against Guatemalan dictator General Jorge Ubico in 1944. When Arbenz took over some of the unused land of the Boston-based United Fruit Company in Guatemala and gave hints of being susceptible to Moscow’s influence, the CIA intervened. (Schlesinger and Kinzer, *Bitter Fruit*) Phillips, from afar at CIA headquarters in Langley, Virginia, had also played a role in the CIA’s complicity with the Chilean military to overthrow Chile’s president, Salvador Allende Gossens, in 1973 (Kornbluh, *Pinochet File*, pp.2, 16–17).

Although Morley seems to feel that Phillips may have been involved in the plot to kill the president (if there was one, which he says he is not sure), he doesn't do his cause any favors when he suggests that one light in the sordid darkness of the possible CIA conspiracy to murder Kennedy was John Whitten (CIA pseudonym, John Scelso), the CIA agent originally put in charge of the agency's investigation into the assassination whom Morley praises for trying to discover the truth in the assassination, but whose efforts were blocked by his superiors (Morley, "Good Spy," pp.42–44). In Whitten's testimony before the HSCA, he describes Phillips as "one of the absolutely outstanding officers of the agency . . . , one of the most brilliant, capable officers that I have ever known," adding that "I have never known any man of greater integrity" (HSCA Record 180-10131-10330, HSCA testimony of John Scelso [CIA pseudonym for John Whitten] on May 16, 1978, p.21).

Normally, an accused person has a pretty good idea of who is behind an attack on him, and in a letter to me from Phillips in 1986 (seven years *before* Fonzi even published his book) when I was working with him in preparation for the London trial, Phillips wrote, "Lopez, Hardway, and the young people in Blakey's House staff were the ones who tried desperately to find evidence that* CIA was involved in the assassination. Their guru on the staff was Gaeton Fonzi. He is the one who is responsible for spreading the story that I was really 'Maurice Bishop.' Anthony Summers picked up the story from him" (Letter from David Phillips to author dated July 1, 1986, p.1). So the Joannides story really owes its parentage to Fonzi and his accused, David Phillips. Indeed, Morley tries to make the connection between Phillips and Joannides in his lawsuit against the CIA for Joannides's records, asserting, through his lawyer, Jim Lesar, that "Joannides' colleague, David Atlee Phillips . . . was the chief of Cuba operations in Mexico City, and it was he who had recruited and funded the leaders of the DRE before turning over the handling of the group to Joannides." (*Jefferson Morley v. United States Central Intelligence Agency*, Civil Action No. 03-2545 [RCL], Plaintiff's Opposition to Defendant's Motion for an Open America Stay, June 21, 2004, p.3) In Morley's *New Times* article he also says that Phillips was "the DRE's first CIA handler."

When I contacted Morley to send me what documentation he had connecting Phillips to the DRE and Joannides, he did his best, for which I thanked him, but in his undated letter to me (the envelope is postmarked February 9, 2005; hereafter referred to as his letter to me of February 9, 2005), he never really came up with anything that, upon scrutiny, stands up that well, at least insofar as sinister implications are concerned. In testimony before the HSCA, E. Howard Hunt was asked if he was familiar with a number of people and groups, and when he was asked if he knew of the DRE, he said, "The DRE. Dave Phillips ran that for us" (Testimony of E. Howard Hunt before the HSCA on November 3, 1978, p.29). But let's examine this for a moment. Hunt is one of the "rogue" CIA agents frequently connected, with Phillips, to the assassination by conspiracy theorists. If anything conspiratorial, vis-à-vis Kennedy, was going on with Phillips, Hunt, and the DRE, why in the world would Hunt *volunteer* this information when he wasn't even asked? The question was only if he knew of the DRE, not whether he was aware of any association Phillips had with it. Further, there were no follow-up questions so we don't know

*As a matter of practice, CIA employees and insiders never place the word *the* before *CIA*.

what time period Hunt was talking about, nor do we know just what he was referring to by the broad and imprecise term *ran*. Follow-up questions could have qualified this. He could have easily meant that the output of the DRE, essentially intended by the CIA to be used as an anti-Castro propaganda organization, fell under Phillip's overall jurisdiction as the head of covert operations at the Mexico City station. In his book *The Night Watch*, Phillips wrote that "much of my time was spent on anti-Castro propaganda operations," which included overseeing efforts throughout Latin America (Phillips, *Night Watch*, p.114). This would necessarily encompass Miami. In fact, the HSCA staff report of an interview of Ross Crozier, Joannides's predecessor, says that Crozier "coordinated his propaganda operations with David Phillips, and Phillips visited the JM/WAVE base on occasion" (HSCA Record 180-10106-10028, Interview of Ross Crozier by HSCA staff investigator Gaeton Fonzi and Al Gonzalez, January 13, 1978, p.8 of 8; Note: There is another HSCA document, with the same record number and date and same staff investigators, which is longer [10 pages] but does not contain this information).

So this raises the issue of the time frame Hunt was referring to when he said, probably loosely, that Phillips "ran" the DRE. In Morley's letter to me of February 9, 2005, he says he asked Hunt (no date given) what date he was referring to when he said Phillips ran the DRE, and Hunt said it was the pre-Bay of Pigs period, the Bay of Pigs incident being in April of 1961. This makes sense because in 1960-1962 Phillips was in the covert section at the Mexico City station and was responsible for the anti-Castro propaganda effort against Castro. Crozier said he left his assignment in Miami as the CIA's handler for the DRE in November of 1962. (HSCA Record 180-10106-10028, p.5 of 10) This is consistent with a "Memorandum for the Record" dated November 13, 1962, of a meeting between Deputy CIA Director Richard Helms and two of the DRE leaders at Helms's office in Washington, D.C., at which he told them he was changing the CIA case officer the DRE would be dealing with in Miami. And in Phillips's book, though no specific date is given, it is easily inferable from the context that he was reassigned from his job as head of covert operations (which would have caused him to work with Crozier on anti-Castro propaganda efforts) to head up the Cuba section at the Mexico City station sometime in November of 1962. (His reassignment, he said, resulted from the Cuban missile crisis—which didn't end until October 28, 1962—but he couldn't leave his prior assignment until his replacement and his family arrived in Mexico City.) (Phillips, *Night Watch*, pp.125-126)

I doubt very much that once Phillips moved to the Cuba section—around the same time Joannides took over as the CIA "handler" of the DRE—he had anything further to do with the DRE. There certainly is no evidence that I'm aware of that he did. (Phillips was assigned to the Mexico City station sometime in 1961 and remained there through March of 1965, being in Mexico City on the day of the assassination [Phillips, *Night Watch*, pp.115, 140, 143].)* As we've seen, no one

*Morley's lawyer, Jim Lesar, has come up with a document that could be troubling if all the i's are dotted, which hasn't been done, and if the most sinister implications are drawn, which there seems no basis for doing. A CIA document dated the day of the assassination and released by the CIA in 1997 under the JFK Act reads, "Henry J. Sloman arriving next 22 Nov [which, literally, would be the following year] order meet wife AMHALF-2. WAVE expecting priority message, concerning maritime exfiltration of headquarters asset, in [02] exit pouch which presumably will arrive next 22 Nov. Sloman will contact Choaden by phone either at

from the CIA, even its agents in Miami, where the DRE was, could run or control its leaders, much less someone residing, like Phillips, one thousand miles away in another country.

Morley's Phillips's connection doesn't hold up in other areas. Though he says, through his lawyer in the latter's legal brief, that Phillips "turned over the handling of the [DRE] to Joannides," an internal CIA "Memorandum for the Record" dated November 13, 1962, expressly says that Richard Helms, not Phillips, made the decision to bring Joannides aboard as the DRE handler. And Morley acknowledged in his February 9, 2005, letter to me that this statement in the legal brief is "not quite accurate," that it should read that "Phillip's mentor and friend, Dick Helms, turned over handling of the group to Joannides in December 1962." And when Morley says, through his lawyer, that Phillips "recruited and funded" the DRE, not only does he offer no evidence to support the suggestion that it was Phillips, who, in effect, formed the DRE in Miami, but Ross Crozier told the HSCA investigators that the DRE in Miami was the off-shoot of a loosely knit group of Cubans who once belonged to a student group in Cuba, and "I formed it." (HSCA Record 180-10106-10028, January 13, 1978, p.3 of 10)

It's very clear from Morley's article and his letter to me that his evidence establishing Phillips as being any kind of a handler of the DRE is very thin, and he is compelled to rely on a brief reference in Phillips's book where Phillips speaks of his assignment in Havana during the Cuban Revolution and becoming aware of "student Catholic activists" who were supporters of Castro and later became disillusioned with him. Phillips writes, "Some of them had been recruited for the [Bay of Pigs] invasion force on my recommendation." (Phillips, *Night Watch*, pp.64, 78, 93) There's no indication of any working relationship with this group, and in any event, he had helped recruit some of them for the invasion, not for the DRE. Indeed, whomever he recommended, they were not among the DRE leaders in Miami. Morley acknowledged in his February 9, 2005, letter to me that none of

station or home 23 Nov arrange pickup any material which [02] exit-3 may have received 22 Nov" (CIA Record 104-10075-10179, November 22, 1963).

It is impossible to know what this message is all about, but the date of the document, November 22, 1963, has taken on increased importance among conspiracy theorists who believe Sloman is a CIA hit man named Anthony Sforza, and Choaden is Phillips. Gaeton Fonzi, in his book *The Last Investigation*, said that Sforza was a CIA hit man (Fonzi, *Last Investigation*, p.384). There's no evidence to support the hit man allegation, but Peter Kornbluh, in *The Pinochet File*, writes that Sforza was a "deep cover agent of the CIA" using the alias Henry J. Sloman and posing as a Mafia-connected smuggler in Latin America who was actively involved in the planning, with the Chilean military, to overthrow Chilean president Salvador Allende in 1973 (Kornbluh, *Pinochet File*, p.21). As to Choaden, in an August 31, 1959, CIA document released in 1998 under the JFK Act, there is a reference to a Choaden, and someone, *after the document's release*, handwrote "Phillips" above Choaden's name (CIA Record 104-10128-10330, August 31, 1959). No one knows who did this, but Lesar believes it was probably some unidentified researcher for the ARRB. An earlier 1959 CIA document with Choaden's name on it also had the name Phillips handwritten above Choaden's name in the title of the document, "Security Review of Choaden . . . Operations Deemed Essential." When this document was given a CIA record number by the National Archives, the cover sheet for the document was titled "Cable: Security Review of Phillips . . . Operations Deemed Essential." (CIA Record 104-10128-10330, August 31, 1959) All of this, by itself, would seem to establish the name Choaden as a CIA alias for Phillips, particularly since the document dealt with the problem that "Choaden's" cover as a CIA agent in Havana had become known to some, and Phillips was stationed in Havana in 1959. The question seems to have been finally resolved in 1995 when Anne Goodpasture, who worked with Phillips at the CIA station in Mexico City for several years, told the ARRB that she "believed" Michael Choaden was Phillips's pseudonym (Transcript of oral deposition of Anne Goodpasture before ARRB on December 15, 1995, pp.43-44).

the leaders were members of the invasion force. I asked Morley in a January 31, 2005 letter, “Did any of the DRE people tell you they had met Phillips? And if so, what their dealings with him were?” He responded in his February 9, 2005, letter, “Yes, *one* of them acknowledged visiting Phillips’ office on Humboldt Street in Havana. Phillips helped him get to an embassy so that they could flee the country and arranged for support once he reached Miami.” How does helping one Cuban student flee the country and arrange for only his “support” in any way establish Phillips’s bona fides as being someone who handled and arranged for the funding of the DRE?

But in a telephone conversation with Morley on February 27, 2005, and pursuant to my persistent questions, he finally made at least some meaningful claims to support the Phillips–DRE connection. And I didn’t get the sense that he was just pulling things out of his hat because he was trapped, rather more of the sense that he merely neglected to mention them in his articles and letter to me. I believe Morley when he says he was told the following by various sources, including DRE leaders, a good part or all of which may be true. The nucleus of the DRE was formed in Havana, not Miami, and the Catholic student group there that first organized itself to protest Anastas Mikoyan’s (deputy chairman of the USSR Council of Ministers) visit to Havana in February of 1960 dubbed themselves, in Havana, the Cuban Student Directorate. Morley acknowledged that Phillips did not recruit anyone into the DRE. They formed their group totally independent of him, the two main founding members being Alberto Muller Quintana (who ended up spending twenty years in a Castro prison) and Juan Manuel Salvat. However, Phillips decided to try to use this group—as far as the headstrong youngsters could be used by anyone—“as an instrument of U.S. policy.” They knew he was supportive of their efforts. It was Chilo Borja, Salvat’s close friend in the student group, who went to Phillips’s office, and Phillips helped Borja *and Salvat* escape, and once they reached Miami, he arranged for the CIA to start funding their group as an anti-Castro ally of the CIA in September of 1960, a support that continued up until 1966, per Morley. Morley acknowledges that other than arranging for the original funding, it did not appear that Phillips had any direct contact with the DRE in Miami, though he assumes, sensibly, that Phillips never lost interest in the group, and Crozier, in Miami, admits to coordinating his handling of the group’s propaganda effort with Phillips in Mexico City.*

One big weakness in Morley’s scenario is that he only got a statement from one DRE member, Borja, that he ever met Phillips, and then on only one occasion in Phillips’s Havana office. Salvat would neither confirm nor deny to Morley that he had ever met Phillips, which Morley writes off as being because Salvat is “notoriously opaque.”

* As indicated, Morley’s lawyer, Jim Lesar, is convinced that Phillips, among others, was behind the assassination. He feels that Phillips “turns up too often” in the assassination story “for it to be a coincidence.” He cites the Havana relationship Phillips had with the future DRE people, and the fact that Phillips was in Mexico City the same time Oswald was. He also notes that the first newsman to break the phony story that Oswald was an FBI informant, Joe Goulden, was a very close friend of Phillips’s—Phillips, per conspiracy author Gaeton Fonzi, being the best man at Goulden’s wedding (Fonzi, *Last Investigation*, p.363). And that the second newsman to promote the story, Alonzo Hudkins, was also a friend of Phillips’s. Lesar sees the false informant story as an effort by Phillips to shift suspicion for the assassination away from him and his CIA cohorts to the FBI. (Telephone interview of Jim Lesar by author on January 15, 2006)

In any event, assuming for the sake of argument Phillips's connection to the DRE, and getting back to the whole *apparent* reason for Morley's research (trying to determine whether the CIA was involved in Kennedy's assassination), what does Phillips's working with the DRE to overthrow Castro, as the CIA worked with many exile groups for many years to do, have to do with their working together with Joannides to kill Kennedy? Nothing. Indeed, when I asked Morley if Phillips even knew Joannides, he responded in his February 9, 2005, letter, "Great question, Vincent. One that I am beginning to address. I do not know if Phillips and Joannides knew each other. I think they did, but cannot prove it."

Where does all of this go? When I first asked Blakey this question in 2003, he said, "I don't know. I don't feel the CIA was involved in the assassination or cover-up. But I no longer feel the CIA gave me all that I was entitled to" (Telephone interview of Robert Blakey by author on February 23, 2003). When I asked Blakey, in a letter addressed to him in London on February 2, 2005, if this was still a good quote from him or he wished to amend it, he wrote back on my letter that the quote he gave me in 2003 was "still good."

Without my even yet asking Morley this specific question of where does all this go, he obviously sensed from my telephone conversations with him and the list of questions I submitted to him on January 31, 2005, that that was where I was leading, and on his own, he wrote to me in his February 9, 2005, letter, "What is Morley proposing? What's the storyline?" Although he believes that it is "logical" to conclude that Joannides, the CIA handler of the DRE, "knew about Oswald's existence and political activities [in New Orleans] three months before Oswald was arrested for killing Kennedy," he acknowledges that what this means "for our understanding of November 22" is "probably nothing." And he further acknowledges that "there is no evidence to link Joannides to Oswald. The most likely explanation would seem to be that Joannides' knowledge was innocent and that when Oswald killed Kennedy whatever his knowledge of Oswald's actions in August 1963 was, [it was] hidden lest it be misunderstood. Another possibility, consistent with available CIA records, is more sinister: that Joannides was running or helping run an authorized CIA psychological warfare operation that targeted or involved Oswald and his one man Fair Play for Cuba Committee chapter. The purposes of this operation, if there was one, are not known."

In a follow-up telephone conversation with Morley on March 4, 2005, what became even more evident was the ambiguity and ambivalence of Morley's state of mind with respect to the Joannides affair. Morley is not a conspiracy theorist, and he is not about to knowingly (though he has done so unknowingly) state something that the evidence does not support. When I told him that a portion of the conspiracy community is aware of his work on the matter and drawing the conclusion that Joannides and those around him at the CIA had a hand in the assassination, he immediately distanced himself from this conclusion, saying he didn't mean to convey this in his article, and was not willing to say the CIA may have been involved in the assassination. But when I asked him what relevance, then, his story has to the assassination, he said that if it turns out that Joannides and the CIA were aware of Oswald's activities in New Orleans prior to the assassination, this

would be relevant since they have never admitted this. I responded that even if they did know, so what? The FBI, another federal intelligence agency, not only knew but also talked to Oswald about his activities in New Orleans.

I told Morley that if he was not willing to say that the CIA may have murdered Kennedy, who cares if the agency knew about Oswald? Morley had no good answer for this, except to say that if this was true, it would show “negligence” on the CIA’s part in dealing with Oswald, Morley presumably meaning (he didn’t so state) that the CIA should have taken some affirmative steps to prevent the assassination. I said that if his negligence theory was correct, this may be why the agency doesn’t want to give him the documents he wants—it’s covering up its negligence. But I added that actually it was the FBI (not the CIA, whose charter only authorizes it to gather *foreign* intelligence), if anyone, that should have kept closer tabs on Oswald right up to the president’s visit to Dallas, and thereby possibly prevented the assassination. In any event, I told him the Joannides story seemed to suggest, as I told him about other conspiracy theorists, that the mere finding of the inconsistency, discrepancy, or suspicious circumstance (here, the CIA refusing to give Morley the documents he’s seeking on Joannides) is the story in itself, even though it “doesn’t go anywhere.”

That’s one side of Jefferson Morley’s view of his Joannides story—he’s not willing to say, in the last analysis, that it really goes anywhere as far as the events of November 22, 1963, are concerned. But here’s the other side, making Morley’s position somewhat of a puzzle to me from the first time I read his *Miami New Times* article. When I told him that I was satisfied beyond a reasonable doubt that the CIA was not involved in the assassination, he responded that as long as the Joannides matter “remains unresolved,” my conclusion is “premature.”

There are some bottom lines here. There is *no evidence* that the DRE murdered Kennedy. There is *no evidence* that Joannides was involved with the DRE or anyone else in the murder of Kennedy. And there is *no evidence* that Phillips was involved with Joannides, the DRE, or anyone else in the murder of Kennedy. Since there is no evidence of any of these things, there is *no reason* to believe that this whole Joannides story should be given another thought on the issue of its relevance to the Kennedy assassination. That is, unless Jefferson Morley finally comes up with some evidence to the contrary.

- 1198 **information on Oswald:** The HSCA requested that the CIA reveal where these earlier documents pertaining to Oswald had been disseminated internally, which would indicate what section or sections of the CIA had been interested in Oswald. The CIA advised the HSCA that because document dissemination records of relatively low national security significance (all of Oswald’s documents were only “confidential” or unclassified) were retained for only five years, none of the dissemination records for documents pertaining to Oswald for the years 1959 to 1963 were still in existence. Consequently, the CIA was unable to tell the HSCA when these documents had been received at the agency, by whom, and to whom they were disseminated within the agency. (HSCA Report, p.200)
- 1199 **201 file on Oswald:** One thing that drew the attention of the HSCA was that Oswald’s 201 file at the CIA was marked “restricted.” But the committee reviewed the files of four other U.S. defectors that had been opened by the CIA at the same time and by the same person as Oswald’s, and “determined that each of the files had been similarly restricted.” (HSCA Report, p.203)

- 1201 **locate Bishop:** In his testimony before the HSCA, former CIA director John McCone gave the following answers to the following questions: “Do you know or did you know Maurice Bishop?” “Yes.” “Was he an agency employee?” “I believe so.” “Do you know what his duties were in 1963?” “No.” (10 HSCA 50) McCone subsequently told an interviewer from the CIA’s Office of Legislative Counsel that what he had said about Bishop was an error and the HSCA should be so advised. However, a retired CIA “employee” told the same CIA interviewer that he had seen a man at the CIA whom someone, perhaps a secretary, had pointed out to him as being Maurice Bishop. He did not know the man (Bishop) personally and did not know his organizational connection to the CIA and could not pick him out from photographs shown him. (10 HSCA 50 footnote) A check of CIA records showed no one of that name was ever associated with the CIA. “Quite frankly, it is our belief . . . that such a man did not exist, so far as CIA connections are concerned,” the CIA advised the HSCA by letter on September 8, 1978. (10 HSCA 50) See also the March 13, 1979, letter from S. D. Breckinridge, the CIA’s principal coordinator with the HSCA, to HSCA chief counsel G. Robert Blakey, in which Breckinridge wrote, “Maurice Bishop was not of, from, or with CIA.” Breckinridge also stated there was no tie or relationship between Veciana and the CIA.
- 1204 **friend who was connected in any way with the CIA:** The only other known contact George de Mohrenschildt had with anyone in the CIA was in May of 1963 in Washington, D.C. He had traveled to Haiti as early as 1956 because of his interest in a possible geological project funded by American and Haitian interests. Dorothe Matlack, assistant director of the Office of Intelligence of the Army, told the HSCA that when Clemard Joseph Charles, the president of a Haitian bank through whom de Mohrenschildt intended to negotiate his Haitian contracts, came to Washington, D.C., in 1963, an army intelligence officer asked her to meet with Charles because of his relationship to Haiti’s president, Duvalier, and Haiti’s strategic position vis-à-vis Castro’s Cuba. Matlack said that she met with Charles in downtown Washington, also inviting along Tony Czaikowski, a CIA agent whom she introduced to Charles as a professor from Georgetown University. She said she was dismayed that de Mohrenschildt and his wife, Jeanne, accompanied Charles to the meeting, at which Charles urged Matlack to get the U.S. to invade Haiti and overthrow Duvalier. (12 HSCA 56–57)
- Before his trip to Washington, de Mohrenschildt wrote a letter to Vice President Lyndon Johnson, a fellow Texan, on April 17, 1963, seeking to set up a meeting between Charles and Johnson to work on “improving the social and economic condition of this small but important country [Haiti] so close to Cuba.” But the very next day, Walter Jenkins, LBJ’s administrative assistant, wrote de Mohrenschildt saying LBJ was scheduled to be out of town when de Mohrenschildt came to Washington. (Adamson, *Oswald’s Closest Friend*, pp.4–5)
- 1204 **CIA was directly behind or at least somehow involved in the assassination:** The kooks who have tried, without a shred of evidence, to implicate the CIA in Kennedy’s murder include some from the most unexpected quarters. Martin Underwood, LBJ’s advance man, told conspiracy researcher Vincent Palamara in 1991 that Win Scott, the CIA’s Mexico City station chief at the time of the assassination, told him some time after the assassination that the CIA “knew [JFK] was going to be hit.” For good measure, Underwood also told Palamara that Scott said the FBI and Mafia also knew. (Ira David Wood III, “22 November 1963: A

Chronology,” in Fetzer, *Murder in Dealey Plaza*, p.26) You see, before Scott retired from the supersecret CIA, I guess he wanted to squeal on his agency as either being complicit in the assassination or knowingly allowing it to happen. And for some reason, he only wanted to be a canary to Underwood. (See later endnote for longer discussion on Underwood and his credibility.)

1210 **she elaborated on his mental condition:** The following year, when Jeanne de Mohrenschildt was interviewed by conspiracy theorist Jim Marrs, she was singing a different tune. Although she said, “I knew George for 21 years. I knew him inside and out. We had no secrets from each other. He knew absolutely nothing about the assassination,” she still said she did not believe her husband committed suicide (“he toyed around with suicide once” and had an “unbalanced mind”) but had been “eliminated before he got to that committee,” not explaining why anyone would want to kill her husband if, as she said, he knew nothing about the assassination. Jeanne added that her husband was dead and couldn’t talk, and “that’s why I am doing all the talking while I can. I am the last of the Mohicans, so to speak. They may get me too, but I’m not afraid. It’s about time somebody looked into this thing.” (Jim Marrs, “Widow Disputes Suicide,” *Fort Worth Star-Telegram*, May 11, 1978)

1211 **effort by the conspiracy theorists to connect Oswald to the CIA:** In John Newman’s attempt to connect Oswald with the CIA, he quotes a portion of a November 25, 1963, memorandum from the CIA’s station in Paris that reads, “It was partly out of curiosity to learn if Oswald’s wife would actually accompany him to our country, partly out of interest in Oswald’s own experience in the USSR, *that we showed operational intelligence interest in the Harvey [Oswald] story.*” Newman said the writer of the memo was “known only by the initials T.B.C.” (Newman, *Oswald and the CIA*, pp.226–227) Apparently Newman only had in his possession the addendum to the memo, which, indeed, contains the language he cites and is signed “T.B.C.” But the addendum is paragraph four of the memorandum, and the memo’s first three paragraphs are followed by the signature “Thomas B. Casasin.”

Casasin was working in Paris at the time as the chief of Branch 6, the section of the Soviet Russia (SR) Division of the CIA’s station in Paris whose primary work was amassing information in support of the SR Division, whose mission was espionage within the Soviet Union. The memo was sent by Casasin to Walter Haltigan, the chief of the SR Division. When HSCA staff counsel, Surell Brady, interviewed Casasin in 1978 at the American embassy in Paris to find out what this memo was all about, Casasin said he wrote the memo “spontaneously” after he heard a newscast about Oswald after the assassination, and referred in the memo to a conversation he had had with the chief and deputy chief of his research section in Paris in the summer of 1960 in which he discussed the “laying on of interviews [of Oswald]” by appropriate CIA divisions “or other suitable channels.” He told Brady that by the latter he meant the Immigration and Naturalization Service and the FBI. The conversation, he believes, took place in July of 1962, which is when Oswald returned to the states, adding that the reference in the memo to its taking place in the summer of 1960 was definitely an error since he was on leave from his work and traveling through Europe with his family that summer. Also, of course, Casasin couldn’t have referred to Oswald’s wife in the summer of 1960

since Oswald hadn't yet married Marina, and his memo said that he "didn't recall" if the discussion in Paris took place "while Oswald and his family were en route to our country or if it was after his arrival."

He said the only information he had on Oswald at the time of the conversation in Paris was based on details he had seen in information from the State Department. Casasin said his suggestion was just a "lead" that was never followed up, which he said was not unusual, and he did not prepare any memo at the time of the informal discussion, saying it would not have been customary to do so.

Although Casasin says in his memo that REDWOOD (cryptonym for clandestine operations) "had at one time an OI [operational interest] in Oswald," he offered no support for this and said he did not believe Oswald was monitored by the CIA while he was in the Soviet Union, saying it would have been too risky to run the chance of exposing CIA operatives there, who would have to do the monitoring, when Oswald was only of "marginal interest" to the CIA. (CIA Record 104-10050-10210, Memorandum from Thomas Casasin to Walter P. Haltigan re: Lee Harvey Oswald, November 25, 1963, CIA Document 435-173-A; HSCA Record 180-10143-10227, HSCA interview of Thomas Casasin on August 17, 1978, p.7)

The HSCA interviewed five other CIA employees who worked in Casasin's section at the Paris station whom Casasin was likely to have spoken to, and none could recall any discussion resembling the one referred to in Casasin's memo. The CIA also interviewed Haltigan and several other members of the SR Division's clandestine operations section, and none of them knew of any contact by the CIA with Oswald at any time. (HSCA Report, pp.207-208; HSCA Record 180-10144-10073, HSCA staff interview of Walter P. Haltigan by Mickey Goldsmith and Betsy Wolf on June 13, 1978, pp.1, 3; see also HSCA Record 180-10142-10391, December 13, 1978, p.6; HSCA Record 180-10142-10389, December 22, 1978)

Casasin had told HSCA staff counsel Brady that the CIA maintained information on some "special design plants in Minsk which were of interest to the CIA" because they dealt with aviation, nuclear energy, bacteriological warfare, et cetera. Additionally, anyone in the area of those plants was of interest to the agency, though he did not believe Oswald worked in any of these plants. (HSCA Record 180-10143-10227, HSCA interview of Thomas Casasin on August 17, 1978, p.5) And indeed, a former CIA employee who had worked in the Soviet branch of the Foreign Documents Division of the Directorate of Intelligence in 1962 advised the HSCA that he had seen a CIA contact report that year from representatives of a CIA field office pertaining to their interview of a former marine in Minsk who had defected to the Soviet Union and was working at the Minsk radio plant. If true, the person would have had to be Oswald. But when the employee (apparently not an agent) told the HSCA where the contact report was filed, Gary Cornwell, the HSCA's deputy chief counsel, inspected the file and found no such contact report. (HSCA Record 180-10101-10207, October 17, 1978; HSCA Report, pp. 209-210)

It's hard to read Casasin's memo and his interview with the HSCA, as well as look at the results of the HSCA's investigation into Casasin's statement, without concluding that either Casasin never had any conversation about Oswald with anyone in Paris, or if he did (which I would tend to believe), it was nothing more than loose, conversational musings about the advisability of debriefing Oswald upon his return to America since Oswald had worked at the radio factory in Minsk. Inas-

much as the CIA, in his mind, should have debriefed Oswald, he probably speculated without any evidence that the agency in fact *did*—thus, Casasin’s “operational interest” in Oswald.

In the book *Conspiracy in Camelot*, author Jerry Kroth writes that “Newman found a document showing ‘Andy Anderson’ had debriefed Oswald for the CIA, a fact denied then and now by former directors including Richard Helms as recently as 1993. Newman notes that Andy Anderson’s report was reviewed by another [CIA] officer, Donald Deneselya, who also recalled seeing it.” Kroth does not tell where Newman made this assertion, and in a succeeding paragraph that he suggests, from the context, relates back to the Anderson document, he gives a citation of page 707 in Newman’s book, *Oswald and the CIA*, a page that does not exist, the book only containing 612 pages of text. (Kroth, *Conspiracy in Camelot*, p.292) I have read elsewhere in conspiracy literature about the alleged Anderson document, but no source is ever given, and the index to Newman’s book does not contain the name of Andy Anderson or Donald Deneselya. In any event, even if such a document existed, it would apparently only concern a debriefing of Oswald by the CIA, presumably after his return to the states from the Soviet Union.

However, it is unlikely such a debriefing ever took place since Oswald did not fit comfortably into the type of Americans, mostly business people, who traveled abroad and were debriefed by the CIA’s Domestic Contact Service upon their return, to elicit anything they had learned about a foreign country that might be helpful to this nation’s interests. As indicated in the main text, the Domestic Contact Service was nonclandestine, so therefore it did not deal with internal investigations relating to national security. Anything that did would be the jurisdiction of the FBI, not the CIA, whose statutory job is to investigate on foreign soil matters pertaining to U.S. security. And in a deposition before the Church Committee in 1975, James Angleton, the CIA’s counterintelligence chief, said he had no knowledge that Oswald was ever debriefed by the CIA, and assumed that if he hadn’t been, it was because such a debriefing of an American defector on American soil would be the job of the FBI, who, we know, did debrief Oswald in 1962 in Fort Worth. (DiEugenio and Pease, *Assassinations*, pp.150–153) And the HSCA concluded that the CIA never debriefed Oswald when he returned from the Soviet Union, not even its Domestic Contact Service, finding further that “the CIA did not contact returning defectors in 1962 as a matter of standard operating procedure” (HSCA Report, p.209).

Conspiracy theorists have responded that if the above is true, why did the CIA go beyond debriefing another American, Eldon Hensen, who attempted to defect to Cuba in 1963, setting up a sting operation against him to find out what he was up to? But the theorists are comparing apples with oranges. The CIA sting operation against Hensen was conducted in July of 1963 in *Mexico City*, not on American soil, and hence the CIA did have jurisdiction over such an investigation. (DiEugenio and Pease, *Assassinations*, p.153; Newman, *Oswald and the CIA*, pp.362–363)

- 1216 **“Hoover, participated in the conspiracy”**: Since many conspiracy theorists suspect FBI Director J. Edgar Hoover of being behind the assassination, any association by him with someone outside the FBI made that person suspect too. This is why some fringe conspiracy theorists even suspect the current president’s father, former president George H. W. Bush, of possibly being involved in the conspiracy. In a memorandum to the Department of State on November 29, 1963, seven days after the assassination, Hoover mentions that information on the assassination was “orally furnished to Mr. George Bush of the Central Intelligence Agency.” Though George H. W. Bush later became director of the CIA, the ARRB determined that he had no connection with the CIA back in 1963. There was a George Bush in the CIA in 1963, but he was a junior analyst and has repeatedly denied being the George Bush referred to in the Hoover memo. The ARRB said it “found one reference to an Army Major General George Bush in the calendars of Director of Central Intelligence Allen Dulles [who was no longer CIA director in 1963]. There was no indication if this George Bush could be the referenced George Bush.” (Final Report of the ARRB, p.108)
- 1218 **“where I got the number”**: In *JFK: Breaking the News*, Hugh Aynesworth said he “read to [Lonnie Hudkins] part of a Telex number on a telegram” (Aynesworth with Michaud, *JFK: Breaking the News*, p.127).
- 1220 **file on Oswald [footnote]**: An earlier *Corpus Christi Times* article of October 23, 1959, about another American defecting and the manner in which the newspaper thought these defectors should be handled, was then put in Oswald’s FBI file (CE 834, 17 H 804). The date of this earlier *Corpus Christi Times* article is given in a Warren Commission volume (5 H 12, WCT Alan H. Belmont) as October 2, 1959, but is almost surely a typographical error or a misstatement.
- 1220 **Oswald FBI informant story**: In a case of multiple hearsay, Walter Jenkins, a special assistant to President Johnson, told the FBI that a friend of his told him that an FBI agent formerly assigned to the New Orleans office of the FBI told him that Oswald had been an FBI informant. The agent had been transferred from the New Orleans office to the Dallas office because of some difficulty he had with a woman in the French Quarter. The FBI found the names of three agents who had been transferred directly to Dallas from their New Orleans office but only one fit the description. Back in 1958 the agent was censured, placed on probation for five days, and transferred to Dallas because of an allegation, not conclusively established, that while attending the 809 Club in the Quarter, he patted one of the dancers on the derriere when she danced near his table, and also made remarks that had been “misconstrued as threats against the owners and a doorman at the club.” The subject agent was contacted and made a written statement to J. Gordon Shanklin, special agent in charge of the Dallas office, saying, “I categorically deny ever having made such a statement [about Oswald being an informant] to anyone, officially, unofficially, in the line of duty, or socially.” What is a mystery, however, is when he goes on to say that “such a statement by me would have been impossible as I have absolutely no knowledge of, nor did I participate in, the investigation of Lee Harvey Oswald.” (FBI Record 124-10132-10346, May 4, 1964; see also FBI Record 124-10054-10470, May 5, 1964) How in the world could he have

possibly told Shanklin this when Shanklin knew that he was one of the agents Shanklin had assigned to participate in the investigation of Oswald and, as the record shows, did participate (e.g., see 3 H 168, WCT Bonnie Ray Williams; 6 H 444, WCT Earlene Roberts; 10 H 350, WCT Frank Pizzo)? It makes no sense whatsoever.

- 1224 **Robert Kennedy had personally selected Lee:** One of the allegations that the FBI attempted to frame Oswald (which could go in the direction of its having been involved in Kennedy's murder, or a cover-up for someone else) was made, by of all people, former Speaker of the House Thomas P. "Tip" O'Neill in his book, *Man of the House*. O'Neill writes that over dinner with presidential assistant Kenny O'Donnell in 1968, he was surprised to hear O'Donnell say he was sure he had heard two shots that came from behind the fence on the grassy knoll. When O'Neill reminded O'Donnell that that was not his testimony before the Warren Commission (you mean to tell me that *before* their dinner, or at *any* time, O'Neill had bothered to look up O'Donnell's testimony in volume 7 of the Warren Commission? really?), he claims O'Donnell replied, "You're right. 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," that the shots came from the right rear. O'Neill says he then said, "I can't believe it. I wouldn't have done that in a million years. I would have told the truth," whereupon O'Donnell allegedly said, "Tip, you have to understand. The family—everybody wanted this thing behind them." (O'Neill with Novak, *Man of the House*, p.178)

For starters, the likelihood that O'Donnell would tell O'Neill, in effect, that he really didn't care that the true killer of Kennedy, whom he loved and was extremely close to, was brought to justice is too absurd for words. Furthermore, as opposed to other witnesses, O'Donnell was part of the president's inner circle, and therefore was probably privy to and heard FBI officials saying they believed all the shots came from the Book Depository Building, which the FBI, in fact, did. But that's not the equivalent of what O'Neill has O'Donnell allegedly saying, that the FBI wanted him to lie in his testimony. That is totally far-fetched for many reasons, among which is, what would the FBI have hoped to achieve? If O'Donnell had been the only witness, and if you believe the FBI was out to frame Oswald, then you could argue that the FBI would have achieved something. But a considerable number of other witnesses were testifying that the shots came from the grassy knoll, not the Book Depository Building, so what would FBI officials possibly have to gain by letting O'Donnell know they wanted him to lie? And let's not forget that if one believed that O'Neill got the story straight, then one also has to believe that O'Donnell committed the crime of perjury and did not hesitate to announce his crime to third parties. Is that believable? O'Neill's story makes no sense and he was obviously confused. Actually, the allegation that the FBI influenced O'Donnell to change his story was first made in 1975, when a CIA "liaison man" told it to investigators for the Rockefeller Commission. When O'Donnell heard of it, he said, "The story is an absolute lie. I'm not accusing the reporter, but whoever gave that story is lying. It's an absolute, outright lie." (*Seattle Times*, June 14, 1975, p.A2)

O'Neill goes on to say in his book that another Kennedy assistant and member of the "Irish Mafia" that surrounded Kennedy, David Powers, was present at the dinner and he says that Powers's "recollection of the shots was the same as O'Don-

nell's." However, Powers gave an affidavit to the Warren Commission on May 18, 1964, in which he said, "My first impression was that the shots came from the right and overhead, but I also had a fleeting impression that the noise appeared to come from the front in the area of the triple overpass" (7 H 473). Some FBI influence.

Both O'Donnell and Powers are deceased, as is O'Neill.

1224 **former assistant FBI director William Sullivan:** William Sullivan was killed while hunting deer near his home in Sugar Hill, New Hampshire, on November 9, 1977. He was shot accidentally by another deer hunter, a twenty-year-old named Robert Daniels. Local authorities investigated, and no charges were brought against Daniels. (*Washington Post*, November 10, 1977) Predictably, Sullivan's death is on the mysterious-death lists of conspiracy theorists (e.g., Marrs, *Cross-fire*, p.565).

1225 **from his peers in the conspiracy community:** One of the most bizarre tales in conspiracy assassination literature, and one that conspiracy theorists have treated very seriously, even being the subject of one of the largest books ever written (824 pages) on the assassination, touches on the same theme as Mark North's *Act of Treason* but is a much weaker rendition than North's allegation. It deals with the story of one Richard Case Nagell (aka Joseph Kramer, Joe Krane, Robert C. Nolan) as set forth in *The Man Who Knew Too Much* by Dick Russell. Nagell (a decorated army captain during the Korean War) alleges that as a double agent assigned by the CIA to penetrate Soviet intelligence, he learned that the Soviets became aware before American authorities did of Oswald and former CIA employees plotting to kill Kennedy. Indeed, he claims that because the Soviets believed that suspicion for Kennedy's death would be focused on them because of Oswald's defection, they ordered him to meet with Oswald in Mexico City and try to persuade him not to do it. And if he failed to talk Oswald out of it, he was told to kill Oswald. Rather than do that, * Nagell, in a notarized affidavit he signed on November 21, 1975, claims he sent a letter to FBI Director J. Edgar Hoover in September 1963, in which he "advised Mr. Hoover of a conspiracy . . . involving Lee Harvey Oswald" to murder Kennedy "during the latter part of September (1963), probably on the 26, 27, 28 or 29th," presumably in Washington, D.C. He signed the letter "Joseph Kramer," one of his aliases. Apparently Nagell knew more about Oswald's schedule than Oswald did, since we know Oswald was on his way to Mexico City, not Washington, D.C., in late September, with hopes to get to Havana. It would have been rather difficult for Oswald to kill Kennedy anywhere in the United States, even the very tip of the Florida Keys, from Havana.

Nagell has no copy of this alleged letter (one needs an original, of course, to make a copy), and when, in 1976, author Russell sought to find out from Congressman Donald Edwards, who was on the HSCA, whether the FBI ever received any such letter, FBI Director Clarence Kelly wrote to Edwards, "Mr. Nagell's allegation is not new to the FBI. It has been looked into on several occasions over the years . . . No record has ever been found of receipt of his claimed September, 1963 letter."

*There is no evidence other than Nagell's word that Nagell ever met Oswald. While incarcerated in El Paso on an attempted bank robbery charge, he told the FBI that he had had an association with Oswald but it "was purely social," and he met Oswald "in Mexico City and in Texas" (Russell, *Man Who Knew Too Much*, p.51). But Nagell later would say that he met Oswald in Tokyo (Russell, *Man Who Knew Too Much*, pp.136, 145).

(Russell, *Man Who Knew Too Much*, pp.56–57, 63, 95–96, 241, 249–253, 369–370, 438) Nagell says he got no reply to his, in all probability, nonexistent letter.

On the other hand, there is a piece of circumstantial evidence that goes in the direction of his writing such a letter. (Very, very commonly, there can be one piece of circumstantial evidence going in one direction on a given issue, and another piece going in an opposite direction on the same issue.) It turns out that Nagell made the same claim long before 1975. In a March 20, 1964, handwritten letter to J. Lee Rankin, Warren Commission general counsel, from the El Paso jail, he asks, “Has the Commission been advised that I informed the Federal Bureau of Investigation in September 1963 that an attempt might be made to assassinate President Kennedy?” (DOJCD Record 186-10001-10119, March 20, 1964) Of course, the above only helps support (but doesn’t prove) Nagell’s claim that he wrote the letter, not that he had any basis for what he said in the letter. After all, if we know from the evidence that Nagell was nearly psychotic (see later), a foundationless letter to the authorities saying that the president might be killed could have been one manifestation of his sickness.

The legend that has formed around Nagell is that he began to suspect he was in over his head and was being set up, so to establish an alibi for himself he decided to commit a bank robbery in El Paso and get caught so he would be in custody at the time Kennedy was killed. But did Nagell himself ever say this? The evidence is mixed, but he probably did not. This apparently apocryphal story originated in an article by William Turner in the January 1968 edition of *Ramparts* magazine and has been accepted, without question, by many in the conspiracy community. In May of 1968, New Orleans DA Jim Garrison met in New York City with Nagell and claims in his book *On the Trail of the Assassins* that Nagell told him this (Garrison, *On the Trail of the Assassins*, pp.213–215). But since Garrison has little credibility, it is hard to be sure whether Nagell told him this fable or whether Garrison was simply parroting Turner, a former FBI agent who was assisting Garrison in his investigation of Clay Shaw.

For his part, Nagell has severely attacked Turner, writing in 1975 that Turner “knowingly and purposefully cited numerous lies about me” and that “he has proven himself adept at putting words in my mouth and misquoting his sources of information to lend credence to his major untruths” (Dave Reitzes, “Truth or Dare: The Lives and Lies of Richard Case Nagell,” *JFK/Deep Politics Quarterly*, July 2000, p.32 footnote 78). And in an October 26, 1975, interview by author Russell, Nagell said, “There was a reason for having myself arrested in the manner I did, which I thought would turn into a misdemeanor. It wasn’t because of the Kennedy assassination, in that sense, but for a reason I’ve never disclosed to anybody in the United States. I certainly wasn’t trying to establish an alibi, as some of these researchers have written. I didn’t need an alibi. I was on my way out of the country, to Mexico and then somewhere else, and I did not plan to return” (Russell, *Man Who Knew Too Much*, p.446).*

*The alibi story has been supported, conspiracy theorists say, by their claim that Nagell had foreknowledge of the assassination in Dallas on November 22, 1963. Other than Nagell’s alleged letter to Hoover that said the assassination was going to take place in late September of 1963 in Washington, D.C., the principal source for the foreknowledge story—the El Paso police officer who arrested Nagell, Jim Bundren—is lacking in credibility. Bundren told Russell in a May 11, 1990, interview that at one of Nagell’s pretrial hearings on the bank robbery charge, Nagell told him, “Well, I’m glad you caught me. I really don’t want to be in Dallas.”

So it is not known why Nagell did what he did at the El Paso bank. What is known is that he walked into the State National Bank in El Paso, Texas, in the late afternoon of September 20, 1963, drew his Colt .45, fired two shots into a wall, calmly walked out to the street, got into his car, and started to pull out into the street to drive away when he was apprehended by a police officer (Russell, *Man Who Knew Too Much*, p.44). If you want to be arrested, you obviously don't try to escape. That Nagell did try to escape completely refutes the alleged purpose he had for what he did in the bank.

Nagell was charged with attempted bank robbery,* and because his conduct was so bizarre, the judge sent him to the U.S. Medical Center for Federal Prisoners in Springfield, Missouri, for a psychiatric evaluation to determine if he was mentally competent to stand trial. Nagell refused to submit to the requisite tests, but he was found competent to stand trial.

Nagell was the sole survivor of a military plane crash in 1954 in which he sustained severe head injuries, and his lawyers argued at his trial that he was temporarily insane when he fired the two shots in the El Paso bank, but he was convicted by a federal jury on May 6, 1964, and sentenced to ten years. His attorney filed an appeal based on "newly discovered" evidence. A neurological doctor at Walter Reed hospital in Washington, D.C., who first examined Nagell after the plane crash said that Nagell suffered from "organic brain damage," which meant that his "judgment and perception of reality was seriously disturbed so that he could not accurately differentiate right from wrong." His conviction was overturned on appeal in 1966, and he was retried and convicted again. But on April 3, 1968, the U.S. Court of Appeals for the Fifth Circuit, finding no specific intent to rob in Nagell's conduct, and "strong evidence of [Nagell's] insanity at the time," concluded that "the evidence introduced by the government [to prove an attempted robbery] is not sufficient to sustain the conviction," and ordered Nagell's immediate release from custody. (Russell, *Man Who Knew Too Much*, pp.60-64, 107, 625, 645)

Nagell has a long history of mental illness, and his mother, brother, and former wife all considered him to be mentally disturbed (CIA Record 104-10012-10089, June 7, 1968). In April and May of 1962, he had checked himself into the psychiatric ward of the VA hospital in Westwood, California, and in December of 1962, around the time, apparently, when he says the CIA was having him infiltrate the KGB, and the KGB wanted him to talk Oswald out of killing Kennedy, or failing this, to kill Oswald, he had checked himself into the Bay Pines VA hospital in St. Petersburg, Florida, totally disoriented and complaining of "severe headaches, blackouts, and . . . amnesia." The clinical social worker's report reads, in part, "Patient feels his intentions were to go to California, but came to Florida instead. He cannot remember any part of his trip until he arrived in Tallahassee, where the police suggested he come to Bay Pines." In a note to the hospital administrator,

When Bundren said, "What do you mean by that?" Nagell supposedly said, "You'll see soon enough." Bundren claims that when Kennedy was killed thereafter in Dallas, what Nagell had told him bothered him, and has "ever since." The only problem is that when Russell first interviewed Bundren on October 21, 1975, fifteen years earlier, Bundren never said one word about what Nagell supposedly told him, the very, very important utterance that has bothered him "ever since" 1963. Apparently Bundren needed another fifteen years (from 1975 to 1990) to think about it. (Russell, *Man Who Knew Too Much*, pp.45, 741)

*While at the El Paso county jail, Nagell told the FBI on December 19, 1963, that "I think I had better say I met Oswald in Mexico City and Texas and my association with him was purely social." An attempt was made to have Nagell elaborate, but he refused. (FBI Record 124-10011-10289)

Nagell mentioned the possibility he is in the process of “cracking-up.” In fact, as late as September of 1963, just before the El Paso incident, he unsuccessfully sought psychiatric care at the VA hospital in Los Angeles yet again. (Russell, *Man Who Knew Too Much*, pp.183, 265–266, 285, 430)

Despite the fact that Russell’s subject, Nagell, was a pathetic figure with severe mental problems who lived in a world of fantasy (one of them being that in New Orleans, Oswald, Nagell says, was “undergoing hypno-therapy” by David Ferrie and may have been a Manchurian candidate in a “hypnotic trance” at the time he shot Kennedy), he tells his readers that Nagell “holds a very big skeleton key that could open the door on who was really behind the death of our thirty-fifth president,” and many people in the pro-conspiracy community (e.g., Bernard Fensterwald Jr., Richard Popkin, for a while Jim Garrison, etc.) believed that Nagell, before his death in 1995, was “the most important living witness concerning the events of November 22, 1963” (Russell, *Man Who Knew Too Much*, pp.47, 59). Driving the indefatigable Russell to distraction with his vague allusions, ellipses, and uses of indecipherable acronyms like CHAOS/XYZ and HAI/WAI, Nagell eventually reduced Russell to sending Nagell, Russell said, “a ten page outline of what I believed were the essential elements of his story, and he mailed it back with numerous typed corrections” (Russell, *Man Who Knew Too Much*, p.251). But as conspiracy researcher Scott Van Wynsberghe notes, “It seems Russell saw nothing unusual in the fact that he was now explaining to his supposed source the source’s own story—which the source then continued to modify. Russell would argue that he was only clarifying Nagell’s tale, but a journalist should know that, after a point, the incomprehensibility of a story *is* the story. You have a bum source” (*Fourth Decade*, March 1997, p.20).

On January 3, 1967, Nagell got off a letter to U.S. Senator Richard Russell in which he talked about Oswald coming under his scrutiny in 1962 and 1963. He proceeds to tell Russell that Oswald had no significant contact with pro-Castro elements, or Marxist or racist groups, et cetera, nor was Oswald “an agent or informant, in the generally accepted sense of the words, for any investigative, police, or intelligence agency, domestic or foreign.” He continued that Oswald was part of a conspiracy to murder Kennedy that had nothing to do with a foreign government. He concludes, “For what little it is apparently worth now, my opinion is that the death of President Kennedy was indirectly, if not directly, resultant from a conspiracy and also due in great part to the stupidity or negligence of the FBI; that Mr. Oswald definitely was the only assassin; and that his own demise was *not attributable to any conspiracy of which I was cognizant.*” (DOJCD Record 186-10001-10118) Using Nagell’s own words, he seems to be indirectly removing himself from consideration by conspiracy theorists as being a player on their field. But Nagell remained, and remains, a fixture in the conspiracy firmament.

If there was anyone who had a wilder imagination about the assassination than Richard Nagell, it was New Orleans DA Jim Garrison, whose looney, conspiratorial theories knew no boundaries. As indicated earlier in this endnote, in his investigation of Clay Shaw for the murder of President Kennedy, Garrison actually flew to New York City in May 1968. He met with Nagell on a park bench in Central Park, hoping Nagell would help break the case wide open for him. (What a conversation it must have been between someone almost certifiably psychotic [Nagell]

and someone [Garrison] symptomatically psychotic.) But, for Garrison, Nagell answered very few questions and was deliberately evasive, except to say, without providing any supporting evidence, that Guy Banister, Clay Shaw, and David Ferrie were behind the assassination and had manipulated Oswald. Nagell also refused to discuss the CIA (the conspiratorial devil behind the assassination in Garrison's eyes) or any other federal agency except that he claimed he was ignored by the FBI when he tried to warn them of Kennedy's assassination.* Nagell, wanting to testify, flew to New Orleans on his own before the Shaw trial in 1969, but Garrison never called him to the stand, not only because he had nothing to say, but also because, per Garrison, "by the time [Shaw's attorneys] finished with Nagell, the jury would have been left with the impression of a crackpot" (Garrison, *On the Trail of the Assassins*, pp.213–216, 267). When one is a crackpot even in the eyes of someone as screwy and erratic as Jim Garrison, it's time for that person to go home.

A footnote to the Nagell story: The ARRB sent Nagell a letter dated October 31, 1995, requesting that he contact the board to discuss any documents or evidence he might have in his possession relating to the assassination (e.g., Nagell told Russell he had a Polaroid photograph of himself and Oswald in New Orleans, that he had documentary proof of the letter he allegedly sent to the FBI in September of 1963 warning of Kennedy's death, etc.). The ARRB learned that Nagell died (from natural causes) in his Los Angeles apartment on November 1, 1995. A member of the ARRB staff, with the assistance of Nagell's son and niece, searched his apartment, and footlockers of his kept in storage in Phoenix, and found none of the items Nagell claimed he had. (Final Report of the ARRB, p.133)

1226 helped return Batista to power: That the United States was an ally of General Fulgencio Batista, whose acts of tyranny during his two reigns as Cuban president cannot be questioned, is clear. He was a guest of honor in the White House

*Though Nagell made no positive impression on Garrison, the reverse was not true. A month later (June 5, 1968), Nagell surfaced at the American consulate in Zurich, Switzerland, claiming he was on a secret U.S. government mission in Geneva. Consulate staff said Nagell was "incoherent" and "appears psychotic." (CIA Record 104-10012-10091, June 6, 1968) What was he doing in Europe? Nagell said that Jim Garrison had planted the fear of the CIA in his mind, and after he was almost hit by a car in New York City, he fled to Europe to escape being killed by the CIA (Nagell's CIA 201 file, 746537, Document 87405, March 26, 1969; CIA Record 104-10012-10091, June 6, 1968). Returning to the states in 1969, he next surfaced in the personal column of the classified section of the August 20, 1969, edition of the *East Village Other*, a New York City underground newspaper. Nagell's words (which he signed off on as "Cordially, R. C. Nagell") were, "Caught In The Act. Notice to the CIA and all SY shitheads who participated in Project Purple Shaft: After that fiasco in the GDR you worms did your best to screw, blue and tattoo me. You even tried to have my ass dusted in Berlin . . . you fuckups. Now it's my turn to do a little shafting." In a September 2, 1969, memorandum to the director of the CIA's Office of Special Investigations, a CIA agent who had read Nagell's *East Village* statement writes, "While Nagell may be something of a crackpot, the item does appear to contain somewhat of an implied threat. For this reason, the information is forwarded for your consideration and for any action which may be considered necessary."

Though a CIA file was opened on Nagell (201 file number 746537), the CIA said in an internal routing sheet of the deputy director for operations that Nagell "is not nor has ever been associated with CIA" (NARA Document Identification 1994.05.18.11:23:56:720005, March 26, 1969). (All CIA documents and references above were released and declassified by the CIA in 1994 and are in the National Archives, JFK box 64, vol.R55, folder G.)

A May 2, 1969, document of unconfirmed origin in author Russell's book, which he says comes from Nagell's "Military Intelligence file," says that Nagell "was intermittently employed as an informant and/or investigator for the Central Intelligence Agency (CIA)." But this could simply have been what Nagell told the interviewer (name not given), assuming the document is even authentic. (Russell, *Man Who Knew Too Much*, p.735)

in 1942, and was photographed seated next to President Roosevelt in the backseat of a limousine. There is also an undated photo of Batista (it could have been after he returned to power in 1952 after living in splendid exile in Miami for several years) walking with military personnel in front of cadets at attention at West Point. During Batista's long struggle against Castro's forces, his army used arms mostly furnished by the United States. And when the curtain was about to come down on him in 1958 as Castro's rebels continued their inexorable move toward Havana, the U.S. ambassador to Cuba met with Batista on the evening of December 17, urging him to leave the island and implying that after a year in Spain, he could return to the United States.

Indeed, eight days before this meeting, American multimillionaire William Pawley, a close friend of President Eisenhower's, with contacts among the most powerful and influential men in America, served as a secret emissary of the U.S. government and met with Batista, exhorting him to leave the island to avoid bloodshed in an inevitable defeat. Pawley testified before a subcommittee of the U.S. Senate (the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws, Committee on the Judiciary) on September 2, 1960, that "I offered him an opportunity to live at Daytona Beach with his family . . . , that we would make an effort to stop Fidel Castro from coming into power as a Communist, but that the caretaker government would be men who were enemies of his [Batista's], otherwise it would not work, because Fidel Castro would have to lay down his arms or otherwise admit he was a revolutionary fighting only because he wanted power, not because he was against Batista." (Cirules, *Mafia in Havana*, p.138) Because Batista would not yield to U.S. wishes, this country eventually abandoned him. His other allies, the American Mafia, who had done all they could to help Batista stop the Castro takeover of their paradise, remained loyal to him for all he had done for them, and negotiated asylum for Batista in the Dominican Republic, where they had ties to Rafael Trujillo's government. (Cirules, *Mafia in Havana*, pp.56, 127, 137–144; Smith, *Fourth Floor*, pp.164–166, 171–176; shipping arms to Batista: *Congressional Record*, 85th Cong., 2d sess., March 31, 1958, vol.104, part 5, H5814–5815, and "Arms for Cuba," editorial, *New York Times*, April 4, 1958, p.20)

- 1226 **Trafficante's primary base:** Reportedly, Santo Trafficante was also charged by the mob with overseeing the receipt of "bulk shipments of heroin from Europe" and forwarding them "through Florida to New York and other major urban centers, where the distribution was assisted by the local mafia bosses" (McCoy, *Politics of Heroin in Southeast Asia*, p.26). But this has never been confirmed.
- 1233 **Neither clause would apply to Hoover's alleged conduct:** However, in the old British common law there was a crime called misprision of a felony, which was committed when one, knowing of the commission of a felony, failed to report it to the authorities. A leading book on the criminal law states, "The offense was given a less than warm reception in America, it being wholly unsuited to American criminal law, and has become obsolete" (*Wharton's Criminal Law*, p.285). But this was referring to state law, because the crime, with an added element, survives to this day under federal law (18 USC § 4). Prosecutors, in addition to showing that a person fails to disclose information, also have to show that he "conceals" the crime, which the courts have construed to mean that he took "affirmative action to con-

ceal the crime and the perpetrator thereof” (*Lancy v. United States*, 356 F.2d 407, 411 [1966]). This, of course, makes it almost indistinguishable from being an accessory after the fact to a crime, which is committed under federal law (18 USC § 3), when a person, with knowledge that “an offense against the United States has been committed . . . assists the offender in order to hinder or prevent his apprehension, trial or punishment.”

“Misprision of Treason” (18 USC § 2382) has the same elements as misprision of a felony, except the felony concealed and not disclosed is treason. Since no felony (murder) was ever committed by organized crime against President Kennedy, even if Hoover were guilty of the exceedingly reprehensible conduct attributed to him by North, he could not, by definition, fail to disclose or conceal (even if he had the original report or reports destroyed) a nonexistent crime.

- 1235 **bugging without the approval of the attorney general:** In a confidential letter of December 7, 1966, to a friend, Congressman H. F. Gross of Iowa, Hoover wrote that “*all* wiretaps [national security as well as non–national security] utilized by the FBI have always been approved in writing, in advance, by the attorney general” (“Who Knew about ‘Bugging’ . . . RFK’s Story—and the FBI’s,” p.32). Hoover certainly knew the difference between a wiretap and the use of hidden microphones (referred to as bugging, eavesdropping, or electronic surveillance), and if what he said was true, he would have been able to furnish many of such writings, signed by RFK, as documentation to support what he said. But he only came up with one letter for Gross that had been signed by RFK, dated August 17, 1961, and it didn’t help Hoover at all. The letter, in fact, was not from RFK to Hoover, but from Hoover to RFK asking the latter to approve, by his signature (which RFK did), Hoover’s plan to “lease a special telephone line” in order to monitor, by “*microphone,*” telephonic communications in “the immediate vicinity of the premises covered by the microphone,” an address in New York City. This letter from Hoover to RFK specifically says that “even though a special telephone is utilized, this activity *in no way involves any interception of telephonic communications and is not a telephone tap.*” (Navasky, *Kennedy Justice*, p.90) (Presumably, the microphone would pick up only one side of the conversation, the voice near the microphone.) Why Hoover would tell Gross this was an “example” in support of his assertion that RFK had approved all FBI “wiretaps” is curious. So Hoover furnished no documentation that RFK had ever authorized wiretaps (tapping of a telephone communication) in non–national security cases. In fact, in view of RFK’s later declaration that he had no knowledge that the bureau conducted bugging operations, RFK apparently didn’t recall signing the August 17, 1961, letter, which most likely appeared to be a routine, relatively unimportant document.

With respect to bugging, or electronic surveillance, Hoover’s letter to Gross also said that RFK not only had approved of FBI buggings but also “listened to the results of microphone surveillances” and spoke of the FBI getting “better equipment” to do it. In a December 11, 1966, statement he released in response to Hoover’s charges, RFK said that “it may seem ‘inconceivable’ to Mr. Hoover that I was not aware of the ‘bugging’ practices of the FBI during my term as Attorney General, but it is nonetheless true. Perhaps I should have known, and, since I was the Attorney General, I certainly take responsibility for it, but the plain fact of the

matter is that I did not know.”* The previous day, RFK had released a letter written to him in 1966 (after he left the Department of Justice) by Courtney Evans, the FBI agent who served as the liaison between the FBI and the attorney general’s office, in which Evans said that “since prior Attorneys General had informed the FBI that the use of microphones, as contrasted to telephone taps, need not be specifically approved by the Attorney General, I did not discuss the use of these devices with you in national security or other cases, nor do I know of any written material that was sent to you at any time concerning the use . . . of any such devices.” (“Who Knew about Bugging . . . RFK’s Story—and the FBI’s,” p.33) Apparently, Evans had also forgotten the August 17, 1961, letter from Hoover to RFK regarding the New York City bugging, and signed by RFK, assuming Evans ever saw it. However, in a July 7, 1961, letter to Alan H. Belmont, Hoover’s assistant, Evans said that in speaking to RFK, the latter was “pleased we had been using microphone surveillances [i.e., bugging] . . . wherever possible in organized crime matters.” (Navasky, *Kennedy Justice*, p.87) A clear contradiction.

But still, no one came up with an authorizing signature of RFK, nor any other evidence of RFK authorizing FBI *wiretaps* in non-national security cases. Indeed, Evans’s letter to RFK said that “individual requests in . . . *national security* cases for wiretap authorization were sent to you by the FBI for approval. These were the *only* wiretap authorizations which were ever submitted to you.” (Navasky, *Kennedy Justice*, p.68)

RFK’s instincts to want to go beyond national security cases (and not to suggest that his instincts prevailed over his duty to follow the law) were evidenced by his testimony before the Senate Judiciary Committee on March 29, 1962, in which he asked Congress to legalize wiretapping “not only in cases of espionage and treason but in pressing the fight against organized crime.”

RFK told *ABC News’ Issues and Answers* on June 26, 1966, that “the only time I authorized or was ever requested to authorize wiretapping was in connection with national security cases under an arrangement that originally had been made by President Roosevelt and [his] Attorney General [Francis] Biddle” (DeLoach, *Hoover’s FBI*, p.48). Actually, the “arrangement,” a letter dated May 21, 1940, was

*An internal FBI memorandum in 1966 indirectly confirms RFK’s position. When Cartha DeLoach, the number-three man in the FBI behind Hoover and Clyde Tolson, sent a request to Assistant Director William Sullivan asking just “what authority” the FBI had for these “black bag” (bugging) operations, Sullivan memoed back to DeLoach that “we do *not* obtain authorization for ‘black bag’ jobs *from outside the Bureau*. Such a technique involves trespass and is clearly illegal; therefore, it would be impossible to obtain any legal sanction for it. Despite this, ‘black bag’ jobs have been used because they represent an invaluable technique in combating subversive activities of a clandestine nature aimed directly at undermining and destroying our nation.” Sullivan said the bureau had been using black bag jobs “for twelve years” and “used this technique on a highly selective basis.” The memo undoubtedly was shown to Hoover because Hoover handwrote and signed a notation at the bottom of the last page (3) of Sullivan’s memo: “No more such techniques must be used.” (Memorandum from W. C. Sullivan to Mr. C. D. DeLoach, subject: “Black Bag” Jobs, July 19, 1966, pp.1–3)

Former agent William Turner, after ten years with the FBI, got tired of doing black bag jobs, which he said—contrary to the “highly selective” language of Sullivan’s memo—were “fairly common across the country,” and retired because of it in 1961. He became an accomplished writer thereafter and wrote in one of his books that there was even “an intense three-week course” at the bureau, euphemistically referred to as the “Sound School,” where the practice of wiretapping and bugging was taught. Wiretapping not only didn’t require a break-in, but was much easier, he said, than bugging, the latter requiring “some skill in carpentry, plastering, and matching paint,” the bug or microphone usually being installed in walls. (Turner, *Rearview Mirror*, pp.39–40, 43–44)

from Roosevelt to Biddle's immediate predecessor, Robert Jackson, and the authorization Roosevelt gave Jackson was followed by Biddle and subsequent attorneys general, even though Section 605 of the Federal Communications Act of 1934 provided that "no person" was permitted to "intercept" telephone conversations.* But surely, Roosevelt surmised in his letter to Jackson, this (and a Supreme Court decision at the time, *Nardone v. United States*, 302 U.S. 379 [1937], which held that evidence obtained in violation of the Act was inadmissible in all legal proceedings) couldn't apply to telephone communications by "suspected spies" believed to be engaging in "subversive activity against the Government of the United States" on the eve of the Second World War. (Navasky, *Kennedy Justice*, pp. 36 footnote, 72–73; DeLoach, *Hoover's FBI*, pp.47–51)

When the above controversy between Hoover and RFK erupted in 1966 following selective leaks by Hoover (believed by many to be an attempt to hurt RFK among his liberal constituency in his expected run for the presidency) to suggest that RFK, by now in the Senate, had authorized all FBI wiretaps and bugging, RFK confronted William Hundley, an assistant of his back at the Department of Justice who had told RFK he knew of all of Hoover's wiretapping and bugging. RFK, per Hundley, "really got upset," saying, "You knew and you didn't tell me?" Hundley said, "Bobby, I thought you knew. I thought Hoover had your John Henry on every one of these things," and RFK said, "No." Hundley concluded that "unless he [RFK] is the greatest actor in the world, I came away convinced, and I'm convinced to this day, that he didn't know." (Demaris, *Director*, p.145; see also Navasky, *Kennedy Justice*, p.69)

The considerable confusion of the past involving wiretaps and bugging was substantially cleared up in 1968 when Congress passed the Omnibus Crime Control and Safe Streets Act (18 USC § 2510 et seq.) which, under its Title III, permitted federal and state law enforcement to "intercept wire, oral, or electronic communications" (wiretap a phone or plant a bug) if it is pursuant to a "court order" (18 USC § 2511 (2) (a) ii (A)). The authorization is not limited to national security cases. Indeed, if "national security" is involved or there is "immediate danger of death or serious physical injury," or if "conspiratorial activities characteristic of organized crime" are present, the U.S. attorney general or the attorney general of any state may authorize the interception without a court order (18 USC § 2518 (7) (a) (i) (ii) (iii)).

1236 **Hoover's power:** Hoover was so powerful that he could openly have friends whom other prominent government officials would scurry from, perhaps the most prominent of whom was Lewis Rosenstiel, the president of Schenley Industries and a strong anti-Communist ally of the director's. It wasn't that Rosenstiel was a criminal, it's just that one of his close friends happened to be Meyer Lansky, one of the very top organized-crime figures in America. As Hank Messick, a Lansky biographer, wrote in the April 5, 1971, edition of the *Nation*, "The overriding puzzle to

*During the years RFK was attorney general there was no federal law on bugging. However, the U.S. Supreme Court had held that evidence obtained by the use of a bug through illegal entry onto the premises was not admissible in a legal proceeding. If there was no such illegal entry or trespass, the electronic bugging was not deemed to be a violation of the Federal Communications Act or a defendant's constitutional right of privacy under the Fourth Amendment, and the evidence was admissible. (*Goldman v. United States*, 316 U.S. 129, 133, 135 [1942])

the Hughes Committee [a 1957 New York State investigative body] was Rosenstiel. How, they asked themselves, can a man be a friend of J. Edgar Hoover on the one hand and a chum of Meyer Lansky on the other?" (Turner, *Rearview Mirror*, p.6; see also Scott, *Deep Politics*, p.146)

- 1237 **JFK's dalliances:** One of the many women with whom JFK had a sexual liaison, Mary Pinchot Meyer, would become a part of the conspiracy lore of the assassination because of two things. One, she was murdered a month short of a year after JFK's death, and two, the CIA's supersleuth, James Jesus Angleton, made it a point to come into possession of Mary's diary the day after she died. Suspicions of conspiracy in the assassination have been born from much less than that, but it appears there was a lot less here than meets the eye.

Unlike perhaps all the other women with whom JFK had a sexual tryst during his brief Oval Office years, Mary Meyer came from JFK's world of wealth and privilege. She was from a prominent East Coast family, attended Vassar (like Jackie), and was a New York debutante; she even had a father who, like JFK's father, strongly opposed U.S. intervention in World War II. JFK not only admired Mary, but enjoyed her company. In fact, the attractive and bright woman had first come to JFK's attention at a dance his senior year at Choate in 1935, when her date, who believed her to be the prettiest girl at the dance, recalled JFK continuing to cut in on him on the dance floor. Mary eventually married Cord Meyer, a World War II hero and high-ranking CIA official whose closest friend at the agency was Angleton, a fellow Yale graduate, but their marriage foundered and they divorced in 1958, though Cord continued to love Mary deeply.

Mary, with her well-bred background and social graces, was part of Washington's social scene for years, even being close to Jackie and being on Jackie's A-list for small parties at the White House. Unlike her peers in that circle, however, she had a touch of the bohemian in her, painting abstract art, seeing an Italian lover while still married to Cord, and having an experimental attitude about life, including trying LSD. In the early afternoon of October 12, 1964, while taking her daily walk, Meyer, forty-three at the time, was shot twice, once in the head, by an unknown assailant on the towpath (bank) of the Chesapeake and Ohio Canal near Georgetown. A bloody tree, drag marks in the gravel, and screams from Mary that were heard by a witness caused the police to conclude that a struggle between Mary and her killer preceded the fatal shooting. Meyer's funeral a few days later had many powerful and influential people in the church's pews, including the likes of the CIA's Angleton, Richard Helms, who would soon head the CIA, JFK aides Arthur Schlesinger and McGeorge Bundy, *Washington Post* publisher Katherine Graham, and Ben Bradlee, who was on the fast track to becoming managing editor of the *Post* and was married to Antoinette ("Tony"), Mary's sister.

Mary's intimate relationship with JFK is believed to have started in January of 1962 and continued through August of 1963. This has been confirmed by White House gate logs of the Secret Service recording her frequent evening visits to the White House, all but one of which when Jackie was known to be out of town, and by her sister Tony and others. Not everyone knew about her close relationship with JFK at the time; Tony, for example, found out later. Two who did were her close friends James Truitt (who had become the Japan bureau chief for *Newsweek* around the time of Mary's murder) and his wife, Anne, to whom Mary confided as the

affair was occurring. Knowing of Mary's affair with JFK and that she kept a diary, on the day after Mary's murder Anne called the Bradlees and Angleton, telling them it was of some urgency that they find Mary's diary before the police did, to ensure that Mary's private life not become public. When the Bradlees went to Mary's brick house (owned by Bradlee) in Georgetown the next morning to look for the diary, they found Angleton already there. But it was the Bradlees who found it, in the converted garage studio behind the house, where Mary painted. They took it home and read it that night. About ten of the fifty pages included references to her love affair with JFK, and they turned it over to Angleton for safekeeping. Mary Meyer's biographer writes about Angleton: "His aura of clandestine genius drew people into his web of intrigue, prompting them to entrust him with their most intimate confidences, as if the secret would be somehow safer in his keeping than in theirs."

Angleton would later say that he read the diary and allowed "M" and "F" (not identified) to read it, as well as Mary's eldest son, Quentin. Years later he returned it to Mary's sister, Tony. According to Tony Bradlee and Anne Truitt, Tony burned the diary "in the presence" of Anne.

Who murdered Mary? Two mechanics, Henry Wiggins and William Branch, were in the vicinity at the time of the two shots. Wiggins looked over the canal wall and saw a black man in a light tan zippered jacket standing over Meyer's body. The man then put a dark object into his pocket and walked away into the bushes separating the canal from the river. When the police responded shortly thereafter to Wiggins's telephone call, they eventually found a twenty-five-year-old black laborer, Ray Crump, in the vicinity. Crump was soaking wet, one of his hands was bleeding, his pants were torn, and his fly was open. He said he had been fishing, had fallen asleep, and he and his fishing pole fell in the river.* When Wiggins identified Crump as the man he had seen standing over the woman's body, Crump was arrested for Meyer's murder. Later that day the police recovered a light tan zippered jacket in the river around three hundred yards from where Meyer's body was found. Crump's wife identified the jacket as belonging to her husband, and Crump's fishing pole, which supposedly had fallen in the river, and fishing box were found in his home.

Crump, an alcoholic who suffered from severe headaches and blackouts, was prosecuted for Meyer's murder the following year. The circumstantial case wasn't helped by the fact that Wiggins, at the time he called the police, described the black man he saw as around five feet eight inches tall and weighing 185 pounds, whereas Crump was five feet five and a half inches tall and 145 pounds. Wiggins explained that the reason he was off may have been because he was looking down from a height at the time he saw the man. Crump didn't testify in his defense, and the jury of ten blacks and two whites found him not guilty. But as far as the Washington Police Department is concerned, they had the right guy in Crump and therefore the Meyer murder case is closed.

Not so with the conspiracy community, which continues to include Meyer in

*Crump later told an officer, however, that he had accidentally fallen in the river while walking away from his fishing spot. He also told conflicting stories as to the cut on his hand, telling one officer he had cut the hand on some rocks in the process of trying to get his fishing pole out of the water, and another officer he had cut the hand on a fishhook.

its lists of mysterious and suspicious deaths of people whom the alleged conspirators have silenced. None, however, have come up with any evidence to support this, nor have conspiracy theorists bothered to speculate precisely what poor Mary Meyer could have possibly known about JFK's killers that required she be silenced.

In the year following the trial, Crump, per Meyer's biographer, was in and out of trouble with the law. In 1969 he was charged with assault with a deadly weapon (ADW), but the disposition of the case is unknown, the old records having been destroyed. In 1971, he committed arson by dousing a tract house with gasoline and setting it aflame while his new wife and her children were inside. They escaped unhurt and he served eighteen months for the lesser crime of "malicious burning." While on probation he assaulted a police officer and was arrested again on an ADW charge for pointing a gun at his wife, causing her to jump out a window and sustain serious injuries. Again, disposition is unknown. Between 1972 and 1977, he was charged with assault with a knife, grand larceny, another arson, and several charges of destroying property. During that period he spent seven months in jail. In January of 1978 he set a fire in the entryway of the building where a girlfriend of his lived, after threatening to kill her. He was convicted of arson and served four years. Before his conviction he was charged with raping the seventeen-year-old daughter of a friend, but the case was never prosecuted. In 1983 he torched a neighbor's car and served two and a half years in prison. (Burleigh, *Very Private Woman*, pp.4, 7, 9–11, 15–20, 23, 141, 149, 170, 192–194, 207–208, 215, 230–235, 243, 246–248, 264–266, 273, 278–281, 288, 326 footnote 17, 328 footnote 52; Meyer on mysterious-death lists: e.g., Marrs, *Crossfire*, p.559) Crump's penchant not just for crime but for crime involving violence, though certainly not conclusive on the issue of his guilt for Meyer's murder, clearly is additional circumstantial evidence supportive of that inference.

- 1237 **suspected of being a Nazi spy [footnote]:** Author Curt Gentry reports in his book on Hoover that because Inga Arvad was suspected of being a spy, the FBI bugged a Washington, D.C., hotel room of hers in 1941 and happened to pick up one of her sexual trysts with young John F. Kennedy (Gentry, *J. Edgar Hoover*, p.467).
- 1237 **Communist pawn dangerous to America:** Morris and Jack Childs, two brothers who were key figures in the American Communist Party who had been trained in Russia by the Soviets and served as a conduit of millions of dollars from the Soviets to the American Communist Party, also happened to be very reliable FBI informants. The brothers, American citizens, told the FBI that Stanley D. Levinson, an American Communist, had written a speech Martin Luther King had given at an AFL-CIO convention in Miami in 1962, had become one of King's closest advisers, and had gotten Jack O'Dell, someone with a long record of Communist Party ties, a job working at the New York office of King's Southern Christian Leadership Conference. It was the Levinson matter that started the FBI's tapping of King's phone. (DeLoach, *Hoover's FBI*, pp.213–214; Nicholas Katzenbach, "The Perils of Unchecked Power," *Los Angeles Times*, January 16, 2006, p.B11) As indicated in the main text, the taps on King's phone were authorized by RFK on national security grounds. But unbeknownst to RFK and the Justice Department, Hoover and his people were also bugging King's hotel rooms (Nicholas Katzenbach, "The Perils of Unchecked Power," *Los Angeles Times*, January 16, 2006,

p.B11). Deputy FBI Director Cartha DeLoach implicitly acknowledges that the bugging of King's hotel rooms was without Kennedy's knowledge and approval, breezily asserting that "for the room bugs our authority was a standing order from an earlier attorney general (and later from a second) that allowed us to use such devices in national security cases" (DeLoach, *Hoover's FBI*, p.214). But since when is the ruling of one attorney general binding on all subsequent attorneys general? And how can DeLoach suggest that the bugging of King's hotel rooms to get salacious dirt on him was for "national security" purposes?

1241 **the parade route:** Jack Puterbaugh was not a member of the Secret Service, but a political advance man for the Democratic National Committee who was on loan as part of the White House advance team for the president's Dallas trip. He arrived in Dallas with Special Agent Winston Lawson on November 13 and was present and a part of the main discussions about whether the president would speak at the Trade Mart or the Women's Building, and what the motorcade route would be. Puterbaugh, who recommended the Trade Mart, was "in charge of the protocol of the motorcade." The "arranging of the seating and vehicle sequence for congressmen and other dignitaries in the motorcade was the primary focus of such protocol." (HSCA Record 180-10074-10397, January 31, 1978, p.5; 11 HSCA 517) Conspiracy theorist Penn Jones Jr. found Puterbaugh to be a suspicious character, mostly because he wasn't a member of the Secret Service, and suggests that it was Puterbaugh who set up the assassination. "It was Puterbaugh," he writes, "who decided the Presidential motorcade would make the unpublicized one block detour from Main on Houston over to Elm Street." But Jones, characteristically, gives no source for this assertion. (*Continuing Inquiry*, October 22, 1977, pp.4-5) And neither Lawson nor Dallas special agent-in-charge Forrest Sorrels indicated that Puterbaugh was in any way in charge of deciding where the president spoke or what the motorcade route would be (4 H 320, 322, 336-337, 341, WCT Winston G. Lawson; 7 H 335, WCT Forrest V. Sorrels).

When Walt Brown wrote in his publication, *JFK/Deep Politics Quarterly*, that "current research" put Puterbaugh as one of the motorcade planners, he said he received an "angry" letter from Puterbaugh saying that this was nonsense and he had nothing to do with the planning of the route. Brown goes on to write ominously, "Of note, Puterbaugh came to JFK's White House from Minnesota, along with Orville Freeman, Secretary of Agriculture. It was the Agriculture Department that also employed Mac Wallace at that time [see "Other Assassins" section for allegation that Wallace, not Oswald, killed Kennedy], and it was Agriculture investigator Henry Marshall whose death saved Billie Sol Estes, and by extension, Lyndon Johnson and Orville Freeman [see "Other Assassins" section for allegation that LBJ was behind Marshall's and Kennedy's deaths]. Maybe Puterbaugh also," Brown says, the implication being that, just possibly, Puterbaugh was somehow a part of a conspiracy to murder Kennedy. (*JFK/Deep Politics Quarterly*, April 2000, p.22)

1242 **"any source of danger":** A rumor that has circulated throughout the years in the conspiracy community is that a Secret Service agent was killed during the assassination. In his scribbled notes on the assassination, Scripps Howard reporter Seth Kantor wrote that while at Parkland Hospital following the president's death, he overheard a nurse ask a Western Union man "about a report that a Secret Service Agent had been killed out on the street. He [Western Union man] said that it was true. This was one of the immediate rumors that sprung up. It took several days for this particular rumor not to be believed in Dallas itself (fellow in Jaggars-Chiles-Stovall who got it from a friend who got it from a postman supposed to have been at the death scene that the shot and bleeding SS man was picked up and whisked away and it was all hushed up [apparently, out of the several hundred people in

Dealey Plaza at the time of the shooting, only the postman saw this event]. Why? I asked [Kantor doesn't say whom he asked]. Because they [Secret Service] even have to die in secret, he said. He and others hinted that maybe the SS man was in on the plot to kill the President.)" (Kantor Exhibit No. 4, 20 H 410) There of course is no evidence that the above rumor was true.

1243 **no index or even page numbers:** In 2005, Vincent Palamara put out a revised edition of his book with page numbers and changed the title to *Survivor's Guilt: The Secret Service and the Failure to Protect the President*.

1245 **November 2, 1963, trip to Chicago:** The HSCA never established why Kennedy canceled his trip to Chicago, but most probably the reason was the need for him to remain in Washington with his closest advisers to deal with the extremely dramatic and very consequential assassination of the South Vietnamese president, Ngo Dinh Diem, and his brother earlier in the day.

A former Chicago Secret Service agent, Abraham Bolden, told HSCA staff investigators that shortly before November 2, the FBI sent a Teletype message to the Chicago Secret Service office stating that there would be an attempt on Kennedy's life in Chicago on November 2 by a four-man hit team using high-powered rifles (HSCA Record 180-10070-10273, January 19, 1978, pp.2-6). The HSCA said it "was unable to document the existence of the alleged assassination team. Specifically, no agent who had been assigned to Chicago confirmed any aspect of Bolden's version." The HSCA said that "one agent did state there had been a threat in Chicago during that period [not uncommon, of course], but he was unable to recall details." The HSCA concluded that Bolden's story was of "questionable authenticity." In 1964, Bolden was prosecuted and convicted of conspiring to sell official information in a counterfeiting case and was sentenced to six years in prison. (HSCA Report, pp.231-232; Waldron with Hartmann, *Ultimate Sacrifice*, pp. 258-259, 649-650; *New York Times*, December 6, 1967, p.26; HSCA Record 180-10070-10273, January 19, 1978, p.2)

Although Bolden's charges were probably fictitious, what was more real and could possibly have been a factor inducing the cancellation of the Chicago trip was the potential threat of assassination posed by one Thomas Arthur Vallee, a sixty-two-year-old Marine Corps veteran and John Birch Society member with a history of mental illness who lived in Chicago and was outspokenly opposed to JFK's foreign policy. The Secret Service learned of Vallee's existence on October 30, just a few days before Kennedy's scheduled visit. When agents discovered that he was in possession of several weapons and had requested time off from his job on November 2, the date of the president's visit, they had the Chicago police surveil Vallee. At around 9:00 a.m., just two hours before JFK was scheduled to land at O'Hare airport, they pulled Vallee over for making an improper left turn and arrested him for carrying a concealed weapon (hunting knife). In the trunk of his car they found 750 rounds of ammunition. After a brief interrogation at the station during which he told the police the country was in "serious trouble" if Goldwater didn't defeat Kennedy, he accompanied them back to his apartment. There they found an M-1 rifle and 2,500 rounds of ammunition. Vallee was released from custody on the evening of November 2, 1963. Although author Lamar Waldron points out that "Vallee was either in custody, or under surveillance and about to be arrested *before* the [Chicago] trip cancellation" at 9:15 a.m. Chicago time, the pos-

sible thought of unknown associates of Vallee's still at large could have contributed to the White House decision to cancel the trip. (HSCA Report, p.231; HSCA Record 180-10070-10279, January 17, 1978, pp.1-2; Vallee arrest report: HSCA Record 180-10070-10272; Waldron with Hartmann, *Ultimate Sacrifice*, pp.634-637; for a long magazine article trying to make something out of the Vallee story as well as Bolden's allegation [though Bolden by name is not mentioned, Bolden admitted being the journalist's source], see HSCA Record 180-10099-10279, re: Edwin Black, "The Plot to Kill JFK in Chicago November 2, 1963," *Chicago Independent*, November 1975; Bolden admits being source: HSCA Record 180-10070-10273, January 19, 1978, p.7)

- 1246 **PRS never gave the Secret Service detail:** The Protective Research Section (PRS) of the Secret Service was apparently so incompetent that Robert Bouck, the special agent in charge of the PRS in Washington (a unit with twelve agents and three clerical personnel) at the time of the assassination, gave this startling testimony before the HSCA. After establishing what was already *public* knowledge, that Castro was making remarks from which one could draw the theoretical inference that he was personally threatening retaliation against Kennedy for the Bay of Pigs invasion and for the continued CIA-sponsored raids by rebels against his country,* HSCA counsel asked Bouck, "So in November 1963 when the president went to Dallas you did not know and no one in your unit was aware of all this talk about the Cubans and assassination, retaliatory action?" Bouck answered, "To the best of my recollection, that is correct, we did not know." (HSCA Record 180-10116-10082, Testimony of Robert Bouck before HSCA on November 16, 1977, pp.4, 9, 24, 31) Apparently, someone was protecting the Protective Research Section from the outside world.

*For example, the September 9, 1963, *Miami Herald* front-page report of Castro's remark that "U.S. leaders should think that if they are aiding terrorist plans to eliminate Cuban leaders, they themselves will not be safe."

1248 **Oswald was acting at the behest of the KGB when he killed Kennedy:** Few could have dreamed up the variation on the theory of Soviet involvement that a nutty professor in classical philosophy from the University of Illinois came up with. Revilo Oliver, a member of the John Birch Society, wrote two articles on the assassination in the February and March 1964 editions of the Bircher magazine *American Opinion*, but his main charge was in the first article. Without a stitch of evidence to support his preposterous charge, he alleged that President Kennedy was actually a valuable agent of the Soviet government who couldn't keep pace with the Communists' timetable for taking over America—that is, he wasn't doing his job of subverting America fast enough, so he had to be removed. By whom? By Oswald, who Oliver said was trained by the Russians as a terrorist and was readmitted into this country with the cooperation of the Communist-dominated U.S. State Department. After Oswald was captured, he was about to confess to the Communist conspiracy being behind the assassination so the Soviets (not the mob, as virtually all other conspiracy theorists believe) had Ruby silence him. (Oliver, "Marksmanship in Dallas," pp.13–14, 18, 20; Oliver Exhibit No. 2, 20 H 720–721, 725, 727) What to do with someone like this on the college payroll? In an 8 to 1 vote by the University of Illinois trustees, Oliver was allowed to keep his job, upholding, they said, his right to be "ingloriously wrong." ("Birch View of JFK," pp.29–30; "Right to Be Wrong," p.73; see also *New York Times*, May 14, 1962, p.42, for Robert Welch, founder of the John Birch Society, taking issue with "some" of Oliver's "premises and conclusions")

The absolutely remarkable thing is that the Warren Commission allotted an incredible thirty-five pages in its volumes (far more than many important witnesses) for Oliver's rantings (15 H 709–744, WCT Revilo P. Oliver).

1248 **"Khrushchev was trying to make peace":** Wives are normally closer to their husbands than anyone else, and thereby know how they feel about other people. If Khrushchev were an enemy of Kennedy's to the point of preferring to kill him rather than work out a peace between their respective nations, Kennedy never picked up on it and his advisers never communicated any such thing to him if the words of Jackie Kennedy are any indication. On December 1, 1963, Mrs. Kennedy wrote a personal letter to Khrushchev on, she said, "one of the last nights I will spend in the White House, in one of the last letters I will write on this White House stationery." She thanked him "for sending Anastas Mikoyan as your representative to my husband's funeral. He looked so upset when he approached me, and I was very touched by this."

Referring to her late husband, she wrote, "He often cited your words in his speeches: 'In the next war the survivors will envy the dead.' You and he were adversaries, but you were also allies in your determination not to let the world be blown up. You respected each other and could have dealings with each other . . . I am sending you this letter because I am deeply mindful of the importance of the relations that existed between you and my husband, and also because you and Mrs. Khrushchev were so kind in Vienna." (Smith, *Conspiracy*, p.129)

1249 **after taking each other's measure:** Both JFK and Nikita Khrushchev were impressed with each other. Though disillusioned by the failure of the 1961 Vienna summit to resolve several issues (including whether all of Berlin would become part of East Germany, Khrushchev having threatened that "force would be met

with force” if the Western Allies didn’t withdraw their troops from West Berlin before Russia signed a separate treaty with East Germany the coming December),* Kennedy found Khrushchev to be as he had read and heard, “smart and tough.” (O’Donnell and Powers with McCarthy, *Johnny, We Hardly Knew Ye*, pp.332, 336–337) After Kennedy’s first cold-shower meeting with Khrushchev and his advisers, he turned to U.S. Ambassador Llewellyn Thompson and said, “Tell me, are they always this way?” (Berquist, “John Fitzgerald Kennedy,” p.34) “Par for the course,” Thompson replied (Schlesinger, *Thousand Days*, p.365).

Khrushchev was impressed with the depth of Kennedy’s knowledge, being so young, noting that Kennedy did not have to depend on his secretary of state, Dean Rusk, during the summit as much as Eisenhower had to depend on John Foster Dulles, his secretary of state, at an earlier summit (*New York Times*, November 23, 1963, p.28).† And each found the other adept at argumentation. “When I complained about his support of Communist minorities fighting popular majorities,” Kennedy said, “he came back at me with our support of Franco and Chiang Kai-shek.” Later, when Kennedy became exasperated with Khrushchev’s intransigence on an issue, he asked him, “Do you ever admit a mistake?” “Certainly. In a speech before the Twentieth Party Congress, I admitted all of Stalin’s mistakes,”‡ was

*Khrushchev was determined to prevent East Germany from ever reuniting with West Germany. He also wanted to end four-power (United States, British, French, and Soviet) control of Berlin and thought he could do this by signing a treaty with East Germany that would give the Soviets control over access routes to West Berlin. Upon returning from the summit, Kennedy said, “I made it clear to Mr. Khrushchev that the security of Western Europe, and therefore our own security, are deeply involved in our presence and our access rights to West Berlin; that those rights are based on law and not on sufferance; and that we are determined to maintain those rights at any risk and thus meet our obligations to the people of West Berlin, and their right to choose their own future.” In early August 1961, Kennedy answered Khrushchev’s threat “with a call for 217,000 more men in uniform. He ordered the draft doubled, tripled if necessary . . . With the Soviet determination to eliminate West Berlin and the U.S. commitment to preserve it, the prospect of a third world war was greater than ever. The crisis intensified with the August 1961 construction of a wall that prevented eastern European refugees from entering West Berlin. The United States responded by sending troops and tanks to West Berlin.” The crisis ended in late 1961 when Khrushchev decided not to sign the agreement with East Germany as he had promised he would. (HSCA Report, p.26; see also Reeves, *President Kennedy*, pp.201–202)

†Kennedy adviser Kenneth P. O’Donnell, who was at the summit, wrote that “Kennedy could not take his eyes off Khrushchev” when they first met. After shaking the Russian leader’s hands, he “stepped back and looked Khrushchev over from head to feet” for what seemed like an inappropriately long period of time, to the point where Khrushchev began to get uncomfortable. O’Donnell said he later remarked to Kennedy that he had given Khrushchev “quite an eyeballing.” Kennedy responded that “after all the studying and talking I’ve done on him in the last few weeks, you can’t blame me for being interested in getting a look at him.” O’Donnell writes that “before Kennedy came to Vienna, he had read all of Khrushchev’s writing and speeches and every available bit of material on him in Washington, including the minutes of his previous talks with Eisenhower, and he had talked with nearly every American official who had met the Soviet leader.” (O’Donnell and Powers with McCarthy, *Johnny, We Hardly Knew Ye*, pp.331–332)

‡If Khrushchev called what Stalin did merely “mistakes” in his conversation with Kennedy, in his February 25, 1956, speech before the Twentieth Congress of the Communist Party of the Soviet Union, he went far beyond words like *mistakes* that could simply denote honest errors. To colleagues shocked by his candor, he spoke of the “grave perversions of party principles by Stalin” and Stalin’s “glaring violations of revolutionary legality,” referring to the tortures and many murders committed under Stalin’s direction. Khrushchev deserves credit for having the courage to be the first Soviet leader to speak out publicly against the crimes and tyranny of Stalin, particularly just three years after Stalin’s death, when Stalin’s “cult of personality” was still all-pervasive in the Soviet Union. What Khrushchev did not mention was his complicitous role in Stalin’s crimes, being one of Stalin’s chief enforcers. Indeed, between 1929 and 1938, Stalin’s most homicidal years, when Stalin purged his party with many murders, and when even vaguely suspected dissidents were routinely tortured and murdered, Khrushchev prospered under the brutal dictator.

But long before Gorbachev, Khrushchev, the Russian premier who came from peasant stock, was the first Russian leader to end murder and torture as a normal instrument of policy, and to ease, even if just a little, the repressive regime Russians had accepted as a way of life since 1917.

- Khrushchev's reply. "Those were Stalin's mistakes," Kennedy shot back, "not your mistakes." (O'Donnell and Powers with McCarthy, *Johnny, We Hardly Knew Ye*, pp.333–334) But the consensus was that the more experienced and pugnacious Khrushchev had been more forceful in the exposition and defense of his positions than Kennedy had with his (Reeves, *President Kennedy*, pp.165–166).
- 1250 **his CIA and FBI debriefers:** Though the CIA's interrogation of Yuriy Nosenko greatly overshadowed the FBI's and went on for 1,277 days, about three and a half years, the FBI was the first agency to interview him (though he was in CIA custody at the time) because of the FBI's investigation into the assassination of President Kennedy. After about two months, the bureau turned Nosenko over to the CIA. (Ashley, *CIA Spy Master*, p.279; Transcript of Executive Session of the Warren Commission, June 23, 1964, p.7644; 1,277 days: Marks, *Search for the "Manchurian Candidate"*, p.145) The first FBI interview of Nosenko was conducted on February 26, 1964, by FBI agents Maurice Taylor, Donald E. Walter, and Aleksow Poptanich, a Ukrainian-born agent who served as Nosenko's interpreter (Epstein, *Legend*, p.21).
- 1250 **KGB's entire five-volume file:** *Newsweek*, in its July 5, 1999, edition, on page 6, reported that the Oswald KGB file consists of six volumes.
- 1250 **defected to the West:** The defections during this period of the cold war were not a one-way street. Two mathematicians for the National Security Agency (NSA), Bernon F. Mitchell and William H. Martin, defected to the Soviet Union in 1959 and 1960, respectively. Apart from whatever intelligence information they gave the KGB, their announcement at a press conference in Moscow on September 6, 1960, that NSA had been routinely monitoring and decrypting communications of many of our allies, including France, Italy, and the United Arab Republic, was a highly embarrassing moment for U.S. intelligence.
- 1251 **promised \$25,000 a year in compensation:** What is quite interesting is that the CIA has acknowledged that at the time of Yuriy Nosenko's defection in 1964, it also promised to pay him "\$50,000 for *previous* cooperation," meaning that the heavy-drinking Nosenko was a CIA mole in Russia for some time prior to his defection. How much and what kind of information did he give the CIA and when? The CIA hasn't said except to say it also promised him an additional \$10,000 "for his identification in 1962 of a particular espionage agent," believed to be William John Vassall, a clerk in the British Admiralty who was a KGB agent, and who was arrested, tried, and convicted on espionage charges that same year. (4 HSCA 62; Vassall: Ashley, *CIA Spy Master*, p.268) When he defected in 1964, Nosenko would also "out" Boris Belitsky, a correspondent for Radio Moscow who the CIA thought was working for it. Belitsky had passed a polygraph test in 1961, but was actually a double agent under KGB control who was being managed by Nosenko himself. The CIA knew it had been had when Nosenko revealed the names of the two CIA agents, Harry Young and George Goldberg, who were Belitsky's CIA case officers and who were presently in Geneva pressing Belitsky for information while he was reporting back to Nosenko. (Ashley, *CIA Spy Master*, pp.268–270, 340 note 9)
- 1252 **Nosenko is not mentioned in the Warren Commission volumes:** The HSCA knew that the Warren Commission was aware of Yuriy Nosenko and did not call Nosenko as a witness or mention him in its report. After interviewing J. Lee Rankin, the general counsel for the Warren Commission, the HSCA concluded that the reason the Commission didn't was "apparently because it could

not resolve the issue of his reliability.” (HSCA Report, pp.101–102; HSCA Record 180-10105-10332, HSCA deposition of J. Lee Rankin on August 17, 1978, pp.66–69) It is curious why the HSCA had to rely on Rankin to get this information, as well as a footnote in an undated 1964 memorandum from assistant Warren Commission counsel W. David Slawson and Slawson’s testimony before the HSCA in 1977 (HSCA Report, pp.101–102, 608, footnotes 31 and 32), when the firsthand source for why the Warren Commission elected not to rely on or mention Nosenko in its report was the transcript of the Warren Commission’s Executive Session on June 23, 1964, in which Chief Justice Warren and Commission members Gerald Ford and Allen Dulles discussed the Nosenko matter in depth. The most reasonable inference is that the HSCA had not read this transcript.

- 1252 **caught him in too many inconsistencies:** The HSCA also had an independent polygraph expert, the president of Scientific Lie Detection Inc., examine three polygraph tests (in 1964, 1966, and 1968) the CIA had given Nosenko on the information he was furnishing. (The CIA examiner said Nosenko had failed the first two, but the agency later said the tests were invalid or inconclusive because of the conditions under which Nosenko took them, and he had passed the third test.) The HSCA’s polygraph expert concluded that the second test was the most valid and reliable of the three, but the HSCA expert agreed with the original CIA examiner that Nosenko was lying in that test. He also believed Nosenko lied on the first test, but couldn’t manage, in a sloppy report, to say whether he felt Nosenko lied on the third test. However, he did say that both the first test (where he detected some lying) and the third test “should be disregarded because of the large number of inherent deficiencies in both examinations.” (2 HSCA 483–484; 8 HSCA 192–196)

It also didn’t help Nosenko’s credibility that when he first defected, in an apparent attempt to convince the CIA of his importance, he told the CIA he was a lieutenant colonel in the KGB. But under questioning, he admitted he was only a captain. (Martin, *Wilderness of Mirrors*, pp.161–162)

- 1252 **bona fide defector:** G. Robert Blakey, former chief counsel to the HSCA, probably summed up Yuriy Nosenko accurately when he said, “I think Nosenko was a bona fide defector, but he exaggerated about himself and what he knew about Oswald” (George Lardner Jr., *Washington Post*, July 26, 1998, p.A13).
- 1253 **KGB took an interest in him:** As noted earlier in the main text, in September of 1957, Oswald, at the time a seventeen-year-old private in the Marine Corps, was assigned to Marine Air Control Squadron No. 1 (MACS-1) based at the naval air station in Atsugi, Japan. Oswald’s job, as a radar specialist in MACS-1, was to utilize radar to direct Marine squadron pilots, by radio contact with them from the ground, in the landing of their aircraft at Atsugi. The radar operators would additionally be assigned a particular sector on the horizon to plot the movement of all incoming foreign aircraft. (8 H 279, WCT Daniel Patrick Powers) Per John Donovan, the officer in command of Marine Air Control Squadron No. 9 in Santa Ana, California, where Oswald was stationed after returning from Atsugi, Oswald “had access to the location of all bases in the West Coast area, all radio frequencies for all squadrons, all tactical call signs, the . . . number and type of aircraft in a squadron . . . , the authentication code of entering and exiting the ADIZ [Air Defense Identification Zone], the range of our radar [and] the range of our radio,” the implication being, per conspiracy theorists, that Oswald would

have had similar access at Atsugi. Because of this, per Donovan (this has never been corroborated by anyone), Oswald's defection "necessitated a lot of change of aircraft call signs, codes, radio frequencies, rad frequencies." (8 H 297–298)

What's the relevance of all this? Atsugi was the home base for America's supersecret U-2 spy plane, which had been conducting reconnaissance flights over Russia since 1956 "to protect the United States and the Free World," President Eisenhower would later write, "from surprise attack." When Oswald defected to the Soviet Union and appeared at the American embassy in Moscow on October 31, 1959, he told Richard E. Snyder, the second secretary at the embassy, that he had already volunteered to unnamed Soviet officials that if he became a Soviet citizen he would make known to them such information concerning the U.S. Marine Corps and his specialty therein, that of a radar operator, as he possessed. He intimated to the Soviets that he "might know something of special interest." (CE 908, 18 H 98; WR, p.748) Six months later, on May 1, 1960 (no coincidence, the theorists believe), Gary Powers, a former U.S. Air Force pilot and now a CIA pilot flying a U-2 sixty-eight thousand feet (nearly thirteen miles) above the earth, was shot down over Russia near the city of Sverdlovsk. (Powers with Gentry, *Operation Overflight*, pp.26, 158; Eisenhower, *Waging Peace*, p.550)* And conspiracy theorists have suggested it was based on information Oswald gave the Soviets.†

There are several problems with this hypothesis. Just one is that if the theorists are going to use Oswald's words to Snyder as the predicate for their theory, they

* After being interrogated by the KGB for sixty-one days at Moscow's Lubyanka Prison, Powers was prosecuted and convicted of espionage. He was expecting the death penalty, but the thirty-one-year-old Powers was sentenced to ten years of confinement—three years in a Soviet prison and seven years in a labor camp. On February 9, 1962, after spending one year, nine months, and ten days behind bars, he was freed in a highly publicized exchange on a bridge in Germany for Soviet spy Colonel Rudolph Abel in the first such spy exchange of the cold war. (Powers with Gentry, *Operation Overflight*, pp.155, 158; Donovan, *Strangers on a Bridge*, p.355)

The United States originally had lied about the U-2 flight, the National Aeronautics and Space Administration issuing a statement on May 6, 1960, that the U-2 was a "N.A.S.A. research airplane" on a mission "to study gust-meteorological conditions found at high altitude," and the pilot, a civilian employed by Lockheed Aircraft, had "reported difficulties with his oxygen equipment" and was trying "to get his bearings," the implication being that because of the oxygen problem the pilot must have inadvertently strayed into Soviet air space (*New York Times*, May 6, 1960, p.7). But Premier Khrushchev called the flight an act of "aggressive provocation aimed at wrecking the [upcoming] summit conference" (*New York Times*, May 6, 1960, p.1). Knowing that Khrushchev had the plane itself (which, of course, told precisely what it was) and the pilot, on May 7, two days later, the U.S. State Department, with the clearance of President Eisenhower, issued a statement that "it appears that in endeavoring to obtain information now concealed behind the Iron Curtain," the "flight over Soviet territory" had taken place, the statement justifying the mission because of the need to help prevent a surprise attack during the cold war (*New York Times*, May 8, 1960, pp.1, 25, 28; Eisenhower, *Waging Peace*, pp.548, 550). The whole affair brought international humiliation to the United States, not because of the spy mission itself, which both sides in the cold war were routinely conducting, in one way or another, against each other, but from being caught in a public lie to the Russians with the world as an audience.

† Powers himself entertained this possibility. In asking the question, "Was the May 1, 1960, flight of the U-2 'betrayed'?" he listed three separate clues, which, he said, though "by no means conclusive," indicate that this "might" be the case. One was that Oswald, who he felt might have learned of the height at which the U-2 flew while he was a radar operator at Atsugi, gave this information to the Soviets. Though the U-2 had flown several flights over Soviet territory, Powers said that "during the six months following the October 31, 1959, [U.S.] embassy meeting [in which Oswald threatened to furnish the Soviets with U.S. radar information], there were only two overflights of the USSR. The one which occurred on April 9, 1960, was uneventful. The one which followed, on May 1, 1960, wasn't." Powers felt it might be more than a coincidence that Oswald made a threat and "six months later my U-2 was shot down." (Powers with Gentry, *Operation Overflight*, pp.355, 357–358)

can't pick and choose, and Oswald told the Soviets he would only furnish them with whatever information he had *if* he were granted Soviet citizenship. But he was not.

Yuriy Nosenko, the Soviet defector who handled Oswald's file at the KGB, told author Gerald Posner in 1992 that the KGB never interrogated Oswald. He said, "I am surprised that such a big deal is made of the fact that he was a Marine . . . What was he in the Marine Corps—a major, a captain, a colonel? We had better information already coming from KGB sources than he could ever give us . . . As for Atsugi, we didn't know he had been based there . . . Even if we knew about Atsugi . . . our intelligence on the U-2 was good and had been for some time." He told Posner, "The KGB was not at all interested in him [Oswald]." (Posner, *Case Closed*, pp.48–49) In other words, even if Oswald had offered the KGB whatever he knew about the U-2 (and no evidence has ever surfaced that he did), there apparently was nothing he could have told the Soviets that they would have needed. Nosenko had earlier also told the FBI in 1964 and the HSCA in 1978 that the KGB never spoke to Oswald in Russia, telling the HSCA that the reason was "we didn't consider him an interesting target." But when asked if "the Soviet Union would have been interested in someone who served as a radar operator on an air base where U-2s took off and landed?" he replied, "Yes, sir, it would be very interested . . . but we didn't know that he had any connection with U-2 flights." Though, as indicated, Nosenko's bona fides have been pretty well accepted, most observers, including the HSCA, have never felt it plausible that, as Nosenko claimed, the KGB never bothered to interview a U.S. defector like Oswald simply because it found him uninteresting, an opinion it apparently reached without even talking to him. (2 HSCA 464–466, 527; 12 HSCA 479)

But there's a more seminal question. Did Oswald ever have any information on the U-2 to give the KGB? Other than undoubtedly seeing the black, sleek, unusual-looking plane in the sky above Atsugi, as everyone else who lived there probably did from time to time, Oswald was never in a position to know anything about the operation of the spy plane. The reason is that everything connected with the U-2 project, per a secret U.S. intelligence report declassified on January 14, 1971, was under the CIA's Joint Technical Advisory Group (JTAG). "There were no Navy [which includes the Marine Corps] personnel assigned to JTAG" and "JTAG was obviously not a part of the Naval Air Station [Atsugi] complement," the report said. Moreover, "JTAG air activities [which automatically include radar control of flights] were conducted from a classified hangar area [at the Atsugi base]. Oswald did not have access to this area . . . There is no information to indicate, nor is there any reason to believe, that he obtained factual knowledge regarding JTAG and its mission . . . This applies also to . . . the U-2 or its mission." The report adds that "the term 'U-2' was not known publicly and did not gain world-wide notoriety until the ill-fated Powers mission some two years later [after Oswald was at Atsugi]. Therefore, it is highly unlikely that the term 'U-2' would have meant anything to Oswald even if he had heard it and had been able to identify the term with any aircraft at Cubi Point [in the Philippines], at Atsugi or anywhere else." (CD 931, pp.2–3, Memorandum from CIA Deputy Director for Plans, Richard Helms, to Director, Federal Bureau of Investigation, May 13, 1964) Actually, although the U-2 was at one point in a hanger at Cubi Point, that was after Oswald had returned to Atsugi. (8 H 281, WCT Daniel Patrick Powers; see also CD 931, p.2)

One parenthetical observation to all of this: We know of Oswald's grand visions and we also know how he confided to Marina, even to the extent of admitting he tried to murder Major General Edwin Walker. Yet when Marina was asked if her husband had ever talked to her about Francis Gary Powers's U-2 spy plane being shot down over Russia, she replied, "I don't recall" (12 HSCA 365). If Oswald would admit attempting to murder Walker, we can reasonably assume he would have boasted grandly to Marina of having had a hand in the shooting down of the U-2, an international incident, and if he had, surely Marina would have remembered this.

- 1261 **someone who wanted to help the poor:** Kennedy's concern for the poor, particularly as it related to the rich in our society, was a subject he referred to often in his speeches. For instance, in a speech to the Protestant Council in New York City on November 8, 1963, he said, "The family of man can survive differences of race and religion. Contrary to the assertions of Mr. Khrushchev, it can accept differences of ideology, politics and economics. But it cannot survive, in the form in which we know it, a nuclear war—and neither can it long endure the growing gulf between the rich and the poor."
- 1261 **same rights as whites:** On November 20, 1962, Kennedy, by the stroke of a pen, had taken a small but significant step to combat racism in America. He signed an executive order on that date prohibiting racial and religious discrimination in housing that was built or purchased with federal aid. (*New York Times*, November 21, 1962, p.1)
- 1262 **one of the most powerful and important . . . civil rights speeches:**

Radio and Television Report to the American People on Civil Rights
 President John F. Kennedy
 The White House
 June 11, 1963

Good evening my fellow citizens:

This afternoon, following a series of threats and defiant statements, the presence of Alabama National Guardsmen was required at the University of Alabama to carry out the final and unequivocal order of the United States District Court of the Northern District of Alabama. That order called for the admission of two clearly qualified young Alabama residents who happened to have been born Negro. That they were admitted peacefully on the campus is due in good measure to the conduct of the students of the University of Alabama, who met their responsibilities in a constructive way.

I hope that every American, regardless of where he lives, will stop and examine his conscience about this and other related incidents. This nation was founded by men of many nations and backgrounds. It was founded on the principle that all men are created equal, and that the rights of every man are diminished when the rights of one man are threatened.

Today we are committed to a worldwide struggle to promote and protect the rights of all who wish to be free. And when Americans are sent to Vietnam or West Berlin, we do not ask for whites only. It ought to be possible, therefore, for American students of any color to attend any public institution they select without having to be backed up by troops.

It ought to be possible for American consumers of any color to receive equal service in places of public accommodation, such as hotels and restaurants and theaters and retail stores, without being forced to resort to demonstrations in the street, and it ought to be possible for American citizens of any color to register to vote in a free election without interference or fear of reprisal.

It ought to be possible for every American to enjoy the privileges of being Amer-

ican without regard to his race or color. In short, every American ought to have the right to be treated as *he* would wish to be treated, as one would wish *his* children to be treated. But this is not the case.

The Negro baby born in America today, regardless of the section of the nation in which he is born, has about one-half as much chance of completing high school as a white baby born in the same place on the same day; one-third as much chance of completing college; one-third as much chance of becoming a professional man; twice as much chance of becoming unemployed; about one-seventh as much chance of earning \$10,000 a year; and a life expectancy which is 7 years shorter.

This is not a sectional issue. Difficulties over segregation and discrimination exist in every city, in every state of the Union, producing in many cities a rising tide of discontent that threatens the public safety. Nor is this a partisan issue. In a time of domestic crisis men of good will and generosity should be able to unite regardless of party or politics. This is not even a legal or legislative issue alone. It is better to settle these matters in the courts than on the streets, and new laws are needed at every level, but law alone cannot make men see right.

We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution.

The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities; whether we are going to treat our fellow Americans as *we* want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public, if he cannot send his children to the best public school available, if he cannot vote for the public officials who will represent him; if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place? Who among us would then be content with the counsels of patience and delay?

One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully freed. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression. And this nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

We preach freedom around the world, and we mean it, and we cherish our freedom here at home, but are we to say to the world, and much more importantly, to each other, that this is the land of the free, except for the Negroes; that we have no second-class citizens, except Negroes; that we have no class or caste system, no ghettos, no master race except with respect to Negroes?

Now the time has come for this nation to fulfill its promise. The events in Birmingham and elsewhere have increased the cries for equality that no city or State or legislative body can prudently choose to ignore. The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand. Redress is sought in the streets, in demonstrations, parades, and protests which create tensions and threaten violence and threaten lives.

We face, therefore, a moral *crisis* as a country and as a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is time to act in the Congress, in your State and local legislative bodies and, above all, in all of our daily lives.

It is not enough to pin the blame on others, to say this is a problem of one section of the country or another, or deplore the facts that we face. A great change is at hand, and our task, our obligation, is to make that revolution, that change, peaceful and constructive for all.

Those who do nothing are inviting shame as well as violence. Those who act boldly are recognizing right as well as reality.

Next week I shall ask the Congress of the United States to act, to make a commitment it has not fully made in this century to the proposition that race has no place in American life or law. The federal judiciary has upheld that proposition in the conduct of its affairs, including the employment of federal personnel, the use of federal facilities, and the sale of federally financed housing.

But there are other necessary measures which only the Congress can provide, and they must be provided at this session. The old code of equity law under which we live commands for every wrong a remedy, but in too many communities, in too many parts of the country, wrongs are inflicted on Negro citizens and there are no remedies in law. Unless the Congress acts, their only remedy is in the street.

I am, therefore, asking the Congress to enact legislation giving all Americans the right to be served in facilities which are open to the public—hotels, restaurants, theaters, retail stores, and similar establishments.

This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure, but many do.

I have recently met with scores of business leaders urging them to take voluntary action to end this discrimination. And I have been encouraged by their response. And in the last two weeks over 75 cities have seen progress made in desegregating these kinds of facilities. But many are unwilling to act alone, and for this reason, nationwide legislation is needed if we are to move this problem from the streets to the courts.

I am also asking the Congress to authorize the federal government to participate more fully in lawsuits designed to end segregation in public education. We have succeeded in persuading many districts to desegregate voluntarily. Dozens have admitted Negroes without violence. Today a Negro is attending a state-supported institution in every one of our 50 States, but the pace is very slow.

Too many Negro children entering segregated grade schools at the time of the Supreme Court's decision nine years ago will enter segregated high schools this fall, having suffered a loss which can never be restored. The lack of an adequate education denies the Negro a chance to get a decent job. The orderly implementation of the Supreme Court decision, therefore, cannot be left solely to those who may not have the economic resources to carry the legal action or who may be subject to harassment. Other features will also be requested, including greater protection for the right to vote. But legislation, I repeat, cannot solve this problem alone. It must be solved in the homes of every American in every community across our country.

In this respect I want to pay tribute to those citizens, North and South, who have been working in their communities to make life better for all. They are acting not out of a sense of legal duty but out of a sense of human decency. Like our soldiers and sailors in all parts of the world they are meeting freedom's challenge on the firing line and I salute them for their honor and their courage.

This is one country. It has become one country because all of us and all the people who came here had an equal chance to develop their talents. We cannot say to 10 percent of the population that you can't have that right; that your children cannot have the chance to develop whatever talents they have; that the only way that they are going to get their rights is to go into the streets and demonstrate. I think we owe them and we owe ourselves a better country than that.

Therefore, I am asking for your help in making it easier for us to move ahead and to provide the kind of equality of treatment which we would want ourselves; to give a chance for every child to be educated to the limit of his talent. As I have said before, not every child has an equal talent or an equal ability or an equal motivation. But they should have the equal right to develop their talent and their ability and their motivation to make something of themselves.

We have a right to expect that the Negro community will be responsible, will uphold the law. But they have the right to expect that the law will be fair, that the Constitution will be color blind, as Justice Harlan said at the turn of the century.

This is what we are talking about. This is a matter which concerns this country and what it stands for, and in meeting it I ask the support of all our citizens.

Thank you very much. (*New York Times*, June 12, 1963, p.20)

Four hours after the speech, just after midnight on June 12, Medgar W. Evers, a black thirty-seven-year-old field secretary of the Mississippi NAACP, pulled into the driveway of his Jackson, Mississippi, home. As he left his car and walked toward his house he was shot in the back by a gunman firing a high-powered rifle with a newly attached telescopic sight who was hiding in a honeysuckle thicket in a nearby vacant lot. After bleeding profusely in the driveway in front of his wife and three small children, Evers was rushed to a nearby hospital where he died less than an hour later. ("N.A.A.C.P. Leader Slain in Jackson; Protests Mount," *New York Times*, June 13, 1963, pp.1, 12) The killer was later determined to be a white supremacist, Byron De La Beckwith. After two hung juries, and the persistence of Evers's widow, Myrlie, who convinced prosecutors to reopen the case, Beckwith was finally convicted of Evers's murder on February 4, 1964, more than thirty years after he killed Evers, by a jury of eight blacks and four whites.

Although there could hardly be any question that the blacks had a friend in Kennedy and he wanted full equality for them in our national life, a somewhat bizarre development ensued from the Kennedy administration's civil rights bill four months later, one that caused the nation's black leadership to condemn the administration. Once the bill reached the House, a subcommittee of the House Judiciary Committee strengthened the bill by adding provisions. For instance, the draft of the administration's bill limited protection for blacks against discriminatory voting practices to federal elections. The subcommittee draft extended the protection to state elections. And banning segregation in enterprises involved in interstate commerce such as hotels, restaurants, et cetera, was extended to cover any business operating under state or local "authorization, permission, or license." On October 14, 1963, RFK made an appearance before the House Judiciary Committee pleading with Democrats and liberal Republicans to trim back the subcommittee draft to the administration's original draft because, he said, the

strengthened civil rights bill would never be enacted owing to conservative southern opposition. As the *New York Times* noted, the peculiar fight was between friends of civil rights, one that was “to the vast enjoyment of the Southerners, who want no bill at all.” Indeed, southern conservatives were in favor of the stronger subcommittee draft, believing it would be easier to defeat when it reached a vote in the House and Senate. On October 29, after two weeks of squabbling, the House Judiciary Committee passed a bipartisan compromise draft of a civil rights bill that was actually stronger than the administration’s draft (including, for instance, the creation of a national fair employment practices commission), but weaker than the original subcommittee draft (e.g., discriminatory literary tests for voting were limited to federal elections). Although the measure, if passed, would be the broadest civil rights bill ever made into law, black leaders and civil rights advocates condemned the Kennedy administration for being behind the softening of the subcommittee draft. Martin Luther King said the Kennedy administration’s explanation for its conduct was “a poor excuse” for “political expediency.” The sense was that JFK was making an attempt to compete with his presidential opponent Barry Goldwater for the vote in the South of Dixiecrats, racist southern Democrats who in later years would change their registration to Republican. (*New York Times*, front-page stories on October 15, 17, 18, 21, 23, 24, 25, 29, and 30, 1963; CE 1346, 22 H 574–575) The compromise draft had not yet been voted on by the full House of Representatives at the time of the assassination.

- 1271 **“I don’t do any guessing”**: The more Joseph Milteer talked, the more it became obvious that before the assassination, he knew as much about what was going to happen as you or I (though William Somerset tended to believe that Milteer had foreknowledge, not believing Milteer would be able to *guess* that Kennedy would be shot with a rifle from a window). Milteer now, after the assassination, wanted to lead Somerset to believe that he was part of the group that was behind it. He said he was connected to a group Somerset had never heard of, the International Underground, an organization, he said, of American patriots, and this group had infiltrated Oswald’s pro-Castro group in New Orleans. (By now Milteer had undoubtedly already heard over the news that Oswald was a member of the Fair Play for Cuba Committee in New Orleans. What no one knew at this point, including Milteer, was that that committee, or group, only had one member, Oswald, so Milteer’s organization could not have infiltrated a group that did not exist.) Those who infiltrated the group, he said, had “put money into the right hands” to get Oswald to kill Kennedy for them, the patriots. (Note that before the assassination Milteer told Somerset that he suspected a man named Brown [believed to be a member of the Ku Klux Klan] might kill Kennedy, but a day after the assassination, when Oswald turned out to be the killer, suddenly Milteer’s group infiltrated Oswald’s group in New Orleans and paid him to kill Kennedy.) “A lot of money” was paid, Milteer said, then added speculation to his supposed knowledge by saying, “There was *probably* a lot of Catholic money that helped to get Kennedy killed” because many Catholics disliked Kennedy for appointing so many Jews to high office. (With all this big money paid, it’s strange that poor Oswald, the hired assassin, didn’t end up with any of it, having approximately \$13 on his person at the time of his arrest, and \$183 to his name.) Milteer told Somerset that “Oswald will not say anything, and nobody has any worry.”

When Milteer and Somersett met the following day, Sunday, with the four members of the Ku Klux Klan (including A. D. Boling, Grand Dragon of the Association of the Klan in South Carolina) at the Wade Hampton Hotel and later at a roadside restaurant near Columbia, he also told them about his group being behind the assassination. They indicated they had been surprised when they learned Kennedy had been killed, one of them saying, "It wouldn't have been so bad if it had been Martin Luther King." Somersett was of the opinion that the four Klansmen had never met Milteer before and met with him because he had asked for the meeting. So here we have Milteer confessing to being part of the conspiracy to murder Kennedy not only to his friend Somersett, but also to four virtual strangers. Somersett didn't say whether or not he heard Milteer confess to the waiter at the restaurant. Of course, he wouldn't have to worry if he confessed to the world, since there can't be any adverse consequences if no one believes you.

The purpose for the Columbia meeting was that Milteer wanted the Ku Klux Klan to help him get the message out all over America by way of pamphlets that "the Jews killed Christ 2,000 years ago, and on the 22nd of November they killed President Kennedy." In other words, though the patriots were behind Kennedy's murder, this would be a good opportunity to blame the Jews, whom the patriots wanted to eliminate. Somersett got the impression that the Klansmen wanted to end their meeting and get away from Milteer as quickly as they could. (HSCA Record 180-10090-10307, Miami Police Department transcript of interview with William Somersett on November 26, 1963, pp.1-8, 11)

1275 **accuse Johnson of complicity:** Perhaps the first time that LBJ was accused, in print, of being behind the assassination was on January 31, 1966, when one of the nation's leading autograph dealers, Charles Hamilton of New York, sold an unsigned letter, purportedly from Jack Ruby, at the Waldorf-Astoria Astor Gallery to conspiracy theorist Penn Jones Jr. for \$950. The letter was supposedly smuggled out of Ruby's jail cell in Dallas in 1965, and the notice for the thirty-three-page letter, handwritten in pencil in Hamilton's catalog, read in part, "Astounding confession of international importance, pinpointing Lyndon B. Johnson as the real murderer of John F. Kennedy." The notice contained a portion of the letter, including Ruby's allegedly written words "They alone had planned the killing, by they I mean Johnson and others . . . Believe me, compared to [Johnson] I am a saint."

The letter has never been authenticated as being in Ruby's handwriting. Jones didn't publish the letter, or any part thereof, in his book, *Forgive My Grief*, but he wrote the curious words that "the letter purchased by [me] is *similar* [only similar?] in its contents" to that which was published in Hamilton's notice. (Jones, *Forgive My Grief*, vol.1, pp.64-65)

1275 **Walt Brown:** In a later book Walt Brown writes that the "conglomerates" (whom he describes as "the CIA," "the corporations," "big oil") were behind Kennedy's assassination. He says they told Johnson "that it would be in his interests . . . to accede to the concerns of the conglomerates. LBJ, ever the gracious deal-maker, was 'persuaded.' JFK . . . was assassinated." (Brown, *Guns of Texas Are Upon You*, p.224)

- 1282 **no more apt to be authoritative:** About the only member of the Dallas law enforcement hierarchy at the time of the assassination who would later come to believe (sort of) that there may have been a conspiracy in the Kennedy assassination was the late chief of police Jesse Curry, and he too suggested Castro. But since he didn't have any evidence to point to, basically only having a hunch, his view has no significance. UPI reporter Dan Carmichael wrote on February 7, 1977, that "thirteen years ago, Curry gave little credence to any suggestion of a conspiracy. But today he's not so sure." He quotes Curry as saying, "I don't accept the idea that Oswald acted alone. I'm not saying someone was there in the window helping him shoot. But he was influenced by other persons. Someone convinced him the president should be assassinated." But in a UPI article of February 9, 1977, Carmichael quotes Curry as saying, "I just don't know. I wouldn't say that he (Oswald) was part of a conspiracy or that he wasn't. I would think Castro could have been behind it. I wouldn't be at all surprised if he told his people 'do what you can to get Kennedy' because of U.S. attempts to kill Castro. That's human nature to react that way, to retaliate in kind." (HSCA Record 180-10088-10144, February 7, 1977) It's also human nature to be silly, but one would think the former Dallas chief of police would have spoken more responsibly, and not have made such an obviously baseless observation, the type of loose remark one could expect at a cocktail party. Fortunately, no other Dallas law enforcement official I know of has chosen to embarrass himself as Curry, a good man, did.
- 1282 **Johnson's belief:** In a September 1969 interview at his Texas ranch with CBS's Walter Cronkite, LBJ sounded a little more rational. When Cronkite asked Johnson if he felt there was an international conspiracy in Kennedy's death, Johnson replied, "I can't honestly say that I've ever been completely relieved of the fact that there might have been international connections." "You mean you still feel that there might have been?" Cronkite asked. Johnson replied that he had not "completely discounted it." However, he added, "I don't think we ought to discuss the suspicions because there's not any hard evidence that would lead me to the conclusion that Oswald was directed by a foreign government." This comment from the interview was not included in the aired segment back then, but Cronkite reported it on his CBS news program on the evening of April 15, 1975. (*New York Times*, April 26, 1976, p.12; *Boston Globe*, April 27, 1975; Oglesby, *Yankee and the Cowboy War*, p.146)
- 1283 **no evidence that hit men for the mob:** However, the HSCA statement that it found no specific evidence that Castro knew of CIA sponsorship of plots to kill him prior to the death of President Kennedy is essentially wrong. Though Castro may not have known about the *mob's* involvement with the CIA in plots to murder him, when leading members of the HSCA staff interviewed him in Havana, Castro himself confirmed the implications of an interview he gave AP reporter Daniel Harker on September 8, 1963, that he suspected "the United States government" in the plots to kill him (3 HSCA 216–217). And if he suspected the U.S. government, that's tantamount to suspecting the CIA. After all, Castro knew Kennedy wouldn't send the Boston Philharmonic or the Des Moines Chamber of Commerce after him.

- 1284 **Roselli's murder and the murder of Sam Giancana:** An unidentified "high-ranking Mafia figure" told the *New York Times* that Sam Giancana was killed because he tried to reassert his authority in Chicago after a ten-year absence. "Sam thought nothing had changed, but everything had changed," the Mafia figure said. As for Johnny Roselli, he was killed, per the Mafia figure, simply because he didn't clear his Church Committee testimony with his Mafia associates. "When you're called before a committee like that, you have to go to your people and ask them what to do," the Mafia figure said. "Roselli not only did not come to us, he went before the committee and shot his mouth off all over the place." He said Mafia leaders had been angry with Roselli since 1971, when he testified before a Los Angeles federal grand jury investigating underworld ownership of the Frontier Hotel in Las Vegas. Three members of the Mafia went to prison as a result of that investigation, and although Roselli's testimony was sealed, the mob suspected that he had provided damning information to the U.S. attorney's office. The Mafia figure said that shortly after Roselli's first appearance on June 24, 1975, before the Church Committee, the Mafia's national commission decided to kill him, fearing that "he would just go on talking every time he was pressured, and he had to be hit." (*New York Times*, February 25, 1977, p.A12)
- 1285 **"plots against our lives":** One of the most famous CIA plots against Castro was uncovered by him after the assassination. It involved a bearded Cuban doctor named Rolando Cubela Secades. A former student leader who attained the rank of major in Castro's guerrilla army in the late 1950s, Cubela went on to become a high official in Castro's Ministry of the Interior. (Stetler, "Can Congress Crack the Kennedy Assassination?" p.13) Cubela, a friend and colleague of Castro and his brother Raul, had already established himself as an assassin, allegedly being the person who, together with one Guillermo Riestra, murdered Lieutenant Colonel Antonio Rico, Fulgencio Batista's chief of military intelligence, as he came out of a Havana nightclub in 1956. (*New Orleans States-Item*, November 29, 1956, p.1; Russo, *Live by the Sword*, p.176) Cubela had become disillusioned with Castro over the latter's strong embrace of Communism and Soviet Russia. Code-named AMLASH by the CIA,* Cubela, whose job it was to organize an internal coup against Castro, was in touch with the CIA from March of 1961 until June of 1965, and proposed doing an "inside job" on Castro when Cubela met with a CIA officer in Porto Alegre, Brazil, over two years later, on September 7, 1963. He was arrested by Castro's counterintelligence agents in February of 1966 and prosecuted and convicted of plotting the overthrow of Castro. Castro commuted his sentence of death to life imprisonment. He was released by Castro after thirteen years and allowed to leave Cuba. (HSCA Report, p.107; 3 HSCA 285; Szulc, "Cuba on Our Mind," p.90; Helms with Hood, *Look over My Shoulder*, p.231; September 7, 1963, meeting: Church Committee Report, pp.3, 100; Russo, *Live by the Sword*, p.176)
- The nature and extent of the AMLASH operation has always been in dispute. Although the Church Committee concluded that AMLASH (Cubela) envisioned

* Although the CIA has never said who AMLASH was, everyone else said that he was Cubela. And when representatives of the HSCA interviewed Cubela in Havana in August of 1978 (the Cuban government made Cubela, who was serving a life sentence for plotting against Castro, available to the HSCA), Cubela acknowledged he was AMLASH (3 HSCA 284–285; serving a life sentence: HSCA Report, p.113).

the assassination of Castro as an essential first step in overthrowing his regime (Church Committee Report, p.3), and the *Alleged Assassination Plots* report of the Church Committee concluded that AMLASH was an assassination operation (Church Committee Report, p.14 footnote 17), the CIA's position on this matter is unclear. For instance, Richard Helms, the CIA's deputy director for plans at that time, told the Church Committee that the AMLASH operation was only a plot to overthrow, not assassinate, Castro. (*Alleged Assassination Plots*, p.175 footnote 2; Testimony of Richard Helms before Church Committee, June 13, 1975, pp.133, 135). The CIA case officer who was Cubela's contact at the CIA also testified the operation did not have Castro's murder as one of its goals.* And a 1977 CIA Task Force Report concluded the same (HSCA Report, p.111).

On the other hand, Joseph Langosch (cryptonym), the chief of counterintelligence for the CIA operations against the Cuban government, told the HSCA that "the AMLASH operation prior to the assassination of President Kennedy was characterized by the special affairs staff, Desmond FitzGerald [the head of the Special Affairs staff], and other senior CIA officials as an assassination operation initiated and sponsored by the CIA" (4 HSCA 195, Affidavit of Joseph Langosch, September 14, 1978, p.4; CIA chief of counterintelligence: HSCA Report, p.112; Langosch was a CIA cryptonym: 4 HSCA 176). And the Church Committee, though unable to conclude that the AMLASH operation was an assassination mission, did find that when FitzGerald met with AMLASH in Paris on October 29, 1963, AMLASH "spoke of the need for an assassination weapon, specifically a high-powered rifle with telescopic sights or some other weapon which could be used to assassinate Castro from a distance." Although FitzGerald originally balked, telling AMLASH that the United States would have "no part of an attempt on Castro's life," on November 22, 1963, the day of the assassination, AMLASH's CIA case officer met with AMLASH in Paris and told him the CIA would provide him with explosives and rifles and showed him a poison pen, suggesting he could use the commercial poison Black Leaf-40 in it. The case officer doesn't recall whether AMLASH took the pen, but recalls his being dissatisfied with the device. As the case officer and AMLASH broke up their meeting, they were told of the president's death. (Church Committee Report, p.101)

Remarkably, this was not the end. The CIA delivered a cache of arms to AMLASH in Cuba in March of 1964 and again in June of 1964, but when AMLASH insisted on a silencer for an FAL rifle and made it clear he thought Castro's assassination was a necessary "first step" to democratize Cuba, the CIA balked. A CIA memorandum written in the fall of 1964 stated, "AMLASH was told and fully understands that the United States Government cannot become

*Of the two CIA case officers assigned to Cubela, one testified that although Cubela spoke of "eliminating" Castro, he attributed this only to Cubela's "mercurial" nature and said that no assassination plot was ever discussed with Cubela (*Alleged Assassination Plots*, p.86 footnote 1, p.87 footnote 1; Testimony of case officer before Church Committee on August 11, 1975, pp.39-41, 62). But the second case officer, the one who replaced the first one, testified that when he took over the AMLASH project he recalled being briefed by the first case officer that Cubela's belief was that the project involved Castro's assassination. But even this second case officer said, "You must recognize that AMLASH was a rather temperamental man whose temperament was of a mercurial nature, and whereas he may have said something like this in one fit of pique, he would settle down and talk about organizing a regular military camp in the next breath." (*Alleged Assassination Plots*, p.87 footnote 1; Testimony of case officer number 2 before Church Committee on August 1, 1975, pp.28-29)

involved to any degree in the ‘first step’ of his plan.” The agency proceeded to pass AMLASH off to “B-1,” the leader of an anti-Castro group, and broke off all relations with him in June of 1965. (Church Committee Report, pp.18–20; *Alleged Assassination Plots*, pp.86–90; Testimony of case officer before Church Committee on July 29, 1975, pp.77–80, and on August 1, 1975, pp.77, 105, 110–112; CIA Record 104-10213-10101, 1967 CIA Inspector General’s Report, pp.92–94, 104–105)

This version of events is disputed to a certain degree by Richard Helms. In his 2003 memoir, *A Look over My Shoulder*, Helms says that at the October Paris meeting with FitzGerald, AMLASH requested a weapon, not to kill Castro, but to put up a fight with anyone who attempted to seize and arrest him in the event the plot to overthrow Castro was discovered. Helms says he authorized FitzGerald to provide AMLASH with this, and when FitzGerald’s aide met with AMLASH on the morning of the assassination, “this meeting did not involve any plan to assassinate Castro,” but that “Amlash considered the device [handed to him by the aide—“a ballpoint pen concealing an injection device loaded with a . . . lethal chemical”] useless and handed it back to the contact man.” (Helms with Hood, *Look over My Shoulder*, p.231; see also *Alleged Assassination Plots*, p.175 footnote 2) But in a 1979 biography of Helms, the author writes that FitzGerald’s aide gave AMLASH “a specially prepared ‘pen’ which might indetectibly inject a deadly poison into Castro” (Powers, *Man Who Kept the Secrets*, p.191).

1285 **an earlier source:** Who was this source? The same unnamed Latin American foreign minister? No. Conspiracy author John Newman says he believes the source “was probably Morris Childs” (Newman, *Oswald and the CIA*, p.428). But the source is identified in handwriting in an FBI document dated June 12, 1964, as Jack Childs, Morris’s brother (FBI Record 124-10274-10338, Memorandum from SAC, New York, to Director, FBI, June 12, 1964, p.3). Former FBI agent Jim Hosty, in his book *Assignment: Oswald*, also says he believed the source was Jack Childs (Hosty with Hosty, *Assignment: Oswald*, pp.220, 276–278; Telephone interview of James Hosty by author on January 15, 2006). The Childs brothers were American Communists. Morris was the editor of the Communist Party’s organ, the *Daily Worker*, and was secretly considered to be the main deputy to Gus Hall, the head of the American Communist Party, meaning that for all intents and purposes, an FBI spy was the number-two man in American Communism. Morris’s brother Jack was the business manager of the Young Communist League. They were also double agents during the cold war who had the absolute trust and confidence of Moscow (Moscow used them to transport, as couriers, in excess of \$28 million between 1958 and 1980 to fund the Communist Party in America) and Havana while being extremely valuable FBI informants. They were collectively referred to as Operation “SOLO,” Morris’s FBI informant number being CG-5824S, and Jack’s, NY-694S. The two brothers, particularly Morris, were so highly valuable to the FBI in furnishing it with top-secret Soviet information during the cold war that in 1987 President Reagan awarded the Presidential Medal of Freedom to Morris Childs and to his deceased brother Jack posthumously.

The Soviets were equally taken with the two brothers, particularly Morris. In his book *Operation Solo*, John Barron writes, “For more than twenty years, the highest Soviet rulers—from Nikita Khrushchev, Leonid Brezhnev, and Yuri Andropov

on down—treated him [Morris] as an intimate friend. They confided to him their innermost thoughts, ambitions, and apprehensions; their strategy and plans . . . Often they solicited his opinion and advice, and often they heeded it. The Soviets so trusted and esteemed him that on his seventy-fifth birthday, Brezhnev hosted a banquet at the Kremlin in his honor. [Likewise, Khrushchev invited Morris's brother Jack to an official state dinner and toasted him.] The Soviet dictator eloquently thanked Morris for more than half a century of service to the Soviet Union and international communism, then awarded him a medal, the Order of the Red Banner." Barron says that "the voluminous secrets Morris stole from the Kremlin for more than two decades, enabled the United States to read the minds of the men who ran the Soviet Union, to anticipate their actions, and to exploit their problems, most spectacularly their problems with China. It was like playing poker, knowing which cards everyone else at the table held. By elaborate ruses, the FBI concealed the identity of Morris [as well as Jack and Morris's wife, Eva, who was an integral part of Operation SOLO and whose FBI informant number was CG-6653S] and the nature of the operation from everybody—the State Department, the CIA, the Defense Department, and the National Security Council."

Contrary to what has been written—that Hoover sent Jack Childs to Cuba to find out what Castro had meant in a November 27, 1963, speech in Havana when he said Oswald had made a "provocative statement" when he visited the Cuban embassy in Mexico City (Hosty with Hosty, *Assignment: Oswald*, p.220)—Childs was in Havana on a mission for his other employer, the Kremlin, and it was during his meeting with Castro on this matter that Castro brought up the Kennedy assassination. Castro asked Jack, "Do you think Oswald killed Kennedy?" after which he went on to tell Childs about the threat to kill Kennedy he (Castro) said he had been told about by his people in Mexico City. (Barron, *Operation Solo*, pp.xiii, xv, 4–5, 25, 36–37, 58, 109–114, 339–340)

- 1286 **"However reliable the confidential source may be":** A qualification is needed here. Though the evidence is clear that Oswald made no threat to kill Kennedy, as we have seen, the informant, Jack Childs, was indeed a very reliable source, and I believe he merely passed on to the FBI what Castro told him in Havana about the threat. It was Castro who most likely was repeating information about the threat that he had received from his employees at the Cuban embassy, who in turn were merely passing on what an eventually discredited witness, Gilberto Alvarado Ugarte, said he heard Oswald say outside the Cuban embassy.
- 1286 **Gilberto Alvarado Ugarte:** Alvarado was the Warren Commission's "D" (WR, pp.307–308; HPSCI Record 135-10001-10251, p.20).
- 1288 **So much for Pedro Gutierrez:** Unbelievably, out of all these fabricated statements and nothingness, a reportedly well-credentialed German filmmaker, one Wilfried Huismann, directed a one-hour documentary, titled *Rendezvous mit dem Tod (Rendezvous with Death)*, that was shown for the first time in Berlin on January 4, 2006.

The entire thrust of Huismann's documentary is that Castro's Cuban intelligence people (G-2) used Oswald to kill Kennedy once he made the offer at the Cuban consulate to kill Kennedy, and the person who paid Oswald to do so was the black man with the reddish hair, who is identified in the program as a top Cuban G-2 agent in Mexico named Cesar Morales Mesa. Using Gilberto Alvarado

Ugarte's original fabrication that the black man (Morales) paid Oswald \$6,500 to kill Kennedy (Huismann does not mention Alvarado by name in the documentary), Huismann proceeds to build his entire show on this nonexistent foundation. Huismann isn't troubled by the fact that the basis for the alleged offer was Oswald's supposedly saying, "I'm going to kill Kennedy for this" *as he headed out* of the Cuban consulate office after his request for an in-transit visa to Cuba was turned down, and that the only two people who we know were in the office at the time, Silvia Duran and Eusebio Azcue, have said they never heard Oswald say any such thing. Huismann, of course, doesn't tell his audience this.

Huismann is also not troubled by the fact that Oswald would have had no reason to say he was going to kill Kennedy "for this," that is, for being turned down by the Cuban consulate for his in-transit visa.* And he sees nothing preposterous about the discussion to murder the president of the United States and the payment to Oswald taking place right outside the Cuban embassy, when Cuban intelligence (the G-2 agent, Morales, who supposedly made the payment) had to know that the lenses of CIA cameras were focused on that area. Nor does he apparently feel that Alvarado's claim to have actually seen (and apparently diligently counted out) precisely \$6,500 in American bills (\$1,500 for expense money, Alvarado says) being paid to Oswald is preposterous on its face.

Further, Huismann is not bothered by the fact that if a Cuban G-2 agent gave Oswald \$6,500 (at least the equivalent of \$20,000 today) to kill Kennedy, what happened to all this money? Why was Oswald virtually broke at the time of his death, he and Marina having a grand total of \$183.87 to their name? How did Oswald go through the equivalent of \$20,000 (or even \$6,500) in less than two months? What did he splurge this amount of money on?

In addition, Huismann isn't concerned by the fact that Alvarado said he saw this alleged payoff to Oswald on September 18, 1963, when we know Oswald wasn't even in Mexico City, being present and accounted for in New Orleans. Nor is Huismann troubled by the fact that Alvarado took a CIA polygraph test in which the polygraph examiner concluded he was probably lying, and that Alvarado said, "I must be mistaken." Huismann, naturally, doesn't tell his audience any of this.

Huismann also isn't troubled by the fact that black men don't have red hair, and if there was, indeed, a black man with red hair seen near the Cuban embassy (certainly not with Oswald, but simply there for other reasons), we can just about know two things: one, that his hair was dyed red, and two, no top Cuban G-2 agent involved in clandestine work (as Huismann's audience is told Morales was) would dye his hair red to attract unwanted attention to himself.†

*It's been speculated that maybe the Cuban consulate people told Oswald that the U.S. government was responsible for not letting Americans into Cuba, and this is what prompted Oswald's threat to kill Kennedy. But Silvia Duran and Eusebio Azcue have never indicated they told Oswald this. Moreover, Oswald already knew, before he left for Mexico, that travel by U.S. citizens to Cuba was prohibited. This is the precise reason why he sought to get there through the backdoor, by an in-transit visa.

†Close to four and a half decades after the event in question, Huismann found another person named Antonio (not his real name), allegedly a Cuban G-2 agent responsible for the security of the Cuban embassy in Mexico City, who claims he saw Oswald meet twice with the "black man with red hair" (whom he identified as a fellow G-2 agent) in the embassy parking garage.

A voice-over tells the audience that the director of the Mexican secret service archives "guards the Oswald file like the crown jewels. It contains, among other things, a photo of the Cuban agent who met with Oswald. The picture is marked 'Pelirrojo' [Redhead]. For reasons of personal data protection, we're not allowed to show

None of these things troubled Huismann. Nothing was going to stand in his way in his attempt to push his ridiculous story on as many unsuspecting people as he could.

Since, at its source, there was no basis for this TV documentary, what did Huismann do to beef up a story worthless at its core? He does what nearly all conspiracy authors, documentarians, and motion picture directors do: embellish the story from the original nut (in this case, Alvarado) with stories from other nuts or frauds, and in this case with two former American public servants who should be ashamed of themselves.

Most of Huismann's other nuts have already told their stories and have been forgotten but for Huismann's attempted resurrection of them. The following are the most important of those who appear or are mentioned in Huismann's film:

One is Pedro Gutierrez, who is mentioned in the main text. Recall that Gutierrez also said he saw Oswald receiving money right in front of the Cuban embassy around September 30 or October 1, though, unlike Alvarado, he didn't count and add up all the bills and didn't hear a discussion to murder Kennedy, only the names "Castro," "Cuba," and "Kennedy." But again, that someone would handle a payoff to kill Kennedy right in front of the CIA cameras outside the Cuban embassy is too ludicrous for words. Of course, Huismann doesn't tell his audience that in addition to this event occurring at a time when Gutierrez would have no reason to remember Oswald, he said he only saw "Oswald's" face for a "split second," seeing his back during the rest of the event. In Huismann's story, naturally, a narrator tells his audience there is no question that the man Gutierrez says he saw was Oswald.

Elena Garro de Paz was the former wife of famed Mexican poet Octavio Paz, and a distinguished writer herself. Her problem, discussed in an endnote to "The Second Oswald" section, is that she was batty, and her story about Oswald attending a "Twist" party with two American companions at the home of Silvia Duran's brother-in-law while he was in Mexico City has been completely discredited by people who were at the party. This posed no problem for Huismann, who simply didn't tell his audience this. In fact, it wasn't even a problem for Huismann that Garro is deceased. He rounded up Garro's daughter, who has the same name as her mother, and who told Huismann she too was at the party, and proceeds to tell, on screen, the same wholly implausible story her mother had told.

Another figure Huismann resurrected was Antulio Ramirez Ortiz (see main text for discussion). Ramirez's phony story about a Cuban intelligence agent confiding

the photo on film." Does Huismann mean to suggest by this that the director of the archives, who treated the Oswald file "like the crown jewels," permitted Huismann to take a photograph of the photo, or made a copy for him? If so, I would think Huismann would have had the narrator say this. If not, why is Huismann implying he has the photo but can't show it to his audience? Huismann's audience is told that the secret service file on Oswald is 4,000 pages long and "we're only allowed to read 30 pages of it." Among that which is read are the words "In the interrogation [of Silvia Duran], the following questions are to be put to Silvia Duran: Identity of the Cuban officers who were sent to plot the murder of President Kennedy. [What? The Mexican secret service *knows* (how?) that Duran *knows* the Cuban officers who plotted Kennedy's murder? Really? Is it possible that Huismann and his people, in trying to remember what they read (there's no indication they were allowed to take notes) left out a word here and there, such as *alleged*?] Which of these officers had contact with Oswald? Identity of the black man with reddish hair and a scar on his cheek who turned up at the Cuban Embassy. Does he work there? Details?"

to him in Havana in early November 1963 that Kennedy was going to be murdered later in the month* was so riddled with absurdities and inconsistencies that, as noted in the main text, Congressman Floyd Fithian of the HSCA felt constrained to treat Ramirez in a way I have not seen in the testimony of any other HSCA witness. He flat-out told Ramirez, “I believe you have been lying to me. I believe you have not told the truth . . . Frankly, I have lost patience with you . . . and I do not want a continuation of [your] cock and bull story before this committee of the Congress.” Nonetheless, Huismann presents Ramirez to his audience as a perfectly credible witness.

Huismann’s narrator also tells his audience about a “secret dossier for ‘Johnson’s Eyes Only,’ never before disclosed, until now. The man who compiled it, LBJ’s confidant [also, LBJ’s chief advance man who handled one advance assignment for JFK, to Houston, Texas, on November 21, 1963] Martin Underwood, gave us the report under the condition that we make it public only after his death.” The Underwood report alleged that Win Scott, chief of the CIA station in Mexico City at the time of the assassination, told him (Huismann doesn’t say when) that one of Castro’s top intelligence officials, Fabian Escalante, was in Dallas on the day of the assassination (Escalante denies this to Huismann’s audience).

But contrary to what Huismann told his audience, this is an old story. The ARRB’s final report says that while Seymour Hersh was writing his 1997 book, *The Dark Side of Camelot*, probably long before Underwood was thinking of dying, Underwood gave his handwritten notes, with this information about Escalante on them, to a researcher for Hersh. The researcher turned the notes over to the ARRB at some time before it submitted its final report on September 30, 1998. When the ARRB first asked Underwood about the notes (which included an allegation that Scott told him the CIA “blew it” in Dallas on November 22, 1963, the implication being that the CIA may have been involved in Kennedy’s assassination), Underwood claimed he had no memory of having written them. He then claimed that yes, the notes were his, but he had written them not in 1966, when he spoke to

*Ramirez told Huismann’s TV audience that Cuban G-2 “wanted to eliminate” Kennedy. In sleight of word, the audience hears Huismann ask one Nikolai (an alias), a purported high-ranking officer of the Russian secret service agency FSB, “Was the Cuban secret service told by the KGB about Lee Harvey Oswald’s *availability*?” Coming right after Ramirez’s statement that the Cuban G-2 wanted to kill Kennedy, the word *availability* suggests availability for murder. Nikolai answers, “Yes, they were informed” (supposedly of Oswald’s serving as a potential assassin). “Can that be proven?” the pursuer of accuracy and truth, Huismann, asks. “Yes, there is a document in the archive.” “What’s in it?” Nikolai answers, “It’s a telegram to the head of Cuban secret service Ramiro Valdes. Dated 18 July 1962. Signed by the deputy head of the KGB, Kryuchkov. It says: ‘Oswald leaving USSR together with his wife. Cuban secret service requested to take up *surveillance* [surveillance? I thought Oswald was supposed to be used as an assassin for Cuban G-2] of this individual. He is ideologically unusual and psychologically unstable.’”

Not only, as indicated, doesn’t this telegram sound like the KGB telling Cuban G-2 that Oswald was “available” as an assassin of Kennedy (If the KGB felt the contrary, that Oswald *was* such a potential assassin, why would the KGB want to assist Cuba in killing Kennedy? Did the KGB want Kennedy dead too? If so, why didn’t it try to recruit Oswald while he was in Russia?), but there is a serious question about whether such a telegram existed. Gus Russo, who co-wrote Huismann’s script with Huismann, told me that “Nikolai,” whom Huismann’s production company paid \$1,000, would only read the telegram to them, not provide them with a copy (Telephone interview of Gus Russo by author on January 15, 2006). When Huismann asked Fabian Escalante, the former head of the Cuban State Security Department (G-2), about the telegram, Escalante said the telegram was “completely false. A forgery. I venture to state that quite clearly. You can also ask Commandant Ramiro Valdes. He is—now as then—one of the leaders of our country. That telegram is a fake. The simple fact that I would have seen it otherwise is proof enough.”

Scott, but a quarter of a century later (circa “1992 or 1993”) for Hersh’s researcher. The ARRB asked Underwood for the contemporaneous notes of his conversation with Scott in Mexico City and he forwarded them to the board, but they contained no reference about the assassination (i.e., no reference to Escalante or Scott’s alleged “blew it” remark). Instead, the ARRB said, “The notes state that Underwood sought Scott’s assistance in staging a big welcome for President Johnson” when LBJ came to Mexico City.*

It was obvious to the ARRB that Underwood had no credibility, so it asked him to testify under oath to his allegations, but he declined on the grounds of health problems. (Final Report of the ARRB, pp.135–136; Underwood LBJ’s chief advance man who handled JFK’s Houston trip: F. de Sales Meyers, “One Step Ahead of ‘Earthquake’ and a President,” *Sun Magazine* [Baltimore], July 22, 1979, p.7) Huismann, naturally, gives his audience none of this background.

Remarkably, Huismann, for all his labors, was able to come up with only one new “face” to justify this “documentary,” an alleged former Cuban G-2 agent who

*But did the ARRB have it right? Gus Russo says no. Russo told me that in 1993, he met Underwood through a mutual acquaintance, Robert White, a well-known JFK memorabilia collector, and Russo ended up having “dozens of lunches” with Underwood in the Baltimore area. Russo wrote to me that at a 1994 lunch, “Marty mentioned his friendship with Win Scott . . . Marty had worked with Win when he advanced LBJ presidential trips to South and Central America . . . He told me that LBJ . . . asked him to talk to Scott in 1968 about possible Cuban blowback on JFK. This was in 1968, when LBJ and RFK were procuring dirt on each other.” Russo writes that Underwood told him that in the 1968 meeting with Scott in Mexico City, “Scott told him that a known Cuban assassin had been in Mexico City when Oswald was there and that he had mysteriously slipped through Mexican customs on November 22. Although Scott had no proof of the Cuban’s role in Dallas, he believed it. ‘Marty, we fucked up with this guy.’” Russo said that Underwood couldn’t remember the Cuban’s name but had written it in his notes, which he retrieved for Russo. He called Russo later and said the Cuban’s name was Fabian Escalante. Russo writes, “Marty gave me photocopies of his actual Mexico City notes, written on White House stationery and dated ‘March 1968.’ By 1996 I had a book deal and began vetting the Escalante material . . . However, much to my disappointment, Marty said he never intended for that to be made public—he was an obsessively private man. He asked me to not use the material until after his death, and I reluctantly agreed. However, I shared my research with the ARRB. When I told Marty, he said they had better not make his name public. If so, he would deny everything . . . The ARRB tried to interview Marty, and he consistently dodged their calls . . . Marty called me and told me that if they persisted he would have to lie to them and say I had completely misunderstood him. He eventually did this, and the review board’s final report shows they seem to have believed his new story . . . [The ARRB believed Underwood’s story that he had written the 1968 notes in 1992 or 1993 for a researcher working for author Seymour Hersh. The “researcher” mentioned by the ARRB, Russo said, was he.] In 1997, I was working for Sy Hersh and ABC on the adaptation of his book, *The Dark Side of Camelot*. When Sy hit a brick wall in trying to corroborate the [Judith] Exner story, I informed him about Marty, who knew all about it.” Russo says that when Underwood met with Hersh and himself for lunch, the *only* matter discussed was the Exner story, and contrary to the ARRB’s report, Fabian Escalante was never discussed or mentioned. “Despite the fact that I had given the Board [ARRB] copies of Marty’s 1968 notes, Underwood in fact told them that there were no 1968 notes, that I had misinterpreted musings Marty had written in 1993 and given to me. In order to convince the Board that I had been mistaken about the date of the notes, he suggested that I was confused with a trip Marty took to Mexico in 1966. Marty even gave them a copy of his notes of that 1966 trip, which, of course, had no mention of the assassination. But this entire revision does not explain why the papers Marty gave me, which did discuss Escalante’s role, were dated ‘March 1968’ by him—and the Review Board had them . . . For some reason, the Board [did] not mention these inconsistencies in its final report, which completely confused the 1966 trip with the 1968 trip, exactly what Underwood hoped it would do. The result was to render the important Escalante material moot for the outside observer.” (Letter from Gus Russo to author dated March 16, 2006; Telephone interviews of Gus Russo by author on March 15 and March 16, 2006)

Although Gus Russo’s information is interesting and raises questions about the competency of the ARRB’s handling of the Underwood matter, it doesn’t change the fact that Win Scott, by his own implied admission to Underwood, had no evidence to connect Escalante to the assassination, so it is difficult to see the relevance of all this.

is the clear star of Huismann's flick. He is also a joke. I say "face" because for supposed fear of retaliation, the man's face is bathed in shadows on the screen. And his name, Oscar Marino, is not his real name (Telephone interview of Gus Russo by author on January 15, 2006), though Huismann isn't kind enough to tell his audience (or researchers who want to check out Marino's background) this. So we have a faceless, nameless person as the star of Huismann's shameful "documentary." That itself would be bad enough, but Marino has absolutely nothing to say. "Oswald volunteered to kill Kennedy," Marino tells the audience. When I asked Gus Russo if Marino was basing this on something other than Alvarado's original allegation, he said he was not, that Alvarado was Marino's source for this (Telephone interview of Gus Russo by author on January 15, 2006). Since we know that Oswald never made the threat to kill Kennedy that Alvarado claims (but later retracted) he made, we thereby know at this point that everything Marino says thereafter has to be a fabrication. Marino goes on with his fairy tale: "Oswald was a dissident. He hated his country. He possessed certain characteristics. There wasn't anyone else. You take what you get." Huismann: "Did the G-2 issue an order for the assassination of Kennedy?" Marino: "Let's just say . . . there was a desire." "And Oswald fulfilled that desire?" "Yes, Yes . . . We used him. He adopted our plans as his own . . . We supported him in carrying out the assassination." "Who gave the order to kill Kennedy? An agent here [Marino was interviewed in Mexico City, where he now lives] or . . ." "No, that came from the G-2 leadership, of course." "Or did it come from Fidel Castro?" "That is a subject I don't want to broach, but it came from the G-2 leadership in any case. Whether or not it was Castro's decision is a question I cannot and will not answer. But I can say with complete certainty that it was a G-2 operation."

So we learn from Marino that with or without Castro, Cuban G-2 agents planned to murder Kennedy (and thereby ensure their deaths at U.S. hands, or if Castro never approved of the operation, at his hands if he found out what they did or attempted to do without his authorization), and Oswald simply "adopted" G-2's "plans." Since we know that Oswald himself bought the murder weapon (Cuban G-2 apparently wanted Oswald to have the absolute cheapest, most inexpensive rifle that could be found) and, through Ruth Paine's suggestion, got himself the job at the Book Depository Building, one wonders what "plans" of the G-2 Oswald "adopted," and how G-2 helped Oswald in "carrying out the assassination."

Just as Marino could tell Huismann with "complete certainty" that Kennedy's death was a G-2 agency operation, I can tell Huismann with even more "complete certainty" that even though Marino, in effect, confessed to complicity with other G-2 members in Kennedy's murder, he actually knows (even if Huismann doesn't) that he has absolutely nothing to fear. Marino certainly would realize that if Cuban G-2 and Castro were vindictive enough and powerful enough to wipe out the president of the United States *in* the United States, they would be vindictive and powerful enough to wipe out non-entities like himself in Mexico for squealing on them. If Huismann could find the supposedly ailing Marino, surely they could. But Marino knows he doesn't have to worry a whit since he knows his story is fabricated nonsense that only nonsensical conspiracy theorists would have any interest in, not very serious people like Castro and his G-2. You can't squeal on someone when there is nothing to squeal on.

In fact, Marino could accuse Castro directly of Kennedy's murder on a soap box in downtown Havana, and Castro would probably only lock him up for disturbing the peace. If he continued to yap these insanities in public, Castro would probably commit him to a mental institution or put him away for a spell.

And even though there is no statute of limitation for murder in the United States, Marino also knows he doesn't have to worry about FBI agents knocking on Huismann's door to obtain Marino's identity and whereabouts (by court order if necessary) so they could arrest him and extradite him back to the United States for prosecution for Kennedy's murder. Why? Because Marino, I, and virtually all other sensible people know that no one in authority would take him seriously. The authorities, including Castro, only deal harshly with real people telling real stories, not humbugs like Marino. Huismann is either pathetically gullible or a fraud.

With respect to the two American public servants who should be ashamed for making such a fool out of themselves in Huismann's documentary, although Huismann would apparently want his viewers to believe that these two Americans first made their allegations in his film, both made them years ago. The first one is a former FBI agent named Laurence Keenan. As I said in the main text, when FBI Director J. Edgar Hoover learned that the U.S. ambassador to Cuba, Thomas Mann, actually believed Alvarado's allegation, wanted the FBI to investigate his claim, and wanted to get personally involved in investigating Kennedy's murder, Hoover realized he had a "pseudo-investigator" on his hands so he sent Keenan down to Mexico City to satisfy Mann's request for an investigation and to concurrently shut the ludicrous Mann up. Keenan arrived in Mexico City on November 27 and he, the CIA station chief Win Scott, and the legal attaché at the U.S. embassy, FBI agent Clark Anderson, met with Mann on November 28. Keenan said, in his testimony before the Church Committee, that when Mann insisted there was a conspiracy involving Cubans in Kennedy's murder, "we tried to stress to the ambassador that every bit of information that we had developed [thus far] in Washington, in Dallas, and elsewhere, indicated that this was a lone job." Keenan also testified that he never got an opportunity to question Alvarado, the CIA denying his requests.* In any event, after Alvarado recanted his allegation, on November 30 Mann "advised that it was no longer necessary" for Keenan to stay in Mexico City, and he returned to Washington, D.C., on December 1.

Although Keenan testified before the Church Committee that his investigation was to be "wide open" and he could conduct "as much investigation as I thought

*This, of course, isn't surprising, since the CIA, dating from the National Security Act of 1947, is the lead federal agency in the gathering of *foreign* intelligence.

The FBI still has an international presence, however, with its legal attaché (Legat) offices in U.S. embassies and consulates around the world. "Currently, we have over 60 Legat offices in foreign countries," Ernie Porter, a veteran FBI public affairs officer said. "The attaché is always an FBI agent and his office coordinates the exchange of information with the host foreign country on investigative matters of mutual concern, such as fugitives, organized crime, terrorism, and drug trafficking. But our people at the Legat offices don't go out with their guns and badges and investigate." However, Porter said, in rare instances involving loss of American lives overseas, and with the agreement of the host country, FBI agents are sent to that country to conduct a limited investigation coordinated by the Legat office there. (Telephone interview of Ernie Porter by author on January 6, 2006)

necessary,” the thrust of his testimony revealed the fact that he only went down to Mexico City to interrogate Alvarado, admitting elsewhere in his testimony that “basically the aim was to interview the Nicaraguan informant or source who supposedly had seen Oswald [at] the Cuban consulate on or about September 18, 1963.” Question: “That was Alvarado?” “It was Alvarado.” Furthermore, although he was in Mexico City for several days, nowhere in his testimony did he indicate he made any effort to do anything other than interview Alvarado. If Keenan was trying to fool the Church Committee as to his role in Mexico City, he failed. At one point near the end of Keenan’s testimony, Church Committee staff member Paul Wallach, based on what Keenan had already said, flat-out told him, “You were sent down [to Mexico City] primarily to interview Alvarado.” (SSCIA Record 157-10014-10091, Transcript of Laurence P. Keenan’s testimony before the Church Committee, April 8, 1976, pp.8–12, 43, 56–58; Church Committee Report, p.42; see also FBI Record 124-10021-10385; FBI Record 124-10230-10435)* But far worse than that for Keenan, in his own cabled report from Mexico City to FBI headquarters on November 28, 1963, he writes, “Today in conference with U.S. Ambassador Mann and *pursuant to instructions furnished me on departing SOG* [Seat of Government, Hoover’s name for FBI headquarters], he was unequivocally advised [that the] *FBI was not directing investigation here*” (FBI Record 124-10230-10458, p.1).

In fact, two days after Keenan returned to Washington from Mexico City, he said it in an internal FBI memorandum[†] summarizing the above events, and he wrote that although, prior to his going to Mexico City, Mann wanted the FBI to get involved in the Mexico City aspect of the investigation, “Mann was tactfully informed that while the FBI was disposed to send SA Keenan [to Mexico City] from FBI headquarters, it [the bureau] was *not* assuming the responsibilities of the Department of State or CIA [in Mexico City] and could only offer advice on important policy matters which more appropriately concerned their respective agencies.” Keenan goes on to give his only example of the bureau’s advice, and that was “that Alvarado should be promptly interviewed in depth.” Keenan then goes on to relate Alvarado’s recanting of his story and says that “on 11-30-63, Ambassador Mann advised that since it was determined that Alvarado’s statements were false, it was

*The Church Committee said that Assistant FBI Director William Sullivan’s “previous statement that [Keenan] was ‘selected to go to Mexico to direct and coordinate the entire investigation there and pursue it vigorously until the desired results are obtained’ cannot be reconciled [with the record] unless the thorough investigation and desired results [referred to] were to discredit [Alvarado’s] allegations.” Sullivan would later admit that he had used a “poor choice of words,” though he denied he sent Keenan to Mexico specifically to placate Mann and disprove Alvarado. (Church Committee Report, p.42 and footnote 116) But since the CIA had jurisdiction over the investigation in Mexico, and Keenan himself, in his testimony, admitted that he was sent to Mexico City “to cover ourselves, to pacify the ambassador,” it is difficult to see what further role for Keenan in Mexico would have been contemplated by Sullivan and Hoover. If there had been a further role, why would Mann have been the one to decide, after Alvarado recanted, that Keenan had no further reason to remain in Mexico, and why did Keenan, in fact, immediately leave? (SSCIA 157-10014-10091, Transcript of Laurence P. Keenan’s testimony before the Church Committee, April 8, 1976, p.43)

[†]Although the memorandum dated December 3, 1963, was from William C. Sullivan to Al Belmont, James R. Mathis, an archivist at the National Archives, informed me that “I was able to determine after much effort that [FBI Record] 124-10062-10388 [the December 3, 1963, memo] was authored by Keenan. It is confusing, I realize, because it appears to be an internal memo from Sullivan to Belmont. The clue that Keenan was the actual author is the presence of his typed initials in the lower left hand corner of the first page, matching the description of the document in his testimony” (Letter from James Mathis to author dated March 23, 2006).

not necessary for SA Keenan to remain away from his duties in Washington . . . SA Keenan returned to Washington, D.C., on 12-1-63.” (FBI Record 124-10062-10388, December 3, 1963, pp.1, 5–6)

All we know about this matter is benign, and from Keenan’s own testimony under oath, no impropriety on the part of the FBI appears evident. But although Keenan is locked into his own testimony, as well as other evidence and common sense, for some reason he tried to break loose from reality in a 1993 statement he gave on *Frontline* (not aired) when he said, “Looking back, I feel a certain amount of shame. I think the FBI can look back and feel that this one investigation disgraced a great organization.” Keenan said that within the FBI, any pursuit of a conspiracy was “discouraged.” (Russo, *Live by the Sword*, pp.351, 358)

Keenan repeats for Huisman essentially what he told *Frontline*: “This was perhaps the worst investigation the FBI was ever involved in . . . I felt ashamed. We missed a moment in history.” And he added, “*I realized that I was used.*” The clear implication is that he was used *by the FBI*. But how could he have been improperly used? He was sent to Mexico City because Mann was requesting an FBI investigation of the Alvarado allegation. And by Keenan’s own testimony under oath back in 1976, he said he “had made requests to CIA to talk to [Alvarado] and obviously the requests weren’t taken into consideration.” He also said that when the CIA turned Alvarado over to the Mexican authorities, that “precluded me” from ever being able to interrogate Alvarado. So if anyone thwarted Keenan it was the CIA. (SSCIA Record 157-10014-10091, Transcript of Laurence P. Keenan’s testimony before the Church Committee, April 8, 1976, pp.10–11, 56–57) In what way did the FBI thwart his investigation? Keenan then goes on to suggest to Huisman that he was sent by Hoover “to Mexico City to *coordinate the investigation that should be done.*” What investigation? Of Alvarado’s claim alone? Or the entire investigation of the assassination in Mexico City? By Keenan’s severe indictment of the FBI, the viewer is left with the impression that Hoover sent Keenan to Mexico City to investigate *all aspects of the case* as they pertained to Mexico City, and suddenly, Hoover, apparently changing his mind and wanting to cover up the facts of the assassination—which, per Huisman, was perpetrated by Cuban intelligence—aborted Keenan’s work and ordered him home. But as we have seen, Keenan’s own FBI report from Mexico City on November 28, and his report on December 3, 1963, just two days after he returned to Washington, D.C., from Mexico City, clearly refutes the position he is now taking.

Assassination researcher and lawyer Jim Lesar told me he was surprised by Keenan’s statements on Huisman’s film. He knows Keenan, having represented him in a FOIA lawsuit back in 1994. In fact, it was Keenan who sent Lesar a copy of the transcript of the Berlin documentary. “I’ve spoken to Laurence [Keenan] several times about his trip to Mexico City and he never once suggested to me that he went to Mexico City for any reason other than to calm Mann down and look into Alvarado’s claim. He’s never indicated before that he was sent to Mexico City to coordinate the Mexico City end of the assassination investigation, and I’m not sure he meant to suggest by his words what the documentary suggests he meant. I think they used him.” (Telephone interview of Jim Lesar by author on January 15, 2006)

The reality, of course, is that if Keenan had been sent to Mexico City to coor-

dinate the bureau's entire Mexico investigation of the assassination,* how in the world would the ambassador, Mann, be in any position to overrule Hoover and send Keenan home once Alvarado retracted his phony story?

Keenan's story in Huismann's documentary is valueless, and he was most probably used by Huismann to convince the viewer, by the mere fact he was a former FBI agent, of the theme of Huismann's film—that Cuba had Kennedy murdered, something that Keenan and his statements have nothing to do with.

The second American public figure Huismann uses to peddle his empty story is none other than former secretary of state Alexander Haig. Haig, in the Huismann film, tells the audience, "Bobby Kennedy—I am confident with the knowledge of his brother, it had to be that way because it was so serious—conducted at least eight attempts to assassinate Castro." In Haig's 1992 book, *Inner Circles*, he says, "Under the personal leadership of Robert Kennedy, at least eight efforts were made to eliminate Castro himself." (Haig with McCarry, *Inner Circles*, p.112)

I already knew that Haig was given to making ludicrous statements about the assassination. For instance, he actually told author Gus Russo that "Castro was behind this [assassination] but with KGB help" (Russo, *Live by the Sword*, p.453). If such a statement came from a private person, one wouldn't have to be concerned. But Haig was once secretary of state under President Reagan. I personally find it scary that someone so high up and powerful in our government would be capable of making such an irrational observation. Can you imagine that? The KGB teamed up with Castro to kill Kennedy. My God.

But Haig being ridiculous is one thing. When he accuses President Kennedy and his brother of ordering the murder of a foreign head of state, that is something else. It is an irresponsibility of a very grave nature. In a long endnote to the section of this book captioned "Cover-Up by the CIA and FBI in the Warren Commission's Investigation of the Assassination," I discuss in a fair amount of depth the fact that no one has been able to penetrate the mystery of whether JFK and RFK gave their consent to the CIA plots to kill Castro, much less having ordered them. No public figure whom I know of has publicly declared that either or both of the Kennedy brothers ordered an attempt on Castro's life. Only Haig.

If Haig had bothered to read his own words on this issue in his book, he would have seen that he was in no position to make such a reckless charge. He says he was "too junior [he was a major, then lieutenant colonel working under Secretary of the Army Cyrus Vance] to be included among those who attended the planning sessions [for the operations against Castro and Cuba] in Robert Kennedy's office . . . The secret war [against Castro] was not an important factor in my own official

* As indicated, this would be an improbability since the CIA, starting with the National Security Act of 1947, is the lead federal agency gathering foreign intelligence. However, the Act doesn't expressly forbid other federal agencies from gathering foreign intelligence, and many, such as the National Security Agency and the Department of Defense, do. And as John Fox, an FBI historian pointed out, although he doesn't believe Hoover sent Keenan to Mexico City for anything other than a limited purpose, Hoover could have sent Keenan down there for a more expansive mission, as Keenan now seems to be suggesting. This is so, Fox said, not only because any investigation in Mexico City could be viewed as a "follow-up on a *domestic* investigation" of the president's murder, but, more importantly, because President Johnson had assigned the FBI the lead role in investigating the assassination, and "that itself," Fox said, would give Hoover all the authority he needed to conduct a more comprehensive investigation in Mexico City. (Telephone interview of John Fox by author on January 25, 2006)

life. On a day-to-day basis, it took up little of my time and attention—no more than an hour or two a day.” Elsewhere, he speaks of his “ignorance of the existence of the assassination plots,” and that the “secret of this deadly enterprise was so closely held that not even John A. McCone,” director of central intelligence from 1962 to 1965, knew about them. So how did Haig find out things that no one else ever did? If he had any evidence to support his charge, that would be one thing, but he has nothing at all. His book, *Inner Circle*, is full of source citations, yet when he makes this terribly serious allegation, he gives no source for the simple reason that he has none. Since we know, even from his own words, that he would never have been privy to such orders, he should have at least informed his readers (and the Berlin documentary audience) who *told* him this obvious hearsay. Most likely, Haig heard some loose talk or speculation that the Kennedys ordered Castro’s murder, and willy-nilly irresponsibly passed it on as fact in his book and in Huisman’s documentary.

So what we have here with Huisman’s *Rendezvous with Death* is a very trite rendezvous with a foundationless base (Alvarado’s recanted allegation), old witnesses whose stories have already been discredited, a star witness without a name or face and nothing to say other than to make a naked declaration, and two former American public servants, tossed in for cachet purposes, who made fools of themselves. The question is how did Huisman convince his Japanese and German benefactors to part with close to \$1 million on something as patently worthless as this “documentary”? A related question is why would Gus Russo, a respected assassination researcher, lend his name to a project as insubstantial and sophistical as this? In defense of Russo, he pointed out to me that he felt the Cubans in the documentary had credibility because they had to be pressured (some for months) to participate in the program, so they weren’t seeking notoriety. Also, he says, they got no pay, and wanted their names changed. And they spoke in a way, he added, that was believable to him. (Telephone interview of Gus Russo by author on February 8, 2006)

- 1288 **with Castro on the day of the assassination:** Anti-Castro Cuban writer Servando González, who lived in Havana at the time of the assassination and suspects that Castro was behind it, says that “Castro created a perfect alibi [for himself] when he called Jean Daniel for an interview at the precise time in which the assassination took place.” González believes that Castro had a “life-long obsession” with killing political opponents, claiming that as far back as 1947 and 1948, when Castro was attending the University of Havana, he “packed a Colt .45” and was suspected of two murders, one victim being Leonel Gomez, an opponent of Castro in his bid to become president of the “Law School Student Federation.” In both cases, Castro was detained as a suspect but released “because of a lack of evidence.” (Servando González, “A Caribbean Magnicidal,” July 16, 1998, pp.6, 9, 17, <http://www.intelinet.org/contacto/page15.html>)
- 1289 **rejected his story:** Prior to Antulio Ramirez’s testimony before the HSCA, Chief Counsel G. Robert Blakey had asked the CIA to check into Ramirez’s background and give his committee its comments on his allegations. The CIA reported back that although Ramirez’s former wife “considered him to be ‘crazy’ as the result of an accident he suffered while in the army,” and the FBI, in 1967, “described him as armed and dangerous and possibly mentally unbalanced, . . . much of the infor-

mation in his manuscript concerning his background and activities has been confirmed” by the FBI. However, as to Ramirez’s main allegation, the CIA said, “We have no information at this time to confirm Ramirez’s alleged access to the files of the then Chief of the [Cuban] G-2, Ramiro Valdes Menendez, in which Ramirez claims to have seen a photo of Kennedy’s future assassin,” adding, however, that “most of the code names he allegedly saw on memoranda in the G-2 files have been identified as those of known G-2 personnel.” Also, “there is no indication that Ramirez is a fabricator.” (CIA Record 104-10066-10147, March 25, 1978, pp.1-3) This latter observation seems overly generous. In attachment C to the CIA report, which deals in large part with Ramirez’s personal life or matters entirely unrelated to the issue under discussion in this case, though many of Ramirez’s allegations were confirmed, there were also several that had CIA conclusions like this: “probably true,” “not confirmed,” “partially confirmed,” “we have no information to confirm this.” As far as corroboration of most of the code names Ramirez used, this too seems to be an overly generous observation. Of the six Cuban G-2 interrogators Ramirez gave code names to, here are five CIA conclusions: “may be identifiable as,” “believed to be,” “positive identity unknown,” “positive identity unknown,” and “possibly.” In fact, the only one of the six the CIA was sure of was Ramiro Valdes Menendez, the head of Cuban G-2. (CIA Record 104-10066-10147, attachment C, pp.1-6, and attachment D, pp.1-2)

1289 **manuscript he eventually wrote:** A copy of Antulio Ramirez’s manuscript is available at the National Archives under HSCA Record 180-10073-10148, September 13, 1976.

1291 **Castro connection to the assassination:** Another CIA source caused a flap in December of 1963 alleging that a pro-Castro Cuban-American epileptic named Gilberto Policarpo Lopez, who came to the United States on a U.S. passport in July of 1960 in order to avoid the Cuban military draft, had engaged in some “suspicious” travel across the Texas border into Mexico on November 23, arriving in Mexico City on November 25 and flying back to Cuba on the evening of November 27, the only passenger on the Cubana Airlines flight. The CIA was told by another source in March of 1964 that Lopez had received his permit to enter Mexico on November 20 in Tampa, Florida, where he allegedly had been one of sixteen members of the Fair Play for Cuba Committee (FPCC) and that he was somehow “involved in the assassination.” Conspiracy hearts and minds went aflutter upon recalling that when Oswald applied to Vincent T. Lee, national president of the FPCC, for a charter for a New Orleans chapter, Lee wrote Oswald on May 29, 1963, suggesting Oswald get in touch with the Tampa chapter, which Vincent Lee had personally organized. The HSCA noted that the FBI’s investigation found plausible (i.e., nonconspiratorial) reasons for Lopez’s travels, and the committee said that Lopez’s contacts in Florida appeared to be “innocent and not connected with the assassination.” The committee also said it could find “no evidence” that Oswald ever contacted the Tampa chapter of the FPCC or had ever met Lopez. However, the HSCA said that since the CIA source described as “suspicious” Policarpo’s travel through Mexico and departure for Havana, this was a troublesome circumstance it was “unable to resolve with confidence.” (HSCA Report, pp.118-121; CIA Record 104-10127-10207, “Mexico City Chronology,” pp.47-48; Church Committee Report, pp.61-63)

1292 **JFK and RFK's war against Castro's Cuba:** For the most comprehensive book on the entire relationship between the Kennedy administration and Castro's Cuba, and how this relationship may have resulted in Kennedy's murder by Oswald, see Gus Russo's book *Live by the Sword: The Secret War against Castro and the Death of JFK*.

1292 **HSCA, in 1978, confirmed this:** The HSCA also confirmed that it was the Cuban government that initially made the overtures to the United States for a reconciliation. For the most part, JFK did not originally respond favorably, but on September 20, 1963, he authorized William Attwood to meet with Carlos Lechuga, Cuba's ambassador to the United Nations, to explore the possibility of detente with Cuba. (HSCA Report, p.127) Pursuant to this, Attwood asked Lisa Howard, a reporter for ABC News who had interviewed Castro in the past, to serve as a go-between, and Attwood and Lechuga met for a half hour on September 23, 1963, at a cocktail party at Howard's Park Avenue apartment, at which time "the first bilateral talks on the potential for a U.S.-Cuba accommodation took place." (Kornbluh, "JFK & Castro," p.93; Summers, *Not in Your Lifetime*, pp.303-304)

In a top-secret memorandum of October 21, 1963, to McGeorge Bundy, JFK's chief foreign affairs adviser, titled "Accommodation with Castro," presidential assistant Gordon Chase writes that he had "spoken to Ambassador Attwood in New York. He gave the following information: [He] spoke to Lechuga. Lechuga expressed interest . . . and suggested that someone from our side should go down to Cuba to talk with Castro. Attwood replied that the U.N. was a more appropriate talking place. Lechuga said he would convey the message to Havana. Attwood concluded that the ball is in Cuban hands and the door is ajar" (NARA Record 176-10010-10049, Memorandum from Gordon Chase to McGeorge Bundy, "Accommodation with Castro," October 21, 1963). The wheels of diplomacy continued right up to the date of the assassination.

We get a fuller picture of just what the Kennedy administration's position was vis-à-vis detente with Cuba from a November 12, 1963, "Memorandum for the Record" by McGeorge Bundy. Bundy writes, just ten days before the assassination, that he spoke to Attwood that afternoon and told him "that the President hoped he would get in touch with Vallejo [Rene Vallejo, Castro's personal physician and close confidant whom Attwood was attempting to reach out to when negotiations with Lechuga were proceeding too slowly]," and informed him that "we would be interested in knowing whether there was any prospect of important modification in those parts of Castro's policy which are flatly unacceptable to us . . . (1) submission to external Communist influence, and (2) a determined campaign of subversion directed at the rest of the Hemisphere. Reversals of these policies may or may not be sufficient to produce a change in the policy of the United States, but they are certainly necessary . . . I left it to Attwood how much of this he would convey in the initial message to Vallejo . . . with the proviso that it must be clear at all times that we [are] not supplicants in this matter and that the initiative for exploratory conversations was coming from the Cubans. Attwood indicated that he expected Lisa Howard to telephone Vallejo and then probably to get on the line himself to handle the conversation" (NARA Record 176-10010-10056, "Memorandum for the Record" by McGeorge Bundy, November 12, 1963).

On the issue of motive, what's more important than all of this is Castro's state

of mind. And although Castro could not recall the exact date, in his April 3, 1978, interview in Havana with HSCA representatives he said Attwood had actually phoned him at his house, but since Castro speaks no English Attwood spoke to one of Castro's aides (Major Rene Vallejo). "That [calling him] was very significant," Castro said, "because it was the first time such a thing happened—the first time such a gesture came about . . . I can tell you that in the period in which Kennedy's assassination took place, Kennedy was changing his policy toward Cuba." (3 HSCA 221–222)

In *Not in Your Lifetime*, Anthony Summers states (without citation or attribution) that Attwood did speak with Vallejo in the early-morning hours of November 19 (Attwood testified that it was November 18 [*Alleged Assassination Plots*, p.174]), that Castro, unbeknownst to Attwood, was at Vallejo's side, and that Vallejo relayed Castro's immediate personal reactions, which included Castro wanting an American representative to come to Cuba. Summers doesn't say what his "source" told him Attwood said to Vallejo, or Vallejo's response. Summers writes that later that day Attwood "reported to the White House" on his conversation with Vallejo, and RFK biographer Arthur Schlesinger Jr. quotes RFK in 1964 as saying that "the president gave him [Attwood] the go-ahead, and he was to go to Havana . . . and see what could be done [to effect] a normalization of relationship." (Summers, *Not in Your Lifetime*, pp.309–310; *Wall Street Journal*, January 10, 1992, p.8)

- 1295 **“Sylvia Odio incident was never resolved”**: However, Wesley Liebeler did go on to testify later that although he believed, from his interviewing of Sylvia Odio, that she honestly believed “that Oswald was there,” from what he had learned about her “‘psychological and other problems’ that she was having at the time” he would not regard her as a reliable witness on this question. “I just don’t think she accurately reported on what happened” (11 HSCA 257). But Liebeler was clearly conflicted on this issue, at one point stating in his September 14, 1964, memorandum to fellow assistant Warren Commission counsel Howard Willens, “Odio may well be right.”
- 1300 **Castro had betrayed the revolution**: There is no hard evidence of Castro having been a member of any Communist group before he showed his Communist stripes after the revolution. Not so with Che Guevara and Raul Castro. In his book *The Fourth Floor*, in which he blames the “fourth floor” of the U.S. State Department in Washington, D.C., for abandoning Batista’s Cuba (which he also criticized) to Castro, former U.S. ambassador to Cuba Earl Smith writes, “Both the CIA and the Department of State were aware that Che Guevara was an active Communist in Guatemala and Mexico and that Raoul Castro had been active in the international Communist student movement” (Smith, *Fourth Floor*, pp.146, 227). But to the outside world, the rebels were not Communists. “There is no communism to speak of in Fidel Castro’s 26th of July Movement,” wrote *New York Times* reporter Herbert L. Matthews after several trips to Cuba in 1957 (Herbert Matthews, “Rebel Strength Gaining in Cuba, but Batista Has the Upper Hand,” *New York Times*, February 25, 1957, pp.1, 11).
- 1303 **Odio’s friend Lucille Connell [footnote]**: Lucille Connell told the HSCA that she had not had any intention of reporting the incident to the FBI, and that her contact with the FBI came about in a circuitous way. The HSCA staff memorandum interview of Connell reads, “Connell says that she was speaking on the telephone with a friend of hers who was a secretary in a law office when Oswald was shot. ‘We both had our televisions on,’ she recalls, ‘and saw Ruby shoot Oswald. And she said to me, Oh my goodness, Ruby was in our office last week and had power of attorney drawn for his sister.’ Later that day Connell says she happened to be speaking with another friend, a Miss Marcella Insua, the daughter of the man who ran the Cuban Relief Committee, and she mentioned to Insua what her friend said about Ruby being in her law office. Miss Insua happened to have a class of American children to whom she was teaching Spanish. In class, she got into a discussion of the Kennedy assassination and mentioned that she knew someone who knew someone who had some dealings with Ruby. It also happened that in Miss Insua’s class was the son of FBI agent [James] Hosty, who immediately went home and told his father about the Ruby connection. The FBI contacted Insua who, in turn, put them in contact with Connell.” (HSCA Record 180-10101-10283, Staff memorandum interview of Lucille Connell, April 5, 1976, pp.2-3)

It may be hard at this late date to know exactly how the FBI learned of Connell, but although part or most of what she said may be correct, the Hosty part was not. Hosty said he has five sons (and four daughters). All at the time were enrolled in St. Pious X parochial grade school in Dallas, none took Spanish, and the above incident never happened. Though he did not know, he believed that someone at Odio’s

workplace called the FBI office and said the FBI should contact Odio. Hosty was one of several FBI agents who interviewed Odio, but he said he never interviewed Connell. (Telephone interview of James Hosty by author on September 4, 2005)

As to the Ruby reference, the HSCA confirmed that Ruby had been a client of attorney Graham Koch's at the law firm of Connell's friend. Koch, who described Ruby as "a character out of Ring Lardner," said he had represented Ruby on a problem Ruby had with the IRS over "back taxes," but said he had no recollection of having handled a power-of-attorney agreement for Ruby, though he added it was "possible" he did since it was just a matter of filling out a form. Koch said his firm's "activity cards" showed the last contact with Ruby was on March 13, 1963, but Connell's friend, Mrs. Sanford Pick, told the HSCA that she had seen Ruby in the law firm office once in early 1963 and once about a week before the assassination. On the last visit, though she didn't specifically recall that the reason for Ruby's visit was to convey a power of attorney to his sister, she said, "I believe that was mentioned, yes." (HSCA Record 180-10101-10283, Staff memorandum interview of Lucille Connell, April 5, 1976, pp.4-6)

1304 **until at least the morning:** Some have said that Oswald could not have left New Orleans before 11:00 a.m. on September 25, 1963, because a "Change of Address Order" form for his post office box in New Orleans bears the stamped mark of 11:00 a.m. on the reverse side. But this is a canceling machine impression, which only shows that this form was *received* at the main post office in New Orleans at 11:00 a.m. on September 25, 1963. It could have been deposited by Oswald in a collection box out on the street "as early as 5:00 p.m." [typographical error for a.m., or should the words have been "as late as 5:00 p.m.?"] on September 24, 1963. (CE 2131, 24 H 716)

1306 **men who had visited her:** As it turns out, although there is no evidence that Loran Hall, Lawrence Howard, and William Seymour were ever at Sylvia Odio's door, apparently all three of them, plus a Cuban refugee named Celio Sergio Castro Alba, most of whom had met in 1961 while part of the anti-Castro movement in Florida, were in Dallas in September or October of 1963.

Seymour told the FBI that sometime in late September of 1963, Hall and Howard had gone to Los Angeles and brought a trailer of supplies, including arms, to Dallas en route to Miami for the anti-Castro effort. But he said, without explanation, that the two left the supplies in Dallas. He said that in mid-October, he and Hall drove back to Dallas from Miami to pick up the supplies.* He believes that it was because of their physical appearance that they were stopped and questioned by the Dallas Police Department on October 17, 1963. He was released, but Hall was charged with drug possession, though he said that after a day or so he and Hall left Dallas for Florida with a trailer of supplies. The arms in the trailer were thereafter confiscated by U.S. Customs officials in Key West. During his few days in Dallas, Seymour said that Howard was never with him and Hall. (CD 1553, pp.2-4, September 19, 1964)

Hall's story, told after he recanted his Odio fabrication, was for the most part consistent with Seymour's. He said that about the middle of September 1963 he left Los Angeles in his 1956 Oldsmobile, pulling a small trailer of supplies for the

*It had to be after October 10, because, as indicated in the main text, Seymour was working in Florida through October 10, 1963.

anti-Castro movement in Florida. He was accompanied by Howard and “Wahito” (Alba’s nickname). He said he did not recall any contacts by his group in Dallas with anyone to solicit assistance. While in Dallas, he did visit Kiki Ferrer, whom he apparently knew from Florida, at Ferrer’s apartment (Seymour said Kiki was the brother of Rolando Ferrer, a former Cuban senator during the Batista regime), and believes that Howard and Wahito waited in the car. He is almost certain that the apartment was located on Magellan Circle (where Odio lived) or a street with a similar name. Ferrer introduced him to a Cuban woman living in a lower apartment, but he and his group did not solicit this woman for any kind of assistance. He confirms, without explanation, that he left the trailer in Dallas, and that the three of them then drove to Miami. He confirmed Seymour’s story about later going to Dallas with Seymour to pick up the trailer, and said he was able to leave Dallas after his arrest because the drug charge against him had been dropped. While with Seymour in Dallas, he again visited Kiki, without Seymour, and said neither he nor Seymour contacted anyone for assistance in Dallas. (CD 1553, pp.11–13, September 23, 1964; Kiki the brother of Rolando Ferrer: CD 1553, p.4, September 19, 1964; Wahito is Alba’s nickname: CD 1553, p.7, September 23, 1964)

Howard confirmed to the FBI his being a part of the anti-Castro movement in Florida. In August of 1963 he had returned to Los Angeles to visit his family, and the following month Hall, whom he had met in Florida as part of the anti-Castro effort, contacted him to leave Los Angeles to help him transport supplies for the rebel movement. Hall was accompanied by Alba, who had also come from Florida to Los Angeles. The three left for Dallas in Hall’s car, pulling a “luggage carrier” with medical supplies for the movement. Howard said Hall told him he intended to pick up additional supplies and funds in Dallas and contact a man who was going to furnish a boat for the Cuban invasion attempt. Howard said that during his stays in Dallas he recalls no contacts with Odio or any other Cuban woman to solicit funds for the movement. He said the three left for Miami around September 30, leaving the medical supplies, again without explanation, behind in Dallas. (CD 1553, pp.7–10, September 23, 1964)

Celio Sergio Castro Alba confirmed Hall’s and Howard’s stories, only adding that one afternoon in Dallas around 3:00 to 4:00 p.m., he accompanied Hall and Howard to the apartment of a Cuban woman, who was not at home. He said he never heard Hall mention the name Sylvia Odio in his presence. (CD 1553, pp.2–4, September 26, 1964)

- 1308 **only minor details changing:** An FBI report says that in a November 29, 1963, interview, Lucille Connell said that Sylvia Odio had told her she knew Oswald, that he had spoken to groups of refugees in Dallas prior to the night in question, and that he was “brilliant and clever” and had “captivated” the groups he spoke to (CE 3108, 26 H 738). However, Connell told the HSCA that she did not recall ever telling the FBI this. “I really don’t recall her telling me that,” Connell told an HSCA staff investigator. Referring to the two FBI agents who interviewed her, she added, “They made no notes at the time, so whatever they wrote down after they left I’m not sure would be a hundred percent correct.” (HSCA Record 180-10101-10283, Staff memorandum interview of Lucille Connell, April 5, 1976, p.3) And Odio testified she never told Connell this, speculating that if, in fact, Connell told the FBI this, she was confusing Odio’s reference to another American, one John Martino, the coauthor of a 1963 book (written with Nathaniel Weyl), *I Was Castro’s Prisoner*. Martino, who knew

Odio's father, *had* spoken to Cuban refugees in Dallas, and Odio testified she found him to be "very brilliant and clever." (11 H 380–381, WCT Sylvia Odio)

Martino was a low-level mobster and friend of Florida Mafia chieftain Santo Trafficante. Martino allegedly installed security systems in mob casinos in Havana prior to Castro's revolution (Scott, *Deep Politics*, p.111). Martino was incarcerated by Castro until 1962, at which time Martino returned to the states and aligned himself with the anti-Castro movement, claiming to be a CIA contract agent. In their book, Martino and Weyl allege that there was an anti-Castro Cuban conspiracy behind Oswald's assassination of the president, but when the FBI interviewed Martino and Weyl, they were uncooperative, and it became clear they had no evidence to support the allegation, merely passing on secondhand hearsay. Warren Commission assistant counsel W. David Slawson, upon reading the FBI reports, was so unimpressed with Martino's allegation that he recommended, in an April 24, 1964, memorandum to J. Lee Rankin, that the Commission not even bother to call Martino as a witness. (11 HSCA 439–440) And he did not testify. In 1975, Martino, again claiming he had personal knowledge of the assassination, told Fred Claasen, a Texas businessman, that "the anti-Castro people put Oswald together. Oswald didn't know who he was working for . . . Oswald was to meet his contact at the Texas Theater. They were to . . . get him out of the country, then eliminate him. Oswald made a mistake . . . There was no way we could get to him. They had Ruby kill him" (Summers, *Conspiracy*, p.427). And here, all along, I thought Ruby killed Oswald for the mob. But I guess he did it for anti-Castro Cuban exiles, who must have somehow "owned" Ruby. That's what's nice about life. You learn something new every day.*

*Later in 1975, Martino, near death, may have been hallucinating. He contacted *Newsday* reporter John Cummings and told him he not only had personal knowledge of who was behind the assassination (which he had assured Cummings of years earlier) but was personally involved, not in pulling the trigger but in "facilitating things," and asked Cummings not to write about it until after he died. He told Cummings that he had met Oswald several weeks before the assassination in Miami. (We know, of course, from many witnesses and Oswald's work records that he was in Dallas from early October up to November 22.) He said an FBI agent named Connors asked him to come to a boat docked in Key Biscayne, and introduced him to Oswald. Cummings recalled to author Anthony Summers in 1994 that Martino "thought the agent wanted him to meet Oswald because John was involved in anti-Communist activity, and Oswald was someone this agent was running." If Martino was close to death, his dementia would be in his failure to realize the obvious—that his lie would easily be revealed by Oswald's presence in Dallas during the subject period. And if he wasn't lying and actually believed what he told Cummings, this would be an even stronger indicator of dementia.

Cummings told Summers he felt Martino was being sincere in what he told him (yet, in contravention of this, he apparently never wrote a story about Martino's mea culpa to Kennedy's murder—a very strange thing for a reporter), and that someone told him that Connors was in FBI counterintelligence. (Summers, *Not in Your Lifetime*, pp.372–373) In any event, Summers, a good investigative reporter, was unable to find any Miami FBI agent named Connors. In 1994, he found one named James J. O'Connor, who told him that Martino's name rang a bell, but he had never met Lee Harvey Oswald.

It turns out that O'Connor *had* met Martino, and that telling phony stories about Oswald were nothing new to Martino. Way back in April of 1964, Martino told Miami FBI agent O'Connor (being thirty years earlier, perhaps this is why Martino's name only rang a distant bell to O'Connor in 1994) that an informant, whose identity he refused to disclose, told him that Oswald had pamphlets of a pro-Castro character printed in Miami and that Oswald, from a private residence in Miami, had placed a telephone call to the Cuban Intelligence Service in Cuba (CIA Record 104-10003-10130, May 8, 1964). After being requested several times by the Miami FBI to reveal his source, on May 11, 1964, he finally did so, saying the source was Oscar Ortiz, someone he said he met when he, Martino, was in Cuba's Principe Prison in 1959–1960. He said Ortiz had escaped and in October of 1962 showed up unexpectedly at Martino's house in Miami Beach. Martino was unable to tell FBI agents how they could find Ortiz and an independent effort on their own turned up no one with that name. (CIA Record 104-10004-10145, June 4, 1964)

It should be noted that in an April 16, 1964, Warren Commission memorandum to Assistant Counsel W. David Slawson, Assistant Counsel Burt Griffin said that in an interview he and Secret Service agent William Patterson conducted on April 13 at Parkland Hospital, Dr. Einspruch also said that Odio had told him of seeing Oswald at “more than one” anti-Castro Cuban meeting in Dallas (HSCA Record 180-10108-10349, April 16, 1964, p.2). But anyone who has read an Einspruch interview or deposition on the Odio matter is struck by his lack of clear memory of precisely what Odio told him about this whole affair. When Warren Commission counsel Wesley Liebeler asked Odio, “Did you tell Dr. Einspruch that you had seen Oswald in more than one anti-Castro Cuban meeting?” she answered, “No. I don’t think so, because I have never seen him before except the day he came to the door” (11 H 381).

Moreover, in Einspruch’s testimony before the HSCA, not only didn’t he mention this (though he had many opportunities in the thirty-seven pages of transcript), but he suggested the exact opposite. Einspruch, though still making the point that he believed Odio to be a “truthful” person who had not made up her story, expressed some skepticism about whether Odio’s identification of Oswald was correct. Why? “A mistake could be made with the *one time* kind of experience that she had with him . . . Now, if she said she had seen him a couple of times, I would feel stronger about it.” (HSCA Record 180-10071-10440, Testimony of Dr. Burton Einspruch before HSCA, July 11, 1978, pp.4, 28)

Finally, no third-party witness has ever surfaced to say that Oswald spoke at one or more anti-Castro meetings in Dallas, much less that they saw Sylvia Odio at one or more of said meetings. In his June 1964 report to the Warren Commission, Assistant Counsel Slawson wrote that “every member of the Dallas anti-Castro Cuban community who has been questioned on Lee Harvey Oswald denies ever having observed him or having had any contacts with him whatever prior to the assassination” (11 HSCA 164). * Though not conclusive, this is additional circumstantial evidence that no such event in which Oswald spoke ever took place.

1308 **she identified Oswald:** In a remark that, under the circumstances, should perhaps not be given too much weight, Sylvia Odio, in an FBI interview on September 9, 1964 (which was after she testified before the Warren Commission and after she was interviewed several times), said that she had since “seen so many pictures of Lee Harvey Oswald” that she was beginning to get confused, and even though she still believed that it was he at her door, it may not have been (CE 3147, 26 H 838). I can imagine many perfectly normal people, in the same circumstances, saying the same thing. Indeed, in my view, someone who had fabricated the whole Odio incident would normally be less likely to acknowledge what Odio did.

1310 **to implicate any anti-Castro group:** When Sylvia Odio was interviewed by the FBI on September 9, 1964, the agents wrote in their report that Odio told them that “when she first heard of Kennedy’s assassination at work on the afternoon of November 22, 1963, she immediately recalled the visit of the three men to her home in late September, 1963, and thought it very possible that they might have been responsible, as one had mentioned that night that President Kennedy should be

*However, one Edwin Steig told FBI agent James Hosty that he attended a meeting of the Student Directorate of Cuba (an anti-Castro group) in the conference room of a bank in Dallas on a Sunday evening in October of 1963, and he believes that an individual who sat in the back of the room at the meeting and listened to the speakers before leaving was Lee Harvey Oswald (CD 205, p.46, FBI interview of Edwin L. Steig on December 18, 1963).

killed. [Odio's testimony to the Warren Commission was that she was told this the following day. It is likely the FBI report is in error here.] She stated she became very nervous regarding this possibility and feared that the Cuban exiles might be accused of the President's death" (CE 3147, 26 H 837). It isn't completely clear whether Odio, when she said, "Cuban exiles," was referring to the two Cuban exiles who had come to her door with the American, or the Cuban exile community. Assuming the FBI report is accurate on the language attributed to Odio, she probably was referring to the Cuban exile community, since only that possibility could have been harmful to her and, hence, induced fear.

- 1310 **corroboration for Sylvia Odio's story:** Though Sylvia Odio's credibility (in not wavering from her *basic* story, though she has been interviewed many times) is good, it is not perfect—that is, if we believe her priest accurately recalled what she told him.

Father Walter J. McChann was the assistant pastor of a Cuban Catholic church in Dallas that Sylvia Odio attended, and also the director of the Cuban Catholic Committee of Dallas, a group that helped Cuban refugees in Dallas find jobs, et cetera. It seems that the good reverend wasn't really cut out for a life of celibacy. Though as uninhibited by his robes as today's homosexual pedophiles among the Catholic clergy, McChann had eyes for women, adult women. He reportedly had several sexual liaisons with female members of his flock, including the fetching Sylvia. (Sylvia's psychiatrist, Dr. Burton Einspruch, told Warren Commission counsel Burt Griffin in the April 13, 1964, interview that he "did not believe [Odio's] affair with Father McChann was as serious as [Warren Commission investigators] had been led to believe by Mrs. Connell," and testified before the HSCA on July 11, 1978, that Sylvia "was dating a priest.") (HSCA Record 180-10071-10440, p.11)

In any event, on April 30, 1964, Secret Service agent James Rowley successfully prevailed upon McChann, in New Orleans, to call Miss Odio in Dallas to ask her about the incident in the doorway of her apartment, which he agreed to do but in a separate room from Rowley. McChann reported back that Sylvia had told him that in addition to the man introduced to her as Leon, one of the Cuban men called himself Leopoldo and the second Cuban man she identified as Eugenio Cisneros. (CE 2943, 26 H 404) Recall that in her Warren Commission testimony almost three months later, she said the second Cuban man's name sounded "something like Angelo." She said she had never seen any of the three men before, yet to her priest she said she knew the second Cuban, and his name was Eugenio Cisneros.

Cisneros *did* come up in Odio's testimony before the Warren Commission. She said when the men came to her door, she asked them if they had been sent to her by "Eugenio" (the designated "war" name of Rogelio Cisneros [CE 2896, 26 H 349]), to which they said no. Odio, who admitted to the Commission that she was actively "involved in this [anti-Castro] movement" to "do something" to free her "father and mother in prison" in Cuba, said that she had called Eugenio in Miami concerning the purchase of arms for the movement. Further, that Eugenio had come to Dallas in June of 1963 to meet with her and other members of the anti-Castro community, which Cisneros confirmed to the Secret Service. (11 H 372, 375, WCT Sylvia Odio; Cisneros says his "war" name was Eugenio: CE 2896, 26 H 349)

But saying she knew Eugenio from the anti-Castro movement and telling her priest that he was one of the two Cubans at her door are two very different things.

When Warren Commission counsel asked Odio if she had told Father McChann (spelled “McKann” by the Warren Commission) this, she answered, “No. Perhaps he could have misunderstood me, because he has the same problems with names [as I]. Probably I did tell him that the man was not Eugenio.” Question: “Do you remember discussing with him Eugenio’s visit to you in June . . . during that telephone conversation?” “Yes, I think I discussed it . . . with him.” (11 H 376)

No one knows better than a trial lawyer, like myself, how things can get hopelessly garbled, sometimes beyond recognition, when one party tells a third party what a second party told him. But because, among other things, of alleged discrepancies like the one above, authors Ray and Mary La Fontaine have concluded that “Sylvia made it [the story] up . . . , and for the noble reason of wanting to liberate her country from the tyrannical rule of Fidel Castro, who was holding her parents captive” (La Fontaine and La Fontaine, *Oswald Talked*, p.247).*

But the La Fontaines apparently don’t realize that the “noble reason” they give for Odio making up her story is perhaps the best reason why she would not have invented her story, and that she was telling the truth. As indicated in the main text, if Odio’s purpose were to free her parents and overthrow Castro, why in the world would she implicate, in her story, the *anti*-Castro group JURE (Cuban Revolutionary Junta), a group she was a member of, and the group she said the two Cubans at her door belonged to? (11 H 369–370, 379, WCT Sylvia Odio) Indeed, Odio’s parents were co-founders in Cuba of MRP (People’s Revolutionary Movement) with Manuel “Manolo” Ray (10 HSCA 24), some of whose members became the foundation for JURE in the United States when Ray established JURE in Miami in July of 1962 (10 HSCA 77). Certainly, our government’s belief that Oswald was associated with the *anti*-Castro group JURE would not instill in it any desire to go after Castro because of the assassination. The La Fontaines speculate that maybe Odio had lost affinity for JURE, that she was leaning toward the more militant *anti*-Castro group DRE (Student Revolutionary Directorate) and was trying to set JURE up for the assassination (La Fontaine and La Fontaine, *Oswald Talked*, pp.274–276). But there is absolutely no evidence to support this theory, and even if we were to accept it, since Odio wanted to liberate Cuba and free her parents, if, as indicated earlier, she were to fabricate a story, she would have put *pro*-Castro Cubans, not JURE or any other *anti*-Castro ones, at her door to hopefully lead the United States to believe Castro was involved in the assassination, causing the United States to invade Cuba and remove Castro from power.

- 1312 **Oswald probably took the 12:30 p.m. bus:** At one point, the Warren Commission flatly declared that Oswald “left New Orleans by bus” (WR, p.731). But the main citation it gives for this does not clearly support its assertion. When asked by Warren Commission counsel, “Do you know how he got to Mexico City?” Marina answered, “By bus” (1 H 27). This is not synonymous with her saying that he left *New Orleans* by bus. Elsewhere in the Warren Report, it cited the affidavit of the McFarlands to support its belief that Oswald left New Orleans by bus, but as we

*The authors also speculate that Odio made up the story to hide the fact that she and her *anti*-Castro friends had been in the company of Oswald at *anti*-Castro meetings (La Fontaine and La Fontaine, *Oswald Talked*, p.261). But the authors don’t say how her making up this very elaborate lie about Oswald coming to her door as a stranger would shield her from the alleged fact that she had earlier been in Oswald’s presence at *anti*-Castro meetings. If the latter were true, wouldn’t that still be a fact? One, indeed, that others at the meetings could still reveal?

saw in the main text, the McFarlands' affidavit does not really support this conclusion (WR, pp.323–324; 11 H 214–215, WC affidavit of Mr. and Mrs. John McFarland).

In its effort to support its conclusion that Oswald probably left New Orleans by bus, the Commission neglected to cite, as support, the only modest evidence it did have that Oswald took a bus from New Orleans to Dallas, and that's the testimony of Eric Rogers, a neighbor of Oswald's in New Orleans who said he saw Oswald leave his apartment in the late afternoon or evening of September 24 and catch a bus headed for downtown (which does not, of course, negate the possibility Oswald was going to meet someone downtown), and the statement of a bus driver, Earl Anderson, who recalled picking up a passenger (whom he could not identify) somewhere around September 24 near Oswald's apartment who asked what was the best bus to take to get to the Greyhound bus depot. Anderson left the man off at a point where he could catch a connecting bus to the depot. One serious problem with Rogers's and Anderson's statements is that Rogers said Oswald was carrying two suitcases, and the bus driver also said the passenger he picked up had two suitcases. (11 H 462, WCT Eric Rogers; CE 1915, 23 H 715, FBI interview of Eric Rogers on November 27, 1963; CE 2126, 24 H 698, FBI interview of Earl Anderson on December 11, 1963) But Oswald had only one suitcase on his trip to Mexico City (11 H 221, WCT Pamela Mumford; CD 306, p.5, FBI interview of Patricia Winston on December 17, 1963) and it seems unlikely that he would have thrown one of his suitcases away.

- 1313 **his infiltration of anti-Communist groups:** Another incident, this one only alleged and never confirmed, of Oswald either infiltrating or attempting to infiltrate an anti-Castro group was fueled by two memorandums, one on November 23, 1963, the other on November 26 (Decker Exhibit No. 5323, 19 H 534), from Dallas deputy sheriff Buddy Walthers to sheriff Bill Decker in which he said that an "informant" (his mother-in-law, per the book *Brush with History: A Day in the Life of Deputy E. R. Walthers*, p.45) had reportedly told him that "for the past few months at a house at 3128 Harlendale [in Dallas] some Cubans had been having meetings on the weekends and were possibly connected with the 'Freedom For Cuba Party' of which Oswald was a member," and that "sometime between seven days before the president was shot and the day after he was shot these Cubans moved from this house. My informant stated that subject Oswald had been to this house before."

We certainly know there has never been any evidence that Oswald had any Fair Play for Cuba organization in Dallas. In fact, he was the only member of the group even in New Orleans. Walthers's (or his informant's) "Freedom For Cuba Party" seems to have been just speculation, and, in fact, as conspiracy author Dick Russell points out, "Free Cuba or Cuba Libre" being the mantra of anti-Castro groups was the opposite end of the spectrum from Oswald's Fair Play for Cuba group (Russell, *Man Who Knew Too Much*, p.540). Note also that Walthers said the group at 3128 Harlendale was only "possibly connected" with Oswald's group.

Actually, the group that met at 3126 (not 3128) Harlendale was the Dallas chapter of three combined anti-Castro organizations: the SNFE (Second National Front of Escambray), Alpha 66, and the MRP. The address was the residence of Jorge Salazar, an anti-Castro Cuban exile. The president of the combined Dallas group, Manuel Rodriguez Orcarberro, had fought in Castro's army and left Cuba

for the United States in 1960 when it became clear Castro was a Communist. An FBI informant told the FBI three days after the assassination that Rodriguez was violently anti-Kennedy, but Rodriguez, who confirmed the meetings at the house on Harlendale, told the FBI he was actually an admirer of Kennedy, being convinced he was a friend of the exiles and a foe of Castro and Communism, and his group had even placed flowers at the assassination site. Moreover, two other FBI informants who knew Rodriguez said there was no evidence he had ever been anti-Kennedy. (CD 1085u, pp.1-2, 4-5, FBI report of Dallas FBI agent Wallace R. Heitman, May 26, 1964; see also CD 1085 and CD 853) And a source who was in a top leadership position in Alpha 66 in Dallas told the Dallas FBI in 1964 that Lee Harvey Oswald was not known to the group and had never visited 3126 Harlendale. (SSCIA Record 157-10006-10124, January 30, 1976).

Was the anti-Castro group that met at the Harlendale address another group of anti-Castro Cubans Oswald had sought to infiltrate? From the above, the answer would seem to be no. Frank Ellsworth, an agent with the Alcohol and Tobacco Tax Unit of the U.S. Treasury Department in Dallas at the time of the assassination, told Dick Russell in 1976 that there was a young man in Dallas at the time who was associated with the Minutemen, a right-wing group with close ties to Major General Edwin Walker, and that he felt people had mistaken this man for Oswald, including when Oswald was supposed to have been at someone's house in North Dallas, because he was "an absolute dead ringer for Oswald . . . They were like identical twins." Ellsworth said he was "able to ascertain that it was actually [Oswald's] look-alike" who was at the house. (Russell, *Man Who Knew Too Much*, pp.542-543)

There is reason to question Ellsworth's credibility about the man being a "dead ringer" for Oswald (yes, just because one is a member of law enforcement doesn't, by itself, make one credible—you have to look at his words and conduct). First, though we know many people resemble others, some closely, the idea of a stranger being a dead ringer and identical twin to another is very, very far out. I think we can safely assume Ellsworth was exaggerating. Ellsworth is the fellow who told FBI agent James Hosty that after the shooting in Dealey Plaza he rushed behind the picket fence and for whatever reason identified himself to someone as a Secret Service agent (HSCA Report, p.184). Yet when he testified before the HSCA on July 25, 1978, he denied he did this (HSCA Record 180-10091-10125, July 25, 1978, p.92). Why Hosty would say Ellsworth told him this if he didn't is hard to figure out. Further throwing into question Ellsworth's credibility is the fact that he told Russell the Carcano rifle "was found on the fourth floor" of the Book Depository Building, when there is unequivocal evidence it was found on the sixth floor.

In any event, though Ellsworth knew the identity of Oswald's "identical twin," having arrested him for a violation of the Federal Firearms Act (the man was selling parts that converted M-1 semiautomatic carbines into M-2 automatic carbines) (FBI Record 124-10019-10063, FBI interview of Frank Ellsworth on November 22, 1963, p.1), he refused to tell Russell who he was. However, Russell determined the man's identity—John Thomas Masen—and when he confronted Ellsworth with Masen's name, Ellsworth implicitly acknowledged Masen was the man. Russell interviewed Masen in 1976 at his workplace as a gunsmith in Dallas and saw there was a "resemblance" to Oswald. But that's all. Just a resemblance. Masen acknowledged attending a few Minutemen meetings and to having met General Walker. He said the weapons violation charge was for "buying some parts" to an illegal firearm

from an undercover agent and for that he paid a \$200 fine. (Russell, *Man Who Knew Too Much*, pp.541–545, 568–569; see also FBI Record 124-10019-10063, May 8, 1964, reaching the same conclusion that Ellsworth's person was Masen)

It should be noted that at the time of the assassination, Masen was the owner and operator of Masen's Gun Shop in Dallas, and because Oswald had fired 6.5-millimeter ammunition in his Carcano, Masen, along with other Dallas gun shop owners, was interviewed on March 11, 1964, by the FBI to determine if he had sold Oswald any such ammunition. "The photograph of Lee Harvey Oswald was exhibited to Mr. Masen and he advised he was unable to identify this individual as being a person to whom he had previously sold 6.5 ammunition." Interestingly, the FBI report said nothing about Masen being a spitting image of Oswald, or Masen telling the agents, upon being shown Oswald's photograph, words to the effect, "Hey, you've really shown me a picture of myself," or at least, "This fellow looks very much like me." (CE 2694, 26 H 62)

- 1317 **"Eisenhower policy"**: Former President Nixon, in his book *Six Crises*, acknowledges the key role he played in instituting the plot to overthrow Castro, which came to be known as the Cuba Project. He writes that "early in 1960 [the aforementioned March 17, 1960, Eisenhower directive], the position I had been advocating for nine months finally prevailed, and the CIA was given instructions to provide arms, ammunition, and training for Cubans who had fled the Castro regime and were now in exile in the United States and various Latin American countries." Nixon goes on to deeply lament the fact that although this program to overthrow Castro "had been in operation for six months before the 1960 [presidential] campaign [against JFK] got under way," when Kennedy, in his October 21, 1960, debate with Nixon strongly advocated military aid to the exiles to overthrow Castro, "I could not say a word about" the existing program because "the operation was covert." Nixon said he verified that CIA Director Allen Dulles had briefed Kennedy (since he was a presidential candidate) on the operation, and felt that Kennedy was going even beyond the expected "hard-hitting" nature of a campaign by advocating a policy he already knew was in existence but which his opponent, Nixon, could not talk about. Nixon said he actually had to oppose, during the debate, the position Kennedy was taking, a position Nixon knew was popular with the American people and that he himself "fought for . . . within the administration." (Nixon, *Six Crises*, pp.351–355; Collier and Horowitz, *Kennedys*, p.309; Reeves, *President Kennedy*, pp.69–70; see also Hinckle and Turner, *Deadly Secrets*, p.16) Kennedy assistant Richard Goodwin confirmed that Dulles's briefing of Kennedy during the campaign "revealed that we were training a force of Cuban exiles for a possible invasion of the Cuban mainland" (Beschloss, *Crisis Years*, p.30).

And on November 18, 1960, President Kennedy was advised by Dulles and Bissell of the CIA operation to overthrow Castro. Between November 18, 1960, and April 17, 1961, D-day for the Bay of Pigs invasion, there were seven meetings with Kennedy where invasion plans were discussed. (Kornbluh, *Bay of Pigs Declassified*, p.168)

- 1317 **under the auspices of the CIA**: Though the invasion of Cuba and overthrow of Castro was primarily a CIA-sponsored project, the American military was also involved, and beyond the fact that the Joint Chiefs of Staff signed off on the invasion plans. For instance, in "Analysis of the Cuban Operation" (January 18, 1962), CIA Deputy Director of Plans Richard Bissell writes that "General [Lyman] Lem-

nitzer, with the approval of the Secretary of Defense, designated General [David] Gray of the Joint Chiefs of Staff on 4 January 1961 as the chief military liaison for the project. General Gray, thereafter, became closely associated with the military planning.” (Kornbluh, *Bay of Pigs Declassified*, pp.156, 210–211) And one of the two people *directly* in charge of the invasion planning was Marine Corps Colonel Jack Hawkins, a battle-scarred veteran of the Second World War and Korean War who was on temporary assignment to the CIA for the invasion project. Indeed, starting in May of 1960, U.S. military instructors, along with CIA contract agents who were paramilitary soldiers of fortune (“PM’s” or “cowboys”) like William “Rip” Robertson and Grayston “Gray” Lynch, trained the exile invasion force at their main training camp (“Camp Trax”) and six other smaller camps in the mountains of Guatemala. (Persons, *Bay of Pigs*, p.73; *New York Times*, April 22, 1961, p.2) And the U.S. carrier *Essex*, surrounded by five U.S. destroyers (e.g., the *Eaton* and *Murray*), along with the *Blager* and *Barbara Jr.*, two CIA-owned World War II LCIs (Landing Craft, Infantry) converted into brigade command ships, and five CIA-leased ships (e.g., the *Houston* and *Rio Escondido*), were involved in the invasion from its launching point at Puerto Cabezas, Nicaragua. (Kornbluh, *Bay of Pigs Declassified*, p.88; Wyden, *Bay of Pigs*, pp.78, 132, 210, 228)

- 1319 **whether the landing forces had air cover:** The report of a committee commissioned by President Kennedy to ascertain why the Bay of Pigs invasion failed throws both Haynes Johnson’s and Peter Wyden’s versions into question. The report said that on D-day, “B-26 aircraft [piloted by Cubans] rotated over the beachhead through D-day, sank one gun-boat, and made effective strikes against enemy ground troops at Red Beach, inflicting several hundred casualties . . . In all, a total of 13 combat sorties were flown on D-day, in the course of which four B-26’s were lost to enemy T-33 action. In the same period, the Castro air force lost two Sea Furies and two B-26’s to [brigade] anti-aircraft fire” (Aguilar, *Operation Zapata*, p.24).

It should be noted that conflicting reports about what occurred during the Bay of Pigs invasion are almost the norm, and the problem with the report by the committee is that the committee was unable to get the testimony of any of the brigade leaders, since they were all in Castro’s custody. Further, the testimony the committee did get wasn’t that supportive of the conclusion it reached. For instance, when Roberto Pérez San Román, the commanding officer of the Heavy Weapons Battalion in the brigade and the brother of the brigade commander, was asked on May 17, 1961, by a member of the presidential committee, “Did you *ever* get any air support at all?” San Román only testified, “About seven-thirty on Tuesday night [D+1, one day *after* the invasion commenced], one of our B-26’s came over and fired their machine guns and dropped napalm on Castro’s artillery” (Aguilar, *Operation Zapata*, p.292).^{*} But a “Mr. Betancourt,” an air liaison officer with the second battalion that landed on Red Beach, testified to the committee that “at two or three o’clock” on D-day, Castro’s “first tanks came in and we asked for air support, and they gave air support and it was very good . . . Later on, there were some more tanks coming in, so we called again for air support. They came in and did a terrific job and that was the last air support we received,” Betancourt indicating there was no air support for the remaining two days of the invasion (Aguilar, *Operation Zapata*, pp.304, 306).

^{*}The additional issue is what beach, Blue (the main landing beach, the one where the brigade commander landed) or Red (the other landing beach), are we talking about?

- 1322 **guard the entire operation against Castro's planes:** However, on April 14, 1961, the day the brigade force embarked from Puerto Cabezas, Nicaragua, for the Bay of Pigs (a little "late in the day," as it were, to furnish new information), "Frank," the American leader of the camp, gave the brigade leaders a slightly more ambiguous promise on the issue of air support and cover *during* the actual invasion. The brigade leaders, coauthors of *The Bay of Pigs* with Haynes Johnson, wrote that Frank was "emphatic: there was no question they [the invading force] would have air superiority. *Nothing was said about United States air support, or about jets.* It was said that the enemy would not be able to get to the brigade; that it would be destroyed from the air; that no trucks or troops would be able to get through the roads because all the roads would be bombed." (Johnson with Artime et al., *Bay of Pigs*, p.85)
- 1323 **"mysterious, anonymous, ubiquitous American agents":** On the other hand, the key "mysterious, anonymous, ubiquitous" agent who dealt with the exile leaders, Frank Drecher, the CIA agent who was the head of the political action section of the Cuba Project and the de facto CIA director of invasion preparations (10 HSCA 15; Hunt, *Give Us This Day*, pp.24–26; Higgins, *Perfect Failure*, p.64), gave contrary information, at least to Manuel Artime.* Artime concedes that when he first met "Frank Bender," Drecher's alias to the Cuban exiles, in New York at the end of March 1960 (and he never said that Bender changed his story thereafter), Bender said, "All right, Manolo [Artime's nickname], we've got lots to talk about. I am the man in charge of the Cuban case." Bender went on to tell him that he was the representative of a company of powerful and wealthy people who had directed a large part of its money and effort toward overthrowing Castro and defeating Communism everywhere, and said the group had "nothing to do with the American government," though they did have "influence with the government." Bender said his group would help train the exiles "for guerrilla warfare." "And you will give us the weapons?" Artime asked. "All the weapons you need. And also, we will train radio operators so you can be in contact directly with Cuba." (Johnson with Artime et al., *Bay of Pigs*, pp.29–31)† And CIA agent Howard Hunt, who, as indicated, was involved with the exile leaders before the invasion, said that Drecher had told other

*Some authors don't believe that Frank Bender's real name was Frank Drecher. According to them he was a CIA agent named Gerry Droller who was code-named Frank Bender (Higgins, *Perfect Failure*, p.64; Newman, *Oswald and the CIA*, pp.127–128). The only point that militates against this is why would Howard Hunt, a very important part of the Cuba Project, say that he and his superior at CIA headquarters, Jack Esterline, referred to Bender as Drecher (Hunt, *Give Us This Day*, pp.24–26)? Didn't even Droller's fellow agents at CIA headquarters, Hunt and Esterline, know that his real name was not Drecher?

†The HSCA was under the impression that this same Frank Bender was the "Frank" who gathered Manuel Artime, José Pérez San Román, and Erneido Oliva together at Camp Trax in early April of 1961 and told them that forces in the Kennedy administration were trying to block the invasion, but that if he received such an order, he would tell them and they should "make some kind of show, as if you were putting us, the advisers, in prison, and you go ahead with the program as we have talked about it, and we will give you the whole plan . . . In the end, we will win" (10 HSCA 15). But Artime, who should know, since he was introduced to "Frank Bender" in a New York City hotel room in March of 1960, says in the book he wrote with Haynes Johnson that the "Frank" who told him, San Román, and Oliva this at Camp Trax was not Frank Bender, but a man he knew only as "Frank," a "sandy-haired, aggressive" American who took charge of Camp Trax in November of 1960 and supervised all the training of the brigade force there. Frank was (or had been) a colonel in the American army, per CIA Director Allen Dulles. (Johnson with Artime et al., *Bay of Pigs*, pp.55, 75–76, 222) With respect to the statements to rebel leaders at Camp Trax, in a footnote in later editions of Johnson's book, he writes that after the publication of his book, "the CIA let it be known that Frank Bender denied, in writing, making such statements" (10 HSCA 18 footnote 103). It is not known whether the denial contained the assertion that "Bender" wasn't even at Camp Trax at the time the statements were made.

brigade leaders the same false story about wealthy Americans, not connected to the government, being behind the invasion (Hunt, *Give Us This Day*, pp.10, 24–25).

Though information like this cannot be ignored, it cannot trump the overriding sense—yes, knowledge—on the part of the exile leaders that the American government itself was behind the invasion. In fact, one of the brigade leaders, Erneido Oliva, said that the American who supervised their training told him and Brigade Commander José Pérez San Román that “the U.S. Government” had almost halted the plans and preparation for the invasion at the end of January 1961, but had decided to move forward (Johnson with Artime et al., *Bay of Pigs*, p.74). Indeed, it has been written and confirmed many times that, as author Haynes Johnson wrote, during the actual invasion, “in a deserted house at [an] abandoned airfield of Opa-Locka [closed-down U.S. naval air base] outside Miami, the leaders of the Cuban Revolutionary Council [those present were Miro Cardona, Manuel Ray, Tony Varona, Antonio Maceo, Justo Carrillo, and Carlos Hevia] were being held under guard until they could be flown to Cuba to establish their provisional government” once the invasion succeeded. When reports of impending Brigade 2506 defeat reached the council members, “they threatened to leave despite their guards.” On April 19, when it became clear that the brigade’s small beachhead could no longer hold out against Castro’s forces, Cardona requested a conference with Kennedy at the White House, and presidential assistant Arthur Schlesinger Jr. recommended to President Kennedy that he see the Cubans. “Soon the Cubans were on [a U.S.] air force plane bound for Washington,” where the Cuban leaders met in the Oval Office with the president that same day, entering the White House through a back door. (*New York Times*, April 21, 1961, pp.1–2; *New York Times*, April 26, 1961, pp.1–2; Johnson with Artime et al., *Bay of Pigs*, pp.156–157; Schlesinger, *Thousand Days*, pp.279–284)

If the exile leaders knew the U.S. government was behind the invasion, it would be an inevitable corollary, at least in their minds, that the government would do whatever it took to help them when they needed it. If that wasn’t their state of mind, how else does one account for José Pérez San Román, the brigade commander, pleading for American military help in the late evening of April 18: “Do you people realize how desperate the situation is? *Do you back us up or quit? . . . Please don’t desert us.*”

- 1323 **“they were going to fight because the United States was backing them”:** Felix Rodriguez, one of the exile troops in training at Camp Trax in the Guatemalan mountains, where most of Brigade 2506 was being trained, and who later went on to become a CIA agent, had a slightly different perspective. “Nobody I knew at Camp Trax,” he wrote, “spent any time wondering whether the U.S. administration or the CIA, or whoever, was ‘behind’ our operation. We didn’t ask. We didn’t care. We were just grateful to be allowed the opportunity to fight for the freedom of our country.” (Rodriguez and Weisman, *Shadow Warrior*, p.58)
- 1324 **CIA intelligence unaware of the popularity Castro enjoyed:** What is particularly troubling is that a December 8, 1960, CIA Special National Intelligence Estimate foresaw no development “likely to bring about a critical shift of popular opinion away from Castro,” yet this estimate, along with a similar assessment made on March 10, 1961, just five weeks before the Bay of Pigs invasion, was never furnished to the president. To the contrary, the CIA, along with the Department of

Defense, told the president they believed that the invasion would probably spark a “civil war” in Cuba. (Freedman, *Kennedy's Wars*, pp.138, 134)

What is remarkable is that Kennedy himself, even after the Bay of Pigs, truly never completely came to believe in the unlikelihood of an internal insurrection by the people against Castro. What is not generally known and virtually never written about is that the U.S. government, right up to the time of Kennedy's death, had elaborate Top Secret (declassified by the U.S. Army, Joint Chiefs of Staff, Department of State, and CIA between July 23 and October 8, 1997) military plans in place (under the title CINCLANT [Commander-in-Chief of the Atlantic Fleet] OPLANS 312 and 316) to invade Cuba “in case of a revolt in Cuba.” Titled “State-Defense Contingency Plan for a Coup in Cuba,” the plan contemplated one of two situations: the Cuban leaders of the insurrection, “in secure radio contact with CIA, implement their plan with U.S. concurrence [not help] and establish a Provisional Government in full expectation of forthcoming U.S. support barring a complete and immediate crushing of the uprising; or, less acceptably, the leaders, in the belief that they can meet probable criteria for U.S. support, initiate the coup without consulting with CIA or obtaining the concurrence of the U.S. but establish a Provisional Government, hoping that the U.S. will intervene.” (Army Record 198-10004-10001, Memorandum from Secretary of the Army Cyrus R. Vance to Chairman, Joint Chiefs of Staff, September 26, 1963, “Draft State-Defense Contingency Plan for a Coup in Cuba,” pp.1–24, Califano Papers, box 6, folder 5, National Archives; Memorandum for the Secretary of Defense from Maxwell D. Taylor, Chairman, Joint Chiefs of Staff, October 21, 1963, pp.1–2; JCS Record 202-10002-10116, December 4, 1963, pp.1–22)

The plan provided that “upon the initiation of a coup in Cuba (either with or without prior knowledge of the United States) which appears to meet the criteria required for U.S. support, the United States would: a.) Introduce into Cuba a ‘special team’ to make contact with the coup leaders and recommend to the President whether the United States should intervene in support of the uprising. b.) Simultaneously commence positioning forces required to establish an air and sea blockade of Cuba and to implement CINCLANT OPLANS 312 and 316.” The plan goes on to say that “upon receipt of the report of the ‘special team,’ and if the President's decision were to intervene, the United States would be fully committed to assure success of the revolt.” (Memorandum for the Secretary of Defense from Maxwell D. Taylor, Chairman, Joint Chiefs of Staff, October 21, 1963, appendix to enclosure B, p.10)

That these contingency plans weren't just theoretical musings by the government is demonstrated by this “Eyes Only” (highest security classification there is) memorandum (declassified on May 31, 1995) from President Kennedy to Secretary of State Robert McNamara in April of 1963: “Are we keeping our Cuban contingency invasion plans up to date? . . . I thought last October the number of troops we planned to have available was rather limited and the success of the operation was dependent upon, in large measure, our two airborne divisions getting in and controlling the two airfields. It seems to me that we should strengthen our contingency plans on this operation.” (NARA Record 176-10010-10038, April 29, 1963; see also General Maxwell Taylor memo of meeting with JFK on February 28, 1963, in *Foreign Relations of the United States, 1961–1963*, vol.11,

pp.711–712; and memorandum from McNamara to Kennedy of May 7, 1963, responding to and allaying JFK’s concerns as expressed to him in JFK’s memo of April 29, 1963, in *Foreign Relations of the United States, 1961–1963*, vol.11, pp.802–803)

From the above *contingency* invasion plan, conspiracy author Lamar Waldron (with coauthor Thom Hartmann) has produced one of the most empty, vacuous books ever written about the assassination. Although it is well written, it makes incredible assumptions, the authors untroubled by the lack of support for these assumptions in the record.

One of Waldron’s favorite assertions is that his book furnishes his readers with something important that has never appeared elsewhere. He does that, most notably, when he says the Kennedy’s “Plan for a Coup in Cuba” is “revealed in [his] book for the first time.” But Gus Russo, in his book *Live by the Sword*, published back in 1998, talked about this plan (Russo, *Live by the Sword*, pp.176–179). Since Waldron indicates elsewhere in his book that he had read Russo’s book, Waldron starts out on page 2 of his book with either an intentional misrepresentation or a rather serious oversight.

Then Waldron proceeds to engage in either deliberate deception or poor scholarship. Though the aforementioned plan was, by its very title, a “contingency plan,” Waldron leaves the word “contingency” out of the express title of the plan (i.e., “State-Defense Contingency Plan for a Coup in Cuba”) and presents it as if the invasion was definitely going to take place, in December of 1963 he says.* For some strange reason (in that I don’t see how it helped Waldron in his story), he also deleted the words “State-Defense” from the plan’s title and actually tells his readers that the plan was so top secret that not even Secretary of Defense McNamara or Secretary of State Rusk knew about it until after the assassination.† He’s able to delude his readers into believing this since he keeps from them the fact that the plan was drafted by McNamara’s and Rusk’s own departments. Who does he tell his readers drafted the plan? He says the secretary of the army, Cyrus Vance, drafted the plan (e.g., “Cyrus Vance’s coup plans,” “Vance’s thirteenth draft of the Coup Plan,” “Vance’s September 1963 Coup Plan”). But the very September 26, 1963,

*There are many documents setting forth the contingency coup plan, a few, *using shorthand* in their captions, leaving out the words “State-Defense” (e.g., JCS Record 202-10002-10116, “A Contingency Plan for a Coup in Cuba,” December 14, 1963). I even found one that left out the word “contingency.” But right below the caption, it said, “Subject: A Contingency Plan for a Coup in Cuba.” (JCS Record 202-10002-10116, “Note by the Secretaries to the Joint Chiefs of Staff on Draft, State-Defense Plan for a Coup in Cuba,” December 4, 1963, p.18) The language in all of them expressly conveys the fact that the document dealt with contingency plans, none about an invasion of Cuba by the United States without being preceded by an internal revolt by Cuba’s people. Indeed, one document goes beyond this. In a memorandum to the president setting forth the nation’s policy toward Cuba, there is this language: “We should seek to create conditions conducive to incipient rebellion to which we could *then* . . . respond with open military support . . . to a request for assistance from any anti-Castro/Communist group or groups in Cuba which demonstrates an ability to survive, which seriously threatens the present [Castro] regime, and above all, whose aims are compatible with those of the U.S. *Invasion of Cuba by U.S. military . . . support upon request of indigenous forces should not be undertaken in the absence of aggression or other Castro/Communist and/or Soviet actions that threaten the peace or security of the Hemisphere.*” (Army Record 198-10004-10072, Memorandum for the President from Sterling J. Cottrell, Coordinator of Cuban Affairs, undated, 00/00/63, p.2)

†He actually tells his reader that since the coup planners needed Rusk’s help as well as that of the air force chief of staff, Curtis LeMay, they let Rusk and LeMay participate in the plan “while keeping them in the dark about the plan itself.” Waldron, as he does so many times in the book, cites no basis or authority for this assertion.

document that sets forth the plan (Army Record 198-10004-10001) clearly shows that Vance only wrote the cover letter submitting the “State-Defense” plan to the chairman of the Joint Chiefs of Staff.

Waldron then, like virtually all conspiracy theorists, proceeds to start talking in absurdities. Though the plan, which Waldron named “C-Day,” is so secret that, according to him, not even the heads of the two departments that drafted the plan knew about it, get this: “Jack Ruby . . . knew about C-Day.” And this: Waldron says the plan went into effect in mid-May of 1963, and on the very first page of his book says, “The ‘Plan for a Coup in Cuba’ was fully authorized by JFK and personally run by Robert Kennedy.” Yet on page 121 he says that “in early November” of 1963, a senior CIA officer informed JFK about “the possibility of an anti-Castro coup in Havana.”*

The one new element that Waldron brings to the issue, one he guards virtually to the point of deception, is the fact that he had several interviews with Enrique Ruiz-Williams, a Bay of Pigs veteran and leader who worked very closely with RFK in the anti-Castro effort. And Ruiz-Williams told Waldron that he, presumably working under RFK’s instructions, had enlisted someone close to Castro who was one of the heroes of the Cuban Revolution to kill Castro, supposedly on December 1, 1963, at which time the U.S. invasion would begin. This unnamed person, Waldron tells his readers, would be the “coup leader.” Almost throughout his book, Waldron talks about the coup leader, and in one way or another, the coup leader, not just by his role, but because of his identity, assumes considerable importance. One begins to wonder if this is so because Ruiz-Williams identified the coup leader to Waldron (which Waldron says he did) but no one else, and this is Waldron’s main claim to fame. But it would seem that the coup leader’s role would be more important than his identity, and if we make that assumption, then Waldron may lose his claim to fame. Why? Because the CIA already had someone who sounds very much like Ruiz-Williams’s and Waldron’s coup leader—Rolando Cubela Secades (alias AMLASH). As we know (see earlier endnote discussion), Cubela was also one of the heroes of the Cuban Revolution who had become very close to Castro and had agreed to kill Castro for the CIA. It seems a little hard to believe that Cubela met with a CIA officer in Paris on the morning of the assassination to discuss what device the CIA would furnish him to kill Castro, when nine days later, on December 1, the CIA had someone else close to Castro who was scheduled to kill him.

Waldron says that he cannot identify the coup leader for security reasons. But if this is so, it’s not too believable that Ruiz-Williams would have told Waldron the

*The CIA, per Waldron, had come aboard the C-Day coup plan on June 28, 1963, calling its part of the plan AMWORLD. Waldron writes that the CIA document he presents in his book (p.794) that speaks of the “inception of AMWORLD” appears “for the first time; it has never been cited in any previous book or article.”

Author Gus Russo, who has probably conducted more research on the possible connection of Cuba to the events in Dallas, and on Robert Kennedy’s association with anti-Castro Cuban exiles, than any other assassination researcher, responds that Waldron’s “key operation AMWORLD is not a new revelation; it was one of the many codes released by NARA [National Archives and Records Administration], and seen by me, and doubtless others, in 1998 and thereafter . . . A NARA JFK archivist assured me that these documents have been available all along and Lamar [Waldron] has to know it—they have ‘Released by CIA 1998’ in bold stamp.” Russo goes on to say that the language of the AMWORLD documents refers to “strikes” in Cuba, not a coup, and the AMWORLD document Waldron refers to “reads like one of countless other AM documents [e.g., he says, AMSTRUT, AMLEGS, AMLISP, AMSANTA, etc.] discussing general sabotage—which is why I ignored it in 1998.” (E-mail statement of Gus Russo on January 5, 2006, a copy of which he sent the author)

coup leader's identity in the first place since Ruiz-Williams was a very respected and responsible anti-Castro veteran, the coup leader supposedly is still alive in Cuba, and Castro is still in power. In any event, Waldron insists that this C-Day, December 1, 1963, coup leader was not Cubela. In fact, Waldron plays down Cubela's importance, saying, "C-Day was the big coup operation while Cubela was just a sideshow." So AMLASH, whom the HSCA and Church Committee wrote a great deal about and investigated thoroughly, was, per Waldron, really no one of importance. Unbeknownst to the HSCA and the Church Committee (and perhaps many in the CIA itself) was something far bigger—what a former anti-Castro leader told Waldron, who had no visible bona fides, in a private conversation many years later. How likely is it that the HSCA and Church Committee, each with a staff of investigators and taking testimony under oath, couldn't find out what Waldron did?

Waldron is so protective of his small contribution to the anti-Castro debate that when Seymour Bolton, a senior CIA officer who Waldron acknowledges was aware of AMWORLD, told a Church Committee attorney in 1975 that he had brought a paragraph to the White House to be inserted into Kennedy's November 18, 1963, speech in Miami to serve as a "signal of support for *Cubela*," Waldron says that Bolton used the name Cubela "probably" because the Church Committee "wasn't told about C-Day." In other words, Bolton told the Church Committee attorney a little lie, per Waldron. Waldron is so jealous of Ruiz-Williams having (allegedly) told him of the identity of this coup leader that when the Church Committee later cited Kennedy's November 18 speech and said, "The CIA intended President Kennedy's speech to serve as a signal to *dissident elements* in Cuba that the U.S. would support a coup" (Church Committee Report, p.20, footnote 40), Waldron deletes the words "dissident elements" when he cites the Church Committee Report (since he's hanging on to this singular coup leader Ruiz-Williams told him about) and substitutes his own words, "dissident leader."

One big problem Waldron has with the document that announced the beginning of AMWORLD is that its very language seems to controvert Waldron's claim that Ruiz-Williams was at the heart of his C-Day. It reads in part, "This will serve to alert you to the inception of AMWORLD, a new KUBARK [code name for CIA] program targeted against PBRUMEN [Cuba] . . . Essentially, it involves the unilateral commitment of AMYUM [MRR, Manuel Artime's Movimiento De Recuperacion Revolucionaria, "Movement of Revolutionary Recuperation"] and other assets, administered *and directed* by AMBIDDY/1 [Manuel Artime], against PBRUMEN. It is understood that activities involved in this program are to be based outside PBPRIME [United States] and that any manifestations of KUBARK participation in the planning and execution of the program will be kept to a minimum." (CIA Record 104-10315-10004, June 28, 1963, p.1) So where is the reference to Waldron's star, Ruiz-Williams? All the CIA talks about is Artime and his group MRR. The document says that Artime, well known as the CIA's "golden boy" (10 HSCA 67), was to direct AMWORLD. If Waldron's C-Day was the U.S. invasion of Cuba, and the main federal agency involved in the invasion is the CIA, and the CIA's participation in it is called AMWORLD, how could it be that the CIA believes that Artime would be the key Cuban exile involved in the project, not Ruiz-Williams, Waldron's guy? Waldron gets around this by saying that Ruiz-

Williams, who fought alongside Arttime at the Bay of Pigs, told him that “Arttime was under me,” along with three other exile leaders and Cuban-American troops training at Fort Benning, Georgia. But Waldron offers no evidence other than Ruiz-Williams’s alleged word to him on this. Indeed, Gus Russo says that from his review of the AMWORLD documents, “it is abundantly clear that they refer to [Manuel] Arttime’s Central American operation, [and] have nothing to do with a December ‘coup’ or ‘C-Day,’ as [Waldron] refers to it” (E-mail statement of Gus Russo on January 5, 2006).

Waldron is so intent on carving out a niche for himself in this whole matter that at one point he actually says that the C-Day operation he claims to have discovered was different from the “Contingency Plans” (he finally gets around, on page 101, to telling his readers about the “contingency plans”). Way back on page 2 of his book, he acknowledges that “C-Day” is his own term for the “Plan for a Coup in Cuba.” And as we’ve seen, prior to Waldron’s literary surgery, the “Plan for a Coup in Cuba” was named “State-Defense *Contingency* Plan for a Coup in Cuba.” In Waldron’s hands on page 101 of his book, this contingency plan was simply a plan “to protect C-Day.”

If the reader hasn’t figured it out by now, all of this is much to-do about nothing, which would be a much more apt title for Waldron’s book. Even assuming everything Waldron says is true, *so what?* It is common knowledge that the CIA had multiple plans to overthrow or assassinate Castro. If C-Day was one we hadn’t heard of before Waldron told us, so what? What’s the relevance? Listening to Waldron, one might believe that all the other well-known attempts on Castro’s life or to overthrow him were subsumed by his C-Day. But even if this absurdity were true, again, so what?*

Waldron knows he has to show the *so what*, and that’s what he tries to do in the other half of his book. In this other half, the one that was supposed to provide substance and justify all the words he writes about C-Day and the coup leader, Waldron makes one ludicrous assumption after another, never bothering to present a lick of evidence to support any of the assumptions. He says that the Mafia—whom he accuses of being behind the assassination—“bought their way into the coup plan” by paying exile leader Tony Varona \$200,000. He presents a CIA memo (one can’t be sure it’s legitimate since it looks like no U.S. intelligence memo I’ve ever seen; e.g., there is no indication who authored it or to whom it was sent, not even a date [though Waldron says a CIA informant said it around August of 1963], and is only seven lines) that says a confidential informant said that “four underworld

*In one place in his book, Waldron finds himself in a situation that speaks loudly against the theme of his book. After telling his readers over and over again that the U.S. government and anti-Castro leaders like Ruiz-Williams and Arttime treated C-Day as being supersecret and above all other anti-Castro projects, he betrays the silliness of this when he claims that Arttime or one of his lieutenants leaked a front-page story to Al Burt of the *Miami Herald* on November 10, 1963, just three weeks before C-Day, that “a secret war is being waged against Fidel Castro,” that the war had “stepped up its pace in the last three months, and that any new acceleration could change the possibilities [of overthrowing Castro].” When Waldron asks the obvious question, “Why would Burt’s sources leak him information that even hinted at an operation as secret as C-Day, less than three weeks before the coup was to happen?” he responds, incredibly, that Arttime, or someone for him, was trying “to counter the [recent] Republican criticism of JFK” for not doing enough against Castro. So the very savvy Arttime, the CIA’s favorite CIA leader, is going to alert Castro and compromise a Top Secret operation just to respond to the Republican Party? Please.

figures made a contribution of \$200,000” to Varona when he was in Chicago. Waldron isn’t troubled by the fact that the amount seems very, very high (the equivalent of over a million dollars today). Nor is he troubled by the fact that he has no evidence the mob even knew there was any “plan” to buy into. He simply boldly declares that “Johnny Roselli’s Chicago mafia family” paid the money, and it was a “bribe” to Varona to buy into C-Day, though there is nothing in the memo to indicate this. This all comes courtesy of Waldron.

But okay, let’s assume that Varona told the mob about C-Day even though, per Waldron, he himself was not a part of the C-Day project at that time. So now organized crime (and Jack Ruby) knows about it, but the secretaries of state and defense don’t? In fact, as we’ve seen, JFK just found out about it shortly before he was killed. How does organized crime’s knowing about C-Day have any relevance to the fable Waldron is peddling? For the life of me, I was unable to find this out from Waldron’s book, though he tries, here and there, to explain it. For instance, he says things like this: the mob tried to kill Kennedy in Chicago and Tampa and finally succeeded in Dallas (more on this later), and because the “mob bosses were knowingly involved” in the C-Day plan to kill Castro (he never bothers to say how they were involved), the U.S. government was “forced” into cover-ups “because the Mafia bosses had tied the potentially destabilizing [to whom?] C-Day plan to their attempts to assassinate JFK.” Elsewhere he says that because the mob “had learned” of C-Day, this “forced Bobby Kennedy and key government officials into a much larger cover-up [of the assassination] to protect national security” and avoid “a nuclear confrontation with the Soviets.” Is Waldron saying that because the mobsters bought their way into C-Day they could kill JFK with impunity because if the government went after them, they could prove they were a part of the attempt to kill Castro with the U.S. government by their \$200,000 payment to Varona, and tell the world about the CIA plot? But why would the mob’s very indirect participation in C-Day (the alleged payment to Varona) be the basis for its having immunity in killing Kennedy when the CIA actually went directly to mob figures like Johnny Roselli and Santo Trafficante and offered them money to kill Castro? If that didn’t give the mob immunity to kill JFK, how could its merely “learning” of C-Day do so? Put another way, when the CIA had already been over its head with the mob to kill Castro, and in a very direct way, why would it feel any need to pay today’s equivalent of over one million dollars to join the effort in an indirect way in August of 1963? Particularly when, per Waldron, the person to whom it gave all this money, Varona, wasn’t even a part of the C-Day project at the time it gave him the money, only joining C-Day “*after* receiving [the] huge bribe from Roselli’s Chicago Mafia family.” Waldron’s theory could hardly be more ludicrous.

One gets the definite sense from Waldron’s book that the U.S. government, RFK, and the CIA were much more interested in protecting the secrecy of the attempt on Castro’s life on December 1 than they were in bringing JFK’s killers (the mob, per Waldron) to justice. According to Waldron, the authorities were so desperate to keep a lid on C-Day that they even exerted tremendous pressure on the Chicago and Tampa press not to report the planned (per Waldron) assassinations on Kennedy in those two cities, even though the press, Waldron says, knew of threats on Kennedy’s life in these cities. The U.S. government succeeded, Waldron tells his readers, the press remaining quiet. And all, apparently, because if the

world learned about the threats, this would implicate the mob, and somehow, because of it, the United States and Russia would end up in a nuclear war that would blow up the globe.

Without bothering to present one tiny speck of evidence to support his allegation, Waldron says in several places in his book that “Marcello, Trafficante and Roselli planned the assassination” of JFK (“Marcello, Trafficante and Roselli were finalizing their plan to kill JFK”; “Trafficante, Marcello and Roselli still had one more clear chance to eliminate JFK”; “Marcello, Trafficante and Roselli’s plan to kill JFK in Dallas was essentially the same as for Chicago and Tampa, though they continued to learn from their mistakes”; etc.). Waldron even informs us how the three mobsters planned the assassination. They did it, he assures us, by “using a combination of secret meetings and several low-tech, but secure, ways of passing messages . . . Those at the top would insulate themselves from the dirty work by delegating tasks to trusted associates and using intermediaries when possible [Waldron later contradicts himself by entertaining the possibility that Roselli was one of the shooters in Dealey Plaza]. The number of associates involved would be kept to an absolute minimum—about a dozen . . . Certain agents of the operation would be kept compartmentalized from other aspects, so a leak in one part wouldn’t jeopardize the other parts. There would always be a backup plan, and preferably even the backup plan would have a backup.” All of these things are nice to know. The source for all this? You guessed it: Lamar Waldron. You see, he was present during all these meetings, et cetera, and was nice enough to pass on what he saw and heard. And apparently no editor of Waldron’s book was about to tell Waldron that his book was supposed to be nonfiction, not fiction, so he would have to have a source for all of this other than his own silly mind.

Waldron claims in his book that Marcello, Trafficante, and Roselli conspired to murder Kennedy not only in Dallas (for which he presented no evidence), but also, as indicated, in Chicago and Tampa. What evidence does he present of the Chicago attempt on JFK’s life? None. None at all. He does accept completely the statement of a former Chicago Secret Service agent, Abraham Bolden, that shortly before JFK’s scheduled visit to Chicago on November 2, 1963, the FBI sent a Teletype to the Chicago Secret Service office stating that a four-man team using high-powered rifles would attempt to kill JFK in Chicago, that the Secret Service put two of the four under surveillance, but that the surveillance was “blown” by one of the Secret Service agents and the two were detained on the evening of November 1 by the Chicago Secret Service, then turned over to the Chicago Police Department, which released the men the following night, having no basis for holding them. This, per Waldron, aborted the scheduled attempt on Kennedy’s life in Chicago. Bolden recalled that two of the four men had Hispanic names—“Gonzales and Rodriguez”—and Waldron infers that Bolden remembers their names because these were probably the two who were detained. Waldron says the two were possibly seeking to kill Kennedy for Castro “in retaliation for C-Day” (but Lamar, how could Castro retaliate for C-Day, when, per you, C-Day hadn’t happened yet—it was scheduled for December 1, a month away?) or were “disaffected Cuban exiles bitter about JFK and the Bay of Pigs.” But what does this have to do with organized crime? Nothing, and Waldron presents no evidence that organized crime had anything to do with the four men who Bolden claims were

going to kill JFK, except to make the naked claim that these four men were employed by the mob to kill Kennedy. So Waldron's allegation that the mob intended to kill Kennedy in Chicago falls flat on its face because it is 100 percent devoid of any evidence to substantiate it. To make things worse, even the existence of the alleged four men is seriously in doubt. As indicated in a previous endnote, the HSCA could find no evidence to support Bolden's story.

If possible, Waldron gets even more ridiculous with respect to Tampa. Again, he claims, without offering any evidence to support his position, that Marcello, Trafficante, and Roselli were determined to kill Kennedy in Tampa. Unbelievably, he offers, as support (which it is not, actually going in the opposite direction), a small article in the *Tampa Tribune* on November 23, 1963, the day after the assassination, that three people had threatened to kill Kennedy when he came to Tampa, including a young man of twenty who said he would use a gun, and if he couldn't get any closer, he'd find another way. The article said the Secret Service knew of the threats and so did Tampa chief of police J. P. Mullins, whom the paper interviewed. With nothing else to go on, incredibly, Waldron felt that this was enough to prove the mob intended to kill Kennedy in Tampa, though he presents no evidence connecting the mob with any of the three men. The author is apparently too out of it to know that if, indeed, organized crime had hired one or more of the three men to kill Kennedy, the men would not be drawing attention to themselves by openly threatening to kill Kennedy. Laughably, Waldron also quotes an anonymous Florida law enforcement source who told him that JFK learned of the threats on his life in Tampa and was very frightened. But in the next breath the zany author says that JFK "stood up in the car as he rode through the streets of Tampa." Some fright.

Waldron says the mob leaders called off the Tampa attempt, per "rumors," because "some of the older dons in the local Mafia had worried that killing JFK there would bring down too much heat on their operations."

But Waldron says that Roselli, Marcello, and Trafficante still had plans to get JFK in Dallas, and he said they did. He doesn't know who actually killed JFK for the mob in Dallas, but said possibilities were Johnny Roselli and Charles Nicoletti. One thing he knows. Oswald was innocent and just a patsy, Waldron totally ignoring the mountain of evidence against Oswald. By the way, the patsy the mob set up for the scheduled Chicago attempt on Kennedy's life, per Waldron, was a mentally disturbed Marine veteran named Thomas Vallee (see earlier endnote discussion on Vallee), and its patsy in Tampa was scheduled to be a pro-Castro, Cuban-American epileptic named Gilberto Policarpo Lopez (see prior endnote discussion). Consistent with the rest of Waldron's book, he presents no evidence that Vallee and Lopez (as well as Oswald) were being set up by the mob or that the mob even knew of their existence.

It is Waldron's additional fantasy that not only was Jack Ruby a part of the plot to kill Kennedy, but so was Jimmy Hoffa. (He even claims David Ferrie was part of the plot to kill Kennedy in Chicago.) Ruby, who figuratively had trouble tying his own shoelaces, is depicted by Waldron as an important figure, referring to his "helping Trafficante, Hoffa and Roselli" and also being part of the CIA-Mafia plots to kill Castro in 1959. (Waldron with Hartmann, *Ultimate Sacrifice*, pp.1-10, 14, 16-17, 36-42, 54-55, 86, 94-96, 101, 120-121, 128, 139-140, 158, 181, 213,

225–233, 242, 259, 263, 305, 329, 430, 480, 483, 553, 564–566, 575–576, 578, 619–620, 622–624, 627, 631–634, 640, 650–652, 655, 674, 678, 684–692, 697, 700, 712, 715–716, 794, 797, 800, 804)

Waldron started his book with nothing to say, added a whole lot of nothing to it, and ended up with nothing. So why have I wasted my time and space in this endnote talking about nothing? Because of a few things. Waldron's book is one of the longest (904 pages) ever written on the assassination and, with an index and many citations, gives the outward appearance of being a scholarly work. Also, unlike the vast majority of conspiracy books, this one was published by an established New York publishing house and even got some good reviews. So to expose, as I believe I have, the ridiculous nature of a book like this demonstrates, more than with the average conspiracy book, the absolutely utter and total bankruptcy of the conspiracy movement in this country. Will there be other books as stunningly empty as this one? It will be difficult for any 900-page book to be quite as empty as this one, but yes, a great number of essentially similar books will come out in the future and, like *Ultimate Sacrifice*, will be treated seriously by many people. I, of course, am powerless to prevent this continuing nonsense. The only thing I can do in my book is to demonstrate my revulsion for the more outrageous ones by only discussing them in endnotes and only giving the page-number citations at the end of the discussion, which somehow expresses my disdain more than giving citations along the way.

- 1324 **he had spoken to Castro's chief lieutenant, Ernesto "Che" Guevara:** Richard Goodwin said that throughout his conversation with Guevara, Guevara "left no doubt, at any time, that he felt completely free to speak for his government and rarely distinguished between his personal observations and the official position of the Cuban government." Guevara told Goodwin that the revolution to Communism in Cuba was irreversible and Cuba was now out of the U.S. sphere of influence, and that too was irreversible. Goodwin wrote that Guevara said Cuba "didn't want an understanding with the U.S., because they know that was impossible. They would like a *modus vivendi*—at least an interim *modus vivendi*."

Surprisingly, Guevara (whom Goodwin described as having "a good sense of humor" and someone who spoke to him "in a straightforward manner, and with the appearance of detachment and objectivity . . . free of propaganda and bombast") told Goodwin that "they could not give back the [U.S.] expropriated properties—the factories and banks—but they could pay for them in trade," and that "they would have free elections, but only after a period of institutionalizing the revolution had been completed." (NARA Record 176-10020-10063, Letter from Richard N. Goodwin to JFK captioned "Conversation with Comandante Ernesto Guevara of Cuba," August 22, 1961, pp.1–2, 4)

Obviously, neither of these two situations ever materialized, and though it can never be known, probably would not have even if Guevara had remained in Cuba as a potent force in its government.

- 1324 **failure at the Bay of Pigs:** Right after the ill-fated Bay of Pigs invasion, CIA Director Allen Dulles, in the old spy tradition of "walking back the cat," assigned the CIA's inspector general, Lyman Kirkpatrick, to do a "complete review" of the operation to see why it had ended in disaster. Kirkpatrick's November 21, 1961, 150-page report, though factually imprecise, turned out to be a scorching indict-

ment of the CIA's performance. Among the report's conclusions was that Kennedy's cancellation of the second air strike on D-day, April 17, 1961, was not "the chief cause of failure . . . The fundamental cause of the disaster was the Agency's failure to give the project . . . the top-flight handling which it required—appropriate organization, staffing throughout by highly qualified personnel, and full-time direction and control of the highest quality." Also, the operation was predicated on the belief that "the invasion would, like a *deus ex machina*, produce a shock" inside Cuba that would trigger an uprising against Castro, but "the Agency had no intelligence evidence that there was any kind of an effective and cohesive resistance movement under anybody's control, let alone the Agency's, that could have furnished internal leadership for an uprising in support of the invasion."*

Though no names were mentioned in Kirkpatrick's report, the senior CIA officials who had been involved in the debacle were outraged, and tremulous, about the report. Dulles's successor, John McCone, who received the report, ordered Kirkpatrick to give him the names of the twenty people to whom the report was sent. Most of the copies were retrieved and destroyed, and only a few copies were locked away in McCone's office. (The report was not declassified and released to the National Archives until February 19, 1998.) In an internal and secret memorandum of December 15, 1961, Deputy CIA Director Charles Cabell called the report "deficient," and one that "misses objectivity by a wide margin," and warned that "in unfriendly hands, it can become a weapon unjustifiably to attack the entire mission, organization, and functioning of the Agency." C. Tracy Barnes, the CIA's assistant deputy director of plans, called the report "incompetent" and "malicious, or, to put it alternatively, intentionally biased."

The invasion's mastermind, Richard Bissell, the CIA deputy director of plans (who, in the CIA, was really the chief of all covert operations), wrote a long and bitter, point-by-point rebuttal to the report on January 18, 1962, titled "An Analysis of the Cuban Operation," in which he called the report "often misleading" and "grossly incomplete in its analysis." Blaming the Kennedy administration, he argued "that any shortcomings in the internal planning process reflected, for the most part, the difficulty of securing clear policy guidance from outside the Agency and prompt, willing support based on that guidance." In one curious conclusion, he says that "the intelligence on the Castro regime and on the [nature of the] internal opposition thereto was essentially accurate," but then fails to say why, if this was so, and in light of what happened, he never recommended that the invasion be aborted. (Kornbluh, *Bay of Pigs Declassified*, pp.10, 12, 13, 15, 23, 41, 52, 55, 131, 132, 137, 241–242, 244) Indeed, Bissell's two principal aides, who were in direct charge of the invasion plans, CIA agent Jacob D. Esterline, the head of the "Cuban Task Force," and Marine Corps Colonel Jack Hawkins, on loan to the CIA for the mission, went to Bissell's home in Washington, D.C., on April 8, 1961 (just nine days before the invasion), and asked to resign from the project. Esterline told Bissell, "We can't tell you in good faith that we can give you any reasonable expecta-

*The report could have added that such an uprising made no sense, since Castro, despite his shift toward Communism, was still very popular with the Cuban masses, who much preferred the revolutionary to his corrupt predecessor, Batista. Actually, the uprising predictions came mostly from overly optimistic Cuban exiles who convinced the CIA that thousands of Cubans would turn on Castro once the brigade landed.

tion that this thing is going to come to a successful conclusion.” Hawkins had come to the conclusion “that this [the invasion] could not work and was going to be a disaster.” But Bissell ignored their advice and talked them out of their resignations. Both Esterline and Hawkins are highly condemnatory of Bissell’s conduct in the affair, Esterline saying that Bissell “used us . . . to his own advantage entirely” and that he had lied to the president of the United States about the expected success of the invasion “for reasons that I don’t yet understand.” (Interview of Jacob Esterline and Jack Hawkins in October of 1996, in Kornbluh, *Bay of Pigs Declassified*, pp.8, 258, 264, 301) Bissell “never passed our objections [to the invasion] on to the President,” Esterline says (Richard Benedetto, “An Invasion of Bad Ideas,” *USA Today*, June 23, 1997, p.4A). “All of us—Kennedy and Bundy and the rest—were hypnotized by Dick Bissell to some degree, and assumed he knew what he was doing,” Arthur Schlesinger Jr. would later observe (Kornbluh, *Bay of Pigs Declassified*, p.5).

As indicated in the main text, there was another investigation of the Bay of Pigs disaster, this one ordered by President Kennedy on April 22, 1961, just three days after the seventy-two hours of swamp warfare ended. Kennedy appointed General Maxwell Taylor to chair a committee consisting of Taylor, the president’s brother RFK, Allen Dulles, and Admiral Arleigh Burke. The committee’s mandate was to conduct a reevaluation of “our practices . . . in the areas of military and paramilitary, guerrilla, and anti-guerrilla activity which fall short of outright war,” with special emphasis on what went wrong at the Bay of Pigs. (*Alleged Assassination Plots*, p.135; *New York Times*, April 24, 1961, p.1) As alluded to in the main text, the committee was handicapped by the fact that the exile leaders who had firsthand information as to what went wrong and why could not be interviewed by the committee because they were in Castro’s custody. Nevertheless, the committee should have been able to reach some commonsense conclusions as to why the invasion had failed. But the committee, in its report to the president on June 13, 1961, came to the astonishing conclusion that “the proximate cause of the failure of the Zapata Operation was a shortage of ammunition which developed from the first day of the landing, April 17th, and became increasingly critical until it resulted in the surrender of the landing force of about 1,400 [men] on April 19th.” I’m unaware of any author of the various books on the Bay of Pigs, or any of the leaders of the brigade force, suggesting that the main reason they were defeated was because they didn’t have enough ammunition. The committee’s conclusion was almost laughable. Although everyone agrees that ammunition was in short supply and a contributing factor to the defeat, *only* the committee concluded it was the main reason for the defeat. As one of the committee’s principal witnesses, Roberto Pérez San Román, the brigade’s Heavy Weapons Battalion commander who was on Blue Beach, testified, “We lost because we didn’t have air support.” A “Mr. Betancourt,” who was an air liaison officer during the invasion, testified to the committee that on Tuesday, D+1, Castro’s forces had “lots of tanks and militia coming in and we couldn’t hold them.” Question: “Was the shortage of ammunition the reason you had to withdraw?” Answer: “No. We were short of ammunition, but even if you have lots of ammunition, you couldn’t hold, because we needed air support.” And then there was the little matter that Castro’s forces greatly outnumbered the small brigade force.

The committee’s report also said the operation “should have had the primary

consideration of *all* agencies in the government.” (A statement that on its face seems to be a non sequitur—*every* federal agency had to be involved or the small invasion at the Bay of Pigs would be likely to fail? But why? The report doesn’t say.) Elsewhere, the report said the brigade forces “fought well” and the operation “suffered from being run from the distance of Washington.” (Aguilar, *Operation Zapata*, pp.294–306) Among many other reasons for the failure of the invasion that the report should have set forth, since the committee kept referring to the “guerilla” nature of the invasion, it’s amazing it didn’t point out what so many others have, that the invasion site, surrounded by the Zapata Swamps, was completely unsuitable for guerilla warfare. The CIA’s intelligence about the area was so bad that even Ernest and Mary Hemingway, upon hearing of the Bay of Pigs invasion over the news at their home in Idaho, were “appalled by the choice of the landing site. Many of our Cuban friends had shot ducks in that area and could have told the invasion planners [about] the swamps behind the beach.” The Hemingways had a home near Havana. (Hemingway, *How It Was*, p.574)

To show how far out of it the committee was (or at least those who wrote the report), the report actually says that “the short life of the beachhead was not sufficient to trigger an immediate popular reaction,” implying that a longer beachhead may have triggered an uprising. But there is no evidence that the people of Cuba, or any substantial percentage thereof, wanted to overthrow Castro in 1961. (Aguilar, *Operation Zapata*, pp.36–38, 40–42, Memorandums 2 and 3)

The *New York Times*’s Tad Szulc, who maintained good contacts in the rebel community in Miami, learned of another criticism of the operation. His sources were some of the several thousand rebels trained by the CIA who, for whatever reason, were left behind in their camps, at least a hundred of whom, including officers and airman, had been brought back to Miami weeks before the invasion and given fifty dollars a week to stay with friends or at motels until further notice. They claimed that rebel leaders had actually “sounded urgent warnings *against* an invasion attempt” until there had been a “softening-up campaign of sabotage” on the island, but they were overruled by their CIA leaders, who proceeded with far too much haste in launching the invasion. In that regard, they said that the People’s Revolutionary Movement, which operated the most effective underground network inside Cuba, received no financial support and very little equipment. Also, the rebels were insistent on a strategy of small multiple landings instead of the single thrust the CIA decided on. (Tad Szulc, “CIA Is Accused by Bitter Rebels,” *New York Times*, April 22, 1961, pp.1–2; the Cuban Revolutionary Council having several thousand men who did not participate in the Bay of Pigs, most of whom had been in CIA training camps: *New York Times*, April 21, 1961, p.1)

Author Haynes Johnson writes that Kennedy was confronted with the questions “How was it possible that such a plan [the Bay of Pigs invasion] could have been approved by the leading military minds of the country? How was it possible that some of the most intelligent men in [his] executive branch failed to spot and counsel against so many obvious shortcomings? . . . Out of the wreckage of the Bay of Pigs came invaluable lessons [for Kennedy] . . . No matter how great the advisor’s previous reputation in the Pentagon, the State Department or in the White House itself, his opinions should no longer be accepted at face value. ‘If the President asked ten questions before, now he asks sixty-two,’ said a man close to him. When the time came for a decision on Laos or some other crucial area, the advice

of the military and the State Department [and obviously, the CIA] was examined with a cold eye . . . In that sense, Joseph P. Kennedy, the patriarch of the Kennedy clan, was correct when he told his son . . . that Cuba was the best lesson he could have had” (Johnson with Artime et al., *Bay of Pigs*, pp.220–225, 228; see also Higgins, *Perfect Failure*, pp.157–158).

- 1325 **someone, believed to be Secretary of Defense Robert McNamara [foot-note]:** In a Church Committee interview of presidential assistant Richard Goodwin (who had called the August 10, 1962, meeting) on May 27, 1975, he is quoted as saying it was “etched on his memory” that “[Robert] McNamara got up to leave during a discussion of how to get rid of Castro and said, ‘The only way to take care of Castro [is] to kill him. I really mean it.’” Goodwin said McNamara’s remark was apparently directed at him (Goodwin), “but was said audibly enough for others to comment on.” (SSCIA Record 157-10005-10270, Memorandum from David Aaron to Bill Miller, Fritz Schwarz, Curt Smothers, and Bill Bader, May 27, 1975) However, a month and a half later Goodwin testified before the Church Committee that “it’s not a light matter to perhaps destroy a man’s career on the basis of a fifteen year old memory of a single sentence that he might have said at a meeting without substantial certainty in your own mind, and I do not have that” (Testimony of Richard Goodwin before Church Committee on July 18, 1975, pp.34–35; *Alleged Assassination Plots*, p.165 footnote 2). For his part, McNamara testified that although he did not recall the subject of assassination being discussed at the August 10 meeting, he did remember having expressed opposition to any assassination attempt or plan when he spoke to CIA Director John McCone several days later (Testimony of Robert McNamara before Church Committee on July 11, 1975, pp.7–8; *Alleged Assassination Plots*, p.154).

Apparently, McNamara’s remark, if he made it, which he probably did, was taken seriously enough that in an August 13 memorandum, written just three days later, to the CIA’s William Harvey and other members of his interagency working group, Lansdale said that the list of “implementing activities” for Mongoose would be under the headings of “Intelligence, Political, Economic, Psychological, Paramilitary, and Military . . . including liquidation of leaders.” Harvey wrote a memorandum to Richard Helms the next day, attaching a copy of the Lansdale memorandum, and noted that he had excised the words “including liquidation of leaders.” Harvey wrote, “The question of assassination, particularly of Fidel Castro, was brought up by Secretary McNamara at the meeting of the Special Group (Augmented) in Secretary Rusk’s office on 10 August . . . I took careful notes on the comments at this meeting on this point, and the Special Group (Augmented) is not expecting any written comments or study on this point.” Harvey went on to say that he had called Lansdale’s office and pointed out the “stupidity of putting this type of comment in writing in such a document.” He also told Lansdale’s office that the CIA “would write no document pertaining to this and would participate in no open meeting discussing it.” (*Alleged Assassination Plots*, pp.161–162)

When Lansdale testified before the Church Committee in 1975, he acknowledged that someone had brought up the subject of Castro’s assassination at the August 10 meeting and the “consensus was . . . hell no on this and there was a very violent reaction.” Why, then, Senator Howard Baker asked Lansdale, “did you, three days later if they all said, hell no,” subsequently include it in your memo-

randum as an option? Lansdale: “We were getting intelligence accumulating very quickly of something very different taking place in Cuba than we had expected, which was the Soviet technicians starting to come in and the possibilities of Soviet missiles being placed there . . . At that time, I thought it would be a possibility someplace down the road in which there would be some possible need to take action such as that [assassination].” (Testimony of Edward Lansdale before Church Committee on July 8, 1975, p.21; *Alleged Assassination Plots*, pp.166–167)

1326 **Mongoose:** To the right wing in America, Operation Mongoose was not enough. They wanted an outright invasion of Cuba by U.S. forces (Bamford, *Body of Secrets*, p.82), not anti-Castro Cuban exiles. And they happened to have an ally in the chairman of the Joint Chiefs of Staff, General Lyman Lemnitzer, a favorite of the Far Right. What resulted was one of the most nefarious proposed courses of action ever considered by the American government. Its genesis is not clear. It may have been the apparently offhanded remark by President Eisenhower at a meeting in the Oval Office on January 3, 1961, which Lemnitzer attended, in which Ike spoke of “perhaps *manufacturing* something” that would justify our invading Cuba. It wasn’t an order or even a request by Eisenhower, and the minutes of the meeting don’t indicate it was even discussed or considered.

The first document in the paper trail of the operation, eventually code-named Operation Northwoods, seems to be a February 2, 1962, memorandum from Brigadier General William H. Craig, in charge of covert actions for the Joint Chiefs of Staff, to Brigadier General Edward Lansdale, the chief of operations for the Cuba Project (Operation Mongoose) at the Department of Defense, in which Craig set forth several “possible actions to provoke, harass, or disrupt Cuba,” such as “to clandestinely introduce corrosive materials to cause aircraft, vehicle or boat accidents,” and “to provide irrevocable proof that, should the MERCURY manned orbit flight fail, the fault lies with the Communists et al Cuba. This is to be accomplished by *manufacturing* various pieces of evidence which would prove electronic interference on the part of the Cubans,” et cetera. (Army Record 198-10004-10020, February 2, 1962, pp.1–2)

This was followed by a March 5, 1962, memorandum from Lansdale to Craig requesting “brief but precise . . . *pretexts* which the Joint Chiefs of Staff believes desirable for direct military intervention” in Cuba (JCS Record 202-10001-10216, March 5, 1962, p.1). On March 12, 1962, the Joint Chiefs of Staff prepared a draft of a report for the secretary of defense in which it said the Joint Chiefs endorsed using one or more of the nine pretexts set forth in the report, all of which, per the report, would “place the United States in the apparent position of suffering defensible grievances from a rash and irresponsible government of Cuba” which would cause U.S. and world opinion to believe that Cuba was a “threat to the peace of the Western Hemisphere.” A few of the pretexts: (1) “A series of well-coordinated incidents will be planned to take place in and around Guantanamo [eleven examples are given, including having “land-friendly Cubans” attack the base; “burn aircraft” on the base; “blow up ammunition inside the base,” etc.] to give genuine appearance of being done by hostile Cuban forces.” (2) “Create an incident which will demonstrate convincingly that a Cuban aircraft has attacked and shot down a chartered civil airline en route from the United States to Jamaica, Guatemala, Panama or Venezuela.” The airliner would supposedly be flying “a group of [American]

college students off on a holiday” but would really be a “drone aircraft” with no passengers.

But it gets much worse. (3) “We could develop a Communist Cuba terror campaign in the Miami area, in other Florida cities and even in Washington. The terror campaign could be pointed at Cuban refugees seeking haven in the United States. We could sink a boatload of Cubans en route to Florida, *real* or simulated. We could foster attempts on lives of Cuban refugees in the United States even to the extent of wounding [them] in instances to be widely publicized.” And (4) “We could blow up a *U.S. ship* in Guantanamo Bay and blame Cuba.” It is not crystal clear whether the Joint Chiefs were willing to sacrifice the lives of American sailors since there is no further discussion after this. However, although this is unlikely, there is some circumstantial evidence that they may indeed have contemplated this. In an apparently *separate* incident in a *subsequently lettered paragraph right below this*, the report says, “We could blow up an *unmanned* drone vessel anywhere in the Cuban waters . . . Casualty lists of the non-existent crew in U.S. newspapers would cause a helpful wave of national indignation.” In other words, when they wanted to indicate that a ship to be destroyed would have no humans on it, they did so. (Top Secret Draft of Joint Chiefs of Staff Report 1969/321, March 12, 1962, pp.4–12) General Lemnitzer submitted the March 12 draft as a “preliminary submission” to the secretary of defense in a March 13, 1962, cover-letter memorandum.

Fortunately, when President Kennedy and his chief military representative at the time, General Maxwell Taylor, saw the blueprint of Operation Northwoods in mid-March 1962, Kennedy quickly rejected it (Bamford, *Body of Secrets*, pp.86–87). Though Operations Northwoods, per se, was dead, Lemnitzer did not give up on an invasion of Cuba, and even the notion of a pretext for a war with Cuba would see another day. In an April 1962 letter to Secretary of Defense Robert McNamara, Lemnitzer wrote that “the Joint Chiefs of Staff believe that the Cuban problem must be solved in the near future . . . Accordingly, they believe that military intervention by the United States will be required to overthrow the present communist regime . . . The Joint Chiefs of Staff believe that the United States can undertake military intervention in Cuba without risk of general war [with Russia]” (Memorandum from Chairman of the Joint Chiefs of Staff, Lyman L. Lemnitzer, to Secretary of Defense Robert McNamara, April 10, 1962, pp.1–2). Shortly thereafter, when the rabidly right-wing Lemnitzer’s term as chairman of the Joint Chiefs of Staff expired, Kennedy did not reappoint him. Instead, he was demoted to Europe as chief of NATO. (Bamford, *Body of Secrets*, p.88)

And remarkably, as late as May 1, 1963, with General Taylor now being chairman of the Joint Chiefs of Staff, a Top Secret report to the Joint Chiefs of Staff on May 1, 1963, was again toying with using a pretext to go to war with Cuba. “In light of current intelligence, two major options face the United States in regard to the situation in Cuba. One is to restrict U.S. action to attempts to isolate Cuba politically and economically from the rest of the American nations while awaiting the opportunity to capitalize on a spontaneous revolt or to respond to a direct provocation. *The other is to take positive action to contrive a pretext for employing U.S. military force to overthrow the Castro regime.*” The report goes on to recommend that since it was “unlikely that a spontaneous, widespread effective result will occur in the near future” or that Castro would give the United States “suffi-

cient provocation for armed intervention,” it was “postulated, therefore, that it will be necessary for the United States to contrive a pretext for intervention in Cuba if it is desired to eliminate the communist regime on the island.” The suggestions were more limited in number than Operation Northwoods, but actually included “using MIG type aircraft flown by U.S. pilots . . . to attack U.S. military” (wouldn’t this automatically include the possibility of U.S. military deaths?). (JCS Record 202-10002-10018, “Report by the J-5 to the Joint Chiefs of Staff on Courses of Action Related to Cuba,” May 1, 1963, appendix to enclosure B, pp.3–6)

1327 **Soviet nuclear missiles in Cuba:** Why, specifically, had Russia placed its nuclear missiles in Cuba? In a very long January 31, 1963, letter to Fidel Castro, Soviet premier Nikita Khrushchev writes, “If North American imperialism had unleashed the invasion [of Cuba], no protest of ours, no three-shift, three-week or even three-month demonstration would have stopped them. Only one thing could restrain them: the fear, the knowledge that if they began the invasion, the missiles would carry out their mission and the cities of North America would be left in ruins . . . They were deterred by the fact that an attack against Cuba would have meant a world war in which many countries would have been blown up.” Castro had originally been critical of the Soviets for agreeing to remove its missiles from his country’s soil, but eventually acknowledged that this almost spontaneous reaction of his had been “immature” and Khrushchev had done the right thing. (Schotz, *History Will Not Absolve Us*, pp.261, 263, 269, 272–273)

1329 **crisis was over:** For the most part, the crisis was over, but important remaining issues kept tensions elevated, if not nearly as high. Actually, Kennedy’s no-invasion pledge was only conditional, and no formal agreement resolving the Cuban missile crisis was ever signed. (HSCA Report, p.132 footnote) Khrushchev was to remove the “offensive” Soviet weapons “under appropriate United Nations observation and supervision; and undertake, with suitable safeguards, to halt the further introduction of such weapons systems into Cuba,” Kennedy said in his October 27, 1962, letter to Khrushchev. There had to be, Kennedy said, “effective international guarantees.” Kennedy said his no-invasion pledge was predicated “upon the establishment of adequate arrangements through the United Nations to *ensure* the carrying out and continuation” of the Soviet “commitments” to remove its weapons. (Letter from Kennedy to Khrushchev dated October 27, 1962, responding to Khrushchev’s proposal on October 26 to end the crisis, in Kennedy, *Thirteen Days*, pp.202–203) In other words, there had to be on-site inspection to verify the removal of the Soviet weapons. The problem is that Castro, angry with Khrushchev for entering into an agreement with Kennedy to end the crisis without notifying him of his intent, said, “Whoever tries to inspect Cuba must come in battle array.” (Bird, *Chairman*, p.532) He would cooperate, he said on October 29, only if certain conditions were met, among which were the ending of the U.S. trade embargo of Cuba, U.S. withdrawal from Guantánamo, and the ending of U.S. support of the anti-Castro Cuban exiles’ effort to overthrow him. Later, he also refused to allow the Soviets to remove forty-two IL-28 jet bombers from Cuba until his conditions were met.

Editors Laurence Chang and Peter Kornbluh, in their book *The Cuban Missile Crisis, 1962: A National Security Archive Documents Reader*, write that “in the midst of this tense situation, negotiations for a final settlement continued between U.S. Ambassador Adlai Stevenson, John McCloy, and Soviet Deputy Foreign Minister

Vasily Kuznetsov in New York, and between First Deputy Prime Minister Anastas Mikoyan and Fidel Castro in Havana. Until November 20, when Khrushchev assured Washington that the IL-28's would be expeditiously removed, the possibility of escalating overt hostilities between the superpowers continued to hang over the world." (Chang and Kornbluh, *Cuban Missile Crisis, 1962*, p.233)

It was Castro who broke the impasse. At one in the morning on November 20, 1962, he cabled U Thant, acting secretary general of the United Nations, that "if the Soviet Government considers that the withdrawal of such [jet bombers] would benefit the negotiations and contribute to a solution to the crisis, the revolutionary Government of Cuba will not be an obstacle to that decision" (*New York Times*, November 20, 1962, p.1). Fifteen hours later, Khrushchev pledged to Kennedy that the planes would be removed from Cuba in thirty days, and that evening, November 20, Kennedy announced at a news conference that he had ordered the lifting of the naval blockade of Cuba (*New York Times*, November 21, 1962, pp.1, 10).

It should be noted that while Castro got none of his demands, the United States was willing to end the crisis without being guaranteed the on-site inspection it once demanded. However, because it did not get this no-invasion pledge precondition, Kennedy's no-invasion pledge was no longer in effect. Nevertheless, the president wrote Khrushchev on November 21, 1962, "I have been glad to get your letter of November 20 . . . As you will have seen, I was able to announce the lifting of our [naval] quarantine promptly at my press conference [6:00 p.m. the previous evening], on the basis of your welcome assurance that the IL-28 bombers will be removed within a month . . . I regret that you have been unable to persuade Mr. Castro to accept a suitable form of inspection or verification in Cuba, and that in consequence we must continue to rely upon our own means of information.* But as I said yesterday [at the news conference], there need be no fear of any invasion of Cuba while matters take their present favorable course." (Letter from Kennedy to Khrushchev dated November 21, 1962, in Chang and Kornbluh, *Cuban Missile Crisis, 1962*, p.306; see also *New York Times*, November 21, 1962, pp.1, 10)

On footnote to all of this: As late as May of 1963, the Soviet military still had a presence in Cuba. The U.S. Senate Preparedness Subcommittee reported that at least 17,500 Russians, including 5,000 combat troops, were still in Cuba. The subcommittee panel said it was "quite possible" that Soviet missiles were concealed in caves and islands and could be deployed "in a matter of hours." It noted, however, that U.S. intelligence agencies unanimously believed that all strategic Soviet missiles and bombers with sufficient range to reach this country had been withdrawn. (*New York Times*, May 10, 1963, p.1)

1329 **rage in the exile community:** One illustration of the bitterness against Kennedy among many in the Cuban exile community over Kennedy's pledge not to invade Cuba was heard in a tape recording of a meeting of anti-Castro Cubans

*In his statement to the American people at his press conference the previous evening, Kennedy set forth one method of verification (in addition to continuing reconnaissance flights): "The evidence to date indicates that all known offensive missile sites in Cuba have been dismantled. The missiles and their associated equipment have been loaded on Soviet ships. And our inspection at sea of these departing ships has confirmed that the number of missiles reported by the Soviet Union as having been brought into Cuba, which closely corresponded to our own information, has now been removed" (Kennedy, *Thirteen Days*, pp.216-217; *New York Times*, November 21, 1962, p.10).

and right-wing Americans in a Dallas suburb on October 1, 1963. One Nestor Castellanos, vehemently criticizing Kennedy for the U.S. government's policy of "non-interference," said, "We're waiting for Kennedy the 22nd, buddy. We're going to see him one way or the other. We're going to give him the works when he gets to Dallas. Mr. good ol' Kennedy. I wouldn't even call him President Kennedy. He stinks . . . He's the one who is doing everything right now to help the United States to become Communist." The HSCA said it "uncovered no evidence that linked Castellanos to the assassination," adding that "upon listening to the tape, it is apparent that the statements by Castellanos—'we're waiting for Kennedy' and 'we're going to see him . . . to give him the works'—which comes just after Castellanos relates an unsuccessful effort to have a parade or march in downtown Dallas to promote the cause of the anti-Castro Cubans, is only a proposal to demonstrate against President Kennedy during his trip to Dallas. After reviewing the entire tape, the staff concluded that Castellanos' statements were not meant as a threat of physical violence against the president." (HSCA Report, pp.132–133, footnote 21 on p.133, footnote 39 on p.613)

- 1329 **betrayal:** Despite all the bad blood and vociferous tirades against Kennedy by many in the exile community, only one allegation has ever surfaced that someone, among the exiles, spoke of a plot to eliminate Kennedy, and that one was highly ambiguous and based on multiple hearsay. On November 26, 1963, an unnamed Secret Service informant (No. 2-1-266) advised the Chicago office of the Secret Service that he had heard (from whom he didn't say) that on the day before the assassination, one Thomas Mosley, while negotiating the sale of machine guns in Chicago to Homer Echevarria for use by the latter's anti-Castro group (30th of November Movement) in a contemplated invasion of Cuba, was reportedly told by Echevarria, "We have plenty of money. Our new backers are Jews—as soon as 'we' (or 'they') take care of Kennedy." (3 HSCA 372) The HSCA said the informant was actually Mosley himself (HSCA Report, p.236). But the Secret Service memorandum on this matter says that the informant was not Mosley (3 HSCA 371, Memorandum from ASAIC Martineau, Chicago, to Chief—Attn. Deputy Chief Paterni, December 9, 1963).

Although the Secret Service conducted several surveillances of Mosley and Echevarria thereafter, and learned that they were both bus drivers for the Chicago Transit Authority and Echevarria had come to this country from Cuba in 1960, the Service discontinued its investigation when President Johnson created the Warren Commission and gave the FBI primary investigation of the assassination. The Secret Service turned over its file on the matter to the FBI, which informed them that the 30th of November group was not likely to be involved in any illegal activity. The FBI did not pursue the Echevarria matter. (HSCA Report, pp.134, 237) While the FBI obviously should have, it should be remembered that the informant wasn't even sure if he heard (or the unknown person who told him wasn't sure) whether Echevarria said his group or the "Jews" were going "to take care of Kennedy." More importantly, no evidence has ever emerged connecting Echevarria with Oswald or with the assassination in any way.

- 1331 **"I believed in him again":** According to the Church Committee, "after the missile crisis, CIA operations against Cuba apparently decreased, while operations by Cuban exile groups on their own continued." Things changed in late March of

1963, when freelance and militant exile groups like Alpha 66, Commandos L-66, and the SNFE (Second National Front of Escambray) started going beyond raids and torpedoing Cuban vessels, and began attacking Russian ships. On March 18, 1963, Alpha 66 and the SNFE attacked a Soviet vessel off the northern coast of Cuba, and on the evening of March 26–27, Commandos L-66 attacked another Soviet vessel in north Cuban waters. Though these were fleabite operations that caused negligible harm (ten thousand sacks of sugar were lost in the last raid when the exiles' TNT tore a thirteen-foot hole in the Russian boat's hull), the Soviets, naturally, immediately complained to the United States that any U.S. support or "encouragement of such actions" violated the spirit of the missile crisis settlement. There was "considerable concern within the U.S. Government that such activity of Cuban exile groups could produce a confrontation with the Soviets." Accordingly, Kennedy authorized a statement that the United States would "take every step necessary" to stop raids against Cuba launched from the United States. (Beschloss, *Crisis Years*, p.594; Church Committee Report, p.11) Thereafter, "the whole apparatus of government—Coast Guard, Customs, Immigration and Naturalization, FBI, CIA, were working together to try to keep these operations [raids] from going to Cuba" (Testimony of the Chief, JM/WAVE, before the Church Committee, on May 16, 1976, pp.21–22; Church Committee Report, p.11). Indeed, U.S. Coast Guard planes flew daily patrols over the Florida Keys and the many islets of the Bahamas looking for boats of armed anti-Castro exiles moving toward Cuba to do Castro harm. And in Miami, where once their main concern was Castro's spies, Cuban exiles had to elude the restraining clutches of U.S. federal agencies. "We must now operate like guerrillas in the hills of Escambray. We are watched like criminals," an exile complained. (Martin, "Help Us Fight!" p.28)

One of the most notable crackdowns by the federal government on the exiles was the July 31, 1963, FBI raid and seizure of a large cache of munitions and material (more than a ton of dynamite in forty-eight cases, twenty empty 100-pound bomb casings, and paraphernalia and material for assembling the bombs) stored on the porch of a dwelling near Mandeville, Louisiana, which was to be used in the anti-Castro effort (*New York Times*, August 1, 1963, p.6). All of this meant that Mongoose had lost much of its force and virility. Mongoose was still alive, however, with the emphasis being stepped-up covert operations designed to encourage dissident groups *inside* Cuba to rise up against Castro. It was also hoped that by the U.S. embargo against Cuba, economic conditions inside the country would worsen and foment discontent with Castro's regime by the masses. (Church Committee Report, p.13)

Even during the U.S. crackdown on anti-Castro raids, some makeshift, clandestine operations against Cuba by the rebels somehow managed to continue, part of the lack of funding being taken up by public-spirited private citizens, most notably Henry Luce, the head of *Time-Life* who, with his activist wife, Clare Boothe Luce, was particularly helpful to the anti-Castro group DRE (Directorio Revolucionario Estudiantil). The Luces purchased ship-to-shore radios for DRE boat crews and paid its leaders money for exclusive stories, money that was used to finance small raids, including air strikes, to damage Cuban installations and industrial complexes such as oil refineries, power plants, and sugar mills. Another exile supporter was the Miami multimillionaire confidant of Eisenhower, William Paw-

ley, who worked with the Luces on the anti-Castro effort. (Hinckle and Turner, *Deadly Secrets*, pp.184–194. But see 10 HSCA 83, where Luce said the private help ended after the Cuban missile crisis. However, before the crisis, when Mongoose was in full swing and being heavily funded by the U.S. government, why would there have been any need for private help? Authors Hinckle and Turner present a case that the Luces' financial and editorial support for the exiles continued throughout 1963, long after the missile crisis.)

In October of 1975, Mrs. Luce told Vera Glazer, reporter for the Knight newspapers, that on the night of the assassination she and her husband were watching the news of the assassination on television at their New York City home when one Julio Fernandez, one of the young Cuban members of the anti-Castro boat crews they had helped, called her from New Orleans to report that Oswald had once approached his group in New Orleans and offered to kill Castro for them, but they suspected he was a Communist and a crackpot and they rejected his offer. Fernandez told her that Oswald apparently came into a little money and went to Mexico City, then went to Dallas.

The interesting point here is that on the night of the assassination the authorities and the media did not know that Oswald had gone to Mexico City. So, unless some anti-Castro Cubans were involved with Oswald during the period before the assassination, how did Fernandez know of the trip? In 1975, Senator Richard Schweiker of the Church Committee sent a staff investigator in search of Fernandez but no such individual was ever found. In 1978, the HSCA investigated the matter and again looked for Fernandez. In a December 8, 1978, memo to G. Robert Blakey, investigator Gaeton Fonzi said that “we set out to find a ‘Julio Fernandez.’ He was never found, of course, because we didn’t know that [Clare Boothe] Luce had concocted the name,” the implication being that Mrs. Luce had told him this, or he had found this out in some other way, although there’s nothing in the record to indicate precisely how he reached this conclusion. It would be unusual for someone of Luce’s stature and reputation to simply make up a name and a story like this. In a magazine article he wrote many years later (1993), Fonzi said that while Luce was in touch with the Church Committee, she was “also calling CIA Director William Colby and telling him what was happening with Schweiker’s Kennedy investigation.” Fonzi goes on to say that “according to Colby’s notes she admitted to him that she had concocted the name of Julio Fernandez.” (Fonzi, “Seduced by the Web-Weavers,” p.23) If this is true, it’s curious why Fonzi never expressly mentioned this in his report to the HSCA in 1978 or in his December 8, 1978, letter to Blakey, only implying it.

In any event, the HSCA located in Miami three anti-Castro Cubans who were among the leaders of the DRE in 1963, including one of the founders, Juan Manuel Salvat Roque. None apparently knew of any member named Julio Fernandez, and their records showed that the only member of their group in New Orleans who had any contact with Oswald was Carlos Bringuier, their delegate there who had the street confrontation with Oswald in August of 1963. HSCA investigators contacted Bringuier, who told them he knew of no Julio Fernandez in his group. He said no member of his group in New Orleans had contacted Mrs. Luce around the time of the assassination, and reaffirmed that his group in New Orleans (as opposed to those operating out of Miami) was engaged solely in propaganda and fund-raising,

not raids on Cuba, and although he had heard of Mrs. Luce's help to the DRE, he said that no member of his New Orleans chapter had ever had any contact with her. The HSCA closed the investigation by saying that it was unable to substantiate Mrs. Luce's story to Glazer in October 1975, which she repeated to Fonzi and two other HSCA staff members, Elizabeth Palmer and Jim Kelly, in 1978 in Washington, D.C. (10 HSCA 83-87; HSCA Record 180-10110-10225, Outside Contact Report with Mrs. Luce by HSCA staff members on December 13, 1978; Glazer's raw notes of interview with Mrs. Luce: HSCA Record 180-10099-10301, 10-00-75; 10 HSCA 83)

Perhaps the most prominent single rebel effort after Operation Mongoose was carried on in Central America by the CIA's "golden boy," Manuel Artime, and it extended beyond the efforts launched from the United States, primarily in Florida. By October of 1963, Artime had established a three-hundred-man force (consisting mainly of veterans of the Bay of Pigs invasion) at four guerilla training camps and bases, two in Costa Rica and two in Nicaragua, where the Nicaraguan president, Anastasio Somoza, was a benefactor. Artime would later say that both President Kennedy and his brother RFK were responsible for his establishing the bases. During the year of Artime's operation, his group conducted four major operations against Castro, two of which were infiltration missions, one a shelling of a cargo ship, and a fourth an unsuccessful attempt on Castro's life. Artime said his anti-Castro operations finally ended "when Bobby Kennedy separated from the Johnson administration," which would be September of 1964. (10 HSCA 67-68; Helga Silva, "Manuel Artime" profile, *Miami News*, July 2, 1977; Leonard Novarro, "Artime Had a Little Help from Friends in the CIA," *Orlando Sentinel Star*, June 12, 1977; Waldron with Hartmann, *Ultimate Sacrifice*, pp.147-148)

COVER-UP BY THE CIA AND FBI
IN THE WARREN COMMISSION'S INVESTIGATION
OF THE ASSASSINATION

- 1342 **“instructed to reply to inquiries”:** In a related vein, HSCA member Christopher Dodd said to Helms, “I notice in your executive testimony and earlier today in previous testimony it was your position that the agency gave the Warren Commission information only in response to the Commission’s requests.” Helms: “Basically that was the case. I imagine that if anything came into the Agency which seemed to be of fundamental interest to them, we *would* have volunteered it, but basically we felt our role was to respond to Warren Commission requests and not to try and get out in front of them or to try and second-guess them or anything else.” “But fundamentally it was on a request basis. *You were not necessarily volunteering information,*” Dodd said, the possible implication of his words being that the CIA was withholding information from the Warren Commission. Dodd had overstated what Helms had just said, but Helms allowed him to put words in his mouth and answered, “That is right.” Helms clarified the matter shortly thereafter by saying, “I didn’t mean to imply that we never volunteered anything, particularly if it seemed that the Commission ought to have it, at least in our judgment it seemed that the Commission ought to have it.” (4 HSCA 160–161, 171, Testimony of Richard Helms before HSCA on September 25, 1978)
- 1344 **never been established that either Kennedy brother had approved:** Although researchers have been tantalized for years about whether President Kennedy ever approved of the CIA plots to kill Castro, no persuasive evidence has ever been offered that he did.* In 1975, Richard Bissell, one of the key architects of the plan, told the Church Committee (which was triggered by the Rockefeller Commission) that he assumed President Kennedy knew because he believed CIA Director Allen Dulles would have told Kennedy in a “circumlocutious” conversation using “rather general terms” about the plot. He suggested it would not have been “‘consonant with the operations of the CIA’ to conduct such highly sensitive activities without the President’s permission or knowledge.” However, Bissell acknowledged that Dulles never told him he had told Kennedy, and as we’ve seen, the evidence is not clear whether Dulles himself knew. And when pressed by Sen-

*One of the curiosities about the plots to kill Castro is that they are almost always solely associated with the Kennedy administration. But in a Church Committee interview on September 14, 1975, William Harvey suggested that the idea may have originated with the Eisenhower White House. (See also 4 HSCA 135, which states the first plan to kill Castro was in August of 1960, before Kennedy was elected.) At the time, Vice President Richard Nixon was the White House contact for CIA–Cuban operations. (Scott, *Crime and Cover-Up*, p.19)

There is stronger evidence, however, that paternity for the plot started at the CIA, not in the Eisenhower White House. As indicated in the main text, as far back as December 11, 1959, J. C. King, the head of the CIA’s Western Hemisphere Division, recommended in an internal memorandum that “thorough consideration be given to the elimination of Fidel Castro” (4 HSCA 156). And in August of 1960, Richard Bissell, the CIA’s deputy director for plans who choreographed the Bay of Pigs invasion, initiated a CIA–Mafia plot to murder Castro. “Assassination was intended to reinforce the [invasion] plan,” he told an interviewer years later. “There was the thought that Castro would be dead before the landing . . . As I moved forward with my plans for the brigade [Brigade 2506, the anti-Castro exile force that invaded Cuba at the Bay of Pigs], I hoped the Mafia would achieve success.” (Kornbluh, *Bay of Pigs Declassified*, pp.8–9; see also 4 HSCA 135)

Though it is not certain, then, that the plot to kill Castro originated in the Eisenhower White House, it has been established that on March 17, 1960, President Eisenhower authorized a covert CIA plan to organize, train, and equip anti-Castro Cuban exiles as a guerrilla force to invade and overthrow Castro. (Sklar, *U.S. Cuban Relations, 1959–1964*, p.20)

ator Howard Baker (R-Tenn.) as to whether he, Bissell, was “guessing” that Dulles told Kennedy or his predecessor Eisenhower, Bissell conceded, “I am,” adding it was “a pure personal opinion . . . I have no direct knowledge.” (*Alleged Assassination Plots*, pp.117–118, 308; Testimony of Richard Bissell before Church Committee on June 9, 1975, pp.38–39, 55–56, and June 11, 1975, pp.6, 10–14)

However, the Church Committee and the HSCA confirmed that on May 7, 1962, the CIA’s director of security, Colonel Sheffield Edwards, and the general counsel to the CIA, Lawrence Houston, briefed the attorney general, in detail, on the joint CIA-mob plot to kill Castro, which they said “had been terminated” earlier.* Houston testified before the Church Committee that the operation was described to the attorney general as an assassination attempt. And Houston told the CIA inspector general that he briefed Kennedy “all the way.” (*Alleged Assassination Plots*, pp.131–132; Testimony of Lawrence Houston before Church Committee on June 2, 1975, p.14; CIA Record 104-10213-10101, 1967 CIA Inspector General’s Report, p.62(a)) According to Houston, RFK “thought about the problem quite seriously” and told them, “I trust that if you ever try to do business with organized crime again . . . you will let the Attorney General know before you do it.” (4 HSCA 143)† If this is all RFK told Houston and Edwards (and Hous-

*It had seemed natural for the CIA to have turned to the mob to kill Castro. Not only do mobsters think nothing of committing murder, but they hated Castro as much or more than the CIA did. After all, Castro had booted them out of Havana when he took over, and Havana was a center of mob gambling operations rivaling Las Vegas that reportedly netted the mob in excess of \$100 million a year. Syndicated columnist Jack Anderson wrote that Castro’s evicting the mob from Havana delivered “a financial blow [to it] as hard as the 1929 stock market crash rocked Wall Street” (Anderson, *Parade*, April 28, 1963, p.4). So for the mob, getting rid of Castro and returning to its beloved Havana were coterminous. Further, as the HSCA noted about the mob’s motivation, “a relationship with the CIA in the assassination of a foreign leader could be used by organized crime as leverage to prevent prosecution for unrelated offenses” (HSCA Report, p.114). Indeed, RFK himself confirmed this type of reality, and the association between the CIA and organized crime, years earlier. Adam Walinsky, an assistant to RFK when the latter was a U.S. senator, said that in 1967 RFK had told him he first learned of the CIA’s ties with the mob while working as chief counsel for the Senate Rackets Committee in the late 1950s. “He was out in Las Vegas,” Walinsky recalled RFK as telling him, “and a mobster told him, ‘you can’t touch me. I’ve got immunity.’” RFK asked, “Who gave you immunity?” and the mobster said, “CIA.” Walinsky said RFK told him he went back and checked and “sure enough it was true. They had made a deal with this guy.” (*New York Times*, March 10, 1975, pp.1, 49)

†In what has to be considered one of the most ridiculous stories ever told regarding this issue, one so bad it really is unworthy of any discussion, former CIA officer Samuel Halpern claims that all of the above is apparently wrong. Max Holland writes that Halpern said (presumably to Holland) that in 1962 RFK decided the Mafia could be useful in Mongoose operations and ordered the CIA to assign a case officer to meet with Mafia figures. “It was Bobby and his secretary (Angie Novello) who called the officer on what used to be called at the Agency a secure line, [to] give him a name, an address, and where he would meet with the Mafia people. We thought it was stupid, silly, ineffective, and wasteful. But we were under orders, and we did it.” (Holland, “Key to the Warren Report,” pp.60–62)

Halpern’s story doesn’t hold up for several reasons. In the first place, the only use the CIA would have for the mob would be to kill Castro. Secondly, by 1962, the CIA was already in league with the mob to kill Castro, dating back to August of 1960, way before RFK was even attorney general, so it is flat-out wrong to say that it was RFK who was behind the CIA’s efforts to kill Castro. Moreover, the great weight of the evidence is that RFK did not want the CIA to be involved with organized crime, so Halpern’s allegation stands out like a sore thumb. Additionally, just for the sake of argument, if RFK *did* order the CIA to enlist the help of the Mafia, to believe that he *and* his secretary (can you imagine that—his secretary?) would call some lowly case officer on the phone and tell the case officer the name and address of Mafia people and where the case officer could meet with them, is absurd beyond belief. You see, even though we *know* the CIA met and worked with mobsters like Johnny Roselli, Sam Giancana, and Santo Trafficante in their joint effort to kill Castro, apparently only RFK had the name and address of the Mafia people who could *really* help the CIA. The bottom line on Halpern’s story is that the CIA was against working with the mob to get rid of Castro, but RFK ordered it to do so against its will.

Why Max Holland would publish such unbelievable drivel from Halpern is unknown. If Halpern could tell and actually believe a fairy tale like this, he has problems.

ton would have had a motivation to keep the meeting as brief as possible since the CIA was in the throes of a second plot to kill Castro that it didn't tell RFK about), it is troublesome, since one could infer that RFK was merely telling the CIA not to use organized crime (as opposed to some other person or group) in its effort to kill Castro. Indeed, what he said could even be construed to mean that he simply didn't want the CIA to deal with organized crime behind his back, that is, without his knowing about it.

However, Frank Mankiewicz, RFK's press secretary, says that in the fall of 1965 at a speech RFK gave in Chile, when someone in the audience asked him why he had so much hatred for Castro, RFK responded, without elaboration, "Tell him [Castro] I saved his life." Mankiewicz believes that RFK was referring to the fact that when he learned about the CIA's plot to kill Castro, he told the CIA he was opposed to it, period, and never to engage in *any* operation like that in the future without his approval. (Telephone interview of Frank Mankiewicz by author on February 8, 2001) And when syndicated columnist Drew Pearson wrote an article in the *Washington Post* on March 7, 1967,* about the CIA plot to kill Castro and said RFK "may have approved the operation," then speculated that Castro may have learned of the American plot and killed JFK in retaliation, causing RFK to blame himself for the death of his brother, per RFK's assistant Adam Walinsky, RFK was "outraged," and RFK told another assistant, Peter Edelman, "Blame myself? I didn't start it [the Castro assassination attempt], I stopped it." (*New York Times*, March 10, 1975, pp.1, 49; Drew Pearson, "Castro Counter Plot," *Washington Post*, March 7, 1967; Jack Anderson, "Did Plot by CIA to Kill Castro Backfire on United States?" *Miami Herald*, March 3, 1967)

A memorandum confirming the oral briefing of RFK by Edwards and Houston was sent to RFK on May 14, 1962. The memorandum did not use the word *assassinate*, but the HSCA said there was "little room for misinterpretation of what was meant" (4 HSCA 119, 143-144, 146-147). The three-page memorandum to Kennedy (who had requested the memo) was written by Edwards, and presumably reduced to writing what Edwards and Houston had told Kennedy during their meeting on May 7. The memo states that "in August 1960 the undersigned [Edwards] was approached by Mr. Richard Bissell . . . to explore the possibility of mounting this sensitive operation [i.e., assassination] against Fidel Castro" with the help of organized crime. Edwards said that he thereafter contacted Robert Maheu, a former FBI agent now a private investigator, asking Maheu in turn to contact "a member or members of the gambling syndicate to explore their capabilities." Maheu contacted Los Angeles mobster Johnny Roselli, who in turn enlisted Chicago mobster Sam Giancana, and "toward the end of September" Roselli, Giancana, and Maheu met at the Fontainebleau Hotel in Miami Beach to discuss the operation. "A figure of \$150,000 was set by the Agency as a payment to be made on completion of the operation," but Roselli and Giancana insisted that they would not accept the \$150,000 or any fee for their services, and no money was ever paid to them.

*This article was really the beginning of press reports seriously suggesting Castro's involvement in the assassination (HSCA Report, p.107). The source of the story was Washington insider Edward P. Morgan, a former FBI agent and well-connected Washington attorney. Morgan told Drew Pearson about it on January 13. Pearson in turn told LBJ personally on January 16, almost two months before the article came out. (Holland, *Kennedy Assassination Tapes*, pp.392 footnote 41, 394 footnote 50; HSCA Report, pp.114-115) Morgan is believed to have gotten the story from mobster Johnny Roselli, whom he represented. (HSCA Report, p.115; 9 HSCA 86)

Maheu, when he earlier approached Roselli and when he met with Roselli and Giancana, never told them this was a CIA mission, indicating to them that big business people in the United States, seeking to protect their business interests in Cuba, were behind it, but Maheu and the CIA believed that Roselli and Giancana “assumed” all along that this was a CIA operation. Giancana arranged for Roselli and Maheu to meet a “courier” (Florida mobster Santo Trafficante [4 HSCA 139; *Alleged Assassination Plots*, p.77]) with Cuban contacts, who eventually contacted a “principal” in Cuba to carry out the operation against Castro. This principal in Cuba “withdrew and another principal [in Miami] was selected.” The principal (Manuel Antonio de Varona) was eventually paid \$10,000 by the CIA for expenses to set up the operation in Cuba, and was “furnished with approximately \$1,000 worth of communications equipment to establish communication between his headquarters in Miami and his assets in Cuba.” But after the failure of the Bay of Pigs invasion in April of 1961, the project was terminated. “Knowledge of this project during its life was kept to a total of six persons and never became a part of the project current at the time for the invasion of Cuba.” (“Memorandum for the Record” from Sheffield Edwards to Attorney General Robert Kennedy, May 14, 1962)

It should be noted that the plot to kill Castro (originally by poison) that ended in April of 1961 was just one of many CIA efforts to kill him. The Church Committee in 1975 “found concrete evidence of at least eight plots involving the CIA to assassinate Fidel Castro from 1960 to 1965” (*Alleged Assassination Plots*, p.71).

More details of the CIA-mob plan to kill Castro by poisoning his food emerged in testimony before the HSCA on September 25, 1978, by the former chief of the CIA’s Operational Support Division of the Office of Security (hereinafter “support chief”). This person’s name was not published by the Church Committee or HSCA but he has been identified as James P. O’Connell, who occupied the position at the time. (CIA memo from William O. Cregar to FBI Director Hoover, May 27, 1966, identifying O’Connell as “the individual used by Colonel Edwards to handle ‘Johnny’” [previously identified in memo as Roselli] during the agency’s involvement with the mob; Wise, *American Police State*, p.215; see also Powers, *Man Who Kept the Secrets*, p.188) The former support chief told the HSCA (and earlier the Church Committee) that the first meeting between the CIA and the mob on the Castro project took place in “September of 1960” (September 14) at the Plaza Hotel in New York City (but Maheu first met with Roselli at the Brown Derby restaurant in Beverly Hills in early September to recruit Roselli), and was attended by himself, Roselli, and Maheu. It was decided at the meeting that the best way to kill Castro was by putting a poison pill in his food.* Later in September in Miami,

*The plan to kill Castro by poison originally involved using a cigar. Richard Bissell, the CIA’s deputy director for plans, asked Dr. Sidney Gottlieb, the “Dr. Strangelove” in the Technical Services staff at the CIA, to come up with a poison to eliminate Castro. “A new box of Castro’s favorite cigars . . . was contaminated with botulinum toxin, a virulent poison that produces a fatal illness some hours after it is ingested.” (Thomas, *Very Best Men*, pp.211, 225) CIA records reflect that the furnishing of the cigars to Gottlieb and his staff took place on August 16, 1960, and the cigars were ready for use on October 7, 1960, and delivered to “an unidentified person” on February 13, 1961. There is no record that there was any attempt to pass the cigars on to Castro (CIA Record 104-10213-10101, 1967 CIA Inspector General’s Report, pp.21-22), and the medium of cigars soon gave way to other means. Later CIA plots to kill Castro included having a U.S. emissary, negotiating the return of the captured exiles at the Bay of Pigs, give Castro a gift of a poisoned diving suit, as well as placing an exploding seashell on the ocean floor where Castro went skin diving, both of which plans were discarded. (*Alleged Assassination Plots*, p.99; Thomas, *Very Best Men*, p.295)

the support chief was introduced by Roselli to "Sam Gold," who he later learned was Chicago mobster Sam Giancana, and "Joe," who he later learned to be Florida mob chief Santo Trafficante. Per the former support chief and a 1967 report by the inspector general of the CIA on the Castro plot, it was Trafficante's job to recruit the Cubans to carry out the job and to see that the poison pills were transmitted to them. One person he recruited was Manuel Antonio de Varona, a former president of the Cuban Senate who was now one of the leaders of the FRD (Frente Revolucionario Democrático, or Democratic Revolutionary Front), a prominent anti-Castro exile group in the United States. The other was a Cuban government official in Havana. The CIA actually furnished Trafficante with the poison pills and he reportedly passed them on to his Cuban contacts. (5 HSCA 241, 246–247, 253–257; see also *Alleged Assassination Plots*, pp.74–76, 79–82; CIA Record 104-10213-10101, 1967 CIA Inspector General's Report, pp.14–33)

The original "asset" the mob got to carry out the assignment worked in the Cuban prime minister's office. When he "got scared," the pills were delivered to another asset, who worked at a favorite Cuban restaurant of Castro's, but Castro ceased going to the restaurant before any opportunity arose, and the pills were returned to the CIA. (Belin, *Final Disclosure*, p.105; *Alleged Assassination Plots*, p.82) Just how much one can believe of all this is difficult to say.

There is no evidence that the mob, or those acting at its behest, made any actual, overt attempt on Castro's life as a result of its collusion with the CIA to kill Castro. The mob struck out, either willingly (many suspect it never was really serious about such a plot, only leading the CIA to believe it was) or because of what it perceived to be a mission impossible. As to the former possibility, Roselli told his mob friend Jimmy "The Weasel" Fratiano, "This whole thing has been a scam. Santo [Trafficante] never did nothing but bullshit everybody. All these fucking wild schemes the CIA dreamed up never got further than Santo. He just sat on it, conned everybody into thinking that guys were risking their lives sneaking into Cuba, having boats shot out from under them, all bullshit." (Demaris, *Last Mafioso*, p.193; see also discussion in "Cuba" section)

What Roselli supposedly told Fratiano could very well be true, but if it was, was he just referring to the *first* CIA-mob plot to kill Castro involving Trafficante? Because Roselli himself testified before the Church Committee (June 24, 1975) about his deep involvement in receiving poison pills and guns from the CIA in April of 1962, after the Bay of Pigs debacle, and arranging for them to get into the hands of a team of assassins sent to Cuba who Roselli said had agreed to kill Castro. (*Alleged Assassination Plots*, pp.83–85)* To his credit, the CIA agrees Roselli never took a dime for his efforts, but Roselli may simply have been reviving the scam on the CIA that his predecessor, Trafficante, had perpetrated. If this was the case, though his handlers at the CIA believed Roselli's motivation in helping the CIA was a sense of patriotism toward America, the motivation may only have been to

*The Drew Pearson syndicated story on March 7, 1967, said that the "three hired assassins were caught in Havana where a lone survivor is still supposed to be languishing in prison." But a CIA Inspector General's Report, responding to the Pearson allegations, said, "We [CIA] do not know their [three assassins] identities nor what may have happened to them. We have no proof that they were actually dispatched. None of the announced captures and executions [by the Cuban government] during this period fits this team." (CIA Record 104-10213-10101, 1967 CIA Inspector General's Report, May 23, 1967, p.118)

ingratiate himself with the agency so he could ask for its assistance in fighting the threat of deportation back to Italy. (*Alleged Assassination Plots*, p.85)* Roselli was convicted on May 23, 1968, for violating the Alien Registration Act and served six months. The sentence was served concurrently with a sentence from a conviction on December 2, 1968, for violating U.S. interstate gambling laws by participating in a scheme to cheat at cards at the Friars Club in Beverly Hills. Deportation hearings were later initiated against him, and were pending at the time of his death in July of 1976. (Blakey and Billings, *Plot to Kill the President*, pp.384–385)

With respect to the CIA memorandum of May 14, 1962, from Edwards to RFK confirming the oral briefing RFK was given a week earlier about the CIA plot to kill Castro, Edwards told the HSCA that the memorandum was not copied to the CIA director, John McCone, the deputy director of counterintelligence, General Marshall Carter, or the deputy director for plans, Richard Helms, because he felt that “since they had not been privy to the operation when it was underway, they should be protected from involvement in it after the fact” (4 HSCA 144). J. Edgar Hoover’s memorandum to his staff on May 10, 1962 (four days before Edwards’s memo to RFK), about a meeting he had with RFK in Hoover’s office the previous day, leaves no doubt that from the May 7 RFK–Edwards–Houston meeting alone, there was no ambiguity about what the CIA told Robert Kennedy. Hoover wrote that “the Attorney General told me he wanted to advise me of a situation in the Giancana case which had considerably disturbed him. He stated a few days ago he had been advised by CIA that in connection with Giancana, CIA had hired Robert A. Maheu, a private detective in Washington, D.C., to approach Giancana with a proposition of paying \$150,000 to hire some gunmen to go into Cuba to kill Castro. I expressed astonishment at this in view of the bad reputation of Maheu and

*Or perhaps he felt he could *demand* such assistance. A 1967 internal FBI document reads, “It appears Roselli is using his prior connections with CIA to his best advantage. In May, 1966, when Bureau Agents endeavored to interview him he immediately flew to Washington and informed his former CIA intermediary. The current Director of Security, CIA, has advised through liaison channels that Roselli has CIA in an unusually vulnerable position and Roselli would have no qualms about embarrassing CIA to serve his own interests” (FBI Record 124-10205-10277, March 6, 1967, p.2). The meeting Roselli had in Washington was on May 12, 1966, with Colonel Sheffield Edwards (CIA memo from William O. Cregar to FBI Director Hoover, May 27, 1966). And in 1971 the CIA did, in fact, approach the Immigration and Naturalization Service and ask it to “forestall public disclosure of Roselli’s operational activity with CIA” that might occur if deportation proceedings were brought (*Alleged Assassination Plots*, p.85 footnote 4).

Roselli would have had good reason to believe that his involvement with the CIA in the attempt to kill Castro might get him all types of favors. He knew what happened in 1962 in Las Vegas. Former FBI agent Robert Maheu was involved in the bugging of a Las Vegas hotel room carried out by one Arthur Balletti on October 31, 1960. Balletti was arrested by Las Vegas police and a subsequent investigation uncovered Maheu’s involvement. Since the electronic bugging fell under a federal wiretap statute, there was FBI jurisdiction and the bureau took over the case. Maheu told the FBI that he instituted the surveillance on behalf of CIA efforts to obtain Cuban intelligence. The FBI discovered that Sam Giancana was involved in the case and later learned of Roselli’s involvement too. The FBI intended to prosecute but the CIA asked the FBI not to do so because, as formalized in a March 23, 1962, memorandum from Director Hoover to the CIA director of security, Colonel Sheffield Edwards, such a prosecution would result in the “introduction of evidence concerning the [CIA’s operation to assassinate Castro that] would be embarrassing to the government.” Hoover said the Criminal Division of the Department of Justice wanted the CIA to “specifically advise whether it would or would not object to the initiation of a criminal prosecution” on the case against Balletti, Maheu, and a third party. (Giancana and Roselli were not mentioned in the memo.) The CIA did object and there was no federal prosecution in the case. (10 HSCA 152–153; *Alleged Assassination Plots*, pp.126, 130–131)

the horrible judgment in using a man of Giancana's background for such a project. The Attorney General shared the same views." (FBI Record 124-10271-10030, FBI File 62-116395-317, Memorandum from J. Edgar Hoover to his staff, May 10, 1962, p.6)

While Edwards and Houston were briefing RFK in May of 1962 about the first, pre-Bay of Pigs, assassination plot on Castro, which had ended a year earlier (late April or early May of 1961), and which had involved organized crime, remarkably—despite his admonition to them at the time—they apparently did not tell him of the second, post-Bay of Pigs, CIA-mob plot to kill Castro, which had commenced the previous month, in April. This plan was merely a revival of the first plot and was going on at the very moment they were talking to him. (4 HSCA 135, 150, 153) At least no member of the CIA testified before the Church Committee in 1975 or the HSCA in 1978 that he advised RFK.*

By the time of the revived CIA-mob plot to kill Castro, John McCone had succeeded Allen Dulles (in November of 1961) as the director of the CIA. Bissell, Helms (Bissell's successor), and William Harvey, a senior CIA officer who was involved in the plot, all testified before the Church Committee that they did not tell McCone about the assassination plot, and McCone himself testified before the committee that he was unaware of it. (*Alleged Assassination Plots*, pp.99-102; Testimony of John McCone before the Church Committee on June 6, 1975, pp.6-7, 17, 33, 44-45; 11 HSCA 483; 4 HSCA 156) As Arthur Schlesinger points out, if the CIA plotters had told RFK about this second plot to kill Castro, they would have had to tell him not to tell McCone, which is highly improbable, particularly since McCone and RFK were friends (*Continuing Inquiry*, July 22, 1977, p.13).

Though to this day no clear and unambiguous evidence has emerged that JFK (or RFK) approved of either of the two CIA-mob plots or any of the various other CIA plots to kill Castro, at least one reporter has said that JFK (and hence, automatically RFK) knew of the CIA's desire for presidential authorization to kill him. Tad Szulc, who covered the Bay of Pigs invasion in April of 1961 from Miami for the *New York Times*, wrote that in November of 1961 (November 9), seven months

*That the original CIA-mob plot to kill Castro was revived after the Bay of Pigs invasion, running from April 1962 until mid-February 1963, is not in dispute (4 HSCA 135, 153; *Alleged Assassination Plots*, pp.83-84). The only difference (which Edwards and Houston may have curiously rationalized as warranting their not telling RFK) in the two plots is that the second one apparently did not involve the major mob figures Sam Giancana and Santo Trafficante. But per the testimony of William Harvey and his assistant, the support chief (as indicated, believed to be James O'Connell), as well as that of Johnny Roselli, as noted earlier, Roselli was ostensibly deeply involved in this second plot to kill Castro. Indeed, Harvey delivered poison pills to Roselli in Miami on April 21, 1962 (a little over two weeks before Edwards and Houston briefed RFK on the first CIA-mob plot), and "sometime in May" 1962, Roselli told Harvey that working through the same Cuban here in the states (Verona) who was involved in the first CIA-mob plot to kill Castro, the poison pills (along with requested guns) had arrived in Cuba. And on June 21, Roselli told Harvey that a three-man Cuban team of assailants had been sent to Cuba to kill Castro. The Cuban team had decided to try and kill not only Castro but his brother Raul, as well as Castro's chief revolutionary partner, Che Guevara. Nothing panned out in Cuba, the Cubans claiming the "conditions" there were not right, and Harvey terminated the operation once and for all in mid-February 1963. (*Alleged Assassination Plots*, pp.83-84)

later, President Kennedy invited him to the Oval Office for a private conversation about future U.S. policy toward Castro. “What would you think if I ordered Castro to be assassinated?” he quotes the president asking him. Shocked, Szulc said he would be against it as a matter of principle. Szulc writes, “Kennedy leaned back in his chair, smiled, and said that he had been testing me because he was under great pressure from advisors in the Intelligence community . . . to have Castro killed, but that he himself violently opposed it on the grounds that for moral reasons the United States should never be a party to political assassinations. ‘I’m glad you feel the same way,’ Kennedy said.” (Szulc, “Cuba on Our Mind,” p.90)*

On November 16, 1961, just one week after Kennedy and Szulc met, Kennedy, in a speech at the University of Washington, said, “We cannot, as a free nation, compete with our adversaries in tactics of terror, *assassination*, false promises, counterfeit mobs and crises” (*Alleged Assassination Plots*, pp.138–139).

As it turns out, Tad Szulc was not the only person JFK was sounding out on the advisability of assassinating Castro. Senator George Smathers, one of JFK’s closest friends whom he had reveled with on the Riviera and in Havana during JFK’s days in the Senate, told the Church Committee that in a conversation he had with Kennedy as they walked together on the White House lawn in March of 1961, Kennedy “asked me what reaction I thought there would be throughout South America were Fidel Castro to be assassinated. I told the President that even as much as I disliked Fidel Castro that I did not think it would be a good idea for there to be even considered an assassination of Castro, and the President of the United States completely agreed with me, that it would be a very unwise thing to do . . . He completely disapproved of the idea.” (*Alleged Assassination Plots*, pp.123 footnote 2, 124 footnote 1; Testimony of George Smathers before the Church Committee on July 23, 1975, pp.6–7)

Although many have voiced their visceral belief that RFK was behind the attempts on Castro’s life (e.g., *New York Times* columnist James “Scotty” Reston saying, without discussion or citing a source, that “Bobby monkeyed around with amateur plots to assassinate Castro” [Reston, *Deadline*, p.377]), the only direct, *serious* accusation that RFK (and hence, by necessary implication, JFK) approved the CIA efforts to assassinate Castro surfaced in a White House “Memorandum of Conversation” that took place on January 4, 1975, in the Oval Office involving President Ford, his secretary of state, Henry Kissinger, and Lieutenant General Brent Scowcroft, deputy assistant to the president for national security affairs, in which Kissinger told them that former CIA director Richard Helms informed him that “Robert Kennedy personally managed the operation on the assassination of Castro” (KISS/SCOW Record 178-10004-10294, released under the JFK Assassination Records Collection Act of 1992 on February 4, 1998, Gerald R. Ford Library, “Memoranda of Conversation,” box 8, folder: January 4, 1975, Ford, Kissinger).

I wrote to Helms on November 24, 2000, telling him that I was aware of RFK’s knowledge and approval of the CIA effort (Operation Mongoose) to *overthrow* Cas-

*In 1976, President Ford signed Executive Order 11905 providing that “no employee of the United States government shall engage in, or conspire to engage in, political assassination.” In 1981, President Reagan, by Executive Order 12333 (Section 2.11), tightened the ban, dropping the word *political* and adding that nobody “acting on behalf of” the United States, such as a contract killer, could assassinate anyone.

tro,* but was unaware of his (Helms) having ever said that RFK was behind the separate effort to *assassinate* Castro, and asked him if he in fact told Kissinger what the memo said he did. In handwritten annotations (dated November 27, 2000) on my November 24, 2000, letter, Helms said I “was correct” about his never having said to anyone that RFK was behind the attempts on Castro’s life, and to my question about whether he had told Kissinger that RFK was, he wrote, in one annotation, “I never did,” and in another, “I never spoke to Henry Kissinger about Castro’s ‘assassination’ or anybody else’s.” He added that it “could be” that Kissinger had loosely and erroneously substituted the word *assassinate* for a word he may have used such as “remove” or “overthrow.” (And then again, it could be that Kissinger did not even use the word *assassinate*, or used it in a different context, and Scowcroft, who took notes of the meeting and wrote the memorandum, is the one who erroneously substituted the word.)† That such an erroneous substitution of words could easily take place is illustrated in a *Maryland Law Review* article, where the author, Kermit Hall, writes that “Operation Mongoose [was] a covert scheme . . . to *assassinate* Fidel Castro,” and in the footnote to this statement, he writes that “Operation Mongoose was . . . a covert action program to *overthrow* Castro” (Hall, “Virulence of the National Appetite,” pp.8–9).

So when we go to the source (Helms) of one alleged statement that RFK signed off on the attempt to murder Castro, we get a denial that any such statement was ever made.

I’m aware of only two public officials who have said or implied that RFK was behind or expressly approved of an attempt on Castro’s life. Joseph Califano, in 1963 a young counsel to Cyrus Vance, the secretary of the army, told author Evan Thomas in 1998 that once, probably in the summer of 1963, he was attending a meeting of top officials planning covert operations in Cuba, and RFK “talked about knocking off Castro . . . He was talking so openly and there were other people in the room.” But Thomas said that Califano’s boss, Vance (presumably at the meeting), told him he could recall no such remark by RFK “nor did I have the sense he wanted to knock off Castro.” Thomas writes that “Kennedy’s closest aides flatly denied that he ever ordered an assassination or even discussed the possibility.” (Thomas, *Robert Kennedy*, p.272) Califano’s allegation is at odds with all other known recollections about the matter and seems further improbable because he was way down the totem pole of power and influence at the time and unlikely to be in Kennedy’s presence if Kennedy were to make such a consequential remark.

*One example among many: Helms’s testimony before the HSCA that “the efforts to unseat Castro under Operation Mongoose had gone on full blast under the attorney general’s direction” (4 HSCA 158, Testimony of Richard Helms before the HSCA on September 22, 1978).

†Josh Cochran, an archivist at the Gerald R. Ford Library, said that it had been determined from the penmanship of the notes that it was Scowcroft who had recorded the conversation by taking notes (Telephone interview of Josh Cochran by author on January 5, 2005). In a Ford library document titled “National Security Advisor, Memoranda of Conversations 1973–1977,” not only is it stated (p.2) that “the bulk of the memcons are based on Brent Scowcroft’s notes from meetings he attended,” but the precise accuracy of the notes that were eventually typed up into transcript form is thrown into considerable question by the statement that “his notes are not complete verbatim transcripts of conversations and at times appear to be somewhat selective.” Also, the notes “occasionally compress portions of conversations into single sentences.” In addition to Helms’s remarks challenging the accuracy of the memorandum, the above background provides further cause to question it, particularly since there’s no corroborative evidence that RFK managed the attempts on Castro’s life.

The further unlikelihood is that RFK would make such a statement in the presence of several people. And Califano is first known to have made this serious claim in 1998, *thirty-five years after the fact*. On the other hand, Califano today is a person of considerable stature.

The other public official is former secretary of state Alexander Haig, the only one I've ever heard flat-out accuse RFK of being behind attempts on Castro's life. But Haig's story is even far more improbable than Califano's. Haig was working as a major and then a lieutenant colonel under Vance, "not a lofty rank," he admits, "by Pentagon standards." In fact, Haig worked under Califano and admits to never having attended any RFK meetings at all. Yet in a 1992 book he irresponsibly says, without citing any source, that "under the personal leadership of Robert Kennedy, at least eight efforts were made to eliminate Castro." Haig is almost certainly passing on rank hearsay and it would seem his assertion is entitled to no weight. (For further discussion on Haig's charge, see endnote in "Cuba" section.)

To my knowledge, only one document has ever surfaced that, arguably, goes in the direction of RFK (and hence, JFK) having knowledge of, and perhaps even urging, the assassination of Castro. It was released by the ARRB in 1997 and discovered at the archives thereafter by Larry Haupanen, a professor at Lewis and Clark State College. (Assassination researcher Gus Russo sent me a copy of the document.) Those who believe that the Kennedy brothers were behind the attempts on Castro's life view it as a "smoking gun," but when we look closely at the document we see that, by itself, it could never carry the day for that proposition. The document is a March 16, 1962, "Memorandum for the Record" by Brigadier General Edward Lansdale; subject: "Meeting with President, 16 March 1962." The four-page document refers to a meeting in the Oval Office attended by RFK, JFK (who came in after the meeting had already commenced), McGeorge Bundy, General Maxwell Taylor, CIA Director John McCone, General Lyman Lemnitzer, and Roswell Gilpatric.

Ninety percent of Lansdale's memorandum deals with a discussion of the "Guidelines for Operation Mongoose," which Taylor had prepared two days earlier and passed out to those attending the meeting. Mongoose, of course, did not deal with the murder of Castro, but was expressly an effort to overthrow Castro by aiding and abetting an internal revolution by the Cuban people. But one of the sixteen paragraphs of the document, starting on page 3 and ending on page 4, near the end of the meeting, contains this language, which is herein quoted in full: "The Attorney General [RFK] then mentioned Mary Hemingway [last wife and widow of writer Ernest Hemingway], commenting on reports that Castro was drinking heavily in disgruntlement over the way things were going, and the opportunities offered by the 'shrine' [Hemingway's home outside of Havana] to Hemingway. I [Lansdale] commented that this was a conversation [CBS commentator] Ed Murrow had had with Mary Hemingway, that we had similar reports from other sources, and that this was worth assessing firmly and pursuing vigorously. If there are grounds for action, CIA had some invaluable assets which might well be committed *for such an effort*. McCone asked if his operational people were aware of this; I told him that we had discussed this, that they agreed the subject was worth vigorous development, and that we were in agreement that the matter was so *delicate and sensitive that it shouldn't be surfaced to the Special Group until we were ready to*

go, and then not in detail. I pointed out that this all pertained to fractioning [fracturing?] the regime. If it happened, it could develop like brush-fire, much as in Hungary, and we must be prepared to help it win our goal of Cuba free of Communist government." (SSCIA Record 157-10007-10268)

Though we can never know for sure what Lansdale meant by his words, a good (though not only) inference is that he was referring to the assassination of Castro. It is not easy to draw a strong alternative inference, although one could say that killing Castro would do more than merely fraction (or fracture) the regime. I think most would agree it would probably *end* the regime for all intents and purposes. Indeed, if Lansdale was talking about murdering Castro, why would he draw the comparison to Hungary. The uprising in October of 1956 by the poor and working class of Hungary did not involve the killing of the existing Hungarian premier. Moreover, as we know, the Hungarian revolution did not succeed in its effort to bring about a Soviet withdrawal from the country. The Hungarian allusion by Lansdale, if anything, goes away from the inference of assassination, unless Lansdale was reading from a different history book than I.

In any event, we know that Lansdale, despite the clear and unambiguous object of Mongoose only to overthrow Castro, not kill him (see section on the Odio incident and anti-Castro Cuban exiles in the main text), managed to list the "liquidation of leaders" among the several "implementing activities" of Mongoose in an August 13, 1962, letter to the CIA's William Harvey, for which he got a verbal slap on the wrist. (*Alleged Assassination Plots*, pp.161-162) So we know assassination was always on Lansdale's mind.

The issue to be resolved here, however, is not what was on Lansdale's mind, but RFK's mind, and to answer that question we have to realize that it was Lansdale's words in the subject paragraph, more than RFK's, that seemed to suggest assassination. Moreover, we don't even know what RFK's precise words were, since the subject paragraph was written by Lansdale after the fact, though we can assume he took some contemporaneous notes. But assuming he got it exactly right when he says RFK spoke of Castro's heavy drinking "and the opportunities offered by the shrine to Hemingway," those words don't automatically conjure up assassination. *Opportunities* is such a broad, generic term, the type one could use, without thinking, to in effect say, "Let's see if there is *anything* we can do to exploit the relationship between Hemingway and Castro," which doesn't necessarily mean murder. I mean, to say it does is to say that RFK was thinking in terms of asking Mary Hemingway to put poison in a drink of Castro's, that is, ask her to commit murder, and in the process, most likely be discovered and put to death. No matter how many "CIA assets" there were whom Lansdale talked about, it would almost necessarily have to be Mary Hemingway, not they, who put the poison in the drink at Hemingway's shrine. It is extremely hard to believe that this is what was on RFK's mind when he spoke of "opportunities."

On the other hand, if RFK wasn't alluding to murder, why would Lansdale seamlessly take RFK's words into a discussion by him (Lansdale) about, it seems, murder? (That is, apparently Lansdale took RFK's words this way.) And once Lansdale started to imply (arguably) murder, why didn't RFK say, "What in the world are you talking about now?" or words to that effect?

For what it's worth, in Mary Hemingway's autobiography she only speaks of

Castro coming to Finca Vigia, Hemingway's Cuban home, on one occasion after her husband died in July of 1961. He came to soak in the atmosphere of the fabled home and to assure the widow that Cuba would take good care of it and its contents. Rather than speaking of any "disgruntlement" by Castro, she spoke of his being consumed by interest in the house, including vigorously climbing to the top of a tower that looked out over the hills toward Havana and saying to her, "I imagine Señor Hemingway enjoyed this." As for drinking, she writes she only gave Castro "cups of strong Cuban coffee, which should have been whiskey, I later learned." (Hemingway, *How It Was*, pp.584–585)

It should be added that no CIA document has ever surfaced in which the use of Mary Hemingway to kill Castro was discussed.* There is no way that this one document can begin to answer the question of whether JFK or RFK authorized the attempts on Castro's life.

Although speculation has gone on for years about whether President Kennedy and his brother RFK approved of the CIA's plots to kill Castro, as indicated, no one has yet come up with any direct evidence that they did. But circumstantially, the answer to the question is much more murky. It in large part depends on just how "autonomous" the CIA really is in its covert actions.

In terms of congressional oversight of CIA activities, as the 1976 House Select Committee on Intelligence Report[†] said, the CIA was "beyond lawmakers' scrutiny." The committee also found that as far as the CIA's budget was concerned, the General Accounting Office, the auditing arm of Congress, was "no arm at all," that it had been "denied access" to the CIA's budget "for more than a decade," and that the CIA had "extraordinary spending latitude." ("Pike Committee Report," February 16, 1976, pp.70, 72–73) All of these allegations have contributed to the belief among many that the CIA is at the center of this nation's "invisible government."

On the other hand, as Thomas Powers writes in *The Man Who Kept the Secrets*, "The President is the sun in the CIA's solar system . . . The Central Intelligence Agency and its Director serve the President alone" (Powers, *Man Who Kept the Secrets*, p.201). In interesting dialogue between and among Warren Commission members Earl Warren, Hale Boggs, John McCloy, and Allen Dulles at an executive session of the Commission on January 27, 1964, in which Commission members are concerned about whether the FBI would tell them if Lee Harvey Oswald was an informant of theirs, Boggs asks Dulles, former director of the CIA, an analogous question: "Let's say [Gary] Powers [who flew the U-2 plane over Russia] was recruited by someone in CIA. The man who recruited him would know, wouldn't he?" Dulles: "Yes, but he wouldn't tell." Warren: "Wouldn't tell it under oath?" Dulles: "I wouldn't think he would tell it under oath, no . . . He ought not tell it under oath." (Conspiracy theorists have construed this to mean that Dulles is say-

*For a good discussion of this whole issue, see Corn and Russo, "Old Man and the CIA."

[†]The January 19, 1976, report was popularly known as the Pike Committee Report after its chairman, New York congressman Otis Pike. Although the report was never officially released, the *Village Voice* somehow obtained a copy of it and printed substantial portions of it in its February 16 and 23, 1976, editions.

ing that the CIA agent would lie under oath* [e.g., Harold Weisberg wrote about “when I first came to Dulles’ statement that he would swear falsely to everyone except perhaps the President . . .” (Weisberg, *Whitewash IV*, p.16)]. That is certainly one possible interpretation of Dulles’s words. But I think that another interpretation of what Dulles meant here is simply that the CIA agent should not answer the question, and risk being held in contempt of court.) But Dulles went on to say, when asked by McCloy if he himself would tell the president, “I would tell the President of the United States anything, yes. I am under his control. He is my boss, [but I] wouldn’t necessarily tell anybody else, unless the President authorized me to do it.” (Transcript of Executive Session of the Warren Commission, January 27, 1964, pp.153–154)

But there is something else that Dulles said that is not theoretical or ambiguous like the “he shouldn’t tell it under oath” issue, and which is much more difficult to explain away. In fact, in all the voluminous writing on the assassination, it may be the only slight hint that at least one member of the Warren Commission had the state of mind of covering up part of the truth in the assassination. Marina Oswald was the first witness to testify before the Warren Commission. Before her scheduled testimony on February 3, 1964, her lawyer had been negotiating with *Life* magazine to sell her story (handwritten in Russian by Marina, a copy of which had already been given to the Commission), and in correspondence with the Warren Commission, he said he didn’t want the Commission to publish or in any way release her testimony before he sold the rights to her story, obviously feeling he would get less for it if the public had already heard it. He said, however, that he wouldn’t expect the Commission to withhold release of her testimony beyond February 15, and the Commission was agreeable to this. Where the problem arose is when Commissioner McCloy said that, really, there was “nothing spectacular” in what Marina had said. Rankin added, “No, nothing at all.” McCloy: “I think this fellow Levine[†] is trying to pep it up.” Rankin: “I think they have a little more [sex] in [it] and all those things in it [that is not in the version we have].” Dulles: “Is he [Levine] in touch with her, closely in touch with her? Isaac Don Levine?”

McCloy answered Dulles’s question about Levine by saying, “That is what I heard through *Life* magazine and they were throwing in this note [that] she [Marina] was now saying . . . she was going to put in evidence in this thing that he [Oswald] was a Soviet agent.” Dulles: “*I can get him in and have a friendly talk. I have known him.*”

*The first time the public learned about this was in an article in the *Washington Post* on November 22, 1974, which referred to the information being in Harold Weisberg’s book, *Whitewash IV*, which was being published that day. Weisberg had lost a Freedom of Information Act lawsuit trying to get the transcript of the Warren Commission’s January 27, 1964, executive session, but very shortly thereafter, the National Archives declassified the transcript and on June 14, 1974, the archivist, James B. Rhoads, sent Weisberg a copy of what he was seeking. (“Allen Dulles Testified CIA, FBI Would Lie,” *Washington Post*, November 22, 1974, p.A3; Weisberg, *Whitewash IV*, p.15) Jim Lesar, Weisberg’s lawyer, feels that the *Post* article “was the beginning, more or less, of the buildup for an eventual congressional investigation” (Posner, *Case Closed*, p.454).

[†]Isaac Don Levine was a writer who in 1953 had allegedly helped the CIA in its psychological warfare response to Stalin’s death (Scott, *Deep Politics*, p.55). According to James Martin, Marina’s manager at the time who was working with her lawyer, John Thorne, to sell Marina’s story, Levine wanted to be the author of Marina’s story for a book. (No such book by Levine was ever written.) Martin said Levine was “quite familiar with Russian affairs . . . and he was trying to tie in Oswald . . . with the Communist Party.” Martin told Levine that from what he knew about Oswald (from Marina) he had concluded this wasn’t so, that Oswald “was just a nut.” (1 H 487–488, WCT James Herbert Martin)

Whether the Soviet agent talk had originated with Marina (certainly unlikely), or with Levine (almost assuredly) “trying to pep up” the story and make the book deal much more commercially attractive, is irrelevant. All Dulles heard is that Marina was now saying this. By this time, no one in the American government was giving any serious thought to the Soviets being involved in the assassination, and this may have made it easier for Dulles to say what he did. Nevertheless, it is still quite disturbing that Dulles’s reflexive response, undoubtedly conditioned by his many years at the CIA, was to try to prevent Marina from saying what she ostensibly wanted, whether Dulles thought Levine was talking her into it or not. After Dulles’s remark, Senator Russell said, “That [Marina saying Oswald was a Soviet agent] will blow the lid if she testified to that,” and Warren terminated the discussion by saying, “All right” and going on to other matters. (Transcript of Executive Session of the Warren Commission, January 21, 1964, pp.94–111) Russell’s remark is far more easy to explain. Since, as indicated, neither the Warren Commission nor, as far as we know, anyone else in the U.S. government’s hierarchy thought Russia was involved in the assassination, Russell certainly could not be referring to blowing the lid off any true story that it was. His utterance appears to be simply an ill-chosen spontaneous response by someone who, in his involvement in both this case and the Cuban missile crisis, spoke with a surprising lack of knowledge, clarity, and common sense.

Although Senator Frank Church, chairman of the Senate Select Committee on Intelligence, called the CIA a “rogue elephant,” the Pike Committee Report itself, after having said, as indicated, that the CIA was “beyond lawmakers’ scrutiny,” concluded that “all evidence in hand suggests that the CIA, far from being out of control, has been utterly responsive to the instructions of the President and the assistant to the President for national security affairs.” The committee went on to say that it had “examined CIA covert action operations [which a plot to murder Castro surely would be] and [had] considerable evidence that . . . at times [they] had been forced on a reluctant CIA by the President and his national security advisor.” (“Pike Committee Report,” February 16, 1976, pp.71, 83)

And a wide-range examination of the CIA by the *New York Times* in 1966 concluded “that the CIA, for all its fearsome reputation, is under far more stringent political and budgetary control than most of its critics know or concede, and since the Bay of Pigs in Cuba in 1961 these controls have been tightly exercised . . . Every well-informed official with recent knowledge of the CIA and its activities who was interviewed [by the *Times*] confirmed what Secretary of State [Dean] Rusk said publicly—that the CIA ‘does not initiate actions unknown to the high policy leaders of the government’” (*New York Times*, April 25, 1966, p.20).

Given what we know, it is certainly highly unlikely that President Kennedy ordered a reluctant CIA to try to murder Castro. But would the CIA, on its own, and without presidential approval, have attempted to murder Castro? Dating back to the early years of the Eisenhower administration, the CIA has been required to submit any proposed covert action to an informal National Security Council (NSC) group known to very few Americans and answering only to the president. This group has had many names, but no different incarnations. Originally known

as the 5412 Committee (because NSC Directive 5412/2 in March of 1955 established this subcommittee to approve of covert operations), or Special Group,* in 1964 it became known as the 303 Committee, and in 1970 as the 40 Committee (*Covert Action in Chile 1963–73*, p.2 note; see also Wise and Ross, *Invisible Government*, pp.5, 161; Powers, *Man Who Kept the Secrets*, pp.460 note 6). When I checked in 2000, I learned that the group was still in existence, but once again, under a new name, the Policy Coordination Committee. (Telephone interview of CIA spokesperson Anya Guilsher by author on November 21, 2000)

A typical example of the CIA and Special Group at play: “At the meeting of the Special Group held 8 December 1960, the agency [CIA] requested authorization (a) to make propaganda leaflet flights over Cuba; (b) to screen non-official U. S. personnel for use in maritime operations; (c) to resupply Cuban resistance elements from U. S. airbases at the rate of two flights a week. Only the first authorization was given at that time” (Kornbluh, *Bay of Pigs Declassified*, p.49).

Throughout the years, this small and exclusive group (described by the Church Committee in 1975 as “a sub-cabinet level body of the Executive Branch”), which meets in the Situation Room at the White House and reports only to the president, discusses and evaluates proposed CIA covert actions and submits its views and recommendations for final approval or rejection (“Pike Committee Report,” February 16, 1976, p.83). It was this group that former CIA chief Allen Dulles was referring to in his book, *The Craft of Intelligence*, when he said that “the facts are that the CIA has never carried out any action of a political nature . . . without appropriate approval at a high political level in our government *outside the CIA*” (Dulles, *Craft of Intelligence*, p.189).

At least, this is the way it is *supposed* to be.† And if protocol was followed in the attempt on Castro’s life, Kennedy would have had to approve of the mission. A CIA spokeswoman told me that “all CIA *covert* actions have to be approved by the president” (Telephone interview of CIA spokesperson Anya Guilsher by author on November 21, 2000). But it should be noted that Dulles, in his book, carefully delimited CIA covert actions for which approval was needed to those “of a political nature.” And the Pike Committee Report noted “that the CIA Director determines which CIA-initiated covert action projects are sufficiently ‘politically sensitive’ to require presidential attention” (“Pike Committee Report,” February 16, 1976, p.84).

*The Special Group is “the committee of all committees in Washington . . . the most secret operating unit of government” (Wyden, *Bay of Pigs*, p.24). The document itself, NSC 5412/2, was described by CIA Director Allen Dulles as “one of the most secret documents in the U.S. Government” (Aguilar, *Operation Zapata*, p.55). The original group consisted of the president’s assistant for national security affairs, the undersecretary of state for political affairs, the deputy secretary of defense, and the director of the Central Intelligence Agency. It was later expanded to include the chairman of the Joint Chiefs of Staff. (*Alleged Assassination Plots*, p.10) As indicated in the main text, in the latter part of 1961, Special Group (Augmented) was instituted, consisting of all the Special Group members plus Attorney General Robert Kennedy and General Maxwell Taylor, specifically to oversee the CIA’s Operation Mongoose, the U.S. government’s plan to overthrow Castro. (*Alleged Assassination Plots*, p.140; see also Reeves, *President Kennedy*, pp.263, 267, 281, 336 footnote, 702 note 265)

†But it has not always worked out that way. A staff report, *Covert Action in Chile 1963–73*, to the Church Committee in 1975 reads, “In 1970, the CIA engaged in another special effort, this time at the express request of President Nixon and under the injunction not to inform the Departments of State or Defense . . . *Nor was the 40 Committee ever informed.* The CIA attempted, directly, to foment a military coup in Chile . . . When the coup attempt failed and [Salvador] Allende was inaugurated president, the CIA was authorized by the 40 Committee [and President Nixon] to fund groups in opposition to Allende in Chile” (*Covert Action in Chile 1963–73*, p.2).

Although the evidence is very unclear whether the CIA director, Allen Dulles, had knowledge of the plots to kill Castro, and rather clear that his successor, John McCone, did not, we do know that CIA leadership beneath the directors (e.g., the CIA deputy director for plans, Richard Bissell, the chief of the CIA's Office of Security, Colonel Sheffield Edwards) decided to eliminate Castro and either deliberately disregarded submitting their plan to the Special Group (and hence, ultimately, the president) or convinced themselves that such a mission was not (as it surely was) "politically sensitive" and, therefore, no approval was needed.

And there is a third possibility. In February of 1962 Richard Helms took over Bissell's job as CIA deputy director for plans. He told the Church Committee that when he became Bissell's successor, the plot activities to kill Castro were presented to him as an ongoing project *previously authorized*, and he admits to authorizing the assassination of Castro on his watch, though he did not know that CIA official William Harvey had given poison pills (for Castro) to gangster Johnny Roselli in Miami in April of 1962. Helms told the Church Committee that although he had no knowledge that President Kennedy directly ordered Castro's death, "I believe it was the policy at the time to get rid of Castro, and if killing him was one of the things that was to be done in this connection, that was within what was expected. I remember vividly [the pressure to overthrow Castro] was very intense." (*Alleged Assassination Plots*, p.149; Testimony of Richard Helms before Church Committee on June 13, 1975, pp.26, 137) (In his 2003 memoir, *A Look over My Shoulder*, Helms refers to the "relentless, blistering heat from the White House" [Helms with Hood, *Look over My Shoulder*, p.229].) The 1967 CIA Inspector General's Report is supportive of Helms on this point: "We cannot over-emphasize the extent to which responsible Agency officers felt themselves subject to the Kennedy administration's severe pressure to do something about Castro and his regime. The fruitless and, in retrospect, often unrealistic plotting [to kill Castro] should be viewed in that light" (CIA Record 104-10213-10101, 1967 CIA Inspector General's Report, p.4). Robert McNamara, the secretary of defense, also corroborated Helms's testimony, telling the Church Committee, "We were hysterical about Castro at the time of the Bay of Pigs and thereafter" (*Alleged Assassination Plots*, p.274).

On January 19, 1962, a meeting of CIA and Kennedy administration officials involved in the Mongoose project was held in Robert Kennedy's office. George McManus, Richard Helms's executive assistant, took notes of the meeting. The notes contained this passage: "A solution to the Cuban problem today carried top priority in U.S. Government. *No time, money, effort—or manpower is to be spared.*" (*Alleged Assassination Plots*, p.141) Dating back to June 13, 1961, a report to President Kennedy by a committee headed by General Maxwell Taylor (the committee was formed by JFK on April 22, 1961, following the Bay of Pigs invasion, to reevaluate U.S. efforts to overthrow Castro) read in part, "We have been struck with the general feeling that *there can be no long-term living with Castro as a neighbor*. His continued presence within the hemispheric community as a dangerously effective exponent of Communism and anti-Americanism constitutes a real menace capable of eventually overthrowing the elected governments in any one or more of weak Latin American republics" (*Alleged Assassination Plots*, p.135).

Helms testified that "the desire [of the Kennedy administration] was 'can't you fellows [CIA] find some way to get rid of Castro and the Castro regime?'" He said

that the intense pressure exerted by the Kennedy administration to overthrow Castro had led him to perceive that the CIA was acting within the scope of its authority, even though assassination was never directly ordered. "We felt that we were operating as we were supposed to operate, that these things, if not specifically authorized, at least were authorized in general terms"; that is, the plot to kill Castro was implicitly authorized by the Kennedy administration. In other words, the CIA may have thought it did not have to go to the Special Group to get approval of its plot to kill Castro because it already had it, and Helms testified he had "no knowledge that a Castro assassination was ever authorized" by the group. (*Alleged Assassination Plots*, p.150; Testimony of Richard Helms before the Church Committee, June 13, 1975, pp.28–29)

Helms added one very important point. He testified that although he was never told by anyone above him to assassinate Castro, "no member of the Kennedy Administration . . . ever told me that [assassination] was proscribed, [and] nobody ever said that [assassination] was ruled out." (*Alleged Assassination Plots*, pp.148–149, 313; Testimony of Richard Helms before the Church Committee on June 13, 1975, p.61, 137, and on July 17, 1975, pp.15, 17–18, 43) And Senator Howard Baker of the Church Committee seized on this critical point, saying it was very "troublesome that assassination was never clearly and unequivocally disavowed in a manner which left no doubt, at any level of government, that such a course of action would not be tolerated under any circumstances" (*Alleged Assassination Plots*, p.318).*

Returning to the central question of whether JFK and his brother either ordered or gave their approval to the Castro death plots, since we know the issue of Castro's assassination had reached President Kennedy (see the Tad Szulc interview of JFK and the JFK–Senator Smathers conversation discussed earlier), arguably President Kennedy was trying to have it both ways—not authorizing assassination, yet not doing anything to ensure it didn't happen either—unless he thought that without his express approval, no attempted assassination would ever take place.

Senator Charles Mathias Jr. of the Church Committee articulated presidential authorization of a plot to kill Castro this way in a question to Helms: "Let me draw an example from history. When Thomas Beckett [*sic*] was proving to be an annoyance, as [was] Castro, the King said who will rid me of this man. He didn't say to somebody, go out and murder him [four of the king's men did murder Becket]." Mathias asked Helms if that was "the kind of thing which might be said, which might be taken by the Director [of the CIA] or by anybody else as Presidential authorization [to kill Castro]?" Helms: "That is right." (*Alleged Assassination Plots*, p.149; Testimony of Richard Helms before the Church Committee, June 13, 1975, pp.72–73)

Just as a man out in the country being surrounded and besieged by hungry bears wouldn't shout out, "Bring on more bears," we still can't ignore yet another possibility that increases the difficulty of resolving the issue of presidential complicity in the plots to kill Castro. It's the practice of "plausible deniability," particularly by

*One wonders how the desire to remove Castro from power was so great that some in our nation's leadership may have even thought that murdering him was permissible. Undoubtedly, the fact that we were in the midst of the cold war and feared the spread of Communism played a big part. But what may have pushed these leaders over the top was the fact that Castro's Cuba was the first and only Communist nation in the Western Hemisphere, and it was on our back steps, just ninety miles away.

intelligence agencies like the CIA trying to protect not only its directors, but all the more so the president of the United States. In *The Armies of Ignorance*, author William R. Corson speaks of the “elaborate charade of presidential non-involvement” in making sure that his role in any morally dubious mission is either “obfuscated and/or made completely disavowable” (Corson, *Armies of Ignorance*, p.345).*

Indeed, in his testimony before the Church Committee, Bissell conceded that if Eisenhower and Kennedy were advised of the plot to kill Castro, it would have been in a manner calculated to “leave him in the position to deny knowledge of the operation if it should surface,” a way that would give the president, he said, “plausible deniability” (*Alleged Assassination Plots*, p.118; Testimony of Richard Bissell before the Church Committee on June 9, 1975, pp.38, 57, and June 11, 1975, pp.5–6).† Bissell’s successor, Helms, echoed this belief before the Church Committee. “Nobody wants to embarrass a president of the United States [by] discussing the assassination of foreign leaders in their presence . . . We all had the feeling that we were hired out to keep those things out of the Oval Office.” (*Alleged Assassination Plots*, p.149; Testimony of Richard Helms before the Church Committee, June 13, 1975, pp.72–73)

The Church Committee took testimony from all living officials high up in the Kennedy administration who would have dealt with Cuban affairs (e.g., Dean Rusk, Robert McNamara, General Maxwell Taylor, Roswell Gilpatric, McGeorge

*Corson goes on to add yet another wrinkle: “This is not to denigrate the valid idea of a plausible denial cover story designed to keep the fallout from a failed operation from landing on the president’s shoulders, but . . . the practice, over time, has degenerated to the point where the cover stories of presidential ignorance really are fact, not fiction” (Corson, *Armies of Ignorance*, p.345). And as the Church Committee pointed out in its discussion of the doctrine of plausible deniability, “Any theory which, as a matter of doctrine, places elected officials on the periphery of the decision-making process is an invitation to error, an abdication of responsibility, and a perversion of democratic government. The doctrine [of plausible denial] is the antithesis of accountability” (*Alleged Assassination Plots*, pp.277–278).

†There is yet another wrinkle to the whole issue, this one going in the opposite direction of keeping things from the president to afford him presidential deniability. This one suggests that the president, at least President Eisenhower, was protecting certain people below him. Eisenhower, a man of honor and rarely questioned probity, told Senator William Knowland in an Oval Office discussion, for which Eisenhower had turned on the office’s secret recording device, that with respect to this nation’s efforts to “liberate” Eastern Europe from Soviet domination, “There is a very great aggressiveness on our side that you have not known about, and I guess that is on the theory of why put burdens on people that they don’t need to know about?” Eisenhower said there were “so many things that I am almost afraid to speak to my wife [about].” The president went on to say that the CIA was “very active, and there are a great many risky decisions on my part constantly . . . but I do try to spare other people some of the things I do.” Author John Ranelagh, after quoting the above, observes, “The difference between Eisenhower and some of his successors was that for him plausible denial was a presidential prerogative and he was not prepared—as he said—to let others carry the burden. He would deny something if he considered it politic or beneficial to do so, but if he had to, he would also own up rather than blame subordinates” (Ranelagh, *Agency*, p.341).

It should be noted that as of 1991 (and hence, not applicable to the issue herein discussed with respect to JFK’s knowledge and approval of the plot to kill Castro), “plausible deniability” by a president may no longer be possible, at least with covert actions that he authorized. 50 USC Section 413 b (a) (1) (3) provides that “the President may not authorize the conduct of a covert action . . . unless the President determines such an action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States, *which determination shall be set forth in a finding.*” The finding has to be “in writing” and “shall specify each department, agency, or entity of the United States Government authorized to fund or otherwise participate in any significant way in such action.” And under Section 413 (a) (1), “the President shall ensure that the intelligence committees” of Congress (Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives) be “kept fully and currently informed” of the covert action and its progress. Not too much wiggle room, it would seem. Under Section 413 b (c) (1), covert action is defined as any action (other than, among other things, the mere collection of intelligence) meant “to influence political, economic, or military conditions abroad” and “when it is intended that the role of the United States Government will not be apparent or acknowledged publicly.”

Bundy, Walt Rostow, Richard Goodwin, Theodore Sorensen, etc.). “The theme of their testimony,” the Church Committee said, “was that they had no knowledge of any assassination plan or attempt by the United States Government before or after the Bay of Pigs invasion, and that they did not believe President Kennedy’s character or style of operating would be consistent with approving [an] assassination.” (*Alleged Assassination Plots*, pp.119–120)

As we have seen, the evidence is ambiguous and contradictory as to whether President Kennedy authorized and approved of the CIA attempts to assassinate Cuban premier Fidel Castro, and the resolution of this issue is beyond the scope of this book. However, since everyone agrees that what JFK knew, RFK knew, and vice versa, there is one piece of evidence that, if true, would arguably (though not necessarily) be incompatible with the notion of JFK’s having approved the plan to kill Castro.

During the same period of time that Roselli, Giancana, and Trafficante were working with the CIA to kill Castro, RFK, in his war against organized crime, was trying to put them behind bars, a seeming unlikelihood if the plots to kill Castro had JFK’s imprimatur. In fact, Roselli, Giancana, and Trafficante were on RFK’s original list of forty mobsters he told his organized-crime section at the Department of Justice to go after. (Blakey and Billings, *Plot to Kill the President*, p.196) And there is no evidence their names were ever removed from the list, which ended up expanding to include the names of twenty-three hundred underworld figures. In an FBI telephone tap of Roselli, he is heard saying, “Here I am, helping the government, helping the country, and that little son of a bitch [RFK] is breaking my balls” (Beschloss, *Crisis Years*, pp.140, 142). And the Church Committee said, “Our investigation revealed that during the Florida assassination plotting [to kill Castro], the FBI actually had Roselli and Giancana under surveillance and had a bug in their various abodes” (*Alleged Assassination Plots*, p.328).

Ultimately, the Church Committee concluded that “there was insufficient evidence from which the Committee could conclude that Presidents Eisenhower, Kennedy, or Johnson, their close advisors, or the Special Group authorized the assassination of Castro” (*Alleged Assassination Plots*, pp.120–121, 263). And although no one would consider it dispositive of the issue, a 1967 CIA Inspector General’s Report, responding to a March 1967 syndicated story by Drew Pearson that “Robert Kennedy may have approved an assassination plot” against Castro, said the allegation was “not true” (CIA Record 104–10213–10101, 1967 CIA Inspector General’s Report, May 23, 1967, p.118).

- 1345 **“dealt almost entirely with the Cuban angle”**: The Church Committee found that although there was some CIA investigation of a possible Cuban connection in the assassination, for the most part the investigation was “passive,” responding to leads or requests from outside the agency, as opposed to making an affirmative effort to collect information. The chief of the CIA’s JM/WAVE station in Florida testified before the committee that his station’s capability to conduct an investigation of the assassination in Cuba was “limited . . . We felt that the nature of our capability was to simply respond to what we were able to obtain in the Miami area . . . because this was an investigation that was being conducted in the United States with the primary responsibility [being] with agencies other than CIA. We had no reason at the particular time to feel that there was any kind of case . . . that the Cubans were behind the assassination.”

What about intelligence analysis at CIA headquarters? The Church Commit-

tee said that “the CIA staff exhaustively analyzed the significance of Oswald’s activities in the Soviet Union, but there [was] no corresponding CIA analysis of the significance of Oswald’s contacts with pro-Castro and anti-Castro groups in the United States.” (Church Committee Report, pp.57–60)

- 1345 ***their approach to investigating the assassination:*** Even though it is difficult to see how the Warren Commission’s learning of the CIA plots to assassinate Castro would have materially affected its investigation, what about its learning that organized crime was also a party to some of the plots? Former Warren Commission assistant counsel Burt W. Griffin told the HSCA that if the Commission had known this, “then we would have had a completely different perspective on this thing.” But I am unable to understand, at least from what he goes on to say, how anything would have changed. He says, “But because we did not have those links at this point, there was nothing to tie the underworld in with Cuba [this is true] *and thus* nothing to tie them in with Oswald, nothing to tie them in with the assassination of the President.” (HSCA Report, p.259) But how does the Mafia conspiracy to kill Castro tie the Mafia in with Oswald and the assassination? I don’t get it.

When I called Judge Griffin on January 3, 2006, I read to him what was published on page 259 of the HSCA Report, and then asked him, “How would connecting the underworld with the attempt to kill Castro tie the underworld in to Oswald and the assassination? Am I missing something here?” He responded, “No, you’re not missing anything at all. I agree. It wouldn’t. Are those my words you just read to me or was this the HSCA staff summarizing what they interpreted my words to mean? Those words don’t sound like I would have said them.” I told him that the HSCA prefaced these words by saying that “Burt Griffin . . . told the committee” and then indented his words, which signified a quote.* He reiterated that it didn’t sound like him. He added that “[assistant Warren Commission counsel] Howard Willens and I always disagreed on this. He felt that if the [Warren] Commission had known about the plots to kill Castro it wouldn’t have made any difference in the way it handled the investigation,” the clear implication being that Griffin, though disavowing the words attributed to him by the HSCA, still felt it would have made a difference. I was about to ask him expressly if, despite his disavowal, he still believed it would have made a difference, and most importantly, if so, how, when he had to leave home with his wife to go to some engagement. “Let me get back to you on this matter. I want to talk to you about it,” he said.

When the judge got back to me on January 5, he gave me a phone number I had previously asked him for, and brought up several matters unrelated to what we had talked about. Because he didn’t bring the matter up himself, I felt it would be indelicate of me to bring it up and continue cross-examining him on it. I felt more confident, as a result of my having spoken to him a few days earlier, that the Warren Commission’s knowledge of the plots probably wouldn’t have had any effect on its investigation.

- 1345 **CIA’s attempt to murder Castro:** Although the CIA never did succeed in killing Castro, its efforts being ineffective, even adolescent and sometimes comical, on October 8, 1967, the agency did succeed in helping the Bolivian military capture

*I later learned that the quote from Griffin in the HSCA Report came from his testimony before the HSCA on November 17, 1977 (HSCA Record 180-10113-10420, Transcript of testimony of Burt W. Griffin before the HSCA on November 17, 1977, p.61).

Castro's former number-one man in the Cuban Revolution, Ernesto "Che" Guevara (Ernesto Guevara de la Serna), one of the most romanticized and legendary revolutionaries ever. He was killed the following day by the Bolivian military against the expressed wishes of the CIA, which wanted to bleed him white through interrogation.

Throughout 1957 and much of 1958, Castro's forces had been headquartered in the Sierra Maestra mountains in the southeastern region of Cuba. Surrounded by the mostly indifferent troops of dictator Fulgencio Batista's army, whose will to fight was not strong, and with the sea (Caribbean) at their back, the highly loyal and passionate rebels, less than five hundred in number, conducted very effective thrusts and incursions into Batista-held territory throughout Oriente province. Desertions to the rebel camp were not uncommon. Finally, in September of 1958, the rebel forces swept down from the mountains and began their inexorable and successful march—with pitched battles along the way against the tanks, artillery, and far greater numbers of men in Batista's army—toward Havana.

There were two rebel columns. The main one was led by Guevara. An Argentinian with a medical degree from the University of Buenos Aires in 1953, Guevara had linked up with Castro in Mexico City in July of 1955 when Castro and his followers were in exile from their failed attempt to overthrow Batista. He had started out as the doctor to the rebels' wounded, but quickly emerged as its most respected combatant.

The other column was led by Camilo Cienfuegos, who died after Castro had swept to power when his plane, returning to Havana after he aborted an insurrection in the province of Camagüey, was lost at sea on October 28, 1959.* A former Cuban baseball player and dishwasher in New York City, Cienfuegos was very admired and respected by the rebels, who, because of his very substantial beard and young face, referred to him as "El Cristo." (Escalante, *Cuba Project*, pp.193–194; Smith, *Fourth Floor*, pp.202–203) While Castro and Guevara were considered intellectuals, Cienfuegos was, as Castro described him, "a man of the people" (Castro, *Che*, p.115).

Below Fidel Castro, there were only three leaders in the Rebel Army with the title of "Commander," Fidel's brother Raul, Che Guevara, and Cienfuegos (Castro, *Che*, pp.164–165). But Guevara, almost from the beginning, was the one special star of the revolution, beyond reproach and admired unconditionally by his fellow warriors. Indeed, a CIA psychiatric study of Fidel Castro in 1961 said that

* Cienfuegos was given the honor by Castro of being the first to arrive in the Cuban capital, on January 3, 1959, two days after Batista had fled. Guevara arrived the following day, but it wasn't until January 7 that Castro and Guevara, who had left Havana to meet Fidel at Matangas, entered Havana by tank to the delirious cheers of thousands of Cubans. (Castañeda, *Compañero*, pp.139–140) Cienfuegos's disappearance at sea has remained a mystery throughout the years and there has been speculation, without any substantive evidence, that Castro was behind it. In that regard, his disappearance occurred within days of two members of his "Red Army" declaring opposition to Castro: Major Huber Matos on October 19, 1959, and First Lieutenant Manuel Artime on October 29, the day after Cienfuegos's disappearance at sea. Artime organized the *Movimiento de Recuperacion Revolucionaria*, the "Movement for the Recovery of the Revolution," or MRR, the first underground movement against Castro's new regime. In a cryptic reference within a September 1, 1960, CIA memo to the FBI, it is stated that one Carlos Rodriguez, a Cuban national living in New York City, said he was affiliated with the "MRR—Camilo Cienfuegos," which he claimed was the "real MRR" in Cuba, not Artime's. (FBI Record 124-10284-10081, August 11, 1967, p.10) If there is any credence to this, it would go in the direction of Cienfuegos, like Matos and Artime, becoming disenchanted with Castro because of the Communistic direction in which Castro's government was going.

Fidel, whom the study described as “power mad” and of “superior intellectual endowment,” seemed to be “submissive to Che intellectually” and under Guevara’s “strange spell.” (NARA Record 176-10011-10189, pp.2, 5) To this very day, Castro, eschewing the cult of personality of, say, Mao or Stalin or Saddam Hussein, has far more billboards and paintings of Guevara on display in Cuba than he does of himself. And in Cuba’s two main museums commemorating the revolution, in Havana and Santiago de Cuba, Guevara is featured over all other members of the revolution, including Castro. (Interview of Steve Powers by author on October 2, 2005; Powers has visited both museums within recent years)

After the revolution succeeded, Guevara helped Castro run Cuba. He was appointed director of the Ministry of Industries and also headed, for awhile, the Cuban National Bank, where he signed the Cuban currency with one word: “Che.” Basically, he ran the Cuban economy, since his main interest had always been in the redistribution of wealth, and it was he who had promoted the establishment of trade for goods between the Soviet Union and Cuba that sustained the Cuban economy for years, until the collapse of the Soviet Union in 1991. But Guevara quickly became restless, as governance and its inevitable concomitant (even in a dictatorship) bureaucracy were not congenial to the revolutionary blood coursing through him.* For Castro, Havana was the end of the line. But for Guevara, Cuba was merely a laboratory whose experience could be used to combat the exploitation of the masses wherever it existed, hoping to first spread Marxism throughout Africa and South America. In April of 1965 Guevara literally disappeared from Cuba after completing a trip through Africa and Asia and to the United Nations in New York. His whereabouts became the subject of international speculation, but the consensus and circumstantial evidence in 1967 was that he was somewhere in South America training guerrillas in revolutionary warfare. All Castro would tell the inquiring media was that Guevara was pursuing “revolutionary tasks” somewhere in the world. (“Growing Evidence Puts Guevara in South America,” *New York Times*, July 9, 1967, p.20) When Guevara left Cuba, he had given Castro a letter he had written to him, which the latter was to read to the Cuban people when he felt the time was ripe. On October 3, 1965, after six months of rumor and speculation by the Cuban people as to what had happened to Guevara, Castro read the letter to five thousand Cubans assembled in Havana’s Chaplin Theater.

After some prefatory lines of reminiscence about when he and Fidel first met, Guevara wrote, “I feel that I have fulfilled the part of my duty that tied me to the Cuban revolution . . . and I say goodbye to you, to the comrades, to your people, who now are mine. I formally resign my positions in the leadership of the party, my post as minister, my rank as commander, and my Cuban citizenship [probably so as not to involve Castro in his new insurgencies]. The only ties are of another nature—those that cannot be broken . . . Other nations of the world call for my modest efforts. I can do that which is denied you because of your responsibility as the head of Cuba, and the time has come for us to part . . . If my final hour finds me under other skies, my last thought will be of the [Cuban] people and especially of you.” Referring to his wife, Albida, and their four children who remained behind in Cuba, Guevara added, “I am not sorry that I leave nothing material to my wife

*Reportedly, Guevara was also becoming disenchanted with what had become of his fellow rebel leaders, saying that Cuba’s Communist Party had become a “party of administration, not pioneering, a new elite which sought an easy life with beautiful secretaries, Cadillacs, [and] air-conditioning” (Thomas, *Cuba*, p.1376).

and children. I am happy it is that way. I ask nothing for them, as the state will provide them with enough to live on and to have an education." Albida, dressed in black in the front row, sobbed quietly as Castro read her husband's words. (Castro, *Che*, pp.34–36; Meneses, *Fidel Castro*, pp.174–175)

Because the cold war was still going strong, the CIA was out to stop Guevara and finally helped track the severely asthmatic revolutionary to the jungles of Bolivia. There he was leading a malnourished and poorly armed band of fewer than twenty Cuban, Bolivian, and Peruvian Communist guerrillas to foment a revolution among the peasant majority against the government of Air Force General René Barrientos Ortuño. Barrientos had assumed power in November of 1964 after a military coup and aligned himself with wealthy landowners in exploiting the *campesinos* and rural poor. On August 1, 1967, the CIA dispatched two agents with a background in guerrilla warfare, Eduardo (CIA pseudonym) and Cuban-born Felix I. Rodriguez, to Bolivia to work closely with the Bolivian army in coordinating intelligence and establishing a communications network in the effort to capture Guevara.

The CIA had started a file on Guevara as far back as 1954, when the twenty-five-year-old Argentine physician was in Guatemala. He had gone there to study medical care among the poor during the CIA-backed attempt by Guatemalan rebels to overthrow the leftist Guatemalan president Jacobo Arbenz Guzmán. Guevara had tried to organize Arbenz supporters in a "last-ditch resistance" to the successful coup. Guevara's first wife said that "it was Guatemala which finally convinced him of the necessity for armed struggle and for taking the initiative against imperialism." Guevara then fled to Mexico, where he met up with Castro. The doctor and the lawyer (Castro) would lead the Cuban Revolution. By the time of Guevara's death thirteen years later, his one-page CIA file in 1954 had grown to become "one of the thickest in the CIA's global records."

On October 8, 1967, near the small Bolivian mountain village of La Higuera, Guevara was injured by gunfire from Bolivian soldiers and captured. His clothing torn and tattered, his hair matted and filthy, and blood oozing from his bandaged right leg, he was executed the following day in a La Higuera schoolhouse on the orders of Barrientos. The Bolivian military had rejected the exhortations of Rodriguez, who, in his briefings at CIA headquarters before he left for Bolivia, was told, "If he [Guevara] is captured, do everything possible to keep him alive—everything."

The only known picture taken of Guevara in custody on the day he died showed him standing next to his main CIA pursuer, Rodriguez. Rodriguez had been fighting to overthrow Castro for years, was a member of the Bay of Pigs invasion force (before he became a CIA agent in 1963), and had infiltrated Cuba before the invasion. But after spending hours talking to Guevara before the latter was executed, he confessed to feeling "pity for [him] and even, perhaps, admiration" for his idealism, noting that "Che had died with courage." (Rodriguez and Weisman, *Shadow Warrior*, pp.10–15, 132–134, 139–143, 155, 158–160; Castro, *Che*, pp.94–95, 165) Castro, in confirming Guevara's death to the Cuban people on Cuban national television the evening of October 15, 1967, was confident Rodriguez would feel the way he did. Speaking of Guevara's "extraordinary courage and absolute contempt for danger" in fighting for revolutionary principles, Castro told his audience that "Che's life had had the virtue of impressing even his worst ideological enemies,

causing them to admire him. It is almost a unique example of how a person can gain the recognition and respect of their enemies, of the very enemies they have faced, arms in hand." He said Guevara's "ideological enemies" were "almost unanimous in expressing feelings of admiration and respect for Che." Even Robert F. Kennedy, who detested Castro, said he looked upon Guevara as "a revolutionary hero." Longtime CIA agent David Atlee Phillips, who started the CIA file on Guevara in Guatemala City in 1954, felt constrained to write in his 1977 book, "I heard a number of reports about the circumstances leading to Che Guevara's death . . . All agreed that the revolutionary died with dignity. When the end came he was wounded and ill. And brave." Reportedly, when the drunken Bolivian warrant officer who had been ordered by his superiors to kill Guevara, Mario Terán, hesitated, Guevara said to him in his last words, "Shoot! Don't be afraid!" (Castro, *Che*, p.95; Phillips, *Night Watch*, pp.54, 209; Castañeda, *Compañero*, p.401; Schlesinger, *Robert Kennedy and His Times*, p.801)

Close to one million Cubans showed up at a memorial rally for Guevara, their adopted son, on the evening of October 18, 1967, in Havana's Revolution Plaza. Castro's speech to the enormous throng that night, the transcript of which I have read, was as great a tribute to one human being by another as I have ever seen, a tribute that Castro would repeat in print and orally many times through the years. Castro described Guevara over and over again as being someone of extraordinary—he must have used this adjective fifteen times if he used it once—courage, ability, vision, intelligence, sensitivity, selflessness, compassion, and moral character, whose life was dedicated to the cause of the poor and the oppressed. Castro said that it would be "virtually impossible" for any other human to "surpass" Guevara in cumulative virtues,* that "Che has become a model of what future humans should be," that "Che's example will be the ideal model for our people." (Castro, *Che*, pp.68–79) Whether he meant every word he uttered or not, one has to recognize the uncommon largeness of Castro to, in effect, tell the people of his own nation, the nation that he led, that he was not the man Che Guevara was. Guevara was a man he clearly had grown to idolize.†

In Guevara's posthumously published "Bolivian Diary," he laments about not

*The most common charge made against Guevara concerns his authorizing and in some instances participating in executions without, shall we say, due process. Though Guevara agonized over the justification of capital punishment, he ultimately accepted what was, as Raul Castro said in his diaries, the "standing guerrilla practice" of executing traitors, informers, and particularly cruel enemy officers. But there were other executions Guevara approved, after hesitation, such as that of a fellow guerrilla, a young man named Echevarria, who began engaging in banditry and pillage in areas taken by the guerrilla forces. Guevara wrote, "Echevarria could have been a hero of the Revolution . . . but he was unlucky enough to commit crimes during that period and had to pay the price for that wrongdoing . . . He served as an example, in truth tragic but also valuable, so that people would understand our need to make of the Revolution a pure event and not contaminate it with the vandalism Batista's men had accustomed us to." There are conflicting reports over whether Guevara, after the successful uprising, enjoyed organizing the firing squads ordered by Castro of Batista's main henchmen (some after public trials in Havana's sports stadium), or whether he took every execution hard and pardoned as many condemned men as he could. (Castañeda, *Compañero*, pp.102, 105–106, 143–144)

†Although there was an undeniable closeness and deep affection between the two men, much has also been written about their differences, one of the main problems being Guevara's growing disenchantment with the Soviet Union's delays in economic assistance to Cuba and several broken promises. Also, because he was closer ideologically to Mao's China (a more muscular, confrontational posture in bringing about a Marxist revolution than that of the Soviet Union), he began to be perceived as favoring China in the Sino-Soviet split that was raging at the time, whereas Castro was drifting closer to the Soviets. En route back to Cuba from a speech in Algiers in July of 1963, Guevara stopped in Paris and met with famous Cuban journalist Carlos Franqui, who had been living in exile in Europe. Walking through the French Quarter, Franqui quotes Guevara as say-

being able to recruit one peasant into his movement to help them, his ragtag band of guerrillas never consisting of more than fifty men and one woman. He speculates that some of the peasants probably were put off by his group's unkempt beards and torn clothes. So his mission had been a giant failure. But his intent was pure, "to help the poor," as one Bolivian said, and this willingness to risk his life to do so has made him the international icon he has become—his likeness appearing on T-shirts, coffee cups, and even boutique clothing throughout the civilized world. A photo of him taken at a ceremony in Havana in 1961 by Cuban news photographer Alberto Korda, depicting "his gaze fixed upon a distant horizon, hair in the wind, face clear against an open sky," has become, per his biographer, Jorge Castañeda, "the most thumbtacked poster in history." (Castañeda, *Compañero*, pp.194–195) Documentarian Trisha Ziff, writing in the *Los Angeles Times*, observes that the photo "is said to be the most reproduced image in the history of photography." Books and Hollywood movies pay homage to the handsome and increasingly popular man who has become a symbol for idealism among young radicals everywhere.

Today in Bolivia, the land of Simon Bolívar, Che Guevara's image, second only to the Virgin Mary in its ubiquity, "stares down at you from offices and murals on city walls of La Paz [the nation's capital] and of Bolivia's second-largest city, Cochabamba, in working-class districts and slum communities and university precincts." But nowhere is he more revered than in the dusty little village he put on the map, La Higuera, where peasants say that if you whisper Che Guevara's name to the sky or light a candle to his memory, you will find your lost goat or cow. "If you really have faith, he never fails," a local says.

After the Bolivian army executed Guevara, they put his body on top of a concrete washbasin for public display in the laundry room of the Our Lady of Malta hospital in the nearby town of Vallegrande. They later buried him and a dozen of his fellow guerrillas in a mass grave near the town's airstrip.* An Argentine-Cuban team of forensic pathologists discovered his remains in 1997 and returned them to Cuba, where his wife and family lived, for reburial. (Hector Tolar, "Following in Che's Footsteps," *Los Angeles Times*, October 8, 2004, pp.1, 6–7; fame in Bolivia: David Rieff, "Che's Second Coming?" *New York Times Magazine*, November 20, 2005, p.74; laundry room: Castañeda, *Compañero*, p.401; most reproduced image: Trisha Ziff, "What Would Che Say?" *Los Angeles Times*, June 11, 2006, p.M5)

ing, "With Fidel, there is neither marriage nor divorce." (Franqui, *Family Portrait with Fidel*, p.213; see also Castañeda, *Compañero*, pp.249, 251–255, 303; Waldron with Hartmann, *Ultimate Sacrifice*, pp.82–83, 195, 198–199) However, the rumors that the rift between Castro and Guevara increased to the point that Castro even put Guevara under house arrest in Havana for a short period, and deliberately undermined his Bolivian adventure, have never been substantiated and appear to be untrue. The period of alleged house arrest was thought to be in late November of 1963, and the basis for the arrest was alleged to be Guevara's possible involvement in an anti-Castro plot. The CIA evaluated the sources for the allegation and concluded, "It would be well to treat the information on the possible house arrest of Guevara as a mere rumor" (CIA Record 104-10076-10252, December 10, 1963).

*Why didn't the Bolivian army bury Guevara in the town in which they killed him? Castro may have had the prescience to theorize why, although if his theory is correct, it didn't work out for the Bolivians. In his television address to the nation on October 15, 1967, Castro said the Bolivian leaders had a "fear of Che even after his death" and "removed Che's remains so the area could not become a shrine now or at some time in the future. They wish to deprive the revolutionary movement of even a symbol, a site, a revered spot for revolutionaries." That, he said, was what he believed to be "the real reason" why Guevara's remains were moved away to Vallegrande. (Castro, *Che*, pp.62–63)

- 1347 **he was also a homosexual:** The New Orleans DA's office, pursuant to a warrant, searched Shaw's elegant French Quarter carriage house at 1313 Dauphine Street on the evening of March 1, 1967, the day he was arrested, after Shaw had been released on \$10,000 bond. Among a great number of items seized were three pieces of rope, one chain, five whips, two pieces of leather, one black hood and cape, one black gown, and one black net hat. Though these items had no relevance to the case, Garrison promptly released the list to the media the next day, obviously hoping that images of sadomasochistic homosexuality would attach themselves to Shaw in the public mind and prospective jury pool. Shaw's friends called foul, saying that similar items could be found in the homes of many Mardi Gras revelers. Shaw, in his diary that night, wrote that these items were merely "residue" from previous Mardi Gras costumes, and several people confirmed that Shaw had, in fact, used many of them for the annual celebration over the years. Shaw also noted in his journal that the searching party had left behind Greek and Japanese outfits that would not conjure up the image the DA was seeking. (*New Orleans States-Item*, March 3, 1967; Rogers, "Persecution of Clay Shaw," p.55; James and Wardlaw, *Plot or Politics*, pp.53-54, 59; Lambert, *False Witness*, p.76) An FBI file, however, contained information on Shaw's sado-masochism. We all know by now that J. Edgar Hoover, for years, kept files on the private lives of many prominent, law-abiding citizens. Clay Shaw was one of Hoover's unfortunate victims. "As early as 1954," the FBI received allegations that Shaw was homosexual. One source informed the bureau on March 19, 1964, that he had had homosexual relations with Shaw and that Shaw was "given to sadism and masochism in his homosexual activities." (FBI Record 124-10040-10311, March 2, 1967) The above file entries were unrelated to any investigation of Shaw by the FBI for Kennedy's murder.
- 1348 **"highest and utmost respect and admiration" for Kennedy:** In March of 1967, Carroll S. Thomas, owner of Thomas Funeral Homes in Shaw's hometown of Hammond, Louisiana, volunteered to FBI agents, who were interviewing him with respect to another matter, that he was a personal friend of Shaw's, that Shaw had always been "politically conservative," and that he had met David Ferrie through Shaw (FBI Records 124-10048-10449 and 124-10048-10450, Interview of Carroll Thomas by FBI on March 15, 1967). Thomas's story sounds contrived for several reasons. The evidence is overwhelming that Shaw was liberal, not conservative. Among other things, if Shaw were conservative, he most likely would have voted for Nixon over Kennedy. And with his being charged with Kennedy's murder, and having to assume that the authorities, if they wanted, could check the records to see whom he actually voted for, what is the likelihood that he would testify at his trial he had voted for Kennedy and had always been a Democrat and never a Republican (HSCA Record 180-10093-10407, Transcript of testimony of Clay Shaw at his trial, February 27, 1969, pp.18, 24), knowing that if this were a lie and his lie were revealed, his intentional misrepresentation would be highly incriminating? Additionally, there is no credible evidence that Shaw was a friend of Ferrie's or even knew him. Finally, if Thomas were an intelligent, sentient per-

son, he would have known, particularly since he lived in Louisiana (indeed, in Shaw's hometown), that the New Orleans DA was desperately trying to connect Shaw to Ferrie. Why wouldn't he have called the DA's office and furnished the prosecution with this very important information? We can assume he never made that call because we know Garrison's office never called him to the stand at Shaw's trial. Also, the National Archives has no record of any interview of Thomas by the New Orleans DA's office (Letter from Steven Tilley of the National Archives to author dated November 28, 2003).

- 1348 **someone not normally seen outside a carnival tent:** Apart from David Ferrie's grotesque and pathetic physical appearance, the one thing that those who met him agree on was his considerable intellect. "Brilliant," fellow anti-Castroite Sergio Arcacha Smith, and many others, said about Ferrie. The *Washington Post's* George Lardner Jr., who interviewed Ferrie the night before he died, described Ferrie as "intelligent" and "well versed" on a "broad range of subjects," saying that Ferrie, who was fluent in several languages and self-trained in psychology and medicine, "showed the assimilation of many of the 3,000 books he had scattered through" his apartment. Lardner said that while Ferrie considered the preoccupation by authors and writers with the Kennedy assassination "ghoulish," his rooms showed he was also preoccupied with the subject. "Copies of magazine articles on the president's death, books attacking the Warren Commission, even his own mathematical calculations of the path of the assassin's bullets, cluttered the floor." He told Lardner that he ultimately concluded that Oswald acted alone, but his doubts weren't resolved "until it occurred to me that the public post-mortem should have reflected the position, not of the various wounds in a body when lying on a slab, but rather a body sitting in a position similar to what it was at the time of the shooting." (Interview of George Lardner by William Gurvich of New Orleans DA's office on February 22, 1967, pp.2, 5; Text of story dictated by Lardner to *Life* magazine on February 22, 1967)
- 1349 **actively involved in the anti-Castro movement:** It is part of conspiracy lore that David Ferrie flew several firebomb raids over Castro's Cuba for the Cuban exiles (and his paymaster was one Eladio del Valle, an exile living in Miami) and helped Cuban refugees escape from Castro's Cuba until federal agents confiscated his plane in 1961. But none of this was ever confirmed, and Ferrie, being the teller of tall tales that he was, was almost certainly the sole source for these stories. We know that one such story he told was untrue, therefore casting further doubt on all the others. Shortly after the Bay of Pigs invasion in April of 1961, Ferrie spoke to the New Orleans chapter of the Military Orders of World Wars. Before being asked to leave the podium when his denunciation of Kennedy for not providing air support for the invading brigade became so harsh it was offensive to the audience, Ferrie said that he was one of the pilots in the invasion. (James and Wardlaw, *Plot or Politics*, p.46) But we know exactly who the American pilots were (see main text in section on Odio and anti-Castro Cuban exiles), and Ferrie was definitely not one of them.
- 1349 **rogue elements of the CIA:** At Clay Shaw's trial, Jim Garrison never issued a subpoena for any witness (a member of the CIA or not) who could help him prove CIA complicity in the assassination, nor did he issue a subpoena *duces tecum* (a subpoena for documents) to help establish his claim. However, on May 10, 1967, at

the time of the grand jury hearings before the trial, Garrison did attempt to serve (through the U.S. marshal for the District of Columbia) Richard Helms, director of the CIA, with a subpoena *duces tecum* to provide a “true photograph,” rather than the one, he said, of the “burly Cuban” taken in front of the Cuban (Garrison probably meant *Russian*) embassy in Mexico City in October 1963. Garrison was claiming that the photo was actually a “fake” produced by the CIA to avoid having to identify one of its own agents who was with Oswald in Mexico City and who appeared *with* Oswald in the “true photograph.” (*New York Times*, May 11, 1967, p.35; *Times-Picayune* [New Orleans], May 10, 1967; Brener, *Garrison Case*, p.203) The very next day, Lawrence Houston, the CIA’s general counsel, wrote to the New Orleans judge who had issued the subpoena, and explained that the U.S. marshal had “returned the subpoena” because of a “lack of jurisdiction” by the judge’s court* (CIA Record 104-10005-10373, May 16, 1967, p.1). Garrison didn’t pursue the matter (Brener, *Garrison Case*, p.203). He unwittingly revealed how much the Helms subpoena had only been a publicity stunt by not even referring to it in either of his two books on the case, *Heritage of Stone* and *On the Trail of the Assassins*.†

On March 7, 1968, Garrison, pursuant to the federal Uniform Witness Act, also had his office secure a certification from an Orleans Parish judge, Matthew Braniff, stating that former CIA director Allen Dulles was a “necessary and material witness” in Garrison’s investigation of Clay Shaw. Braniff sent the certificate, along with a check payable to Dulles for \$239.80 for travel expenses, to the U.S. government in Washington, D.C., requesting (not compelling—no subpoena was issued) Dulles’s attendance as an out-of-state witness before the Orleans Parish grand jury on March 28 and 29, 1968. In a March 8, 1968, letter to the New Orleans DA’s office from Assistant U.S. Attorney David Bress, the government declined to cooperate, saying there was a conflict of interest between the federal government’s policy of “safeguarding . . . information obtained by all government employees during the course of their employment” and their normal role of “representing states which are signatory to the Uniform Witness Act.” However, the government pointed out that if Garrison wanted to *compel* Dulles to become a witness, “jurisdiction under the Uniform Witness Act” for this would rest “in the District of Columbia Court of General Sessions. Papers such as these are appropriately filed

*Houston did not elaborate or cite the legal authority for this position. But unlike a regular subpoena for one’s testimony, federal agencies, as opposed to ordinary citizens, have been given considerable discretion and latitude in determining what documents and materials they want to provide pursuant to a subpoena *duces tecum* issued by a lower court, the burden seemingly being on the court to rule that the sought papers, et cetera, are material to the case *and* it would be “in the best public interests” for them to be disclosed. Absent this showing, the federal agency “may lawfully decline to produce them in response to a subpoena *duces tecum*.” (*United States ex rel. Touhy v. Ragen, Warden, et al.*, 340 U.S. 462–468 [1950]) However, Houston went on to say that “in the interest of comity and cooperation which is customary between the Federal government and state authorities,” his agency had “carried out an exhaustive search” of their files for such a photograph and “I can state categorically that the files of this Agency do not contain, and never have contained, any such picture of Lee Harvey Oswald taken in Mexico and that we have no information whatsoever that any such photograph ever existed” (CIA Record 104-10005-10373, May 16, 1967, pp.1–2).

†A few people have said that at the same time Garrison attempted to serve the subpoena *duces tecum*, he also attempted to serve a subpoena on Helms for his testimony about the CIA’s investigation of the assassination. But I have been unable to find any evidence of this and Garrison never mentioned it in his two books on the case. Also, it is highly unlikely that if he did, Houston, in his letter to the judge, would only have referred to the subpoena *duces tecum* and not the subpoena for Helms’s testimony.

with the Clerk of this Court which is located at 5th and E Streets, N.W. Washington D.C.”*

Bress went on to say that if Garrison's office decided to do this, since the federal government had the aforementioned conflict of interest, it would ask the court to appoint some other entity to “represent the interests of the State of Louisiana.” Garrison's office—and you will never find this in any pro-conspiracy book—dropped the matter and never sought to have a proper court compel Dulles's testimony.

Garrison had to know that the federal government would not voluntarily allow Dulles to come to New Orleans to be exploited by Garrison as a high-visibility publicity stunt. Garrison also had to know that if, indeed, the CIA was behind the assassination, Dulles wouldn't likely have any knowledge of it since he ceased being CIA director on November 29, 1961, almost two years *before* the assassination, and was in retirement on November 22, 1963.

The trial of Shaw was mostly a trial of, and an attack on, the Warren Report (greatly assisted by the research of conspiracy theorist Vincent Salandria, who worked closely with the prosecution team). Garrison called several Warren Commission witnesses, including one of the autopsy surgeons, and showed the jury the Zapruder film (which he obtained from *Life* magazine by way of a subpoena), ostensibly indicating a shot from Kennedy's right front. “You will be able to see,” he told the New Orleans jury in his opening statement on February 6, 1969, that the president was “struck by the various bullets and you will be able to see him fall backwards as the fatal shot strikes him from the front—not the back but the front.” (HSCA Record 180-10101-10040, p.32) Garrison's motive in showing the Zapruder film to the Shaw jury was clear: even assuming Oswald was also firing from the rear, this meant there had to be multiple gunmen and hence a conspiracy, precisely what Garrison was alleging.

Easily one of the biggest frauds in the conspiracy movement who has espoused the Shaw-Ferrie-Oswald troika being involved with the CIA in the assassination is one Robert D. Morrow, an electrical engineer by trade from Baltimore who in the early 1960s was involved with anti-Castro Cuban exile groups. From 1960 to 1963 Morrow ran an operation in Baltimore to counterfeit, he says, \$50 million in phony pesos to dump on the Cuban economy to disrupt it. Morrow claims the operation was sponsored by the CIA through his friend, Cuban exile leader Mario Garcia Kohly, who he said was the American leader of the Cuban underground. On October 1, 1963, Morrow and Kohly were arrested by the federal government on counterfeiting charges and served short jail sentences. It's very strange indeed that the CIA would have allowed Morrow to be arrested because, Morrow claims, on July 1, 1963, just a few months earlier, a CIA executive officer, Tracy Barnes, had asked him to purchase and modify *four* Mannlicher-Carcano rifles, which, he found out later, were used by several “hit squads” to assassinate Kennedy. (I had previously thought only *one* Carcano was involved. But hey, it's easy to get num-

*In *On the Trail of the Assassins*, Garrison tells his readers that he sent “a subpoena” to Washington (which he did not do) to compel the testimony of Dulles, and the U.S. attorney's office refused to serve the subpoena on Dulles (Garrison, *On the Trail of the Assassins*, pp.211–212, 332).

bers confused. In one of Morrow's books, he says he bought *three* Carcanos. Later in the book, he said he bought *four*.) He said he delivered the rifles to David Ferrie in New Orleans and later learned they were for Ferrie's, Clay Shaw's, and Carlos Marcello's use in the assassination. Morrow says grandly, "I had just supplied the very weapons responsible for the death of the President of the United States." Morrow believes that Ferrie and his associates set up Lee Harvey Oswald as "the patsy" for the assassination. I wonder where Morrow came up with such an original thought?

In 1975, Morrow, being the patriotic citizen he was, contacted the Church Committee, which was investigating American intelligence agencies, particularly with respect to the assassination of President Kennedy. In his interview by a Church Committee investigator on June 26, 1975, and in his letter to the investigator on July 23, 1975, he didn't say one single solitary word about this absolutely fascinating story of his. He did say it was his "opinion" that elements of the CIA may have been behind Kennedy's assassination, but nothing at all about having first-hand knowledge of a CIA executive having him purchase the weapons that killed Kennedy.

Not to worry. In his 1992 book, *First Hand Knowledge*, he lays it all out on the line, admitting that his earlier (1976) book, *Betrayal*, was a "lightly fictionalized account of my involvement with the Cuban anti-Castro movement and the events culminating in the assassination of John Kennedy." (SSCIA 157-10002-10042, June 26, 1975; SSCIA 157-10011-10099, August 7, 1975; Morrow, *First Hand Knowledge*, pp.xi, 204–207, 292) In other words, the first book was only "lightly" fictionalized. This one, folks, is going to be *heavily* fictionalized. (Please forgive my sarcasm.)

Morrow offered to testify before the Church Committee in 1975, but since it was obvious he had nothing to say, the committee denied his request. In 1976, when *Playboy* magazine was publishing its fine series on assassination in America, Morrow contacted them and said he had evidence linking Jack Ruby, Oswald, Officer J. D. Tippit, Clay Shaw, and David Ferrie in the assassination and that he had purchased the weapons to kill Kennedy. (Recall, the previous year he omitted this little detail to the Church Committee.) He also told them of his close association with Kohly in the anti-Castro movement. Also, tantalizingly, he said he had a film of a man who was a "dead ringer" for Oswald training at a paramilitary camp in New Orleans. *Playboy*, through the writer of the series, James McKinley, decided to check Morrow out. Here's its report: "Morrow's film showed no one who looked remotely like Oswald. He had no documents or photos linking Tippit, Oswald, Ruby, Ferrie, Shaw and himself—or any combination thereof. Though Morrow claims . . . to have participated in adventures with Ferrie, he was unable to describe the man accurately. In addition to Morrow's wildly imaginative reconstruction of events leading up to the assassination, a deathbed tape of Kohly, which we heard, has the Cuban saying that *Castro* had Kennedy killed, in direct contradiction of Morrow's claim that his men had done it. 'He [Kohly] was just wrong,' Morrow explained." (McKinley, "Cries of Conspiracy," p.202)

1349 **no evidence:** No credible evidence has ever emerged that Lee Harvey Oswald or David Ferrie was associated in any way with the CIA or any other U.S. intelligence agency. And the only connection Clay Shaw had with the CIA was not as an agent

or operative, but as one of well over 100,000 prominent Americans who traveled regularly in foreign countries (as Shaw did as the managing director of the New Orleans International Trade Mart) and who, upon their return to the states, furnished information about these countries to the Domestic Contact Service (DCS) of the CIA, a nonclandestine operation. As the HSCA said, "Such acts of cooperation should not be confused with an actual Agency [CIA] relationship" (HSCA Report, p.218). The Rockefeller Commission, in 1975, found that the CIA had a master index of approximately 150,000 Americans to furnish the agency with such information, with approximately 50,000 active files (Rockefeller Commission Report, p.210). In a September 28, 1967, memo responding to written questions submitted by the Justice Department on September 18, 1967, the CIA reported back that Shaw had contact with a Domestic Contact Service representative in New Orleans seven times in 1949, twice in 1950, five times in 1951, nine times in 1952, once in 1953, twice in 1954, twice in 1955, and twice in 1956. For the period 1948–1956, Shaw "submitted to the New Orleans office of the Domestic Contact Service information which was incorporated in eight reports. These reports all concerned international trade. One dealt with an East German directory of firms engaged in such trade. Another concerned the establishment of a Czechoslovakian Trade Exhibit. Still others contained information about foreign exchange problems in Peru, opposition to the Peruvian government in early 1949, highway construction in Nicaragua, and politics in Argentina."

In the same 1967 memo to the Justice Department, in answer to the questions "What was the exact relationship between CIA and David Ferrie? What was the extent of CIA's file on Ferrie before the assassination?" the CIA responded, "There was no relationship, and there was no file before the assassination." It also said that an associate of David Ferrie's, Guy Banister (see main text), had never been associated with the CIA. (DOJ Record 179-20003-10191, CIA memorandum from Donovan E. Pratt to Department of Justice on September 28, 1967, pp.1–2) Granted, the CIA, like all intelligence agencies, routinely lies to its adversaries. And we know that the CIA knowingly withheld (by not volunteering) from the Warren Commission information that it had plotted to kill Castro. But with respect to the integrity of the aforementioned September 28, 1967, memo, I'm not sure there is any evidence that the CIA has affirmatively lied to other U.S. federal agencies.

Former CIA agent Victor Marchetti has become a favorite of the conspiracy crowd ever since his April 1975 interview in *True* magazine in which he spoke of the morning staff meetings he attended as an executive assistant to the deputy director, in the office of Richard Helms, the director of the CIA at the time. During the period of Garrison's investigation and trial of Clay Shaw, Marchetti said he remembered Helms "on several occasions asking questions, like, you know, 'are we [the agency] giving them all the help they need'? I didn't know who they or them were. I know they didn't like Garrison because there were a lot of snotty remarks passed about him. They would talk in half sentences like 'is everything going all right down there' . . . or 'we'll pick this up later in my office.'" (All of this could very well be true, since Garrison was accusing the CIA, and/or rogue elements thereof, of being behind the assassination, and it is not in dispute that the CIA monitored the New Orleans situation closely.) Marchetti goes on to say that because of what he heard at the meetings he "began to ask around . . . what's the

concern about this . . . guy Shaw?” And one of the people who attended the morning staff meetings told him, “Well, Shaw, a long time ago, had been a contact of the Agency. He was in the export-import business . . . The Domestic Contact Service—he used to deal with them . . . and it’s been cut off a long time ago . . . The Agency doesn’t want this to come out now because Garrison will distort it, the public would misconstrue it.”

From this totally benign interview in *True* magazine, the conspiracy theorists have cited Marchetti for the proposition that Shaw was “intimately connected to the CIA” (Grodén and Livingstone, *High Treason*, p.125), that he was a “CIA agent” (Twyman, *Bloody Treason*, p.260), and so forth. But even Marchetti himself, in his informative 1974 book on the inner workings of the CIA (168 passages of which were censored by the agency pursuant to a court order sought by the agency to prevent disclosure of sensitive information), spoke of the Domestic Contact Service in the 1960s as “an *overt* agency office that recruits American travelers to be unofficial CIA eyes and ears abroad” and it was a “completely separate entity housed *outside the Clandestine Services*” (Marchetti and Marks, *CIA and the Cult of Intelligence*, pp.228–229).

In an April 22, 1975, interview by Bud Fensterwald, Marchetti said, “This guy Ferrie came up [too] . . . and I was given a *similar* kind of explanation, that he’s been involved in the Bay of Pigs and [had] been a *contract* agent or *contact* at the time” (Davy, *Let Justice Be Done*, p.304 note 32).

It should be noted that Marchetti, who left the agency in 1970 after fourteen years of service, increasingly aligned himself with the conspiracy theorists and made some extravagantly outrageous assertions, such as his remark in 1978 that the CIA would “admit” that one of its agents in 1963, Howard Hunt, “was involved in the conspiracy to kill Kennedy.” In addition to the inherent absurdity of Marchetti’s charge, a very big problem he can’t get around is that in his “tell-all” book on the CIA, which, of course, was published long after Marchetti and everyone else had been exposed to the entire Shaw–Ferrie allegation and story by the national media, he didn’t find space in its 398 pages to write one single word about Clay Shaw, David Ferrie, Lee Harvey Oswald, or any CIA complicity (as an agency, or by any of its members) in the Kennedy assassination. In fact, he never even mentions the assassination in his book. And unfortunately for the conspiracy theorists, none of this was in the passages deleted by the agency. All of the areas of deletion are indicated in Marchetti’s book, and from the context none could possibly have dealt with the above matters. So by his own hand, it’s simply too late for Marchetti to be playing his conspiracy game.

An allegation that has received much exposure in the conspiracy community is that in 1958, Shaw was named to the board of directors of the Rome World Trade Center (Centro Mondiale Commerciale [CMC]), an “affiliate” of a Swiss-based financial corporation called Permindex (an acronym for Permanent International Industrial Exhibition), and that Permindex was a CIA front corporation (e.g., Davy, *Let Justice Be Done*, pp.95, 98). Ergo, Shaw must be CIA. Established on January 26, 1956, in Bern, Switzerland (within months, the company moved its corporate domicile to Basel), Permindex was essentially a paper corporation with plans to

build a thirteen-floor building in Basel, in which the exhibition would be housed, and an adjacent fifteen-story hotel. The project never got off the ground because of a lack of funding and press attacks on the dubious background of Giorgio Mandel-Mantello, who, per the Italian daily *Il Messaggero*, was the founder of CMC, his son Heinrich being the managing director. (CIA Record 104-10181-10114, pp.1–2) Mantello, reportedly a close friend of Perminindex's founder, Ferenc Nagy, was said to have extorted money from Jews fleeing Hitler and was once threatened with expulsion from Switzerland for illegal dealings in gold. Though allegations ranging from money laundering to being involved in assassination attempts on French president Charles de Gaulle have been made against Perminindex, it is noteworthy that neither the corporation nor its chief executives were ever convicted of any crime, or even prosecuted. On October 22, 1958, Nagy called a press conference in Rome asserting his intent to establish in Rome through the newly created Rome World Trade Center (WTC or CMC) what had failed in Basel, and announced Shaw's appointment as a member of the board of directors of the WTC. (Department of State, Foreign Service Dispatch memorandums of January 2 and 15, 1957, February 1, 1957, March 7, 1957, October 8, 1957, April 9, 1958, May 21, 1958, June 4, 1958, July 18, 1958, and November 7, 1958)

The first allegation that Perminindex and the WTC were CIA front groups was made on March 4, 1967, by *Paese Sera*, a small-circulation afternoon newspaper in Rome with ties to the Italian Communist Party. The paper pointed out, correctly, that Shaw, under indictment in New Orleans for Kennedy's murder, had at one time been a director of the WTC.* *Paese Sera* said that the WTC was a "creature of the CIA . . . set up as a cover for the transfer to Italy of CIA . . . funds for illegal political-espionage activities." The following day, March 5, the same story, minus the CIA allegation, appeared in Rome's more conservative newspapers, *Corriere della Sera* and *Il Messaggero*.

Though the conspiracy community would have given anything to prove that Perminindex-WTC was a CIA front, *Paese Sera* never offered its readers any evidence to support its naked charge, and no one else has ever produced evidence to support this allegation.† However, *Paese Sera*'s accusation was immediately picked

*It is not known when Shaw ceased to be a member of the WTC board, but it would be no later than 1964, when the WTC closed its operations in Rome. The WTC was later revived in Johannesburg, South Africa. As late as December 1, 1962, Shaw told "Who's Who in the South and Southeast" that he was still a member of the WTC board, which doesn't sound as if Shaw was trying to conceal his association with a group that he felt was up to no good.

Without offering any evidence to support his allegation, writer Michael Collins Piper says that not only was "Clay Shaw in the middle of Perminindex," but so were "CIA contract operatives Guy Banister [see main text] and David Ferrie." ("Critics Afraid to Debate New Book Linking Mosaad to JFK Conspiracy," *Spotlight*, November 23, 1998, p.B-2)

†The main basis for the charge seems to be that Perminindex, the parent organization, was headed by Ferenc Nagy, a former Hungarian premier (1946–1947) who was the leader of that nation's anti-Communist party, the Independent Party of Smallholders, Agricultural Workers, and Citizens, and someone with a past association with the CIA (CIA Record 104-10213-10146, Letter from Frank Wisner, the CIA's assistant director for policy coordination, to D. Milton Ladd, assistant to the director, FBI, September 22, 1948, p.1, in which Wisner advises Ladd of six foreign men [in Bulgaria, Croatia, Hungary, etc.], including Ferenc Nagy, whom the CIA intended to have "dealings" with; CIA Record 104-10181-10114, March 24, 1967, in which Nagy is referred to as a "cleared contact" of the CIA's "International Organization Division"). Some other members of the WTC board were also reportedly right wing. (Ferenc Nagy should not be confused with the much more famous Imre Nagy, who was a Communist and the Hungarian premier during the thirteen-day Hungarian uprising against Soviet rule in 1956 that sought to expel the Russians from Hungary. Six thousand Soviet tanks

up and repeated by *Pravda* and TASS on March 7, 1967, and the left-wing, French-language Montreal paper *Le Devoir* on March 8. (*New Orleans States-Item*, April 25, 1967; *Canadian Dimension*, April 1967; Internal CIA Memorandum for Chief, CI/R&A, Enclosure 21, p.4; HSCA Record 180-10143-10220; Max Holland, “The Lie That Linked CIA to the Kennedy Assassination,” 2001, available at cia.gov/csi/studies/fall-winter-2001/article02.html)

Moreover, since Shaw, when he became a member of the board of directors of the WCT in 1958, was the managing director of the International Trade Mart in New Orleans, one of the nation’s leading commercial port cities, wasn’t it the most natural and unsuspecting thing for him to be named a director of an international trade center in Rome? Indeed, Carlo D’Amelio, the prominent Italian lawyer who was the president of the Rome WTC, told *Paese Sera* (March 6, 1967) that the reason Shaw was offered a position on the board was that he “had organized in New Orleans a permanent trade exhibit like the one we wanted to set up in Rome.” It should be parenthetically noted that as a measure of *Paese Sera*’s credibility, in a later article of the paper, it claimed that Shaw had organized Kennedy’s trip to Dallas. (Lambert, *False Witness*, p.204)

Though much has been written about the *Paese Sera* allegation, Shaw’s only reported response to it was during an interview of him in *Penthouse* magazine in 1969. Here’s what he told *Penthouse*: “Back in 1959 or 1960, a young Italian came to see me in New Orleans and told me about a world trade center that was being planned in Rome. The idea was to have one place where buyers coming into the Common Market area would find all the Common Market countries represented in one center. He wanted my advice and asked me to serve on the board of directors. I had no objection if it was a legitimate project. I investigated it and found that the head of it was a man named Imre Nagy, who had been the last non-communist premier of Hungary.* Some of the other people involved were Italian senators, journalists, lawyers, and other responsible people. It was agreed that we would have an exhibit at their center, and they would have one at the mart here in New Orleans . . . I didn’t mind being on their board, although there was no money involved, but I would have to go to Rome annually for the board meetings and my way would be paid, so why not? Then they ran into difficulties, but they finally got the center opened. It turned out to be either badly planned or badly organized and it closed very shortly, and that was the last I ever heard of it. I never heard that it was a CIA operation . . . Other than what I’ve told you, I know nothing more about the Centro Mondiale Commerciale.” (“Clay Shaw,” p.36)

In his memoir, *A Look over My Shoulder*, former CIA director Richard Helms writes that “the Agency had no contact with or interest in Centrale Mondiale Commerciale,” adding that *Paese Sera*, just six years earlier, was responsible for another

were sent in to quell the rebellion. Imre Nagy was executed in Budapest in June of 1958 on grounds of treason.) (Ferenc Nagy: Hoensch, *History of Modern Hungary, 1867–1986*, pp.167, 177–178, 180; Imre Nagy: Méray, *Thirteen Days That Shook the Kremlin*, pp.15–17, 59, 65, 67, 149, 161, 186, 237, 262–266) However, the WTC board also consisted of people like former Social Democrat deputy Corrado Bonfantini.

*This is confusing here, since Imre (not Ferenc) Nagy could not have met with Shaw in 1959 or 1960, having been executed in 1958. Since Imre Nagy was a much more famous name than Ferenc Nagy, Shaw may have merely forgotten the true first name of the man he was told headed the company. Further, Shaw’s description of the man as the “last non-communist premier of Hungary” is a description of Ferenc, not Imre Nagy, and we know from other sources that Ferenc, not Imre Nagy, was connected, by way of Permindex, to the World Trade Center in Rome.

false story, that the CIA was behind an attempted coup by a few French officers against the colonial government in Algeria. The story, like Shaw's story, was immediately picked up by other news organizations, including *Pravda*, TASS, and *Le Monde* in Paris, and the French foreign minister finally had to address the matter, telling the National Assembly in Paris that there was no truth to the story. (Helms with Hood, *Look over My Shoulder*, pp.286–287, 289)

Assassination researcher Max Holland, in a 2001 article posted on the Internet asserting that the *Paese Sera* article was disinformation planted by the KGB, makes what may be an incorrect claim when he says that “the epicenter of Garrison's prosecution, and the well-spring for his ultimate theory of the assassination, was [his] belief in a fantasy published by a Communist-owned Italian newspaper [*Paese Sera*]” that Shaw was connected to the CIA. (Max Holland, “The Lie That Linked CIA to the Kennedy Assassination,” p.10, 2001, available at www.cia.gov/csi/studies/fall-winter-2001/article02.html; Holland, “JFK Lawyers' Conspiracy,” p.20) There would seem to be some problems with this theory. It is not known whether Garrison somehow became privy to the *Paese Sera* piece when it was first published. But even if he had heard of it immediately (when it was published on March 4, 1967), he had already charged Shaw on March 1 for Kennedy's murder. Also, though Garrison seemed to believe the CIA was behind the assassination, he subpoenaed no CIA agents for the trial, never brought up the name CIA during the trial, and did not argue in his summation that the CIA was behind the assassination. So the phrase “epicenter of Garrison's prosecution” might not be appropriate.

Additionally, even if there were no available evidence to prove it, we can assume that with the fertility of Garrison's imagination and all the *alleged* CIA contacts with David Ferrie, Garrison would have eventually come to the conclusion of CIA complicity in the assassination without the clearly unsupported allegation by a small foreign paper that the WTC was a CIA front. But the fact is that as early as late November of 1966, several months before the *Paese Sera* article was printed, Garrison told a journalist friend in New Orleans, David Chandler, that “the CIA did it,” referring to the assassination. (Lambert, *False Witness*, pp.45–46)*

The one remaining allegation of a Shaw connection with the CIA, and hence the assassination, pertains to a CIA clandestine project code-named QKENCHANT. In paragraph 11 of a CIA memorandum to the file dated March 16, 1967, after mention that “J. Monroe Sullivan [who was Shaw's counterpart as head of the San Francisco Trade Mart], #280207,” had been granted covert security approval on

*Conspiracy author Joan Mellen says that “after Shaw's arrest,” her husband, Ralph Schoenman, the London secretary to British philosopher Bertrand Russell, “sent Garrison a series of articles from an Italian newspaper called *Paese Sera*” (Mellen, *Farewell to Justice*, pp.xviii, 136). In *On the Trail of the Assassins*, Garrison suggests he didn't know of the *Paese Sera* article until after the trial of Shaw was over in 1969 (Garrison, *On the Trail of the Assassins*, pp.100–104). But this seems unlikely since the *Paese Sera* allegation appeared in the *New Orleans States-Item* on April 25, 1967, long before the trial. And Holland points out that a March 16, 1967, diary entry of *Life* magazine's Richard Billings, who was working closely with Garrison and his investigation at the time, reads, “Garrison now interested in possible connections between Shaw and the CIA . . . Article in March issue *Humanities* supposedly mentions Shaw's company [CIA] work in Italy” (Holland, “Demon in Jim Garrison,” p.15). The “now interested” language goes in the direction of supporting Holland's premise in that at least in Billings's opinion, Garrison started thinking of a CIA-Shaw connection because of the *Paese Sera* allegation.

December 10, 1962, so that he could be used in Project QKENCHANT, are the words “Shaw has #402897-A.” Washington attorney Jim Lesar, who has handled more lawsuits seeking documents from federal agencies under the Freedom of Information Act (FOIA) than anyone else, and is as much an authority on interpreting abstruse and redacted FBI and CIA documents as anyone, admits that the above reference to Shaw is “ambiguous” in that it is not certain that Sullivan’s and Shaw’s six-digit numbers are QKENCHANT clearance numbers, and the document does not expressly say, as it does with Sullivan, that Shaw had been cleared for QKENCHANT. But Lesar believes the “indication” from this document is that Shaw, like Sullivan, had CIA *covert* clearance in QKENCHANT, which would be at odds with the CIA’s position that Shaw had been involved with the agency only in the *nonclandestine* Domestic Contact Service of the CIA.

Several questions about the import of the above-mentioned language have arisen, none of which the CIA has answered satisfactorily in FOIA requests from many people, including myself. For starters, just what kind of project was QKENCHANT? In a September 18, 1998, letter to Laura Denk, executive director of the ARRB, J. Barry Harrelson of the CIA, who was handling requests from the ARRB for CIA documents, said QKENCHANT “was the name of an Agency [CIA] project used to provide security approvals [for] non-Agency personnel and facilities. Such approvals were required so that Agency personnel could meet [these] individuals to discuss proposed projects, activities, and possible relationships.”

On January 28, 2003, I made a FOIA request to the CIA for “any and all documents *detailing the relationship*, if any, that existed between Clay Shaw and the CIA on the QKENCHANT project.” I also wanted to know more about the QKENCHANT project. I found the April 7, 2003, response to me from the agency’s information and privacy coordinator, which comprised three documents, to be unhelpful. One document said QKENCHANT was a “project for obtaining clearance, that is, Provisional Court Security Approvals . . . in connection with the acquisition of . . .” with the words that followed being redacted. I also received a copy of the September 18, 1998, letter from Harrelson to Denk which said that Shaw had received “an initial ‘five agency’ clearance on 23 March 1949 and Agency records indicate the QKENCHANT project did not begin until sometime in 1952. Thus [a non sequitur], in all probability, [Shaw] was not cleared by that program, at least initially.” In the letter to me, the CIA coordinator said the agency felt it was satisfying my request and there would be no further response from it. I wrote the CIA on April 15, 2003, saying it had not adequately answered my request, pointing out, for instance, that a document which reads “in all probability he was not cleared by that program, at least initially,” would not satisfy anyone since it does not clearly answer the question of whether Shaw was or was not cleared for the QKENCHANT project. Also, deleting the words following “in connection with the acquisition of” begs the question, the acquisition of what—avocados? nuclear weapons? I also wanted to know what “five agency” clearance meant,* but I received no further response from the CIA.

*Jim Lesar confirmed what I had surmised: that “five agency” clearance meant that whatever CIA clearance Shaw had would also clear him for other federal agencies, like the FBI (Telephone interview of Jim Lesar by author on February 1, 2005).

After the then current CIA director, Porter Goss, was sworn in in 2004, I decided to write him directly for the information, since the FOIA process is merely a statutorily authorized method of securing information, but certainly not exclusive, and nothing would prohibit Goss from furnishing me the requested information. I knew, of course, that the investigation and trial of Shaw in New Orleans had demonstrated to all sensible people that Shaw had as much to do with Kennedy's death as the man in the moon, but I pointed out to Goss that notwithstanding Shaw's innocence, it would not look good for Goss personally as well as the CIA to not furnish the requested information because some people would conclude that the CIA had something to hide. Goss had Scott Koch, the CIA's information and privacy coordinator (the same section of the CIA to whom I made my original request), respond to my November 29, 2004, letter. Koch's February 14, 2005, response said, in effect, that his office, not that of the CIA director, handled such requests as mine and that "another review [of my original FOIA request] is unlikely to result in the release of more information. We understand that you are a recognized author, but the FOIA prevents us from treating one requester different from another. We regret we cannot be of further help in this matter." Koch was helpful enough to wish me "much success" with my book. So the CIA refuses to release any further information on the matter, short of being forced to by litigation under FOIA, which I'm not about to do since the litigation frequently goes on for many years, taking it beyond the publication date of this book. Moreover, there already is a lawsuit in existence against the CIA by an assassination researcher trying to get more information on Shaw and QKENCHANT.

The CIA's response to my request is compatible with the culture of the CIA to be its own worst enemy, and even when it is innocent, to act as guilty as it possibly can. Getting information from it is worse than pulling impacted teeth. It's well-nigh impossible. I *was* able, however, to get a small item of information here and there from the CIA throughout the years. For instance, I learned from its public relations section that the CIA moved its headquarters from Washington, D.C., to Langley, Virginia, in 1961. And oh yes, the CIA did once confirm for me the death of one of its former agents. I already had the month and year. It gave me the day.

Two footnotes to the above: A September 18, 1968, internal CIA memo reads that the covert security approval for QKENCHANT for Shaw's counterpart, Monroe J. Sullivan, granted on December 10, 1962, was "on an unwitting basis" (HSCA Record 180-10143-10220, June 28, 1978, p.36). Does "unwitting basis" mean that Sullivan was cleared without his even being aware of it? Or that he was aware of his clearance but unaware that he was being used by the CIA? Jim Lesar feels it means the former (Telephone interview of Jim Lesar by author on February 1, 2005). Assuming that Shaw also received, like Sullivan, a QKENCHANT clearance, which we don't know to be a fact, the likelihood is that it would have also been on an unwitting basis.

One of the most revealing internal CIA memos on the issue of whether Shaw was a CIA clandestine agent or operative was a memorandum to the file by John P. Dempsey, the CIA's director of research, on March 3, 1967. In it, he says that Arthur Dooley of the CIA's Counterintelligence Research and Analysis staff called him "on 2 March 1967 concerning the Subject [Clay Shaw] who was recently arrested (March 1) in New Orleans, Louisiana, as a result of that city's D.A.'s inves-

tigation of the Kennedy assassination.” The essence of Dooley’s inquiry, per the implication in the memo, was that Dooley wanted to find out what information the CIA had on Shaw, and Dempsey’s memo goes on to say that he “advised” Dooley about Shaw, including the fact that Shaw’s CIA file was opened in 1949. (CIA Record 104-10255-10024, March 3, 1967)

The reader must bear in mind that although intelligence gathering at the CIA can obviously be clandestine, the heart of clandestine, covert activity in the CIA is counterintelligence. No one has pursued Shaw’s connection to the CIA in the courts as much as Jim Lesar, and Lesar doesn’t even give a thought to Shaw doing clandestine work for the CIA in the gathering of intelligence. “No,” Lesar says, “we’re confident that Shaw worked covert, counterintelligence for the CIA.” (Telephone interview of Jim Lesar by author on January 7, 2006) Yet here we have Arthur Dooley of the CIA’s Counterintelligence Research and Analysis staff calling Dempsey, the CIA’s director of research, the day after Shaw was arrested and in effect asking him, “Who is Clay Shaw and what, if anything, do we have on him?”

1350 **He also attacked:** Jim Garrison’s most serious attack on the establishment, and the one that got him in the most trouble by far, occurred his first year in office, 1962. He started using money from a DA “Fines and Fees Fund” to pay his assistants to conduct investigations of commercial vice in the Bourbon and Canal Street districts of New Orleans. The problem was that the money from the fund was only supposed to be used to “defray expenses” of the DA’s office, not to conduct investigations. Further, disbursements out of the fund had to be approved by a judge of the State Criminal District Court. When Garrison took office, one of the judges refused to approve a disbursement from the fund for furnishings for Garrison’s office. When the judge went on vacation, Garrison obtained the approval of another judge by allegedly misrepresenting that the first judge had withdrawn his objection. Because of this, all eight judges of the Criminal District Court adopted a rule on October 5, 1962, that no further disbursements from the fund would be approved without the concurrence of at least five of the eight judges. And on October 26, 1962, the judges ruled that they would not approve disbursements from the fund to pay for the vice investigations, expressing doubt as to the legality under the state constitution of using money from such a fund for investigation purposes.

On November 2, 1962, Garrison called a press conference in which he said, “The judges have now made it eloquently clear where their sympathies lie in regard to aggressive vice investigations by refusing to authorize use of the DA’s funds to pay for the cost of closing down the Canal Street clip joints . . . This raises interesting questions about the racketeer influences on our vacation-minded judges.” For this outburst, Garrison was prosecuted and convicted by a judge from another parish of “criminal defamation” (a misdemeanor) of the judges, fined \$1,000, and sentenced to four months in jail. Garrison appealed and the Louisiana State Supreme Court affirmed the conviction. But in 1964, the U.S. Supreme Court reversed the conviction, holding that the Louisiana statute (La. Rev. Stat., 1950, Title 14) under which Garrison was convicted was unconstitutional because it permitted convictions where the defendant declarant had no *reasonable* belief in the truth of his declaration, whereas under the test for defamation of public officials set forth in the 1964 landmark case of *New York Times Co. v. Sullivan* (376 U.S. 254), mere lack of reasonableness (i.e., negligence) will not suffice. There has to

be a “reckless disregard for the truth.” (*Garrison v. Louisiana*, 379 U.S. 64–67, 77–79 [1964])

- 1350 **Garrison never went after organized crime:** Jim Garrison's adversaries in the anti-conspiracy community have questioned his sexual orientation and have sought to corroborate the allegation of his having fondled a thirteen-year-old boy in June of 1969 at the New Orleans Athletic Club, but neither has any conceivable relevance to this case* and neither has ever been confirmed. Author Patricia Lambert, in researching the issue, interviewed the boy (a young man at the time Lambert interviewed him) and his older brother. The story they told her is believable in terms of its detail. The only problem is that it doesn't make much sense. The incident supposedly took place in a very dark slumber room at the Athletic Club. Supposedly Garrison approached the father of the two boys in the pool area and suggested that the father, his two sons, and Garrison go up to the room for a nap, all eventually lying in separate beds in the completely dark room. Garrison, in a bed next to the young boy, allegedly twice left his bed or reached over and lifted the blanket off the teen and “fondled” him, presumably on his private parts. (Lambert, *False Witness*, pp.232–237)

This discussion has no place in this book, even in an endnote. The reason I'm including it is that the story has been out there for years and is usually treated more or less as an accepted fact by the anti-conspiracy theorists (e.g., Posner, *Case Closed*, p.438 footnote), and I want to herein at least throw open to question its truthfulness. What militates against its being factual is that not only did this incident allegedly occur just three months after the enormously publicized Clay Shaw trial that made Garrison a national, even an international figure, a time when he was living in a fish bowl and had a great number of enemies who would have loved to destroy him, but also no other allegation of a similar nature has ever been leveled at him that I know of. And Garrison, a married man with five children, had always had known heterosexual relationships, even after his divorce from his wife. Much more important than that, even if Garrison did have such secret propensities, it stretches all credulity to believe that he would act them out in the very same room as the boy's father and older brother. The victim's explanation for this—that Garrison looked like he was “on drugs,” an observation that neither the older brother nor the father are known to have made—cannot overcome the nonbelievability of what Garrison allegedly did. Lambert learned that the New Orleans grand jury wanted to take testimony on the matter but the boy and his family declined to testify out of fear of retaliation by someone as powerful as Garrison. (Lambert, *False Witness*, pp.235–237)

Garrison's adversaries have also used his guilt-by-association modus operandi (see main text) against him, especially with regard to the mob. While it is true he never prosecuted or apparently even investigated major organized-crime figures in New Orleans, and always maintained there was “no organized crime” in New Orleans† (as far back as 1951, the Kefauver Committee identified Carlos Marcello

* Author Patricia Lambert's suggestion that “Garrison's underlying, perhaps unconscious, motivation” for his prosecution of Shaw is “the possibility that he was driven to pursue Clay Shaw by his discomfort with his own sexuality” (Lambert, *False Witness*, p.238) is mere conjecture and unlikely to be true.

† All of Carlos Marcello's gambling casinos and most of his pinball machines were in Jefferson Parish (adjacent to Orleans Parish), over which Garrison, the DA of Orleans Parish, had no jurisdiction. But as a *Life*

as the Mafia chieftain of New Orleans), and although he didn't help himself when he told NBC that Marcello was a "respectable businessman" (Rogers, "Persecution of Clay Shaw," p.56), the fact remains that there is no credible evidence that Garrison ever took any money from or was in any way beholden to or connected with organized crime. His getting a \$5,000 line of credit in 1967 at the Sands Hotel in Las Vegas, a hotel allegedly owned at the time, at least in part, by organized crime, is meaningless since such lines of credit to non-organized crime figures are common. And the casino manager, Mario Marino, a former employee of Marcello's, "comping" Garrison's hotel bill during his stay at the Sands couldn't possibly be less significant. Las Vegas picks up hotel bills for people much less important than the district attorney of New Orleans. Garrison said that he felt it was customary for casinos to pick up the hotel tabs of public officials. As to the line of credit, he said, "I imagine any DA would have a good credit rating [in a casino]." He added that he did not know about Marino's former involvement with Marcello, though he said it made no difference since "I have no connection with Carlos Marcello." (Smith, "Carlos Marcello," pp.95-96; Rogers, "Persecution of Clay Shaw," p.56)

And in 1987, many years after Garrison's tenure as district attorney, a "colleague" of mob author David Scheim, asking that Scheim not reveal his name, claims he saw Garrison having lunch at a New Orleans restaurant with two of Carlos Marcello's brothers, Sammy and Joe Jr. (Scheim, *Contract on America*, pp.49-50, 412 note 195). But even assuming for the sake of argument that this allegation is true (which it probably is—indeed, twenty years earlier, Garrison admitted to a reporter from *Life* magazine that he knew Sammy Marcello [Smith, "Carlos Marcello," p.94]), it has to be looked at in the proper context. Things are just different "down yonder in New Orleans," from people drinking their coffee with beignets rather than doughnuts, to its being the heart of the only state in the Union that operates under the old Napoleonic code. Raffish and fun-loving, New Orleans is an interesting blend of Old World sophistication and parochialism. A relatively big city, it has a small-town atmosphere where members of the "in" crowd, from correct as well as incorrect society, often have innocuously incestuous relationships with each other that take place out in the open without (as opposed to most other cities) raising the eyebrows of its notoriously laissez-faire, tolerant citizenry. They don't call New Orleans "The Big Easy" for nothing.

Just one example among a great many: During the Clay Shaw trial, Judge Edward Haggerty Jr., who presided over the trial, used to stop by for a few drinks almost every night at the Rowntowner Motor Inn, a well-known watering hole in New Orleans for men of various and divergent ethical stripes. The establishment was owned by Frank Occhipinti, a big real estate developer in New Orleans who was a business partner on some of his acquisitions with Carlos Marcello. In fact,

magazine investigation of Marcello in 1967 showed, his gambling enterprises "prospered [in Jefferson Parish] without noticeable interference by Jefferson's District Attorney, Frank Langridge" (Smith, "Carlos Marcello," p.96). *Life* magazine reporter David Chandler alleges that between 1965 and 1969, Garrison "elected not to prosecute" eighty-four cases against "Marcello's gangsters" (Chandler, "'Little Man' Is Bigger Than Ever," p.33). Not only does this sound unbelievable, but when one makes such a sensational charge, it's incumbent upon him to cite at least one source, which Chandler failed to do. John Volz, who worked in the DA's office at the time, told me, "I don't know where Chandler got those figures. What he says is not true" (Telephone interview of John Volz by author on February 4, 2004).

Haggerty housed and fed the Shaw jury there. (Rogers, "Persecution of Clay Shaw," p.57) "Associations and alliances that would cause scandals elsewhere are amiably tolerated [in New Orleans]," Sandy Smith wrote in *Life* in 1967. "There is no neat line to separate the good guys and the baddies." Aaron Kohn, who came from Chicago in 1953 to head the New Orleans Metropolitan Crime Commission, recalled in the *Life* article that he was astonished at this. "After about a year," he said, "I began to realize something about the system down here. In Chicago, people were generally on one side of the fence or the other—honest or crooked. But in Louisiana there just isn't any fence." (Smith, "Carlos Marcello," p.94)

In 1965, Garrison purchased for \$65,000 a handsome, two-story home in New Orleans that had been originally built by Occhipinti. But since Marcello was involved in some legitimate ventures, and Occhipinti had no criminal history, so what? Even if we were to assume that Occhipinti was involved with Marcello in organized-crime activities, again, so what? Garrison bought the home from a lawyer, Peter Casano, who was a partner in a law firm with Frank Occhipinti's brothers. But again, so what?

Garrison's attackers talk of Vic Carona, an alleged bagman for Carlos Marcello, having died in Garrison's home in June of 1969 after suffering a heart attack. Even if Carona did work for Marcello, what they don't tell you is that Carona was so far down the totem pole that, for instance, John Davis doesn't even mention him in his 674-page tome on Marcello, *Mafia Kingfish*. Nor do the attackers mention that Carona was attending a political meeting at Garrison's home that many people undoubtedly attended, and there is no evidence that Garrison even knew Carona personally. (Chandler, "'Little Man' Is Bigger Than Ever," p.33)

John Volz is, to this day, a highly respected New Orleans public figure. As noted in the main text, he was an assistant district attorney under Garrison between 1963 and 1968, heading up the narcotics section. After a year as an agent for the Bureau of Narcotics and Dangerous Drugs, the predecessor to today's Drug Enforcement Administration, he returned to the DA's office as Garrison's chief assistant district attorney between 1974 and 1978, after which he became the U.S. attorney in New Orleans for thirteen years. Though he doesn't agree with Garrison's pursuit of Clay Shaw, he is very firm about the proposition that Garrison "was not beholden to organized crime." Further, that "there has never been any evidence that Garrison was ever on the take or that there was any fixing of cases in return for political or monetary support. Absolutely not," he told me. (Telephone interview of John Volz by author on October 5, 2000)

Walter Sheridan, whom Garrison ended up charging with bribing Garrison's star witness, Perry Russo, to turn against Garrison, writes that while Garrison chose to investigate David Ferrie's connection with anti-Castro Cubans in his investigation of the assassination, he "never pursued [Ferrie's] connection with [Carlos] Marcello" (Sheridan, *Fall and Rise of Jimmy Hoffa*, p.417). Many others have made the same charge, suggesting that this is further evidence that Garrison was tied in with Marcello and organized crime in New Orleans. But not only did Garrison say that in his years as district attorney he never came upon "any evidence that [Marcello] was the Mafia kingpin the Justice Department" said he was, but the critics fail to take into account that he never pursued the Ferrie-Marcello link because he never believed that organized crime had anything to do with the assassination. Gar-

ri-son was absolutely convinced that Kennedy was killed by those who set him up for the murder, including, he says erroneously, by changing the route of the motorcade on “the morning of the assassination.” (He believed it was preposterous to think that the Mafia would have any influence over the motorcade route, or whisking Kennedy’s body out of Dallas against Texas law, or having the chief autopsy surgeon burn his original autopsy notes, or having the president’s brain disappear, all of which, he reasoned, were done by the conspirators and were beyond the power of the Mafia.) (Garrison, *On the Trail of the Assassins*, pp.336–339)

To further prove his point, Sheridan alleges that when Garrison conducted his sweeping cleanup of the French Quarter after being elected DA, he “did not interfere with those night spots controlled by associates of . . . Marcello.” But Sheridan doesn’t name these clubs or offer any citation to support his allegation. (Sheridan, *Fall and Rise of Jimmy Hoffa*, p.417)

The only official document I came across suggesting an association between Garrison and a known mobster is a 1967 CIA Inspector General’s Report. When Garrison went to Las Vegas in March of 1967 to relax for a few days away from the throng of reporters (see later endnote) after he secured an indictment of Clay Shaw, per the report, “Jim Garrison, Edward Morgan [a lawyer] and [Johnny] Roselli were all in Las Vegas at the same time . . . Garrison was in touch with Roselli; so was Morgan.” This was around the same time that Roselli (a major Mafia figure who was part of the CIA-mob plot to kill Castro), through his lawyer, Morgan, was believed to have given syndicated columnists Drew Pearson and Jack Anderson the scoop that Robert F. Kennedy “may” have authorized an assassination plot on Castro, and Castro had RFK’s brother, the president, killed in retaliation. The report goes on to say that “the Roselli-Garrison contact in Las Vegas in March is particularly disturbing. It lends substance [under what theory?] to reports that Castro had something to do with the Kennedy assassination in retaliation for U.S. attempts on Castro’s life. We do not know that Castro actually tried to retaliate, but we do know that there were such plots against Castro. Unhappily, it now appears that Garrison may also know this . . . Garrison has not yet revealed his full case. When he does, we should expect to find CIA prominently displayed.” The source of this information was Roselli’s CIA handler, James O’Connell. (CIA Record 104-10213-10101, 1967 CIA Inspector General’s Report, May 23, 1967, pp.118, 120, 127)

It is difficult to know what to make of this. There’s no indication precisely when and where the contact took place (it could have even been over the phone), at whose instance the contact was made, or what was discussed during the contact. Since O’Connell was the source for this information and also Roselli’s CIA contact, why wouldn’t O’Connell automatically know all of this information and pass it on to his colleague, the CIA inspector? As to this issue of what was discussed between Roselli and Garrison, we know that Roselli at the time was seeking to cooperate with the CIA (how often do mob figures get the chance to work with the CIA or any other federal agency?). And it is therefore unlikely that he would have taken a chance on destroying his relationship with the CIA by doing anything to harm the agency (such as telling Garrison about the CIA-mob plots to kill Castro), since the CIA could be a big help to Roselli in the future. But how in the world could Garrison help him? This all goes in the direction of the “contact” between Roselli and Garrison being benign, perhaps even as casual as a third party introducing the two to each other in

a casino. It's even possible that Garrison, putting together his case against Shaw, took a chance and asked Roselli if there was anything he knew that could help him. This inference of a benign contact is bolstered by the fact that any other contact would have been out of character for Garrison since there's no evidence he was a mob-controlled politician or had anything to do with organized crime.

There were two highly questionable federal prosecutions of Garrison involving alleged contact by him with small-time organized crime. In 1971, he was charged with receiving bribes to permit illegal pinball gambling in his parish. The 113-page affidavit, in support of the arrest warrant, was signed by the chief of the intelligence division of the Internal Revenue Service, and alleged that Garrison had been taking these bribes since 1961. The government's case at the 1973 trial was built around Pershing Gervais, once a key investigator on Garrison's staff, and two tape-recorded conversations between Gervais and Garrison at Garrison's home. Gervais said he was the middleman between the pinball operators and Garrison, and claimed that the payoffs to Garrison ranged from \$3,600 to \$4,400 every two months, out of which he admitted skimming between \$700 and \$1,400 off the top. Gervais said he started working with the feds against Garrison in 1969. Garrison, who fired his own lawyers (one of whom was from the Boston law firm of famed defense attorney F. Lee Bailey, a friend of Garrison's) midway through the trial and took over his own defense, claimed he loaned Gervais \$5,000 in Gervais's time of need when Gervais left the DA's office in 1967, and Gervais was merely paying him the money back in increments.

The government recorded Gervais, who was wearing a wire, giving Garrison marked money, some of it later recovered from Garrison's home pursuant to a search warrant. In a recording of a conversation during one such payment, on February 25, 1971, at Garrison's home (while IRS agents were outside with monitoring equipment), there is a very vague implication that it was payoff money. The only problem was that Gervais, who claimed during the trial that Garrison's people had offered him \$10,000 for the tapes (not believable at all since the IRS already had the tapes) and \$50,000 to change his testimony, had lost all credibility, having earlier told New Orleans television reporter Rosemary James in Canada in May of 1972 that the case against Garrison was "a total, complete political frame-up." James: "What you are saying explicitly is that the government's total case against Jim Garrison is a fraud?" "No question about it." "It's a whole lie?" James asked. "The entire thing," Gervais answered. Gervais acknowledged telling James this at Garrison's trial, but said he had made "an irresponsible statement," and his current testimony against Garrison in which he reverted to his original charge that he had given Garrison payoffs was "truthful." But clearly his credibility had been destroyed.

Garrison also presented testimony from Dr. Louis Gerstman, a professor of speech and hearing sciences at City University of New York, that the Gervais tapes had been doctored (the prosecution expert, Lieutenant Ernest Nash of the Michigan State Police, said they were authentic), and evidence that, unlike many DAs in Louisiana who didn't even bother to prosecute the pinball operators, he, Garrison, prosecuted them vigorously. (*Los Angeles Times*, July 1, 1971, pp.1, 11; *New*

- York Times*, September 21, 1973, p.25; Garrison, *On the Trail of the Assassins*, pp.316–318, 318 footnote; Blakey and Billings, *Fatal Hour*, pp.xxxii–xxxv) On September 28, 1973, Garrison was found not guilty by a New Orleans jury. He was thereafter prosecuted by the federal government, in 1974, for income tax evasion—failing to pay taxes on the alleged payoff money he received. He again defended himself and was found not guilty.
- 1351 **Bill Turner:** I got to know Bill Turner, a straight-arrow guy, when I worked briefly with him in 1975 in Los Angeles on the reinvestigation into the assassination of Robert F. Kennedy. Long before the identity of “Deep Throat” surfaced in 2005, Bill was very confident he knew who he was, someone he had worked under in the FBI’s Seattle office in the 1950s. Herb Caen reported in his inimitable column in the *San Francisco Chronicle* way back on February 13, 1978, “Ex-FBIer Bill Turner is certain that Watergate’s ‘Deep Throat’ was former Asst. FBI Dir. W. Mark Felt, who wanted Hoover’s job.”
- 1352 **organized crime:** Though Oliver Stone strongly suggested in his movie that the military-industrial complex and U.S. intelligence were behind the assassination, he managed to somehow tangentially or by implication bring in many other groups, even organized crime, a group that Jim Garrison himself (the person whose investigation Stone primarily built his entire film on) expressly said was not behind the assassination (Garrison, *On the Trail of the Assassins*, pp.336–339). Stone, to be fair, has Garrison (Kevin Costner) say this in the movie. But Stone simply could not resist inserting other lines in his movie to make his viewers believe maybe the mob *was* involved. For instance, he also has Garrison say about the Mafia, “I don’t doubt their involvement, Bill [an aide], but at a lower level.” However, there is no evidence Garrison ever said these words. Then he has the actress portraying Beverly Oliver, a totally discredited figure who most likely fabricated her entire story (see discussion in main text), say on film that she knew Jack Ruby, Ruby “was with the mob,” and Oswald was Ruby’s friend when Ruby introduced her to him at his club. When she saw Oswald on TV following the assassination, she says she screamed, “Oh, my God—that’s him! That’s Jack’s friend!” She said, “I knew right then it [the assassination] had something to do with the Mafia.”
- 1353 **overwhelmingly bought Stone’s cinematic fantasy:** Within two months of the movie, an NBC poll reported that 51 percent of the American people believed Oliver Stone’s version of what happened. Only 6 percent believed the conclusions of the Warren Commission. (Zelizer, *Covering the Body*, p.209)
- 1359 **cofounder of the JFK Assassination Research Center:** It is not completely clear just who founded the center, which was originally located in Dallas’s West End, but Larry Howard and J. Gary Shaw were listed as codirectors and Larry Ray Harris was in charge of research. The center was believed to be funded primarily by the late Washington, D.C., attorney Bernard Fensterwald Jr., founder of the Assassination Archives and Research Center in the nation’s capital.
- 1368 **Bradley:** Edgar Eugene Bradley has frequently been confused with Eugene Hale Brading, whose aliases are James Bradley Lee, James Lee Cole, and James Braden (9 HSCA 424). Jim Garrison originally suggested that Braden (the name Brading was using at the time of the assassination) was a part of the conspiracy. Braden (Brading), an ex-con on parole with a very long rap sheet (mostly involving one form of theft or another), *was* in Dallas on November 22, 1963, arriving from out of town the previous night, and stayed at the Cabana Hotel. (Jack Ruby met for

about an hour that same night in the Bon Vivant Room, the nightclub at the Cabana, with Lawrence Meyers, a businessman friend of his visiting from Chicago.) There has never been any evidence that Braden met Ruby that night or had ever had any association with him, though both may have known Joe Dolan, a gambler and hoodlum who definitely had known Ruby since 1957, and was seen once in Braden's presence in Phoenix in 1951. Braden was a crude oil producer headquartered in Beverly Hills, California, who had come to town on oil business with the approval of his parole officer in Los Angeles, and with the further approval to go to Houston on oil business on November 25. (Letter from Lawrence E. Miggins, Chief U.S. Probation Officer, Southern District of Texas, Houston, Texas, to Peter Noyes, KNXT, Channel 2, Los Angeles, August 2, 1969; 9 HSCA 418–424) He told the Dallas sheriff's office that he was "walking down Elm Street trying to get a cab" when the president was shot. Since the Book Depository Building was surrounded by police officers with guns, he said he entered the building across the street (Dal-Tex Building) and asked "one of the girls if there was a telephone I could use and she said 'Yes, there is one on the third floor of the building.'" Finding the third-floor pay telephone out of order, he returned to the ground floor, and upon leaving the Dal-Tex Building was confronted by officers who asked him for his identification. When he presented his credit card to the officer, the officer said he'd have to take him in for interrogation. (CE 2003, 24 H 202; CD 401, p.1)

Garrison, of course, smelled a rat in Braden's story and had his investigators pursue the matter. Remarkably and unbelievably for Garrison, he concluded that "after sustained analysis . . . it was clear that Braden's contribution to the assassination was a large zero" (Garrison, *On the Trail of the Assassins*, p.239). When you can be cleared of conspiracy in the Kennedy assassination by the likes of Jim Garrison, you must be clean.*

Edgar Eugene Bradley should also not be confused with Leslie Norman Bradley, who, according to a March 3, 1967, secret CIA memorandum (declassified and released in 1992 under the JFK Act), was a "solider of fortune and freelance pilot who was arrested by the Cuban G-2 [intelligence] in Havana on 24 May 1960," and was imprisoned on the Isle of Pines. Referring to Bradley as "an unscrupulous adventurer who will do anything for money," the memorandum, whose authorship is unknown, says that the CIA "briefly considered" Bradley "for employment as a co-pilot in Project ZR/CLIFF [cryptonym for Southern Air Transport, Inc., a CIA proprietary airline with thirteen aircraft based in Miami which JM/WAVE utilized in its anti-Castro mission that was disbanded in January of 1973], but the offer of employment was cancelled." But a later CIA memorandum in 1967 said that Bradley "was employed as a co-pilot by ZR/CLIFF 4 April 1966 and was terminated (fired) on 12 September 1967" because he was "sloppy in both performance and appearance and was considered an 'unusual character.'" (CIA Memorandum for the Record re: Leslie Norman Bradley, by Alan M. Warfield, Special Assistant to the Deputy Director for Support, December 29, 1967) In 1959, Bradley was arrested in Havana for involvement in Nicaraguan rev-

*In *Legacy of Doubt*, author Peter Noyes alleges that Braden had mob connections, and suggests his possible involvement in the assassination. But if he was, the mob, or whomever he was in league with, never paid him too well. On February 10, 1964, just a few months after the assassination, Braden was arrested at a San Fernando Valley market in Los Angeles for shoplifting twenty-five dollars' worth of groceries. He pled guilty and was fined fifty dollars. (Noyes, *Legacy of Doubt*, pp.210–211)

olutionary activities, sentenced to ten years, and served three. Conspiracy author William Davy suspects Bradley of possibly being involved in the assassination because on August 21, 1966, a Houston man named S. M. Kauffroth wrote the FBI office in Houston and said that Bradley had told him on November 24, 1963, that after being released from the Cuban prison in May of 1963 it was tough to survive financially but that Clay Shaw was “helping us.” (Houston FBI Reports DBB77547, August 22, 1966, and DBB77370, April 6, 1967; CIA memo of November 24, 1967, subject: S. M. Kauffroth; Davy, *Let Justice Be Done*, pp.88–89) No support for this allegation has ever surfaced.

Predictably, Garrison blamed others—not the lack of any credible evidence against Shaw—for his defeat in the courtroom, asserting that “federal officials sought to suppress the truth. I received no cooperation when I sought to subpoena key witnesses like Allen Dulles” (Garrison, *On the Trail of the Assassins*, pp.331–332). Garrison went further and alleged that the federal government had brought “terrific pressure . . . on the Governors of the States involved to prevent them from signing the extradition papers and returning the defendants to stand trial” (“Playboy Interview: Jim Garrison,” p.172).^{*} Edgar Eugene Bradley was one of several extradition cases always cited to support his contention, and as we’ve seen, Garrison’s Bradley allegation has no merit.

Two other attempted extraditions by Garrison didn’t even deal directly with his prosecution of Shaw. One was his pursuit of Gordon Novel, manager of a New Orleans bar (Jamaican Village on Rampart Street) and adventurer with alleged CIA connections who is a favorite of many in the conspiracy community. In 1961, there was a burglary of a munitions bunker owned by the Schlumberger Well Surveying Company and located at a blimp air base in the town of Houma, Louisiana, located around forty miles southwest of New Orleans. Right in the middle of Garrison’s Shaw investigation in 1967, Novel volunteered to Garrison’s office the details of the burglary, the ostensible purpose of which was to secure weapons for the anti-Castro effort. Novel said that David Ferrie was one of the burglars. (He also said Sergio Arcacha Smith and two unidentified Cubans were in on the burglary.) Novel was subpoenaed by Garrison to testify on March 16, 1967, before the Orleans Parish grand jury on the Houma matter, which he did, but before March 22, when he was scheduled for his second appearance, he left the jurisdiction.

Though the Houma burglary had nothing to do with what happened in Dallas, because of Novel’s perpetrating the burglary with Ferrie, someone Garrison suspected of being involved in the assassination, on March 23, 1967, Garrison, with nothing more to go on, got a New Orleans judge to issue an order for Novel to post a fifty-thousand-dollar bond as a “material witness” in the conspiracy to assassinate President Kennedy or be arrested as a fugitive (*New York Times*, March 26, 1967, p.48).[†]

^{*}Why was the federal government doing this? “The United States government,” Garrison said, “meaning the present administration, Lyndon Johnson’s administration, is obstructing [my] investigation. It has concealed the true facts, to be blunt about it, to protect the individuals involved in the assassination of John Kennedy” (Interview of Jim Garrison by Murphy Martin of WFAA-TV, Dallas, Texas, on December 9, 1967).

[†]Garrison claimed that two women who later moved into Novel’s apartment found a hidden, undated letter from Novel to a “Mr. Weiss,” in which he says he feared that Garrison’s investigation might expose his ties to the Double-Chek Corporation in Miami, an alleged CIA front that reportedly recruited pilots and saboteurs for the Bay of Pigs invasion. Garrison, saying there was “no doubt that Gordon Novel was a CIA operative,” believed Weiss was “Novel’s apparent superior in the CIA.” (“Playboy Interview: Jim Garrison,” p.172)

Novel, age twenty-nine, countered by saying that Garrison's entire case against Shaw was "a fraud" and by taking a polygraph test on March 25, 1967, in McLean, Virginia. The polygrapher, a private detective and former District of Columbia policeman named Lloyd Furr, told the press that Novel had "passed" the test and "showed no deceptions" in his answers to questions, the main one being, "Do you honestly believe Garrison's conspiracy prosecution is a fraud?" (*New York Times*, March 26, 1967, p.48; CIA Record 104-10106-10896, Undated memorandum, p.1) On March 31, 1967, Garrison filed conspiracy-to-commit-burglary charges against Novel, obtained a warrant for his arrest, and sought to extradite him from Ohio (*New York Times*, April 1, 1967, p.47).

John Volz, Garrison's assistant who prepared the criminal "Bill of Information" against Novel for the 1961 burglary (the DA's office proceeded under an exception to the normal five-year statute of limitations in Louisiana that provided the statute didn't start to run until the DA learned of the crime, which the DA had just recently done), told me that he felt Garrison had brought the charges to "put the heat on Novel" to cooperate in testifying to everything incriminating he knew about Ferrie on the alleged plot to murder Kennedy (Telephone interview of John Volz by author on June 21, 2000).

On April 2, 1967, local authorities in Ohio arrested Novel on a New Orleans warrant stemming from the burglary charge, and in his April 3 bail hearing in Columbus he told the court, "I used to do work for Garrison. In fact, I did some of the investigating in this so-called plot [to kill Kennedy]. I've got a lot of charges of my own to make about him" (*New York Times*, April 4, 1967, p.19).*

Volz and Numa Bartel, another Garrison assistant, told me that contrary to some reports and Novel's own assertion, to their knowledge Novel never worked for Garrison or on the case in any way (Telephone interviews of Numa Bartel and John Volz by author on June 17 and June 20, 2000, respectively). But Novel has told people that one of Garrison's ideas was to kidnap Ferrie and shoot "an atropine dart" into him that was "injected with sodium pentothal," the so-called truth serum, and get him "to confess." He told author Edward Jay Epstein that Garrison had read about the idea in a book about the CIA, and asked him to order the dart gun "so that it wouldn't appear on his office purchase records" (Epstein, *Assassination Chronicles*, p.198). Volz said that even if Garrison had said this to Novel, he (Garrison) "had a sense of humor and often spoke tongue-in-cheek. But this is probably just one of Novel's stories. He is a colorful but totally unbelievable person. He has no credibility at all." (Telephone interview of John Volz by author on June 21, 2000) As good an example as any of Novel's complete lack of credibility

Even assuming the letter was not a Garrison fabrication, it could have been a Novel fantasy trip (more on Novel's fantasies later). The CIA has noted that "Novel's information about the Double-Chek operation may have been derived from the erroneous account of it which appears in *The Invisible Government*, [a 1964 book] written by [David] Wise and [Thomas] Ross" (DOJ Record 179-20003-10191, CIA memo to U.S. Department of Justice, September 28, 1967, p.4). Or Novel could have been referring to Seymour Weiss, an executive at Standard Fruit, the owner of the Roosevelt Hotel in New Orleans, and a leader of the anti-Communist movement in New Orleans that Novel was a part of.

*In late June, Novel filed a \$10 million defamation action in Columbus, Ohio, against Garrison and \$1 million against each of the fifty members of Truth and Consequences, a New Orleans civic group of wealthy Garrison supporters who were helping to finance his investigation. The suit was dismissed before trial in 1971 when the judge said that "the substance of the statements" claimed by Novel to be libelous "originated with plaintiff [Novel] himself."

is his telling conspiracy author Robert Sam Anson in a July 9, 1975, Dallas interview that his appointment as CIA director was imminent (Anson, *"They've Killed the President!"* p.109).

To the claim by Novel, an electronics expert who had a reputation of being good at bugging and antibugging devices, that Garrison asked him to see if his office was being bugged by the feds, Volz said, "Jim's office *was* definitely bugged. But he's the one who put a bug in his office. That's what he wanted." (Telephone interview of John Volz by author on June 21, 2000)

Although Garrison filed extradition papers with Ohio, the state never extradited Novel, but it wasn't for the reason Garrison has always given—that Ohio was succumbing to federal pressure not to cooperate with Garrison's investigation and extradition was denied on meaningless technicalities ("Playboy Interview: Jim Garrison," p.172; Garrison, *On the Trail of the Assassins*, p.211). In dismissing the extradition case against Novel and releasing him from his ten-thousand-dollar bond on July 3, 1967, William Gillie, the Columbus Municipal Court judge, did so, per the Associated Press, "after spokesmen for the suburban Gahanna [Novel's hometown where he was arrested] police department said District Attorney Jim Garrison of New Orleans did not reply to phone calls and telegrams asking about his intentions to obtain custody of Mr. Novel." Gillie, per the AP, also noted that "the extradition papers sent here failed to establish whether Mr. Novel was wanted as a material witness [in the assassination] or a fugitive [on the burglary charge]," and that the sixty days within which Garrison's office had every opportunity to file proper extradition papers had expired. (Associated Press, Columbus, Ohio, July 3, 1967; *New Orleans States-Item*, July 3, 1967; *New York Times*, July 4, 1967, p.41) And *that* is why Novel wasn't returned to Louisiana. Indeed, Ohio governor James Rhodes told the media on May 9, 1967, that once proper extradition papers were received, Ohio *would* send Novel back to Louisiana (*Times-Picayune* [New Orleans], May 10, 1967). Volz confirmed to me that Garrison lost interest in Novel and decided not to pursue his extradition. He said the burglary case against Novel was dismissed by his office in late July of 1967. (Telephone interview of John Volz by author on June 21, 2000) Knowing all this, Garrison, four months later in November of 1967 in Los Angeles, told a convention of the Radio and Television News Association of Southern California that his failure to get Novel back was evidence that President Johnson was putting pressure on the states not to cooperate with him because Johnson didn't want Americans to know the truth about the assassination. Johnson, he said, "has profited from the assassination . . . more than any other man, [making] it imperative that he see that [all] evidence is released so that we can know that he is not involved." (*Los Angeles Free Press*, November 17, 1967)

Throughout the extradition proceedings in Ohio, Novel was telling anyone in the media who would listen that he and Ferrie were CIA operatives who with others had committed the Houma burglary for the CIA. The April 25, 1967, *New Orleans States-Item*, in an article headlined "Evidence Links CIA to DA Probe," reported that "Novel has said the munitions burglary was no burglary at all—but a war material pick-up made at the direction of his CIA contact," quoting Novel as saying the bunker incident was "the most patriotic burglary in history." The CIA, in response to a Justice Department inquiry on September 18, 1967, said, "Novel . . . has stated he is or was a CIA agent. The statement is false. Novel was never associated with CIA" (DOJ Record 179-20003-10191, September 28, 1967,

p.3). And in 1967, Novel's Columbus, Ohio, attorney, Jerry Weiner, said, "It's utterly ridiculous. Novel is not now and has never been a CIA agent" (CIA Record 104-10106-10894, p.2).^{*} To Garrison's claim that Novel's New Orleans lawyer, Steven Plotkin, had received payments from the CIA, the CIA responded, "*The New Orleans Times-Picayune* of 12 May 1967 carried an explicit denial by Plotkin of having received money from CIA. In any case, there is no CIA record of Plotkin. Like Novel, he has had no association with this Agency" (DOJ Record 179-20003-10191, CIA memorandum to Justice Department dated September 28, 1967, p.3).

One of Clay Shaw's attorneys, Salvatore Panzeca, and William Gurvich, the former investigator for Garrison who was now helping the defense team, flew to Columbus, Ohio, to interview Novel in May of 1967. "It was very clear," Panzeca told me, "that Novel had nothing of any value to say about Clay Shaw, David Ferrie, or any plot to kill Kennedy" (Telephone interview of Salvatore Panzeca by author on April 1, 2000). Fringe conspiracy theorists do not accept this. For example, the late Penn Jones, who believed that well in excess of a hundred people connected to or having knowledge of the alleged conspiracy to murder Kennedy have been murdered to silence them, wrote in his monthly publication, *Continuing Inquiry*, "Gordon Novel will soon be a 'convenient' suicide, we regret to report" (*Continuing Inquiry*, March 22, 1978, p.19). Two months later Penn Jones reported that "Gordon Novel has been transferred to a Federal prison mental hospital" (*Continuing Inquiry*, May 22, 1978, p.15). As of 2004, Novel was living in New Orleans.

The other extradition case involved Sergio Arcacha Smith, who participated in the Houma burglary with Novel. Although Garrison himself never referred to it in his *Playboy* interview or even his book *On the Trail of the Assassins*, conspiracy theorists continue to cite it as an example of state authorities refusing to cooperate with Garrison's prosecution of Shaw (e.g., DiEugenio, *Destiny Betrayed*, p.175). Unlike Novel, there is little question that Arcacha, though not a CIA agent, worked closely with the CIA in the preparation for the Bay of Pigs invasion, since Arcacha headed the Cuban Revolutionary Council in New Orleans and the CIA coordinated the entire invasion effort. Arcacha had been a captain in Batista's army and was a military attaché under his father, a general, at the Cuban embassy in Paris. An educated and highly intelligent man, he was, above all, a Cuban patriot who wanted to return to his Castro-free homeland.

On March 31, 1967, Garrison filed conspiracy-to-commit-burglary charges against Arcacha for the Houma burglary and sought his extradition from Dallas, where he was then living. Garrison's assistant John Volz, who prepared the extradition papers for Novel, did not do so for Arcacha but assumes the reason for the charges may have been the same, to get a possible witness against Ferrie in the assassination of Kennedy (Interview of John Volz by author on June 21, 2000). In this case, it would seem even more so, since Arcacha was close to Ferrie and deeply appreciative of Ferrie's assistance in the anti-Castro effort, at one point even writing a letter to Ferrie's boss at Eastern Airlines, war hero Eddie Rickenbacker, requesting he grant Ferrie a leave of absence to enable him to spend more time in the anti-Castro effort (Letter from Sergio Arcacha to Eddie Rickenbacker, July 18,

^{*}The ARRB did learn that the CIA had a 201 (Personality) and Office of Security file on Novel. The 201 file included a Domestic Contact Service "A" file. (Final Report of the ARRB, p.111) None of these files suggest that Novel was a CIA agent or operative, but the Domestic Contact file would indicate Novel had furnished nonlandestine information to the CIA at some point in time.

1961, cited in Committee to Investigate Assassinations, *Assassination of JFK by Coincidence or Conspiracy?* pp.496–497).

I learned from a former Dallas law enforcement source who is familiar with the situation and whom I consider very reliable, but who wants to remain anonymous, that Garrison's extradition request for Arcacha reached the desk of Captain Will Fritz of the Dallas Police Department. Dallas police arrested Arcacha on the extradition warrant on April 3, 1967 (Dallas Police Arrest 67-42741). Fritz personally interviewed Arcacha, who told him, as Novel maintained, that the Houma burglary was really not a burglary at all. Arcacha said that someone at the Schlumberger corporation gave a key to the burglars or left the door to the munitions bunker unlocked (my source forgets which) so the anti-Castro "burglars" could get the munitions they needed for the planned Bay of Pigs invasion. Ferrie's friend Layton Martens told HSCA investigators that he accompanied Ferrie and two other men on the Houma burglary and one of the men who entered the building "had a key which he used to open the padlock." (HSCA Record 180-10071-10081, January 24, 1978, pp.2–3)

So Arcacha and Novel were possibly telling the truth.* One very strong piece of circumstantial evidence that they were is that the Schlumberger corporation never reported the "burglary" to the authorities (Brenner, *Garrison Case*, p.49), a virtually automatic occurrence if the burglary were legitimate. It's perhaps because the Schlumberger company, headquartered in Houston, did not report the incident to the Houma Police Department that the date of the "burglary" has never been established, although most writers say it occurred sometime in early 1961. However, Novel, and Garrison, say the burglary took place around three months *after* the Bay of Pigs invasion, which would put the bunker incident in mid-July of 1961. (CIA Record 104-10106-10894, May 1, 1967, pp.1–2; but see *New Orleans States-Item*, April 25, 1967, quoting Novel as having told those close to him that the munitions taken in the burglary were to be used in a diversionary Bay of Pigs operation) And Martens said it occurred "sometime in the summer of 1961" (HSCA Record 180-10071-10081, January 24, 1978, p.2). In any event, the thinking of the Dallas authorities was that if any crime was committed, it was by the Schlumberger corporation for violating the federal Neutrality Act.† Fritz (now deceased) believed what Arcacha told him and recommended to Governor John Connally that he not

*This would not necessarily mean, however, that the CIA, as Novel claimed, was complicit with the Schlumberger company in the "burglary." For its part, the CIA said it had "no knowledge of utilization of commercial storage facilities of the Schlumberger interests or any other commercial firm. The Office of Logistics [of the CIA] has had dealings in the past with Schlumberger-related firms, but has avoided activities with the Schlumberger firm because of its foreign ownership and questionable personalities in the firm" (CIA Record 104-10106-10894, CIA memorandum to Deputy Director for Support, May 1, 1967, p.3). And another CIA document says that "the Office of Security advised on 27 April 1967 that questioning of four employees of the Office of Logistics has shown that the only arms bunker in the New Orleans area used by CIA was the Belle Chasse Ammunition Depot, a deactivated Navy installation eight miles from New Orleans. There is no present reason to believe that the Agency has been associated in any way with the Houma Air Base bunker" (CIA Document MORI Doc ID: 364740, undated, p.2).

†Neutrality laws have been in existence in America since the late eighteenth century. The particular statute involved in this case is 18 USC § 960, enacted by Congress on June 26, 1948, and prohibiting any American citizen from helping in "any military or naval expedition or enterprise to be carried on from [the United States] against . . . any foreign state . . . or people with whom the United States is *at peace*." Although the United States was for all intents and purposes at war with Cuba in that the government was making every effort to overthrow Castro, it was a "secret" war. Technically, the United States was "at peace" with Cuba.

sign the extradition warrant. Connally followed Fritz's recommendation, his office giving another reason (the extradition request was not substantiated by the proper documents) for Texas's refusal to extradite Arcacha. (Telephone interview of former Dallas law enforcement official by author on December 12, 2000) It should be added that Garrison sent two members of his investigative staff, William Gurvich and Louis Ivon, to Dallas to persuade Arcacha to voluntarily return to New Orleans, and Arcacha agreed to meet with them, but only if Dallas police officers were present, a condition Garrison did not accept. Arcacha's lawyer, William Colvin, said Arcacha did not want "to go into the lair of Mr. Garrison," Colvin referring to Garrison as "power mad" and disposed to use "the law like a damn club." (Flammonde, *Kennedy Conspiracy*, pp.119–120)

The only other person whom Garrison has ever claimed he attempted to "extradite" was the twenty-two-year-old "party girl" Sandra Moffett, who had now married and was living with her minister husband, Harold McMaines, in Omaha (Garrison, *On the Trail of the Assassins*, p.211). But interstate extradition is only *mandatory* under Article IV, Section 2, Clause 2 of the federal Constitution when the person has been charged with a crime in the requesting state. Moffett was never charged by Garrison with any crime, Garrison only seeking her, on March 27, 1967, as a "material witness."* Omaha police arrested her on a material witness warrant and she was freed on a one-thousand-dollar bond pending a hearing on April 25. (*New Orleans States-Item*, March 27, 1967; Flammonde, *Kennedy Conspiracy*, p.188) Since Moffett was only a witness, Nebraska, under the Uniform Act to Secure the Attendance of Witnesses, had a duty at the hearing only to determine whether several requirements for ordering Moffett to return to New Orleans were met, among which were the absence of undue hardship to the witness and whether the witness would be afforded protection from arrest. On April 10, 1967, New Orleans judge Bernard Bagert signed a certificate of attendance asking Nebraska to compel the return of Moffett to New Orleans to appear before the grand jury on April 18–20. (*New York Times*, April 11, 1967, p.29; *New Orleans States-Item*, April 10, 1967; Flammonde, *Kennedy Conspiracy*, p.188) Moffett moved to Iowa (one of the few states not signatory at the time to the Uniform Act to Secure the Attendance of Witnesses) while on bond, and her attorney filed a motion to dismiss the Nebraska proceedings, alleging that Moffett's life would be in danger if she returned to New Orleans. On April 25, 1967, the Omaha judge granted the motion to dismiss. (*New Orleans States-Item*, April 25, 1967; Brener, *Garrison Case*, pp.186–187)

In *On the Trail of the Assassins*, Garrison writes that his "attempt to extradite [Moffett] from Nebraska" to testify about being present at Ferrie's apartment at

*Garrison wanted Moffett because Perry Russo claimed that Moffett, a former girlfriend of his, had accompanied him to Ferrie's apartment in New Orleans in September of 1963, the gathering at which he supposedly heard Ferrie, Shaw, and Oswald plotting to murder Kennedy, although she left before the meeting. On NBC's June 19, 1967, exposé of Garrison's corrupt prosecution of Shaw, *The JFK Conspiracy: The Case of Jim Garrison*, Moffett denied being at Ferrie's apartment, saying she never even met Ferrie until 1965, two years after the assassination. She told a Nebraska reporter the same thing three months earlier. (*Omaha World Telegram*, March 26, 1967; *New York Times*, March 26, 1967, p.48; see also Lambert, *False Witness*, p.78 footnote)

Another young friend of Russo's, Niles "Lefty" Peterson, acknowledged on the NBC show to being at Ferrie's place in September of 1963, but said no one resembling Oswald or Shaw was there.

the time in question was “blocked” by Nebraska (Garrison, *On the Trail of the Assassins*, p.211). But, as always, Garrison was completely misleading his readers. Only at the beginning, when Russo first told him of Moffett’s alleged presence in Ferrie’s apartment, did Garrison make an effort to get Nebraska to return Moffett to Louisiana as a “material witness,” even sending two of his investigators to Omaha to persuade her to come back to New Orleans to help in their investigation, which she refused to do (Brener, *Garrison Case*, p.185). He immediately abandoned the effort when Moffett let it be known she was not at Ferrie’s apartment.

Indeed, it was the defense, not Garrison and his prosecution staff, who in the end wanted Moffett to testify. And Moffett was amenable to returning to New Orleans to testify *for the defense* at Shaw’s trial that she was *not* at Ferrie’s apartment. But she obviously didn’t want to be drawn into the horror story unfolding in New Orleans by becoming another victim of Garrison’s prosecutorial madness. So just before opening statements in the trial on February 6, 1969, the defense requested a court order granting her immunity from prosecution so she would feel safe returning to New Orleans to refute the testimony of Perry Russo. The prosecutor, James Alcock, however, strenuously objected, saying the court never had the authority to give Moffett immunity. Finally, Alcock made a statement that apparently didn’t satisfy Judge Edward Haggerty because of the implicit threat it contained. “The District Attorney’s office,” Alcock said, “does not intend to clamp [Moffett] in irons as soon as she crosses the parish line,” but then added that if she did come to Orleans Parish and were to commit some infraction of the law (like what? testifying under oath in a manner helpful to the defense, justifying the DA arresting her for perjury?), “we would not only charge her but we would be guilty of malfeasances in office if we did not charge her.” It was obvious to Judge Haggerty that he could not count on the DA’s office to not find some reason to arrest Moffett, irrespective of any order he might issue, which could only protect her from alleged past wrongs, not future ones, and he avoided the whole issue by not granting the defense’s motion for a protective order of immunity. So Moffett, the witness Garrison told his readers *he* was trying to get back from Nebraska to testify, never returned to New Orleans. (Kirkwood, *American Grotesque*, p.199)

1369 **the irrational person:** There is one thing Jim Garrison has been ridiculed for that may or may not have merit—his paranoia during the period of the Shaw case (e.g., carrying a gun on his person, speaking in partial code over the phone about the case, believing his phone was bugged by the FBI or CIA, etc.). I’m not sure too much should be made of it. Just as it was understandable and normal for the CIA to closely monitor Garrison’s investigation (even having agents in the courtroom during the Shaw trial) since Garrison was accusing (though not in court) the CIA of being behind the assassination, Garrison’s paranoia could well have been normal under the circumstances.

1369 **people Garrison charged with crimes [footnote]:** Jim Garrison charged Dean Andrews with perjury for first testifying before the Shaw grand jury that he didn’t know if Clay Shaw was Clay Bertrand, and then saying that Bertrand was Gene Davis (see main text).

When Gordon Novel, whom Garrison subpoenaed as a “material witness” in the assassination, refused to help Garrison in his madcap investigation and left New Orleans, Garrison immediately charged him with conspiracy to commit a bur-

glary in Houma, Louisiana, a charge that may have had merit but was ignored by Garrison until Novel fled New Orleans.

Garrison charged Layton Martens, a friend of David Ferrie's, with perjury for denying before the Shaw grand jury that he knew Gordon Novel.

Garrison charged Walter Sheridan, the former FBI agent and RFK aide* who had put together the June 19, 1967, NBC special, and Richard Townley, a reporter for the local NBC affiliate, WDSU-TV in New Orleans, who assisted Sheridan on the NBC show, with "public bribery" for offering Perry Russo employment and residence in California (and to pay for his legal expenses if Garrison came after him) if he cooperated with NBC and acknowledged on the television special that he had fabricated his story about Shaw, Ferrie, and Oswald conspiring to murder Kennedy. Russo never appeared on the show, and at a June 20, 1967, press conference in Garrison's office, Russo accused Sheridan and Townley of everything contained in the later, July 7 charges against them. (*New York Times*, June 21, 1967, p.19) Garrison alleged in the bribery charge that the purpose of the offered bribe was really to "affect Russo's duty as a witness" in the upcoming trial of Shaw. Sheridan and Townley may, indeed, have done this in an effort to stop the prosecution of an innocent man, Shaw, for Kennedy's murder. Sheridan as much as admitted that at least some kind of offer to Russo had most likely been made when he told the national NBC audience on June 19, 1967, "In my conversations with Perry Russo, he has stated that his [preliminary hearing] testimony against Clay Shaw may be a combination of truth, fantasy, and lies. He says he wishes he had never gotten into this, but now he feels he has no choice but to go through with it. He said he's afraid if he changed his testimony, that Garrison might indict him for perjury . . . Russo said 'The hell with truth, the hell with justice. *You're asking me to sacrifice myself for Clay Shaw*, and I won't do it.'" But as author Milton Brener has pointed out, "No one, including Garrison, ever accused the two newsmen of having offered these 'things of value' [bribe] to Russo for anything but the truth" (Brener, *Garrison Case*, p.177).†

*Sheridan first worked for RFK in 1957 as an investigator (he was not a lawyer) for the U.S. Senate's McClellan Committee when RFK was the committee's chief counsel, and later became a special assistant and confidant to RFK when the latter became U.S. attorney general in 1961. Without exception, the pro-Garrison books by conspiracy theorists depict Sheridan as someone who was determined to undermine Garrison's investigation by any sordid means available to him, and they connect him, by innuendo, with the U.S. intelligence community's effort to cover up the assassination, which these theorists believe U.S. intelligence was behind. It certainly is true that Sheridan was out to hurt Garrison's investigation, but the reason, obviously, is that he knew, as virtually all reasonable people did, that Garrison's investigation and prosecution of Clay Shaw completely lacked merit. Right up to RFK's assassination in 1968, everyone knew that Sheridan was "RFK's man." Have the conspiracy theorists ever asked themselves why Sheridan would be up to no good, as they claim, if he thought Garrison was legitimately trying to get to the bottom of who killed RFK's brother?

†A Jimmy Hoffa associate, Zachary A. Strate Jr., who had been convicted in Chicago of mail fraud and conspiracy to commit mail fraud in an investigation headed by Walter Sheridan for the Justice Department, told a completely improbable story to the Orleans Parish grand jury in August of 1967. According to Strate, on June 12, 1967, he, a friend, Edward Baldwin, Judge Malcolm O'Hara, and Walter Sheridan met in the cocktail lounge of the Bourbon-Orleans Hotel in the French Quarter. According to Strate, Baldwin and O'Hara excused themselves to sit at the bar (convenient, since whatever was said thereafter by Strate and Sheridan would simply be Strate's word against Sheridan's). Sheridan, obviously viewed by Strate as an enemy, particularly since Sheridan had been the chief investigator in Strate's trial (further, Strate was appealing the conviction based on alleged illegal wiretapping by Sheridan's team), nonetheless proceeded to tell Strate (per Strate), "I am here in New Orleans representing Robert Kennedy and I have been sent down here to stop the probe, no matter what it takes." "No matter what it takes" included, per Strate, Sheridan offering money to

Garrison also filed perjury charges against Clay Shaw for denying at his trial that he knew Oswald and Ferrie.

He filed perjury charges against Kerry Thornley, who was with Oswald in the Marines, when Thornley denied in front of the Shaw grand jury that he had been with Oswald in New Orleans in the summer of 1963. Barbara Reid, a reputed voodoo practitioner, had told Garrison she had spotted Thornley with Oswald at that time at the Bourbon House, a restaurant in the French Quarter. (Flammonde, *Kennedy Conspiracy*, p.209; Epstein, *Assassination Chronicles*, p.233; see also HSCA Record 180-10088-10486 and, for same position, HSCA Record 180-10088-10485) But Thornley told the grand jury that Barbara Reid “connects herself with everything” (*Times-Picayune* [New Orleans], February 22, 1968).

When Garrison’s chief researcher, Tom Bethell, quit the Garrison camp in disgust after realizing Garrison had no case against Shaw, and turned over to defense attorney Salvatore Panzeca a list of Garrison’s witnesses, including a brief summary of their probable testimony, Garrison charged Bethell with the crime of “unlawful use of movables,” the “movables” being the list of Garrison’s witnesses (Kirkland, *American Grotesque*, pp.246, 484).

After William Gurvich, Garrison’s chief investigator in the Shaw case, resigned from his duties and turned on Garrison for pursuing someone (Shaw) against whom he had no case, Garrison, unbelievably, proceeded to charge Gurvich with petty larceny, a misdemeanor, claiming that a file Gurvich had amassed while he worked on the case and which he took with him was the DA’s property and worth the grand sum, the complaint alleged, of nineteen dollars. Why nineteen dollars? Milton Brener, Gurvich’s attorney, said, “At the time in Louisiana, twenty dollars was the point at which a theft became a felony, which would have entitled any defendant to a jury trial. Knowing how outrageous the charge was, Garrison alleged the value at nineteen dollars, making it a misdemeanor.” (Telephone interview of Milton Brener by author on October 17, 2000; “Garrison Charges Ex-aide with Theft,” *New York Times*, March 29, 1968, p.15)

John Cancler, known as St. John the Baptist, was a savvy criminal who thought he knew his constitutional rights. As New Orleans’s premier burglar, he had visited without invitation some of the finest houses in New Orleans to ply his trade. When he invoked his Fifth Amendment right against self-incrimination before the

Strate to get Strate’s friend Pershing Gervais, a top investigator for Garrison, to get Perry Russo to change his story. Unbelievably, per Strate, Sheridan also offered to use his influence to get Strate’s conviction reversed and get him a new trial. Strate told Sheridan he didn’t want any money and didn’t need Sheridan’s help on the Chicago case. He said he reported this matter to Gervais, Gervais said it was a bribery attempt, and he should report it to Garrison, which Strate said he did. (Transcript of testimony of Zachary A. Strate Jr. before the Orleans Parish grand jury, August 9, 1967, pp.2–8, 10–16, 19)

The story Strate tells, on its face, is not a believable one in that an experienced criminal investigator like Sheridan would not be so blatant in a bribery attempt, particularly with someone he had to know did not like him. What makes Strate’s story even more unbelievable is that he strongly suggests that the meeting was set up by Judge O’Hara, the implication being that O’Hara may have had full knowledge of the bribery attempt that was going to take place.

If that’s not enough, Strate’s story would require our believing that not only didn’t RFK want to know if Garrison knew who the murderers of his brother were, but was willing to commit the federal crime of bribery to stop Garrison. Strate told an absurd story that is almost impossible to believe. Not even, it appears, for Garrison. Although Garrison did bring unsuccessful bribery charges against Sheridan and Richard Townley for trying to bribe Russo directly, Garrison did not add an extra count of Sheridan’s alleged bribe of Strate, most likely because he simply didn’t believe Strate.

grand jury rather than testify about a Garrison witness, Vernon Bundy, he thought he was safe. And absent a grant of immunity (which Garrison never gave him) he *would* have been safe relying on his Fifth Amendment rights anywhere else in the country. But again, unbelievably, Garrison got a judge to hold Cancler in contempt of court and to sentence him to six months in jail and pay a fine of five hundred dollars, or serve a year in jail. When his lawyer, Milton Brener, sought relief from the improper sentence in the Louisiana Supreme Court, the trial judge never gave the higher court an opportunity to rule the way it would have had to rule: he reconsidered his ruling and dismissed the Garrison-induced contempt conviction and sentence. (Brener, *Garrison Case*, pp.188–191)

In conversations with two prosecutors who were in Garrison's office at the time of the Shaw case and a former Garrison prosecutor who wrote a book about the case, I learned that of all the criminal complaints Garrison filed and the grand jury indictments he secured against his real or perceived enemies and adversaries in the Shaw case, remarkably, the only one he pursued all the way to trial was the Dean Andrews case. With the exception of the Shaw perjury case, which was dismissed by the court, Garrison either dismissed all the other charges or let the charges die through lack of timely prosecution. (Telephone interviews of Numa Bartel and John Volz by author on June 17 and June 21, 2000, respectively, and with former Garrison prosecutor and author Milton Brener, who defended four of Garrison's victims [Martens, Gurvich, Sheridan, and Cancler], on October 17, 2000) This is strong circumstantial evidence that with virtually all the cases, he knew they were unmeritorious from the beginning, and grossly abused the power of his office to bring charges against all of these people for other reasons, something that could not be more dishonorable and for which Garrison himself should have ended up behind bars.

What were these "other reasons"? One, undoubtedly, was to set an example and thereby intimidate any prospective opponent into compliance with Garrison's wishes. Also, he believed the charges would help confirm his bigger charge that he was fighting a mammoth conspiracy designed to thwart and sabotage his investigation. In addition, there probably was simply the element of Garrison's pure pique and rancor against those who opposed or hurt him and a naked desire to "get even." After the devastating NBC special against him, he was so infuriated that he blurted out to his top investigator at the time, William Gurvich, that he wanted Walter Sheridan and Richard Townley "arrested, handcuffed, and beaten." A worried Gurvich went to prosecutor James Alcock seeking his intercession. Arrested for what? Alcock asked Garrison. "What do you mean, *for what*—just arrest them," he replied. When Alcock pointed out there were "no grounds" to do so, Garrison criticized him for being "so legalistic." (Lambert, *False Witness*, p.115)

It's been written that another reason why Garrison brought at least the perjury charges against his adversaries is that a law in Louisiana prohibited a convicted perjurer from testifying at subsequent trials, and Garrison was trying to silence his opposition (e.g., Posner, *Case Closed*, p.443; Epstein, *Assassination Chronicles*, p.230). But such a law would be so bizarre that I couldn't imagine it existing even in Louisiana, a very charming but quirky state in many ways. When I called John Volz, the former prosecutor in Garrison's office at the time of the Shaw case, to ask if such a law existed, he said he had never heard of it and didn't believe it existed (Telephone interview of John Volz by author on October 17, 2000). The conclu-

sive proof that no such law existed in Louisiana at the time (or if it did, it was invariably ignored since it would be unconstitutional on its face) is that Dean Andrews was convicted of three counts of perjury in August of 1967, yet testified for the defense at Shaw's trial in 1969.

1372 **Spiesel's testimony:** Although the testimony of nearly every witness at Clay Shaw's murder trial is available in transcript form from the National Archives, the testimony of two of the main witnesses, Charles Spiesel and Vernon Bundy, is not. Neither the archives nor apparently anyone else has come up with these transcripts. Why this is so is not known.

1373 **Spiesel inflicted further punishment:** After Shaw's lawyer, Irvin Dymond, completed his cross-examination, and Charles Spiesel, to the DA's relief, finally left the witness stand a thoroughly discredited figure, Dymond, wanting to gild the lily, did something quite unexpected under the circumstances, something that created the opportunity, at least potentially, of pumping oxygen into a dying man. He asked the judge, Edward Haggerty, to direct Spiesel to take the court and jury to the brownstone building in the French Quarter where he claimed he heard, during a party, conspiracy talk to kill Kennedy. Over the DA's objection, Haggerty agreed to it, and everyone involved in the trial, including attorneys, jurors, bailiffs, Shaw, and the judge, accompanied by reporters, photographers, and TV cameramen, proceeded to the corner of Dauphine and Esplanade in the French Quarter, the vicinity where, Spiesel had testified, the apartment was. Author John Seigenthaler described the spectacle in his book. As a vendor for "Icее Frozenated Fun Drinks" hawked his beverages, "children on bicycles, followed by yapping dogs, romped through the huge crowd which, by noon, had blocked the intersection . . . Others were hanging out second- and third-story windows to see what was going on in the streets below. Automobile traffic jammed and impatient drivers blew their horns . . . But the jurors had not yet arrived. They had been delayed in their special bus [because of] a traffic jam. Traffic had been terrible that day in New Orleans because it was the first day of the Mardi-Gras celebration. There were six parades in various parts of the city. But the best carnival was at Esplanade and Dauphine where one woman bystander commented, 'If they would just pass out popcorn and balloons, we'd be all ready, wouldn't we?'" (Seigenthaler, *Search for Justice*, pp.62–63)

As author James Kirkwood, who covered the trial and was present, would later write, "Clay's present house, oddly enough, was only several doors up Dauphine from the corner of Esplanade. Strange as it was, this seemed to be pure coincidence. Clay's place in no way fit Spiesel's description of the party apartment, and he had also testified that Clay Shaw was not the host." Spiesel, instructed by Haggerty not to say anything during his search, first led the judge, jury, and others into a three-story apartment at 1323 Dauphine, then into a four-story apartment at 906 Esplanade. Resuming the witness stand after lunch, he testified that of the two apartments, the second one was either the one in which the party took place or similar to it. But Dymond, Kirkwood writes, proceeded to point out several differences between the sketch Spiesel had made of the apartment before his search, as well as the description he had given of it in his testimony, and the actual building he had taken the judge and jury to. "In respect to 906 Esplanade," Dymond asked Spiesel, "wouldn't you say that, unless structural changes have been made,

you're mistaken?" Spiesel, unbowed, said he'd stick to his testimony. With that, he finally left the stand for good. (Kirkwood, *American Grotesque*, pp.243–245; *New Orleans States-Item*, February 8, 1969)

1374 **“a bizarre parade of people eager to bolster his conspiracy scenario”**: Perhaps the only two witnesses Garrison's office called to the witness stand whose credibility the defense wasn't able to hurt on cross-examination was a husband and wife team, Mr. and Mrs. Nicholas Tadin. But it wasn't necessary. They destroyed themselves with their inherently improbable story. Mr. Tadin called the DA's office on the morning of February 27, 1969, the second-to-last day of testimony, with their story and the two were called to the stand later in the day. According to the Tadins, their deaf, sixteen-year-old son took flying lessons from David Ferrie. They claimed that one day in the summer of 1964 they were at the Lakefront Airport in New Orleans when they saw Ferrie and Shaw emerge from a hangar. When Mr. Tadin allegedly asked Ferrie if he had a new student, Ferrie replied, “No, he's a friend of mine. Clay Shaw. He's in charge of the International Trade Mart.” Mr. Tadin said he recognized Shaw because he had seen him riding around Bourbon Street in his car several times.

If true, the Tadins' story was powerful. Why would Shaw deny, as he had, knowing Ferrie, unless their knowing each other had the same, sinister implications that Garrison was pushing on the jury? But the Tadins were obviously either lying or simply mistaken in their identification of Shaw. Since the Tadins were last-minute witnesses, Shaw's defense had no opportunity to check their story out or prepare an effective cross-examination. However, when Shaw's attorney, Irvin Dymond, asked Mr. Tadin to describe the car he saw Shaw driving around in, although he had the make right (a Thunderbird, as had been reported in the media coverage of the trial, which Tadin said he had been following), he said it was “light cream or white” in color. The problem is that Shaw's Thunderbird was black. And when Dymond asked Tadin why he had waited to the end of the trial to come forward with his story that allegedly happened five years earlier, his answer—that Dymond's opening statement, in which he said that Shaw didn't know Ferrie, caused him to want to set the record straight—was very unpersuasive. Not only was Dymond's opening statement on February 6, three weeks earlier, but more important, Tadin conceded that he followed the preliminary hearing back in March of 1967 and knew way back then that a contested issue was whether Shaw knew Ferrie. When Dymond asked him why he didn't come forward then, he lamely responded he “didn't want to get involved.” Certainly the Tadins coming forward so very late in the game has to be viewed as highly suspicious. (Mrs. Tadin testified that “I wouldn't be here today if my husband wouldn't have made me come.”) (HSCA Record 180-10093-10406, Transcript of testimony of Mr. Tadin at Clay Shaw's trial, February 27, 1969, pp.3–4, 8–10, 15–19; HSCA Record 180-10093-10404, Transcript of testimony of Mrs. Tadin at Shaw's trial, February 27, 1969, pp.5–8, 12)

But apart from what surfaced on cross-examination, the Tadins' story was absurd. They wanted their deaf son to become a pilot? Really? As author James Kirkwood observes, “How could he communicate with the control tower, how could he receive landing instructions, how could he hear other aircraft or the sound of his own engine if it were missing?” Of course, David Ferrie was conveniently (for

the Tadins) no longer alive to say that the son had never taken flying lessons from him. Moreover, where does the Tadins' story go? If, indeed, Shaw denied knowing Ferrie because he had conspired with Ferrie and Oswald to murder Kennedy, then, as Shaw's defense attorney, Irvin Dymond, argued, how likely is it that after the assassination Shaw would appear with Ferrie in broad daylight and at a public airport, no less, where the two of them could be seen together by many people? Dymond said the notion was "inconceivable."

Perhaps nothing, however, was more damaging to the credibility of the Tadins than Mr. Tadin's own testimony that when he saw Shaw with Ferrie, he said to his wife, "*Oh Christ, look at this.*" When she said, "What's the matter?" he answered, "Clay Shaw over here." (HSCA Record 180-10093-10404, Transcript of testimony of Mrs. Tadin at Clay Shaw's trial, February 27, 1969, p.10) In 1964, Clay Shaw was not a suspect in the Kennedy assassination and was not a controversial New Orleans figure in any way. In an obvious slip, Tadin was talking as if he had seen Shaw with Ferrie at some time *after* he became a suspect in the assassination. If Tadin were telling the truth about seeing Shaw with Ferrie, there was nothing about Shaw in 1964 that could reasonably have caused Tadin to say to his wife, "Oh, Christ, look at this."

The trial judge, Edward Haggerty, told a reporter after the trial that one of the jurors had told him the jury did not believe the Tadins, although Haggerty apparently did. (Kirkland, *American Grotesque*, pp.635-636; see also pp.414-420, 445-446)

1374 **Russo claimed that he was in Ferrie's apartment:** Perry Russo was the only witness Jim Garrison presented at the trial who claimed to have seen Clay Shaw at David Ferrie's apartment. However, fifteen years later, Al Beauboeuf, a friend of Ferrie's, told HSCA investigators that he was "under the impression" he saw Shaw in a meeting at Ferrie's apartment, but he could "not be sure." (HSCA Record 180-10071-10079, January 26, 1978, pp.2-3) The proof that there is no substance to Beauboeuf's recollection is that Garrison himself, who desperately wanted to place Shaw with Ferrie, and called Russo—someone whose credibility on this point he had to know was extremely questionable—to the stand to try to establish this point, didn't call Beauboeuf to the stand at Shaw's trial to testify to his "impression" about Shaw. And if the reason he didn't call Beauboeuf to so testify is that he was unaware that Beauboeuf had such an impression, why didn't Beauboeuf provide Garrison's investigators with this information when they interviewed him? Could it be because he formed his impression only fifteen years later?

1375 **discussion of Perry Russo [footnote]:** Perhaps the most egregious example of Jim Garrison's misconduct concerned Perry Russo, the star witness who "had never heard of Oswald" before the assassination, but around whom Garrison virtually built his entire prosecution of Clay Shaw. "Russo," said Garrison, "is my case against Shaw." (Phelan, *Scandals, Scamps, and Scoundrels*, p.151)

Contrary to the suggestion of some, Garrison had good reason to be interested in Russo, a twenty-five-year-old Equitable Life insurance salesman who had earned a bachelor's degree in political science from Loyola University in New Orleans and had attended one year of law school. Russo was a staunch Republican, having supported Nixon and Goldwater, and reportedly was joyous when he learned of Kennedy's assassination. However, he denied under oath that he ever said he wanted to see Kennedy dead or was in sympathy with anyone who wanted

to kill Kennedy. On the evening of February 22, 1967, the day Ferrie was found dead in his apartment, and it was all over the news, including Garrison's characterization of Ferrie as being one of history's most important individuals, Russo says he wrote a short letter to Garrison, which he mailed the next day. He claimed he had "some information" about Ferrie that "might be valuable or it might not." (Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing on March 15, 1967, pp.187, 190; denied saying he wanted Kennedy to die: March 16, 1967, p.278)

At Shaw's preliminary hearing, his lawyer asked Russo how, if he had witnessed the conspiracy to murder Kennedy, he could possibly think that the information he had "might not" be important to Garrison. Unbelievably, Russo answered, "Everybody off the street, everybody had something to say, and I did not consider, you know, what I had to say any more important [than] anybody else." (Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing, March 15, 1967, pp.190-191)

On February 24, 1967, while awaiting a reply from Garrison's office, Russo called the *Baton Rouge State-Times* to report that about a month before Kennedy's assassination, Ferrie told him, "We will get him [Kennedy], and it won't be long." Russo told the *State-Times* reporter, Bill Bankston, that he became acquainted with Ferrie through a friend who was a member of the Civil Air Patrol in New Orleans at a time when Ferrie headed the group. He said he had several contacts with Ferrie, who he described as "screwy but sharp in a brainy way," in the summer and early fall of 1963 when he was living in New Orleans, and had only known Ferrie for around eighteen months at the time Ferrie made the statement, a statement, Russo said, he did not take seriously. Russo made no mention of Oswald or Clay Shaw or Clay Bertrand to Bankston, or to being privy to any conspiracy to murder Kennedy. (Bill Bankston, "Local Man Reports Ferrie Threat on Life of Kennedy," *Baton Rouge State-Times*, February 24, 1967, pp.1, 8)

Later that day, Russo was interviewed by Jim Kemp of station WAFB in Baton Rouge. He told Kemp he was aware, from the news, that Garrison suspected Ferrie of being involved in the assassination. Russo repeated to Kemp what he had told Bankston, and also told Kemp that at other times Ferrie spoke "not specifically about Kennedy, [but] about how easy it would be to assassinate a president of the United States," and "he used to jokingly pose the question that, you know, he and I could do it, you know, just in a joking way." Kemp asked, "Did he ever mention Lee Harvey Oswald's name?" "No. I had never heard of Oswald until the television of the assassination." When Kemp asked Russo, "Did you meet anybody else" with Ferrie? Russo said that Ferrie had "a roommate, but he was just sterile as regards to politics. He'd talk about everything else [but politics]." (That, of course, by itself eliminates Oswald.) Russo added that Ferrie had "three Spanish-speaking friends" with him at his home when Russo visited Ferrie one time. (HSCA Record 180-10097-10190, Transcript of testimony of Perry Russo at Clay Shaw's trial, February 10, 1969, pp.210, 212-213, 215-216) Again, no mention of Oswald or Clay Shaw or Clay Bertrand. And certainly no mention of being present at Ferrie's home when Ferrie, Oswald, and Shaw allegedly conspired to murder Kennedy. That would soon change.

Later that same day, February 24, Russo also gave an interview to a Baton Rouge

television (WBRZ) reporter named Carrick and at least one other reporter whose name he could not recall, probably the Baton Rouge representative of station WDSU in New Orleans. At Clay Shaw's trial, Shaw's lawyer, Irvin Dymond, adding them up, asked Russo, "So that then would be a total of three [reporters] in addition to Mr. Bankston. Is that correct?" Russo: "Right." "Would I be correct in saying that in none of these three interviews [actually, four, Bankston being the fourth] did you mention a conspiratorial meeting?" "No." "Would I be correct in saying that in none of these three interviews that you mentioned the name Oswald?" ". . . Right." "Would I be correct in saying that in none of these three interviews did you mention the name Clem or Clay Bertrand?" "Right." (HSCA Record 180-10097-10190, Transcript of testimony of Perry Russo at Clay Shaw's trial, February 10, 1969, pp.201-202; Transcript of February 24, 1967, interview of Russo by Kemp on pp.210-220; see also *New York Times*, March 16, 1967, p.39)

It is not known when Russo's letter to Garrison of February 22 reached Garrison's desk and he read it, or, indeed, if there ever was such a letter.* But seeing the Baton Rouge article, Garrison, with just cause, dispatched one of his assistants, Andrew "Moo Moo" Sciambra, to Baton Rouge to interview Russo at Russo's home, which he did the next day, February 25. Sciambra wrote a detailed 3,500-word memorandum to Garrison on February 27, 1967, about his three-hour interview with Russo. Among other things, Sciambra's memo said Russo told him that Ferrie was a homosexual who was "in love" with a young man named Al Landry (and when Russo and others, at Landry's mother's request, tried to discourage Landry from seeing Ferrie, Ferrie told Russo that either he or one of his friends would kill Russo for this), and that he saw Ferrie several times in the company of a few Cubans dressed in green fatigues who, Ferrie said, were jungle fighters who would help him liberate South America.

But the heart of the Sciambra memorandum deals with Russo telling him that in the summer of 1963, Ferrie started talking about how easy it would be to assassinate a president, and that he could plan the whole thing himself. The more he saw Ferrie, the more Ferrie talked about it. And the more Russo talked, the more it became very obvious, as the saying goes, that "it" was "coming out of his ears." As he acknowledged, when he came forward he already knew (since it was all over radio, TV, and the papers) that Ferrie had been a suspect in Garrison's investigation.† Part of what Russo told Bankston and Kemp was probably true. Ferrie himself admitted to FBI agents when they interviewed him on November 27, 1963, that he probably had said (as others had) that Kennedy "ought to be shot" because of failing to provide air cover during the Bay of Pigs invasion.‡ But Russo, like so

*At Clay Shaw's trial, Shaw's attorney, Irvin Dymond, asked the prosecution to produce the alleged letter, but they were unable to do so. Lead trial prosecutor James Alcock told Judge Edward Haggerty Jr., "We have not been able to locate it, your honor. I don't know anyone who ever saw the letter." (HSCA Record 180-10097-10191, Transcript of Perry Russo's testimony at Clay Shaw's trial, February 11, 1969, p.298)

†For example, on February 18, 1967, four days *before* Ferrie's death, there was a front-page story in the *New Orleans States-Item* referring to Garrison's allegations of a New Orleans plot to murder Kennedy. A large picture of Ferrie was also on the front page and he was identified by the DA's office as a member of the plot who was scheduled to be the pilot of the "getaway" plane. Yet Russo conveniently waited until Ferrie died, and was thereby unable to refute his nonsense, before he came forward with his story.

‡But he also told FBI agents Ernest Wall Jr. and Theodore Viater in their interview of him on November 27 that he had also been accused of being "a worshiper of President Kennedy" because he was a "liberal" who strongly believed in President Kennedy's civil rights program.

many others who have tried to get their fifteen minutes of fame by telling whoppers about their knowledge of, or participation in, the assassination, started embellishing his story, big time, with Sciambra. There's no credible evidence that there was anything more to Russo's story than what he had told Bankston and Kemp. However, before Garrison, Sciambra, and the New Orleans DA's office got through with Russo, his small kernel of truth had blossomed wildly into a huge cornfield of conspiracy involving Ferrie, Oswald, and Clay Shaw. "It was like a big roller coaster. I couldn't get off," said Russo, who acknowledged receiving psychiatric "treatment" for "maybe two years or a year and a half" between 1959 and 1961. (Transcript of interview of Perry Russo by William Gurvich, Edward Wegmann, and F. Irvin Dymond on April 16, 1971, p.1; psychiatric treatments: Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing, March 15, 1967, pp.112-113)

Russo had told Bankston that Ferrie had made the statement "We will get him, and it won't be long" to him on one occasion about one month before the assassination. By the next day, however, he told Sciambra that Ferrie had said this "on several occasions." When Sciambra showed Russo some pictures, he identified one of the photos as being of Clay Shaw, claiming to have seen Shaw in Ferrie's presence, once inside a compact car at Ferrie's service station* and another time at the Nashville Street Wharf when Kennedy spoke there. But Russo didn't know enough about Shaw to tell a good lie, claiming to Sciambra that Shaw had on "dark pants that day which fit very tightly and [were] the kind of pants that a lot of queers in the French Quarter wear. Shaw had on a corduroy type jacket which was black with white stripes" and he wasn't looking at JFK at all. Instead, he made it obvious, Russo told Sciambra, that he was looking at all the young boys in the crowd, including staring at the crotch of one he struck up a conversation with. (Memorandum by Andrew Sciambra of his February 25 interview of Perry Russo, February 27, 1967, in Kirkwood, *American Grotesque*, pp.258-266)†

Shaw, everyone knows, was a very discreet homosexual and a buttoned-down conservative dresser who, at least in public, was a paragon of propriety and decorum, never letting on his sexual orientation. Indeed, Lloyd Cobb, the founder of the New Orleans International Trade Mart back in 1946 and its president in 1963, testified at Shaw's trial that he was at the Nashville Street Wharf that day (both he and Shaw were part of the welcoming committee for Kennedy's visit to New Orleans). When asked if "Mr. Shaw was wearing tight pants" that day, he responded, "No . . . If he had been, I would have noticed it," adding he had never seen Shaw wear tight pants, and that Shaw always dressed "on the conservative side" and that day was no exception. (HSCA Record 180-10097-10180, Transcript of testimony of Lloyd Cobb at Clay Shaw's trial, February 21, 1969, pp.14, 16, 27)

Sciambra also said in his memorandum that after Russo "drew a beard on the picture of Oswald" that was shown to him, Russo identified the man in the photo

*Ferrie leased a Gulf Oil Company service station in Metairie from January 9, 1964, until November 30, 1964, when the station closed (Memo from DA investigator Lynn Loisel to Jim Garrison, March 24, 1967, p.1). He co-ran the station (called "DAV-AL's") with his friend Al Beauboeuf (Statement of Herbert R. Wagner Jr. to the New Orleans DA's office, December 6, 1967, p.2).

†At Shaw's preliminary hearing on March 14, 1967, Russo apparently forgot his story. The reason, he said, that he thought Shaw wasn't looking at the president was Shaw "had to be a Secret Service man." (Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing on March 14, 1967, p.72)

as being Ferrie's roommate. Prior to showing Russo the photo of Oswald, Sciambra writes in his memo that "[Russo] said that Ferrie introduced him to someone he called his roommate. He said Ferrie mentioned his name, but he can't remember it right now." Later in the interview, Sciambra writes, Russo, who couldn't remember the name of Ferrie's roommate off the bat, said that "the name Leon really rings a bell," adding that if he were placed under hypnosis, which he was willing to do, he might be able to have total recall on things like names, places, and dates. When confronted on cross-examination at Shaw's trial with the uncomfortable fact that he never mentioned the name Oswald to Sciambra, Russo said Sciambra's memo was in error, that he told Sciambra that Ferrie said his roommate's name was "Leon Oswald." (HSCA Record 180-10097-10190, Transcript of testimony of Perry Russo at Clay Shaw's trial, February 11, 1969, pp.334-337) Of course, if Russo had actually told Sciambra what he claims he did, there can be no question that Sciambra would have mentioned it in his memo, particularly since Russo had picked out a photo of Oswald as being Ferrie's roommate. In fact, Sciambra would have embossed the name "Oswald" in gold. Russo, obviously, was lying.*

Per Sciambra's memo, Russo described "Leon," Ferrie's roommate, as someone with "dirty blonde hair and a husky beard," later calling it a "bushy" beard. He was a "typical beatnik, extremely dirty, with his hair all messed up, his beard unkept," wore a "dirty T-shirt" and tennis shoes that were "cruddy."

At Shaw's preliminary hearing, Russo's version of how he identified Oswald as Ferrie's roommate differed substantially from Sciambra's version as set forth in his February 27 memorandum. Russo testified that he was unable to identify Oswald for Sciambra until "a member of the district attorney's staff" (Detective Charles Jonau) who was with Sciambra "sat with me for six hours" painting whiskers on a photo of Oswald. "We tried beard after beard after beard," he said, the photograph being changed "ten or fifteen times" before he "finally" said that Ferrie's roommate was Oswald. (Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing, March 15, 1967, pp.206-208, 212; *New York Times*, March 16, 1967, p.39)

Of course, it is well known that Oswald had no bushy beard and as far as Oswald being "extremely dirty," et cetera, he was always particularly clean and neat in his dress. And that remained true during the summer of 1963 in New Orleans.† Not only does the picture of Oswald passing out leaflets in front of the New Orleans Trade Mart show him to be short-haired, clean-shaven, and in a white shirt and tie (Pizzo Exhibit Nos. 453-A and 453-B, 21 H 139), but his New Orleans landlady, Jesse Garner, testified before the HSCA in 1978 that she never saw him with a beard and "he never did look dirty. He was very neat and clean" (HSCA Record

* At Shaw's preliminary hearing, Russo testified that the last time he had seen Oswald in Ferrie's apartment was "somewhere around the beginning of October, maybe late September, beginning of October" of 1963. At another point he testified, "I would say in October." (Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing, March 15, 1967, pp.196-197, 202) But at Shaw's trial Russo changed his story and said he could not say when it was, prompting Shaw's attorney to ask Russo, "Since the preliminary hearing haven't you heard that Oswald left New Orleans, never to return, on September 25, and *that* is the reason you are not saying October now?" Russo answered, "No," but had no satisfactory answer for his change of testimony. (HSCA Record 180-10097-10190, Transcript of Perry Russo testimony at Clay Shaw's trial, February 11, 1969, pp.400-403)

† As we have seen, however, there was a brief period when Oswald was working at the Reily coffee company when he became unkempt and inattentive to his personal hygiene, though there is no indication he had a bushy beard during this brief interlude.

180-10104-10364, Testimony of Jesse Garner before HSCA on May 5, 1978, p.28). Adrian Alba, the operator of the New Orleans garage next to which Oswald worked in the summer of 1963, saw Oswald almost every workday, and he told HSCA investigators that Oswald "was always extremely neat and clean," and "at anytime during the day his pants had a neat crease in them" (HSCA Document 007198, HSCA interview of Alba on January 24, 1978, p.2). * As *New Orleans States-Item* reporter Neil Sanders wrote, "New Orleanians who knew Lee Harvey Oswald when he last lived here are mystified by the ill-kempt, unshaven picture drawn of him [by Perry Russo] in the Garrison investigation. They remember the accused assassin of President John F. Kennedy as a neat dresser who was always clean shaven" (*New Orleans States-Item*, March 25, 1967). Ruth Paine said, "When I came to New Orleans, about September 20th [right around the exact period—"middle of September" of 1963—that Russo would later testify he saw Oswald at Ferrie's apartment with Shaw] he was clean-shaven then, and I never saw him with a beard. I don't believe he had one, to my knowledge. I think Marina would have mentioned it. And he was also neat when he dressed, and clean, it seemed to me. I just feel that Mr. Russo must have seen someone else that he thinks was Lee Oswald" (Biles, *In History's Shadow*, p.169; middle of September: Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing on March 14, 1967, p.51). Sciambra should have realized, from the description of a bushy beard and the extreme dirtiness of Ferrie's roommate, that the roommate could not possibly have been Oswald, and that Russo must have been telling a fairy tale. Sciambra should therefore have discontinued his interest in Russo at this point. But the thirty-one-year-old prosecutor did not.

The man who Russo says was Oswald was believed by some to be James Lewallen, a thirty-eight-year-old aircraft mechanic for Boeing working at the Michoud Saturn rocket plant near New Orleans, whose clothes were often dirty because of his work (Lambert, *False Witness*, pp.69-70; Flammonde, *Kennedy Conspiracy*, pp.180-181). The June 19, 1967, NBC special on Garrison's investigation of Shaw reported that Ferrie's dirty, beatnik roommate had been determined, by witnesses, to be Lewallen. Actually, Lewallen *used* to be Ferrie's roommate and continued to spend more time at Ferrie's apartment at 3330 Louisiana Avenue Parkway than anyone else around the subject time (Brenner, *Garrison Case*, p.93; see also Memorandum from Assistant District Attorney James Alcock to District Attorney Jim Garrison, February 20, 1967). So Lewallen could very well have been the roommate Russo referred to. And Lewallen was sometimes called "Lew" or "Lee" (James and Wardlaw, *Plot or Politics*, p.81).

* Conspiracy author Joan Mellen tells her readers that John Anderson, who was the son of the owner of Mailers Service Company in New Orleans, where Oswald ordered five hundred copies of an application for membership in his Fair Play for Cuba Committee chapter, recalls that Oswald was "dirty" when he came in to Anderson's place of business (Mellen, *Farewell to Justice*, p.442). In Anderson's interview by HSCA staff members he said Oswald "was dressed in a dirty shirt and dirty slacks" (HSCA Record 180-10071-10089, January 20, 1978). Anderson's observation, made after he saw Oswald only twice (when Oswald placed the order and when he picked it up) and then briefly, cannot be given the same weight as Alba's, who knew Oswald well, and saw him for much longer periods over a few months. In any event, what Mellen doesn't tell her readers is that Anderson saw Oswald for the first time on June 3, 1963. June 3 was a Monday, a workday for Oswald at the Reily coffee company, which was a few blocks away on the same street (Magazine) where Anderson's shop was. Oswald's job at the Reily company, as we know, was greasing heavy equipment. If Anderson's recollection was correct, with the job Oswald had it would seem natural for his clothing to be dirty when he appeared at Anderson's shop, probably during the noon lunch break, although Alba said he never saw Oswald dirty.

However, around the time of the assassination, in November of 1963, Layton Martens, a friend of Ferrie's, was living with Ferrie, per District Attorney Jim Garrison (Time and Proximity memorandum by Jim Garrison, February 10, 1967, p.1). Martens said he moved in on November 17, 1963 (FBI Record 124-10053-10250, FBI interview of Layton Martens on November 25, 1963). And Martens, who had known Ferrie for five years, said, "I never heard David Ferrie mention Lee Harvey Oswald. I never met him. I would certainly remember if I ever did" (Transcript of "Who Was Lee Harvey Oswald?" *Frontline*, PBS, November 16, 1993, p.23; known Ferrie for five years: FBI Record 124-10053-10250).

In any event, we know that Oswald wasn't the person who shared an apartment with Ferrie in September of 1963 because we know that during the whole summer of 1963 up through the third week in September, Oswald was living with his wife and daughter, June, on Magazine Street in New Orleans. Marina, in fact, told me that throughout this period, Oswald had spent only one night away from home, the night (August 9, 1963) he was arrested over a scuffle with Carlos Bringuier (Interview of Marina Oswald by author on November 30, 2000).

So it's perfectly obvious that Russo had no credibility at all. But even if we assume that everything Russo told Bankston, Kemp, and two other reporters on February 24, and Sciambra on February 25, was true, *in these first five interviews that Russo, Garrison's star witness, gave, he said nothing about ever seeing Ferrie, Shaw, and Oswald together, nothing about seeing Shaw in Ferrie's apartment, much less ever hearing Ferrie, Shaw, and Oswald plot the murder of John F. Kennedy.*

Further, Russo said nothing to Sciambra about knowing Clay Shaw as Clay Bertrand (which he would later say). But that would all change. Russo had too much potential for Garrison to let him go, even though *from these first five interviews of Russo, the bell had already been rung on the fact that he had absolutely nothing of any value to say about any alleged conspiracy to murder Kennedy.*

The same day of Sciambra's memo, February 27, Sciambra interrogated Russo under sodium pentothal (so-called truth serum) at Mercy Hospital in New Orleans.* The coroner, Dr. Nicholas Chetta, administered the drug to Russo. Contrary to what is popularly believed, sodium pentothal does not compel the subject to tell the truth. Rather, it decreases inhibitions in the subject, making him more likely to express repressed information. Within the psychiatric community, there is substantial disagreement over the merits and reliability of what is termed *narcoanalysis* (Moenssens and Inbau, *Scientific Evidence in Criminal Cases*, p.625), and this is why virtually all states, including Louisiana, disallow the admissibility of sodium pentothal-induced statements unless both the prosecution and the defense agree on it. This is why the statements Russo made while under sodium

*Before Russo calmed down and gave his questioner, Sciambra, what Sciambra wanted to hear, the introduction of sodium pentothal into his system by injection into his right arm caused a decidedly adverse physiological response. In a transcribed interview with William and Leonard Gurvich on January 29, 1971, he said, "My head started spinning round and round . . . and I started getting violent and upset," causing the doctors to physically restrain him. "It seemed like they strapped my whole body, they strapped the right arm down and they held the left arm . . . and they strapped me around the waist and around the legs . . . I just kept swinging and twisting and squirming away . . . Oser [New Orleans assistant DA Alvin Oser] . . . was holding me down right at the waist. He's big. He just physically got on top of me and I . . . remember saying 'Get away you mother fucker, get away.'" Sounds like a perfectly reasonable prologue to Russo's helping Garrison break the crime of the century.

pentothal were ruled inadmissible at Shaw's trial. (HSCA Record 180-10097-10194, Transcript of testimony of Andrew J. Sciambra at Clay Shaw's trial, February 12, 1969, pp.8, 19, 21)

Sciambra's February 28 memorandum to the file on his half-hour interrogation of Russo the previous day while Russo was under sodium pentothal indicates that Russo reiterated much of what he had told Sciambra on February 25 in Baton Rouge. But Russo now added much more. He said he saw Oswald at Ferrie's apartment, per the memo, "sitting on a chair with his leg up cleaning a rifle. He [Russo] said the rifle had a telescopic sight mounted right on top of the rifle and it was a bolt-action rifle."* Just like Lee Harvey Oswald's rifle, as reported in all of the papers and on radio and TV. And when Sciambra again showed Russo a photo of Oswald to which the DA's office had added a beard, Russo again said the photo looked like Ferrie's roommate, Oswald, that the roommate had a "bushy beard" and was "very dirty and a beatnik-type guy." The fact, as indicated earlier, that Oswald never had a bushy beard and was always very clean and neat, not scruffy and dirty like Russo said, was just something that Russo, and Sciambra, were going to have to live with. Why? Because that is the first story Russo gave, and though he could *add* incriminating details to the story, if he were going to have any credibility he could not *contradict* what he had already said.

Russo had much more important goodies for Sciambra. He added (again, in this game, unless you simply forgot what you previously said, you can add but not contradict) that he saw the man he identified as Clay Shaw, not just twice, as he told Sciambra two days earlier, but one other time at Ferrie's apartment on Louisiana Avenue Parkway sometime between September 20 and 25, 1963. Sciambra says he then asked Russo if he knew Clay Bertrand, and Russo said he did, and he was a queer. Russo said Ferrie had introduced him to Bertrand while he was at Ferrie's apartment on Louisiana Avenue Parkway. He described Bertrand as "a tall man with white kinky hair, sort of slender." So we see that it was Sciambra, not David Ferrie, who first mentioned the name Bertrand to Russo. In Sciambra's interview of Russo on February 25, Russo never even mentioned meeting any gray-haired older man at Ferrie's apartment, much less introducing him as Clay Bertrand. But Russo was a good student. Just three weeks later at Shaw's preliminary hearing he testified Ferrie had introduced Shaw to him at his apartment as "Clem Bertrand." (Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing, March 14, 1967, pp.52-53)

Russo would later tell Shaw's defense attorneys that either on the day he first met Sciambra (February 25, a Saturday) or prior to his sodium pentothal session (February 27, a Monday), Sciambra had told him that Bertrand was "the name [Shaw] went as" (Lambert, *False Witness*, pp.72, 304 note 9, 305 note 12).

*When Russo later testified before the Orleans Parish grand jury on March 22, 1967, he said the first time he saw Oswald at Ferrie's apartment (the first of four times, per Russo), Oswald "was either polishing or cleaning or doing something with a rifle." He reiterated that Oswald was "real dirty," had "a full week's growth of beard," and "had a real nasty attitude." He also said that Ferrie had told him that his roommate friend was a student (he didn't say where) and that he "likes to sit out on the porch . . . He just sits out there and thinks a lot, with no lights on and in the dark" and that "he was kind of funny." (Transcript of testimony of Perry Russo before Orleans Parish grand jury on March 22, 1967, pp.7-11) Apart from the dirtiness, Russo was describing someone resembling Oswald, though we know it couldn't have been Oswald because Oswald's "roommate" during this whole period was his wife, Marina, not David Ferrie.

Then, in the final, by far the most important addition to his story, Russo told Sciambra in the truth-serum session that Ferrie told him, in the presence of Bertrand and Oswald, that “we are going to kill John F. Kennedy.” When Sciambra asked Russo whom Ferrie meant by “we,” Russo responded, “I guess he was referring to the people in the room.” (Memo by Andrew Sciambra of his February 27, 1967, interview of Perry Russo, February 28, 1967, pp.2–3) In other words, Ferrie, for some inexplicable reason, wanted Russo to hear that he, Oswald, and Shaw were going to kill Kennedy. After all, Russo was a friend, of sorts, to Ferrie, and Russo (as, I imagine, all of Ferrie’s other friends) was entitled to know all about such things.

Garrison now had his case against Shaw. Only one thing was lacking. It would be better if Russo could furnish more details. Details would lend authenticity to the story.

Following the sodium pentothal examination, Russo had dinner that night with Garrison, Sciambra, a few other members of the DA’s staff, and *Life* magazine reporter Richard Billings at the Royal Orleans Hotel.* Russo would later say that Garrison introduced Russo to Billings as “his prize, his secret weapon.” To enable Billings to ask intelligent and probing questions of Russo, Garrison first laid out for Billings, per Russo, “how it all worked.” But as Patricia Lambert notes in *False Witness*, “In explaining how it all worked to Billings, Garrison was also explaining how it all worked to Russo.” As Russo later put it, “I found out more facts about the case that night than I’d ever been told before.” (Lambert, *False Witness*, p.80) At the end of the evening Garrison gave Russo two \$100 bills and told his aide, Lynn Loisel, to get Russo “the best room in town.” (Transcript of interview of Perry Russo by William Gurvich, Edward Wegmann, and Irvin Dymond on April 16, 1971, pp.1–2)

At this point, Russo was Garrison’s *entire* case against Shaw. He had no other witness to connect Shaw, in any way, to the Kennedy assassination. Even if Russo had been an excellent witness, unless there was a fear that Shaw would flee the jurisdiction, as was not the case here, no prosecutor I’ve ever known would have arrested Shaw at that point for the most serious murder in American history. He would have taken the matter to the grand jury, and by subpoenaing witnesses and putting his investigators to work, attempt to corroborate Russo’s statement and build a prosecutable case against Shaw. But instead, just two days later, in the early evening (5:30 p.m.) of March 1, 1967, Garrison had Shaw placed under arrest for conspiring with Oswald and Ferrie to murder Kennedy. (Brener, *Garrison Case*, p.97) Again, all he had was Russo, no one else,[†] and Russo couldn’t possibly have

*In the beginning months of Garrison’s investigation, starting in November of 1966, Garrison entered into an arrangement with *Life* magazine through its local reporter, David Chandler, and one sent from its New York office, Richard Billings, giving *Life* “complete and exclusive access to his investigation,” allowing its reporters and photographers to sit in on staff meetings, interrogation sessions, et cetera. In return, *Life* was to assist Garrison “in investigating matters outside his jurisdiction.” The relationship would later sour when Garrison gave an exclusive interview to the *Saturday Evening Post*, and additionally, when *Life* began to see that Garrison had nothing. (Epstein, *Assassination Chronicles*, pp.280–281)

[†]Following a later hearing in 1971 to determine whether Garrison should be enjoined from prosecuting Shaw for perjury after Shaw was acquitted on the conspiracy-to-commit-murder charge, the presiding federal judge, Herbert W. Christenberry, wrote in his opinion granting the plaintiff, Shaw, the requested relief, “Judge James L. Alcock [prosecutor Alcock had since become a Louisiana State court judge], who was on the

been a worse star witness, incriminating Shaw for the first time (after giving *five* prior statements without doing so) while under the influence of sodium pentothal.

On March 1, after having dinner with Russo at the Royal Orleans, Sciambra and fellow prosecutor Al Oser took Russo to the office of Orleans Parish coroner Nicholas Chetta, where Dr. Esmond A. Fatter, a New Orleans physician and hypnotist, hypnotized and questioned Russo in the presence of a stenographer. Russo, himself a self-styled hypnotist, once hypnotized a friend before the friend had sex with his girlfriend. (Memorandum of interview of Don Jordan by DA investigator Lynn Loisel, April 24, 1967, p.1) Fatter, who was hired by Garrison's office to conduct the examination, had Sciambra's two memorandums of his interviews of Russo as a guide. Why writers on the Garrison case make so much of this March 1 hypnotic session I don't know, since Russo had already, two days earlier, put Shaw and Oswald in Ferrie's apartment, with Ferrie telling Russo, "*We* are going to kill John F. Kennedy." The only new detail that emerged from the hypnosis session was that Oswald and Shaw actively participated with Ferrie in the assassination discussion. This time Russo said the discussion in Ferrie's home took place on September 16, 1963. Russo said there was a beer-drinking party at Ferrie's apartment that evening, and four Cubans, two Americans, and Russo's girlfriend, Sandra Mofett, were also there, but were in "the kitchen" at the time the plot was discussed. (At Shaw's trial, Russo changed his story. When Shaw's attorney, Irvin Dymond, asked, "Had all of the other guests left?" at the time of the alleged conspiratorial conversation, he responded, "They had left some time before." [HSCA Record 180-10097-10191, Transcript of testimony of Perry Russo at Clay Shaw's trial, February 11, 1969, pp.312-313])

Using the technique of having Russo imagine images on a television screen, Fatter didn't ask Russo what Ferrie, Oswald, and Shaw were doing at Ferrie's apartment, he *told* him that the screen showed "Bertrand, Ferrie and Oswald . . . and *they* are talking about assassinating somebody. Look at [the screen] and describe [what you see]." Naturally, Russo, who said he was just sitting and listening, said that "they" were having "a conversation . . . *They* planned to assassinate President Kennedy." (Transcript of March 1, 1967, hypnotic session with Perry Russo, "From the Files of Edward F. Wegmann," pp.1, 5, 8, 10) So now Ferrie wasn't just speaking *for* Shaw and Oswald when he said, "We are going to kill John F. Kennedy." Thanks to Dr. Fatter, Shaw and Oswald were now saying it too.*

Still, Garrison wanted more details to make the story more believable. But before the next hypnotic session on March 12, Garrison had Russo take a polygraph test

defendant's [Garrison's] staff, and was the chief prosecuting attorney at the Shaw conspiracy trial, testified that the *only* witness against Shaw at the time of his arrest was Russo. Garrison did not rebut this testimony, even when this court confronted him with it. He refused to answer the question when it was propounded to him by plaintiff's counsel and this court" (*Shaw v. Garrison*, 328 F. Supp. 390, 395[1971]).

*On February 28, the day before the first hypnotic session, the DA's office, for identification purposes, had Russo, posing as an insurance salesman from Mutual of Omaha, knock on Shaw's door. Russo told his DA handlers that Shaw, who came to the door, was the man he had seen at the wharf and in Ferrie's car and home. When Fatter asked Russo the leading question, "Is Clay Bertrand the same person you went to sell insurance to *yesterday*?" Russo did not say yes or no. So the heavy-handed Fatter proceeded to tell Russo, "You will see [on the television screen] the face of a white-haired man. *You met him yesterday* when you went to his apartment. You picture him in your mind." And after having *told* Russo that he saw "Clay Bertrand" the previous day, Fatter asked Russo, "Have you seen him before?" whereupon Russo says he had, at Ferrie's apartment. Isn't that just marvelous?

in the New Orleans office of Leonard Gurvich, the brother of Garrison's lead investigator, William Gurvich. The test, on March 8, was administered by Roy Jacob, a polygraph expert for the Jefferson Parish sheriff's office. Russo failed the test. With his answer of "yes" to the two questions of whether he knew Clay Shaw and Lee Harvey Oswald, the polygraph operator said that Russo's test reflected "deception" on his part. (*The JFK Conspiracy: The Case of Jim Garrison*, NBC News White Paper, June 19, 1967; *New York Times*, June 20, 1967, p.7; Lambert, *False Witness*, pp.114, 201, 324 footnote 1)*

At the March 12 session, the redoubtable Dr. Fatter put Russo under his hypnotic spell again, but this time Fatter did not utilize the imaginary television screen as a technique. Instead, he asked Russo to visualize himself "standing at the top of a staircase looking down," then to "go down the 21 stairs" (*New York Times*, March 18, 1967, p.13). "As you go down each step of this staircase let yourself go down deeper and deeper. And when you get to the bottom of that staircase . . . you will be very deeply asleep," he told Russo. "That's right, deeper and deeper . . . Now look up the hall, Perry, and about fifty feet up the hall I'd like for you to walk in front of that door. When you get in front of that door, lift up your index finger . . . This door is the entrance to a time tunnel. You needn't worry about it because we're all here and we're all going to take good care of you. You are going into the time tunnel and you feel that spinning and you spin and spin and the time tunnel will throw you out [into] September 1, 1963." (Transcript of March 12, 1967, hypnotic session with Perry Russo, "From the Files of Edward F. Wegmann," p.1) One can only assume that Russo's handlers—Sciambra and others—had, for whatever reason, decided that it was to their benefit to have the meeting at Ferrie's apartment take place on September 1, not September 16, as Russo said in the first hypnotic session.

During the March 12 session, Russo said he went to Ferrie's apartment on the day in question with Sandra Moffett and his friend Lefty (Niles "Lefty" Peterson), and he repeated that allegation at Shaw's preliminary hearing on March 15. At Shaw's trial, Russo, having learned that both Peterson and Moffett had denied, in the June 19, 1967, NBC special on Garrison, being at any party at Ferrie's when Shaw and Oswald were in attendance, no longer included them as being at the party. Of the eight to ten people at the alleged party other than Shaw, Oswald, himself, and Ferrie, he could only remember that two of them were "Spanish-looking guys" named "Julian" and "Manuel." And when asked, "And you can't give us the names of any other people there?" he answered, "No." (HSCA Record 180-10097-10191, Transcript of testimony of Perry Russo at Clay Shaw's trial, February 11, 1969, pp.271-272)

Russo also told Fatter that Ferrie "did most of the talking" during the plot discussion to kill Kennedy. Russo then added a detail (triangulation of fire) that had already been hypothesized and very well publicized by the conspiracy theorists, and hence, Russo would most likely have heard it in the media many times. Ferrie, per Russo, told Shaw and Oswald that to kill Kennedy they "would need three peo-

*Leonard Gurvich, who arranged to have the test taken but who was not a polygraph expert himself, nonetheless claimed that Russo "was highly nervous" and did not fail the test (*New York Times*, June 21, 1967, p.19).

ple at three different locations in a crossfire,” and “one [man] is diversionary and one man has to be sacrificed.”* Russo said that Clay Bertrand got mad and started arguing with Ferrie (though Russo didn't say over what), and “he asked Ferrie, do you want this to be successful or don't you? I am going to leave it up to you or I'll pull out of this altogether.” Ferrie assured Bertrand he would handle everything, including flying all the assassins out of the country.

It had been reported in the New Orleans newspapers a week before the second hypnotic session that Clay Shaw was at the San Francisco World Trade Center on the day of the assassination, so Russo added another nice little touch to his fairy tale. Ferrie, he said, told his co-conspirators that they'd have to “establish alibis” for themselves by being seen “in public” on the day of the assassination. Bertrand said he would “go to the coast on business” that day, per Russo. (Transcript of March 12, 1967, hypnotic session with Perry Russo, “From the Files of Edward F. Wegmann,” pp.4, 14–16) You have to understand: Clay Shaw knew that he could only be seen in public in San Francisco, twenty-five hundred miles away. Wherever he'd be in New Orleans, even in the middle of Bourbon Street, he apparently believed he'd be invisible to others and hence have no alibi. Obviously, Russo couldn't even make up a good lie. If a conspirator, say Shaw, needed to establish an alibi, the very best way to have done so would have been to stay right at his desk at the Trade Mart in New Orleans, where everyone knew him, not go to a distant city where he was largely unknown.† I think we can see that if the upcoming preliminary hearing had not locked Russo into his story, it was just a matter of time before Fatter and Garrison's people had Russo place Shaw at the sixth-floor window elbowing Oswald out of the way to make room for him to shoot Kennedy. It was all pure nonsense, of course, but no matter, the fringe conspiracy theorists were willing to buy *any* allegation of conspiracy, no matter how absurd, no matter how obviously fabricated. As *Saturday Evening Post* reporter James Phelan told Mark Lane in New Orleans, “You gag at the smallest gnat in the Warren Report,

*The Garrison devotees have apparently never been troubled by the question of why Shaw and Ferrie would select Oswald, of all people, as their hit man (in view of the fact that these very same devotees strongly believe Oswald was such a dreadful shot) or patsy when they had no way of knowing that the president would even come back to New Orleans, where Oswald lived at the time. Or were they planning to finance Oswald as he traveled, Carcano in his violin case, all around the country stalking Kennedy for a good opportunity to kill him or be the patsy for someone else who would? If the latter, aren't they troubled by the fact that we know, from Oswald's known whereabouts, that he never did travel around the country?

†Actually, Goldie Moore, Shaw's personal secretary, testified at Shaw's trial that on May 10, 1963, officials in Portland, Oregon, who were interested in building a trade mart in Portland, wrote to Shaw about their plans. The letter was introduced as an exhibit at the trial. On September 11, 1963 (several days *before* Russo claims he heard Shaw say he would “go to the coast on business” to establish an alibi), she said Shaw received another letter (also introduced as an exhibit) from the First National Bank in Portland thanking him for having “accepted our invitation” to speak on international relations in Portland on November 25. (HSCA Record 180-10097-10180, Transcript of Testimony of Goldie Moore at Clay Shaw's trial, February 21, 1969, pp.36–40) Since Shaw was scheduled to be on the West Coast on November 11, Mario Bermudez, the director of the Department of International Relations for the City of New Orleans, solicited, on Shaw's behalf, a luncheon speaking engagement for Shaw at the World Trade Center in San Francisco on November 22. Shaw left New Orleans by train on November 15. After spending a few days in Los Angeles, he arrived in San Francisco by train on November 21, did not speak on November 22 because of the assassination, and left San Francisco for Portland on November 23, speaking at the Rotary Club in Portland on November 26. (HSCA Record 180-10093-10407, Transcript of testimony of Clay Shaw at his trial, February 27, 1969, pp.24–25, 29–31; Lambert, *False Witness*, pp.154, 318 note 30; Garrison, *On the Trail of the Assassins*, p.180 footnote)

but here in the Garrison-Shaw thing you're swallowing an elephant" (Kirkwood, *American Grotesque*, pp.179–180).

On March 14, two days after Russo's last session with Fatter, Shaw's preliminary hearing commenced, and Russo was the main witness testifying against him. In his cross-examination of Russo on March 16, Shaw's lawyer, Irvin Dymond, asked, "What part were you to play in the assassination planned on Louisiana Avenue Parkway [Ferrie's apartment]?" "I had no part . . . I never said I wanted to see President Kennedy killed," Russo answered. "Did anyone," Dymond continued, "ever tell you not to say anything about this meeting? About this plan?" "No one ever told me anything about that," Russo said. However, he added that Oswald and Shaw did protest his presence in the room. "Oswald looked up . . . and said, 'What in the hell is he [Russo] doing here?'" And "a few seconds later Bertrand [Shaw] said, 'It is risky' or 'You [Ferrie] shouldn't have anyone here,' that kind of stuff." But Ferrie, per Russo, said, "Forget him, he is all right. He don't know anything, and it don't make any difference with him." Russo testified he never said one word during the entire conspiracy session, frequently going to the window in the room of the apartment where the plot took place to see if Lefty Peterson had returned to drive him home. (Testimony of Perry Russo at Clay Shaw's preliminary hearing, March 16, 1967, pp.277–280, 284–285; *New York Times*, March 17, 1967, p.24)

One of the biggest arguments made by Garrison apologists to rebut the widespread belief that he had no case or evidence against Shaw is that after the four-day preliminary hearing in New Orleans, a three-judge panel of the Orleans Parish Criminal Court held, on March 17, that Garrison had presented "sufficient evidence [against Clay Shaw] . . . to establish probable cause that a crime has been committed," and therefore, Shaw had to stand trial (March 17, 1967, order of Judges Malcolm O'Hara, Matthew Braniff, and Bernard Bagert). But defense lawyers know that since the magistrate at a preliminary hearing usually finds there is sufficient evidence to require the defendant to go to trial, they normally treat it like a discovery proceeding to learn what the prosecutor's case is, and don't even present a defense, as Shaw's lawyers didn't. And "probable cause" is a much lower burden of proof than the burden required for a conviction at trial, "beyond a reasonable doubt." With several witnesses like Perry Russo and Vernon Bundy testifying against Shaw, and no witnesses being offered to rebut them, the holding over of Shaw for trial is not significant. Another dynamic was at work. As one of the judges on the panel, Bernard Bagert, said, "This wasn't a question of guilty or not guilty. It was a question of probable cause . . . Given what we [had], I had no choice . . . Just think for one minute about the alternative, that is, if we cut [Shaw] loose . . . With the defense . . . not putting on a case of its own the nation and world would have charged a fix" (Interview of Judge Bagert by Leslie Whitten, *New York World-Journal Tribune*, March 20, 1967). Though legally unnecessary for bringing Shaw to trial, on March 22, Garrison took Russo as his only witness to the Orleans Parish grand jury to repeat his story, resulting in a formal indictment by the jury against the fifty-four-year-old Shaw on that date for conspiracy to murder Kennedy (*Times-Picayune*, [New Orleans] March 23, 1967).

On June 19, 1967, long before the trial, which didn't take place until 1969, Sci-

ambra took Russo to the New Orleans Police Department to have its polygraph operator, Sergeant Edward O'Donnell, give Russo a polygraph examination. In his June 20 report to Garrison on the session, O'Donnell wrote that "after asking three questions, the test was stopped due to Perry Russo's erratic pneumograph tracing and his physical movements." However, after taking the attachment off Russo's body, he proceeded to interview Russo. "I then asked him," O'Donnell's report to Garrison reads, "Was Clay Shaw at this party [at which a plot to kill Kennedy was discussed], [and] he replied do you want to know the truth? I stated yes, and he said I don't know if he was there or not . . . He stated that if he had to give a yes or no answer, he would have to say no . . . He was then asked if this conversation he heard at Dave Ferrie's apartment sounded like a legitimate plot to assassinate Kennedy. He stated, no it did not, it appeared to him like another bull session, like they were always having . . . He was then asked to describe the conversation which he had heard at David Ferrie's apartment and he stated that this was very vague in his mind and at this time he could not say who was saying what." (Report of Sergeant Edward O'Donnell to Jim Garrison, June 20, 1967; Lambert, *False Witness*, pp.287-289)

O'Donnell, knowing that Garrison was prosecuting an innocent man, immediately went to Garrison's office and, in the presence of Garrison's Shaw prosecutor, James Alcock, gave Garrison the bad news. Garrison raged, "Jesus Christ, that son of a bitch [Russo] has sold out to the CIA. He has sold out to NBC." Later that same day, two of Garrison's lead detectives went to O'Donnell's office. "They told me," O'Donnell would later recall to author Patricia Lambert, that "it would be better for everyone if I forgot what happened." But O'Donnell, a seventeen-year veteran of the force, had no such intention, and started to dictate the aforementioned written report to Garrison, which he delivered the next day to Garrison, the New Orleans superintendent of police, among other officials, getting copies. At a meeting convened in Garrison's office a few weeks later, which Alcock, Sciambra, and Russo attended, Garrison handed a copy of O'Donnell's report to Russo and asked Russo if what O'Donnell said in his report was true. Russo said, "Most all of it is true, except I did not tell O'Donnell that Clay Shaw was not at this apartment." O'Donnell, knowing that Russo was lying in front of Garrison, decided to tell his own lie to get Russo to tell the truth, asking Russo, "Would you like me to produce . . . a tape?" even though the conversation was not taped. The ruse worked and Russo admitted that O'Donnell's report accurately reflected what he had told O'Donnell. (HSCA Record 180-10093-10403, Transcript of testimony of Edward O'Donnell at Clay Shaw's trial, February 26, 1969, pp.7-9, 11, 14-18; Lambert, *False Witness*, p.115)

But Garrison wasn't about to stop his prosecution of Shaw. Nothing, certainly not mere truth, was going to stand in his way. Though Garrison eventually tried to get O'Donnell fired, he was unsuccessful, and O'Donnell went on, as the assistant commanding officer of the Homicide Division of the New Orleans Police Department, to testify on behalf of Shaw at Shaw's trial in 1969. Although the results of lie detector tests are inadmissible at criminal trials, O'Donnell was able to get in not his interpretation of the test, but what Russo told him, testifying before the Shaw jury that during his conversation with Russo on June 19, 1967, "he told me Clay Shaw was not at Dave Ferrie's apartment." (HSCA Record 180-10093-

10403, Transcript of testimony of Edward O'Donnell at Clay Shaw's trial, February 26, 1969 p.15)

At the trial of Shaw, the defense objected to the introduction into evidence of the statements of Russo obtained during the sodium pentothal and hypnotic sessions, and the judge sustained the objection, ruling the sessions were inadmissible hearsay (Kirkwood, *American Grotesque*, pp.308–309).^{*} The defense, in addition to O'Donnell's testimony, destroyed Russo's credibility on his allegation of being present when Shaw, Ferrie, and Oswald supposedly conspired to murder Kennedy, by showing that in the alleged letter to Garrison's office and in his separate interviews on February 24, 1967, by Bankston, Kemp, and two other reporters, Russo never mentioned anything about Lee Harvey Oswald, Clay Bertrand, or Clay Shaw, or any conspiracy by these two with Ferrie to murder Kennedy.[†] Also, that even in the first Sciambra interview, he said nothing about hearing or seeing Lee Harvey Oswald, Ferrie and Shaw conspiring to murder Kennedy, or about ever having seen Shaw (or Bertrand) in Ferrie's apartment. The Shaw jury's swift not-guilty verdict showed they rejected Russo's fairy tale out of hand. As jury foreman Sidney Hebert told author James Kirkwood after the trial, "Actually, the whole case rested on the testimony of Perry Russo. And his testimony didn't prove a thing to me" (Kirkwood, *American Grotesque*, p.508).

For all intents and purposes, Garrison's entire case had, indeed, been built around Russo, specifically Russo's testimony at the trial that on one occasion at a party in Ferrie's home in September of 1963, he heard Ferrie, Shaw, and Oswald conspire to murder Kennedy. Not only was Russo himself, as we have seen, devoid of all credibility, but also *Garrison, during the trial, was unable to come up with one single witness to corroborate Russo's fable*. Indeed, as we have seen, Garrison learned *before* the trial that one witness who Russo said was at Ferrie's house on the day in question, Lefty Peterson, said that Shaw and Oswald were not at the party, and Sandra Moffett, Russo's one-time girlfriend, who he said accompanied him to the party at Ferrie's home, said that was impossible because she never met Ferrie until 1965. The reader should know by now how conspiracy authors handle inconvenient witnesses like Peterson and Moffett. It's really very simple. Just like Garrison advocate, Perry Russo believer, and fringe conspiracy author William Davy did in his book, *Let Justice Be Done: New Light on the Jim Garrison Investigation*, they simply don't mention Peterson and Moffett.

If we are to believe the conspiracy theorists who still cling to Russo's fable, apparently Russo needed truth serum and hypnosis to recall hearing three people plot to murder President Kennedy. Without truth serum and hypnosis, the twenty-five-year-old insurance salesman had so many other things going on in his life that being witness to a plot to murder the president of the United States just wasn't

^{*}However, the long Sciambra memo of February 27, 1967, of Sciambra's first interview of Russo, in Baton Rouge, *was* introduced before the jury because there was no defense objection to it, the defense and the prosecution jointly offering the memo into evidence (Kirkwood, *American Grotesque*, p.258).

[†]And when Shaw's lawyer, Irvin Dymond, asked, "At any of these meetings wherein you saw David Ferrie and spoke with him after the assassination of President Kennedy, did he ever caution you to keep quiet about what you had heard on Louisiana Avenue Parkway [Ferrie's apartment]?" Russo answered, "No." (HSCA Record 180-10097-10191, Transcript of testimony of Perry Russo at Clay Shaw's trial, February 11, 1969, p.326) The reason is obvious. Just as someone can't lose something he never had, how could Ferrie ask Russo not to talk about something that never occurred and hence Russo had never heard?

important enough to remember. For instance, a mother asking him to try to get her son away from the amorous advances of David Ferrie was a much more important event than a conspiracy to murder the president, and this is why he could remember the former but not the latter. The conspiracy buffs can't even make the argument that hearing a plot to murder Kennedy was such a traumatic shock to Russo's psyche that he subconsciously suppressed it. That argument won't fly because he told Bankston, Kemp, and Sciambra about Ferrie's talking about the possibility of killing Kennedy.*

As indicated in the main text, on January 26, 1971, Russo admitted to one of Shaw's lawyers, Edward Wegmann, that he did not see Shaw in Ferrie's apartment and had been brainwashed by Garrison's office into saying he did. Also, on April 16, 1971, Russo gave a tape-recorded interview in the office of William Gurvich (former Garrison investigator) to Gurvich and two of Shaw's attorneys, Wegmann and Dymond. Russo told of Garrison and his staff telling him before the trial that they had a contract with *Life* magazine for twenty-five thousand dollars and that "after the Shaw conviction" they would "either give that to me or see that somehow I got a lot of it for my trouble." Russo said they "made me read the transcript, what I said when I was under [hypnosis]. It was my script and I was playing a part. I guess I played a too-good one, didn't I?" Saying, "I guess I always knew [Shaw] had nothing to do with anything," he said that Garrison's staff threatened that if he went back on what he said under hypnosis "the courthouse [would be] planted on top of me." (Transcript of interview of Perry Russo by William Gurvich, Edward Wegmann, and Irvin Dymond, April 16, 1971, pp.2-3)

Of course, what Russo said during his recantations can only be believed because all the independent evidence supports it. But his words of recantation, alone and by themselves, are worthless, since he had no credibility on this case from the very beginning. Russo also told author Patricia Lambert in interviews on December 4, 1993, and February 7, 1994, that Shaw "was in fact innocent," that "he did not conspire to kill the president," that "there was no conspiracy," and there wasn't enough evidence to convict Shaw of anything (Lambert, *False Witness*, pp.173-174). Author Gerald Posner said Russo told him at some time (no date given) after the movie *JFK* came out in 1991 "that Shaw was innocent" and he agreed with the jury's verdict (Posner, *Case Closed*, p.451 footnote). As opposed to what Russo told Shaw's lawyers and Gurvich, his statements to Lambert and Posner do not appear, at least on their face, to be complete recantations, if for no other reason than that they apparently didn't ask him if he made his entire story about Shaw up. At least theoretically he could have meant that he told the truth about Ferrie, Oswald, and Shaw being together, but he believed Shaw was innocent and recognized that his (Russo's) testimony and the rest of the case against Shaw was not enough to convict.

It has to be noted that even Russo's recantation to Shaw's lawyers and Gurvich ("absolutely not"; "brainwashing" by DA) only pertained to Shaw's being present at any meeting at Ferrie's house discussing a proposed assassination. He never

*At Shaw's preliminary hearing, Russo said he didn't come forward at the time because of his "involvement with school, which was more pressing [at the time] to me" (Transcript of testimony of Perry Russo at Clay Shaw's preliminary hearing, March 16, 1967, p.192).

admitted (nor was he even asked about it by Wegmann, Gurvich, or Dymond) that he had made up the *entire* incident at Ferrie's home. But the implication is that since the only issue was whether Shaw was there, Russo satisfied his conscience by admitting he was not, without feeling any need to admit what all the evidence shows to be the truth: that he made up the whole story, the story of a meeting of three people in Ferrie's home to plot Kennedy's murder being a deliberately false extrapolation by Russo of Ferrie's ruminating out loud, and by himself, about assassinating Kennedy because of the Bay of Pigs debacle, a thought many people had at the time.

In 1999, conspiracy author William Davy, writing about Russo's recantation to Shaw's lawyers in 1971 in *Probe*, a conspiracy-oriented magazine, said that "his 'recantation' was anything but, as he revealed in two lengthy interviews with me" (*Probe*, November–December 1999, p.6). Not only doesn't Davy do the natural thing and quote what Russo told him, but even in Davy's 1999 book on the case, *Let Justice Be Done*, in which he defends the Garrison investigation throughout, he never once mentions that Russo told him a different story from the one he told Shaw's lawyers and Gurvich in 1971. Since Russo was Garrison's main witness and Russo's recantation alone destroys Garrison's case, if, indeed, Russo told Davy that his recantation was not real, it is inconceivable that Davy would not have spotlighted this in his book. Parenthetically, we don't know when one of Davy's two interviews with Russo took place, but it was probably around the time of the other interview, which Davy says was on August 30, 1994, five years before the publication of Davy's book. (Davy, *Let Justice Be Done*, p.290 note 36)

The article that first exposed Garrison's case as nonexistent and fraudulent was a cover story in the May 6, 1967, edition of the *Saturday Evening Post* by writer James Phelan, who had been dispatched to New Orleans to cover the case.

Phelan's article received wide circulation and contained extremely damaging revelations about Garrison's case for the vast press corp covering the case. Inevitably, it was downhill for Garrison from that point on. As author Peter Dale Scott says in *Crime and Cover-Up*, the *Post* article "launched the interminable press controversy which ultimately discredited both Jim Garrison and the case he had tried to present" (Scott, *Crime and Cover-Up*, p.32). A typical front-page headline: "Garrison's Records on Russo Tend to Discredit Investigation" (*Los Angeles Times*, April 24, 1967 [the writer, Jerry Cohen, apparently got an advance copy of the *Post* article], p.1).^{*} Phelan writes in his article that when he arrived in the Crescent City in late February he was only one of hundreds of reporters from around the world, including the Soviet Union, who had converged upon the city. Garrison, deluged by the media, was virtually unreachable, but Phelan collared one of

^{*}There's a certain poetic justice here in that if Garrison had not given Phelan the Sciambra memo, there's a good chance that Shaw's lawyers would never have learned of it and, hence, would never have used it to destroy Russo's credibility. At the time in Louisiana, the defense had no legal right to discovery of the prosecution's evidence, including witness statements. "Defense attorneys back then would always make formal requests for discovery, my office would routinely turn them down, and the appellate courts would uphold our position," John Volz, an assistant DA under Garrison at the time, told me (Telephone interview of John Volz by author on October 4, 2000).

Garrison's assistants and gave him a note to deliver to his boss, saying he was one of the "thundering herd" who would love to talk to him. Garrison's office called a few days later to set up lunch with the DA at the New Orleans Athletic Club.* But they never discussed the Kennedy investigation at lunch, the DA, per Phelan, being "continually interrupted by club members" who came to compliment him on his new undertaking. At the end of lunch Garrison told Phelan he was exhausted from the ordeal and said he intended to go to Las Vegas for the weekend for a rest. "I'd like to meet you there," he said. "We'll have plenty of time and quiet and I'll tell you how I put this whole thing together, from the beginning to the end. You can have it for the *Post*, the whole fantastic story." And for two days (March 5 and 6) at the Sands Hotel in Las Vegas, the two talked for around ten hours on the case. Phelan wrote about his encounter with Garrison in the *Post* article and in a subsequent book, *Scandals, Scamps, and Scoundrels*. "First off," he said, Garrison told him, "the Warren Commission missed the whole story . . . What it took to learn what really happened in Dallas was imagination and evaluation. It was like a complex chess game—and I once played a chess expert eight hours to a draw."

What the case boiled down to, Garrison told Phelan, was a homosexual conspiracy masterminded by David Ferrie. "You can understand his motivation. Kennedy was a virile, handsome, successful man, everything Ferrie was not. In addition, there was the thrill of staging the perfect crime. Remember the Loeb and Leopold case in Chicago? It was the same thing with Kennedy." Garrison claimed Oswald and Ruby, as well as Shaw, were homosexuals and involved in the plot. Ruby was a homosexual? Phelan asked. "Sure, we dug that out. His homosexual nickname was Pinkie." But what about Oswald? He was married and had two children, Phelan pointed out to Garrison. "A switch-hitter who couldn't satisfy his wife," the very knowledgeable Garrison responded.

At the end of the first day's session, Garrison said to Phelan, "I'm going to give you something that no one knows about but my top people. I've got the witness who ties this whole case together. He's my case against Shaw." He handed Phelan two documents to read overnight. "Brief yourself on them," Garrison said, "they'll help you understand Perry Russo's story."

Phelan, his head spinning, drove back to the Dunes, where he was staying, thinking that millions of people had been speculating for weeks about what Garrison had uncovered, and whatever it was, he had it in his jacket pocket. Phelan writes that the first document he looked at "was a long memorandum from Garrison's assistant [Andrew Sciambra] setting forth what Perry Russo had said in his first interview [on February 25, 1967]. The other was a transcript of what Russo had said four days later [March 1, 1967], under hypnosis. I read them three times, with a growing sense of disbelief. The two versions, from the same witness, told two completely different stories. And in the first account there was no mention of Oswald, Ferrie and Shaw plotting to kill anyone."

Phelan, for whatever reason, chose not to confront Garrison with the gross

*Phelan's access to Garrison may have been facilitated by the fact that in 1963 Phelan spent ten days in New Orleans with Garrison and wrote a laudatory piece ("The Vice Man Cometh") in the June 8, 1963, *Saturday Evening Post* about Garrison's cleaning up vice in the French Quarter. "They've got to stop this guy," Phelan, in his article, quotes a New Orleans cabbie as telling him, "before he turns New Orleans into a Des Moines."

inconsistency between the two documents when he returned them to Garrison the next day, merely telling him that Russo was “quite some witness” and that it was a hell of a case for a solitary witness to be carrying. However, he did say to Garrison, “I’ve got one question, Jim. You’ve portrayed Ferrie and Shaw as cunning and cautious men . . . Why did these criminal masterminds discuss killing Kennedy in front of a casual bystander like Russo? How did Shaw and Ferrie and Oswald know that Russo wouldn’t turn them in to the FBI?” Phelan said that Garrison pondered his question in silence, then shook his head and said, “Say, that’s a good question.”

After the preliminary hearing on March 17 in which the three-judge panel ruled that there was sufficient evidence for Shaw to stand trial, Phelan called Garrison and told him he was bothered by the fact that there wasn’t a thing in Sciambra’s first report about a party in Ferrie’s apartment, a plot to kill Kennedy, or a “Bertrand.” Garrison, he writes, “seemed surprised; apparently he never read [Sciambra’s] report.” Garrison invited Phelan to his home that night, promising to have Sciambra there to explain everything. Phelan writes, “There were four of us in Garrison’s study when I questioned Sciambra—Garrison, Sciambra, a private investigator named William Gurvich, who [was] assisting Garrison on his probe, and myself. I asked Sciambra why his report on his first interview with Russo said nothing about an assassination plot. Sciambra said I didn’t know what I was talking about. I told him I had read his report carefully and knew exactly what was in it. ‘Maybe’ he said, shifting his story, ‘I forgot to put it in.’

“‘But you reported specifically that Russo said he had seen Shaw only twice, not three times,’ I persisted. Sciambra said he had been ‘awfully busy with a half dozen other things and had to sandwich in the report and might have forgotten’ to include everything. I said it seemed incredible that he would uncover testimony that might solve the crime of the century and then forget to report it. ‘You made notes when you first talked to Russo,’ I said. ‘Your original notes would show whether he mentioned an assassination plot.’ Sciambra said he had burned his notes.” Phelan said he later asked Dr. Fatter where he got the information he used in prompting Russo under hypnosis. Fatter said it “came from Garrison’s office.” (Phelan, “Rush to Judgment in New Orleans,” pp.22–25; Phelan, *Scandals, Scamps, and Scoundrels*, pp.143–146, 150–151, 154–156, 158–159)

Gurvich, realizing that there was absolutely no case against Shaw, offered to drive Phelan back into town from Garrison’s home after the meeting. Gurvich disputed Sciambra’s story that he had written the memo in a hurry and might have forgotten to mention the assassination plot. He told Phelan that Sciambra had worked on the memo for days, rewriting and polishing it, and it was the most important report he had written in the investigation. In his book, Phelan wrote, “We agreed that if Sciambra had written only two paragraphs about his Russo interview, he would have devoted them to the conspiracy meeting, the only substantive information involving Shaw, and that to write 3,500 words and leave this out was beyond belief” (Phelan, *Scandals, Scamps, and Scoundrels*, pp.158–159). In a tape-recorded account he gave to writer James Kirkwood, who was also covering the Garrison case, Phelan was much more blunt: “I get in the car with Gurvich, who was [Garrison’s] chief investigator, and this thing made a terrible impact on him. He said, ‘Man, you have just blown up the only witness we’ve got.’ He said, ‘I’ll never forget Sciambra sitting there lying to you.’ He said, ‘This little son-of-a-

bitch, this was his . . . magnum opus and he sits there telling you he had a half-dozen other things to do. This was the one big thing that this little SOB did and he sat there saying, 'Maybe I forgot!' Gurvich said, 'Man, he worked that memo over and polished it and re-polished it.' Gurvich was terribly upset" (Kirkwood, *American Grotesque*, p.164).

Not that it's necessary to prove the point, but Sciambra, in his own words in his memo, gives the lie to his later allegation that he simply forgot to put in the memo Russo's telling him about seeing Shaw in Ferrie's apartment discussing the assassination plot, which, if true, would have been the *third* time Russo had seen Shaw. Sciambra wrote, "The next picture that he [Russo] identified was that of Clay Shaw. *He said that he saw the man twice.* The first time was when he pulled into Ferrie's service station to get his car fixed. Shaw was the person who was sitting in the compact car talking to Ferrie. He remembers seeing him again at the Nashville Street Wharf."

At Shaw's trial, Sciambra was trapped by the omission (in the memo of his interview with Russo in Baton Rouge) of any references to Russo telling him about seeing Shaw, Ferrie, and Oswald in Ferrie's apartment and hearing them discuss assassinating Kennedy. He testified that he didn't bother to mention it because he didn't complete dictating the memo until sometime between March 4 and 7, and by that time he had already written about this conspiratorial meeting in an earlier memo based on what Russo had said under sodium pentothal. So, he claimed, there was no need to mention it in the memo of the Baton Rouge meeting, even though he conceded this latter memo was a "detailed, seven-page memorandum" of the meeting. (Though he acknowledged this on cross-examination, on direct examination he tried to explain the omission by scorching his own memorandum, saying it was "hastily done, it was incomplete, it was inaccurate" [HSCA 180-10097-10193, Transcript of testimony of Andrew Sciambra at Clay Shaw's trial, February 12, 1969, pp.59-60].)

Sciambra's explanation, of course, is ludicrous on its face. Why would he knowingly write a misleading memorandum (by its very critical omission) for his boss, Garrison, particularly when it could only work to his detriment—that is, why would Sciambra want others to believe that Russo never told him this all-important information in his first interview with him in Baton Rouge, and only told him the information later while under the influence of truth serum? And indeed, Sciambra was forced to admit on cross-examination that not including the reference to the conspiratorial meeting between Shaw, Ferrie, and Oswald in his memo was a "big omission" and "an error on my part" (HSCA Record 180-10097-10195, Transcript of testimony of Andrew Sciambra at Clay Shaw's trial, February 12, 1969, pp.4-5, 15-16, 40, 45). Not an omission or error, Andrew. It wasn't in your memo because Russo never told you about it. If he had, it would have been the highlight of your report.

Sciambra got caught up in his lies more than once on the witness stand. He said he "burned" his notes of his February 25 interview of Russo "very shortly" after he dictated his memorandum of the meeting. But then, after denying he had told Jim Phelan that he *had* included the alleged conspiratorial meeting between Ferrie, Shaw, and Oswald in his memo of his February 25 interview (Phelan, you'll recall, had gotten a copy of the memo from Garrison and knew it wasn't included), he made the mistake of admitting that Phelan had asked him if he could see his (Sciambra's) notes of his interview of Russo in Baton Rouge. He testified he told

Phelan he would look for them, and added that he did look for the notes but “couldn’t find them.” Edward Wegmann (Shaw attorney): “If you knew you had burned them, why did you go look for them?” Sciambra: “I wanted to see if—the main reason is I wanted to see that I had done it.” (HSCA Record 180-10097-10195, Transcript of testimony of Andrew Sciambra at Clay Shaw’s trial, February 12, 1969, pp.9, 20, 17)

The absolute proof that Sciambra did not, as he alleged, prepare the memo of his February 25 Baton Rouge interview of Russo after he first prepared a memo of his later, February 27, 1967, interview of Russo at Mercy Hospital, is that Sciambra’s memo of the February 25 interview is dated February 27, and the memorandum on his later February 27 interview of Russo is dated February 28.

Conspiracy theorist William Davy, in *Let Justice Be Done*, after happily embracing Sciambra’s absurd argument, goes on to allege that actually, when Phelan later interviewed Russo, Russo told Phelan that when Sciambra interviewed him in Baton Rouge, he *had* told Sciambra about the Bertrand-Ferrie-Oswald assassination plot conversation he heard, and that Phelan had failed to write about this fact in his *Post* article. Davy’s source for this? Are you ready? Mark Lane. From some unpublished manuscript Davy read, he quotes Lane as turning the tables on Phelan by asking Phelan about his crucial Sciambra-like omission and Phelan (who has since died) allegedly telling Lane that he, Phelan, was bucking a tight deadline and therefore that point might have been lost. I didn’t believe Mark Lane.

There was no way for Davy to perform such verbal legerdemain with the Bill Bankston article in the Baton Rouge newspaper on February 24 (Russo’s very first interview on the case), or Jim Kemp’s television interview of Russo on station WAFB in Baton Rouge on the same date. So Davy, in the very finest traditions of the conspiracy profession, virtually ignores the Bankston article, not giving the date of the article, not mentioning Bankston’s name, and far more importantly, not telling his readers that the article never quoted Russo as saying anything about Lee Harvey Oswald, Clay Shaw, or “Clay Bertrand,” or to his having been present when any plot to kill President Kennedy was discussed. And Davy simply ignores altogether Kemp’s TV interview (as well, of course, as that of the two other TV interviews) of Russo. (Davy, *Let Justice Be Done*, pp.121–122)

Jim DiEugenio, a sincere conspiracy theorist who thinks rationally about the Kennedy assassination from time to time (e.g., his recognition of the insanity of David Lifton’s theory), and who was the chairman and coeditor of the now defunct *Probe*, a valuable and informative bimonthly publication on what was new in the Kennedy assassination (though it was heavily pro-conspiracy oriented), wrote the forward to Davy’s book. In it, to denigrate Phelan he says that Phelan “was an informant for the FBI.” In a 1996 issue of *Probe*, DiEugenio wrote a whole piece on Phelan’s connection to the FBI, adding that the “*Saturday Evening Post* has had ties to the FBI” also, as if the FBI was a corrupt, evil organization, and anyone associated with it must likewise be bad. In the piece, he also refers to the editor of Phelan’s book (*Scandals, Scamps, and Scoundrels*) at Random House as “the infamous Bob Loomis.” Why does DiEugenio say that Loomis is infamous? Because another conspiracy theorist, Jim Marrs, says that “Loomis is formerly CIA.” (*Probe*, January–February 1996, p.24)

This is adolescent reasoning for someone of DiEugenio’s intelligence. Since when are people who furnish information to the FBI, or may have been associated

with the CIA, “bad” people who are very willing to cover up the murder of a president? Is this or is this not a non sequitur? Are there really people out there who believe nonsense like this? If DiEugenio had thought the issue through, he would have seen that his attack on Phelan to destroy his credibility in the Garrison case is wrong on two grounds, one absolute and one conditional.

The conditional ground is that even if we assume that Phelan, a well-respected journalist for many years who wrote articles for prestigious publications like the *New York Times Sunday Magazine*, *Forbes*, *Fortune*, and the *Columbia Journalism Review*, was an FBI informant* and what he wrote was a distortion, what relevance would his association with the FBI have? Phelan being an informant for the FBI would only have relevance if DiEugenio is willing to say that he believes the FBI murdered Kennedy, or Hoover ordered a cover-up for those who did. In other words, Phelan's alleged association with the FBI *doesn't go anywhere* unless the FBI had Kennedy murdered, or were accessories after the fact to his murder, and Phelan distorted everything he wrote to help the FBI cover up its involvement—that is, Phelan is also guilty of the crime of being an accessory after the fact to Kennedy's murder. If DiEugenio is not willing to say this, what's his point?

The absolute ground is that Phelan's credibility is not at issue in the Russo-Garrison story inasmuch as the subject documents speak for themselves. They don't depend on Phelan for their credibility. Phelan was simply the first one to expose the fraudulence of the DA's case based on Russo's statements. But even if Phelan did not exist, the three documents (the Bankston article based on his interview with Russo, the transcript of Jim Kemp's interview of Russo, and the Sciambra memo) clearly show that Russo had nothing of any value at all to say about the Kennedy assassination. Whatever he said of any value thereafter was invented by him or fraudulently induced. It's curious that DiEugenio would not see, and acknowledge, this obvious fact.†

* Actually, DiEugenio was correct, but not in the pure sense of the word, when he maintained that Phelan was an FBI “informant.” It turns out that on April 3, 1967, a month *before* Phelan's article exposing Garrison in the *Saturday Evening Post* was published, Phelan called the FBI in Washington to brief the bureau on his devastating findings against Garrison, his report being set forth in an FBI memorandum from FBI Assistant Director Robert Wick. However, the first paragraph of the three-page memorandum reads that Phelan had “called my office [Wick's office] today and said he had information he wanted to pass along regarding Garrison's investigation in New Orleans. *Although we have stayed away from Phelan* [which hardly makes Phelan the FBI informant DiEugenio suggests, the term “FBI informant” implying an ongoing relationship], it was felt we should hear what he had to say, and Leinbaugh in my office talked to him.” (FBI Record 124-10046-10003, Memorandum from R. E. Wick to Cartha DeLoach, April 3, 1967)

† A corollary to the above discussion is that several pro-Garrison conspiracy theorists have strongly vilified journalists like Phelan and Hugh Aynesworth for their very aggressive and biased reportage against Garrison and his case against Shaw. But, of course, their bias was justified 100 percent. The journalists knew, as did most sensible people, that Garrison was prosecuting an innocent man. Shouldn't they therefore be commended for speaking out and doing what they could do to prevent it, to help justice prevail and thwart a grave injustice? If the press is silent and doesn't inform the American people of what's transpiring, who will inform the people? Or when something terrible is taking place in our society, should the press meekly stand by (as it did during the McCarthy era) and let a great injustice occur? Well, if we're to believe the theorists, it depends. In the Garrison case, even if the media believed, indeed knew, that an innocent man was being prosecuted for murder, the theorists believe it was the duty of the Phelans of the world to shut up. Yet, for instance, Garrison supporter, conspiracy theorist, and DiEugenio colleague Lisa Pease, once she leaves the Garrison saga, decries the mainstream media's acceptance of the Warren Commission, and says, “*The purpose of the news media is to give us facts about newsworthy events,*” and the media didn't have “the guts to stand up and say hey . . . here's the real truth” about the assassination. (DiEugenio and Pease, *Assassinations*, pp.294, 298)

Another very important alleged incident Jim Garrison used to connect Clay Shaw, David Ferrie, and Lee Harvey Oswald with each other was based on the statements and testimony of the so-called Clinton witnesses, eight people (the first eight witnesses Garrison called to the witness stand at the trial) from the small rural towns of Clinton and Jackson, Louisiana (the towns are about 160 miles north of New Orleans, and Jackson is about 10 miles southeast of Clinton). The key witnesses among them testified at Shaw's trial that one morning in late August or early September of 1963, a large, black, late-model Cadillac driven by Shaw pulled up and parked across the street from the registrar's office where the Congress of Racial Equality (CORE) was organizing a voter registration drive for black people in the area. Shaw and Ferrie, they said, stayed in the car, and Oswald got in line to register. No documentary evidence has ever surfaced showing that Oswald, in fact, registered to vote.*

The original statements of the Clinton witnesses to Garrison's investigators in 1967 were not nearly as clear and tidy as their trial testimony. In their earlier statements, the witnesses couldn't agree on the descriptions and identity of the men in the car, whether there were two or three men in the car (indeed, one, Andrew Dunn, who died before the trial, said there were four men in the car),[†] whether one or two men got out of the car, or even when it happened—the registrar of voters, Henry Palmer, saying he felt “very strongly it was the first week of October, possibly around the 6th or 7th.” (Memorandum from Assistant District Attorney Andrew Sciambra to District Attorney Jim Garrison on June 1, 1967, re: Sciambra's May 29, 1967, interview of Henry Palmer, p.1)

On the matter of Oswald's transportation in Clinton and Jackson, a Jackson barber, Edwin Lea McGehee, said that a day or so before the CORE registration drive, he cut Oswald's hair, and the car Oswald came to his barbershop in was old and beat-up, possibly a Nash or Kaiser. He said that a young woman was in the car with him, and he saw a baby bassinet in the backseat. (Memorandum from Assistant DA Andrew Sciambra to Jim Garrison on June 26, 1967, re: his interview of Edwin McGehee on June 17, 1967, pp.1–2; Transcript of testimony of Edwin McGehee at Clay Shaw's trial on February 6, 1969, pp.5, 9–11)

Since neither Oswald nor Marina drove a car, nor did they own one, this presents a problem for the conspiracy theorists who rely on the Clinton witnesses. Moreover, Marina Oswald told me that she had never been to Clinton or Jackson, Louisiana, with her husband, that they had never owned a car, that during their

* Apparently, if we're to believe all the kooky sightings of Oswald that we know, from the evidence, could not have taken place, Oswald took a fancy to CORE, since also in September of 1963 a witness actually claims to have seen Oswald at a CORE demonstration in Elizabethtown, New Jersey, and he was the lone white man in the demonstration (Benson, *Encyclopedia of the JFK Assassination*, p.45).

[†] Andrew Dunn (not related to another Clinton witness, William Dunn) said he was sitting in front of a barbershop across the street from the Office of the Registrar of Voters when he saw the black Cadillac drive up with four people in it. From photos shown him, he identified Clay Shaw as the driver and Guy Banister as a passenger in the backseat. In a later interview, he identified Jack Ruby as the driver and said Shaw was in the front passenger seat and Guy Banister in the rear seat of the car. (Memo from DA investigator Andrew Sciambra to Jim Garrison on July 17, 1967, re: Sciambra's July 17, 1967, interview of Andrew Dunn; Memo from DA investigators Frank Ruiz and Kent Simms to Jim Garrison on January 30, 1968, re: their January 10, 1968, interview of Andrew Dunn)

time in New Orleans she had never heard her husband mention the name David Ferrie or Clay Shaw, and that her husband was home every night during their New Orleans stay with the exception of the night (August 9, 1963) he was arrested. Per author Patricia Lambert, Marina also testified under oath to most of these things at the Shaw trial. (Interview of Marina Oswald by author on November 30, 2000; 12 HSCA 399, Testimony of Marina Oswald before HSCA on September 20, 1977; Lambert, *False Witness*, p.147)

If we're to believe barber McGehee, then Oswald didn't need to have Shaw and Ferrie drive him from New Orleans to Clinton. He had his own transportation. Or are we to actually believe that maybe Oswald came to Clinton in his own car, and Shaw and Ferrie drove up to Clinton to rendezvous with him, and on the day of the voter registration drive, Shaw and Ferrie picked Oswald up where he was staying with Marina in Clinton and drove him to the registration drive?

Few people have questioned the integrity of the Clinton witnesses, but few, other than Garrison, thought there was any merit to their observations. A former East Feliciana Parish (of which Clinton was a part) district attorney, Richard H. Kilbourne, told author Patricia Lambert, "I said from the time I first heard about [the allegations] that I didn't think there was a thing on earth to it and I still feel that way. I never took it seriously. All these people were impressionable and they got to talking and pretty soon they talked themselves into it" (Lambert, *False Witness*, p.187).^{*} With a little help, apparently, from the New Orleans DA's office. For instance, witnesses who did not identify Shaw, Ferrie, or Oswald when first contacted by the DA's office ended up identifying one or more of them at the trial. In an early August 21, 1967, internal memo to Garrison, Assistant DA Andrew Sciambra writes about the difficulty of getting blacks who were at the voter registration drive in Clinton to identify Shaw, Ferrie, and Oswald from photographs shown to them. "It is apparent," he observes, "that we must win their confidence more in order for them to talk freely on the subject."

The key to solving the problem of what caused the Clinton witnesses' improved memory very probably was a photograph the New Orleans DA's office showed to these witnesses. Author Patricia Lambert found an investigator, Anne Hundley Dischler, who worked for five months on the case on assignment to Garrison's staff. Dischler saw the photograph but never had possession of it, saying the photo received special treatment. The photo, she discovered, had been shown to the Clinton witnesses before she came aboard the investigation. It was a 3 × 5 inch, black-and-white photograph of a black Cadillac parked across the street from the

^{*}Conspiracy theorists frequently include within the Clinton witnesses group one Henry Burnell Clark, who did not, however, testify at Shaw's trial. Describing himself as a twenty-nine-year-old man who lived with a relative near Clinton and who "finished six weeks into the ninth grade," he signed an affidavit in 1967 saying that in late summer 1963 he saw a "tall man" in a business suit who reminded him of a "movie actor" he had seen on the screen walking down the main street of Clinton and get in a "black" car. He didn't say whether or not he saw anyone else in the car, but identified, from photos shown him, Clay Shaw as the man he saw. During this same period of time, he said he saw a man on the main street with bushy, unusual hair that "stood up in all directions" on his head. He identified the man from photos as David Ferrie, but did not put Shaw and Ferrie together. (HSCA Record 180-10076-10359, Affidavit of Henry Burnell Clark, September 12, 1967, pp.1-2) Garrison apparently didn't think Clark was believable enough to call to the witness stand. And when author James Kirkwood learned of Clark's identification of Shaw and Ferrie, he sought to interview him before the Shaw trial started in 1969, but Clark told him, "Go 'way, man. I don't know what you're talking about" (Kirkwood, *American Grotesque*, p.222).

registrar's office. Dischler said it looked like Clay Shaw was in the driver's seat and Oswald was in the passenger's seat. As Lambert writes, "A composite such as that would have [been] a powerful brainwashing tool." (Lambert, *False Witness*, p.192) We know the photograph had to be a fraudulent composite because if it had been an authentic photograph, it obviously would have been marked as Garrison's Exhibit No. 1 at the Shaw trial. But Garrison, understandably, did not use the photo at the trial and it has never surfaced.

The HSCA did a very thorough job of investigating many aspects of the assassination, but the Clinton witnesses, apparently, were not one of them. After interviewing several of the witnesses in 1978, the HSCA concluded that the Clinton witnesses were "credible" and were "telling the truth *as they knew it*" (HSCA Report, p.142). By saying the witnesses were telling the truth "as they knew it," it would seem that the HSCA simply used the wrong adjective, "credible," in assessing the statements of the witnesses. That perhaps the correct word to describe how the House Select Committee apparently felt about the witnesses was "honest," which is not synonymous at all with "credible," which means worthy of belief. On the other hand, the HSCA did actually go on to say it was "inclined to believe that Oswald was in Clinton, La., in late August, early September 1963, and that he was in the company of David Ferrie, if not Clay Shaw" (HSCA Report, p.145).^{*} This is remarkable, and a bad reflection on the HSCA, since, as we shall see, the Clinton witnesses had virtually no credibility.

There is no indication in the HSCA's very brief writing on the incident that the committee ever became aware of the earlier statements and affidavits of the witnesses to Garrison's investigators, which contain much confusion and myriad inconsistencies. As indicated, the resourceful Lambert took it a step further, locating an absolutely key figure the HSCA had never spoken to, Anne Dischler. Dischler and Francis Fruge, a Louisiana State investigator, were the two outside investigators of Garrison's (not members of his office staff) who were part of the original investigation in 1967. During a two-day interview at Dischler's home in Eunice, Louisiana (just west of Baton Rouge), in February of 1994, Dischler allowed Lambert to pore over all her notes, important parts of which were never incorporated into any known, surviving report or affidavit.

Most revealing in Dischler's notes was the statement of Corrie Collins, a black man who was the chairman of the Clinton chapter of CORE at the time of the Clinton incident. Collins testified at Shaw's trial that he only saw one person, Lee Harvey Oswald, get out of the black Cadillac parked near the registrar's office (Transcript of testimony of Corrie Collins at Clay Shaw's trial, February 6, 1969, pp.104-108, 123). But on October 3, 1967, a year and four months prior to the trial, Collins had told Fruge and Dischler that *two* white men got out of the black car, that he (Collins) recognized one of them, and his last name may have been "Morgan." (Morgan's first name was not given, and Dischler's notes mention two

^{*}As nonexistent and as incredibly improper as Garrison's case was against Shaw, a young HSCA staff attorney actually wrote a memorandum to HSCA chief counsel G. Robert Blakey saying that he felt the "basis for the charges" against Shaw "seem sound" and he had "reason to believe" that Shaw was "possibly one of the high level planners . . . of the assassination" (HSCA Record 180-10105-10183, Memorandum from S. Jonathan Blackmer to G. Robert Blakey, September 1, 1977, pp.1, 15). This belief was not reflected in the HSCA Report.

Morgans—Estus Morgan and “Zip” Morgan, both Clinton residents.) Collins thought that Morgan may have been wearing “blue jeans.” The other man, who Collins said was dressed in all white, Dischler was able to positively identify as one Winslow Foster, an employee at a nearby hospital. Subsequently, Lambert learned from Estus Morgan’s widow, Nellie Louise, that her husband “wore blue jeans” most of the time, and one of his friends was Winslow Foster. Lambert learned from Dischler that as soon as the Morgan–Winslow names were mentioned in her investigation, Garrison took her and Fruge off the case. (Lambert, *False Witness*, pp.193–194, 197) Until this critical information was uncovered by Lambert, it had lain buried in Dischler’s notes for twenty-six years.

Very importantly, with Fruge and Dischler, Collins never identified Lee Harvey Oswald, David Ferrie, or Clay Shaw (Lambert, *False Witness*, pp.193–197), but after Garrison removed Fruge and Dischler from the case, and now in the hands of Assistant DA Andrew Sciambra (who had taken a witness with nothing to say, Perry Russo, and made a star witness out of him), Collins identified photos of S-1, S-2, and S-3, presumably Oswald, Ferrie, and Shaw, as being the people in the car (Memorandum from Andrew Sciambra to Jim Garrison re: interview of Corrie Collins, January 31, 1968, p.2). Collins repeated his new identification of Oswald, Ferrie, and Shaw at Shaw’s trial (Transcript of testimony of Corrie Collins at Clay Shaw’s trial, February 6, 1969, pp.108, 110–111). Also, even with Sciambra, Collins said that with respect to the driver of the car, whom he identified from photos as being Shaw, he could “not remember the color of his hair,” but at Shaw’s trial he suddenly remembered that the driver had “gray hair,” the color of Shaw’s hair (Memorandum from Andrew Sciambra to Jim Garrison on January 31, 1968, re: his interview [date not given] of Collins, p.2; Affidavit of Collins on January 21, 1969; Transcript of testimony of Corrie Collins at Clay Shaw’s trial, February 6, 1969, p.110).

Prior inconsistent statements like this by the Clinton witnesses were the norm in this case. Another example: Among the many statements made by William Dunn, also black, when the New Orleans DA’s office interviewed Dunn on January 17, 1968, he identified Clay Shaw in the front passenger seat of the black Cadillac, and one Thomas Edward Beckham, also in the front seat. Dunn, who was working for CORE at the time of the alleged incident, said there were one or two other white males in the car, whom he could not identify. But in a January 21, 1969, affidavit, he identified Oswald and David Ferrie as being the only two other people in the car with Shaw, and at Shaw’s trial he recalled seeing Oswald in the registration line and said that other than Shaw, there “maybe” was one other person in the black car, whom he could not identify. (Memorandum from Frank Ruiz and Kent Simms to Louis Ivon on January 31, 1968, re: their interview of William Dunn on January 17, 1968; Affidavit of William Dunn on January 21, 1969; HSCA Record 180-10097-10189, Transcript of testimony of William Dunn at Clay Shaw’s trial, February 7, 1969, pp.10–13, 16)

The heart of the Clinton witnesses were two Ku Klux Klan members: Henry Palmer, the “Exalted Cyclops” in 1964, per an FBI letter to the U.S. attorney general on February 10, 1969, Palmer being the registrar of voters for East Feliciana Parish, and John Manchester, the town marshal of Clinton as well as a deputy sheriff in Clinton for East Feliciana Parish. Lambert learned from Dischler’s notes that

Palmer started the whole story and somehow got it to the DA's office in 1967 after apparently never having said a word about it for four years before then.*

Whether Palmer and Manchester (as well as the other Clinton witnesses) were unreliable and impressionable people, or whether they simply fabricated their story is not clear. But one thing is: they didn't know how to tell a believable story. For instance, Palmer's first formal interview was fraught with improbabilities. As previously indicated, Palmer told investigators from the New Orleans DA's office that he saw Oswald and Clinton the first week of October 1963. We know, of course, that Oswald left New Orleans for Mexico City on September 24 or 25, 1963, and was in Dallas from October 3 (when he returned from Mexico City) until his death on November 25, 1963. Someone must have told Palmer this because at Garrison's trial, he changed his story and said he saw Oswald around "the first of August." But just twenty minutes later on cross-examination he changed his story again and said the incident occurred "in the last part of August or the first part of September." (Transcript of testimony of Henry Palmer at Clay Shaw's trial, February 6, 1969, pp.78, 97)

In interviews and testimony, Palmer's story is that he first saw Oswald and "Estes Morgan" in the voter registration line outside his office when he went out for a coffee break at 10:30 in the morning. He said they were very conspicuous because they were the only two whites in the otherwise all-black line. He said there were around two hundred blacks in the line and Oswald and Morgan were "in the middle of the line." Yet unbelievably, Palmer went on to say that when he again left to get coffee at 3:30 that afternoon, they "were still in the line." At a minimum waiting time of five hours, it had to be one of the slowest lines ever. He then says that when he spoke to Morgan and Oswald separately around 4:00 p.m., they both just happened to be interested in getting a job at the very same place, the East Louisiana State Hospital. He said that Oswald was dressed in a "T-shirt, dark trousers and sneaker-like crepe soled shoes." Possible, but Oswald, a neat freak, normally wore a shirt and tie and regular shoes.

Palmer said that Oswald showed him what he "believed . . . was a Navy ID card" with his name on it, and told Palmer he had been living in Jackson "for six months with some doctor at the hospital." (Of course, if the man who allegedly told Palmer this was telling the truth, we know it could not have been Oswald.) A New Orleans

*I'm not sure how the political and social orientation and extremism of Palmer and Manchester have any relevance to the story in this case, as some anti-conspiracy theorists have implied. Indeed, Palmer and Manchester putting Oswald in the company of David Ferrie (a perplexingly ambiguous figure, but seemingly more right wing than left wing) would not seem to help their right-wing cause at all. However, the possible relevance of their both being KKK members and Manchester being a member of law enforcement is that the so-called Clinton witnesses who put Oswald, Ferrie, and Shaw together (other than, of course, Palmer and Manchester) were poor blacks, and it is not known whether there was any built-in fear of Palmer and Manchester in the small southern town that made it more likely that the blacks would "go along" with their conclusions. As an example of racism in rural Louisiana during this period, author Adam Fairclough writes that "CORE workers [frequently called "white niggers" by racist whites] and the blacks who associated with them became perpetual objects of unfriendly police protection. To be tailed, questioned, verbally abused, and occasionally arrested soon became part of the everyday routine." Speaking specifically about East Feliciana Parish, Fairclough says that in 1958, "a Citizens Council delegation confronted the registrar, Charles S. Kilbourne, about his . . . helping [black] people fill out the application form [for voting]. When Kilbourne refused to back down" he was "replaced. The new registrar promptly accepted about 1,500 challenges [to black voters]; black registration plummeted from 1,276 to 50." (Fairclough, *Race and Democracy*, pp.226, 302)

DA report of an interview of Palmer reads that “Mr. Palmer then told Oswald he would have to get a letter from someone in Jackson saying that he was living in Jackson for six months before he would be able to register . . . Oswald told Mr. Palmer that he wanted to register with him as he wanted to get the job at the hospital and Mr. Palmer informed him that he did not need to be a registered voter in order to get a job at the hospital . . . That was the last time he saw Oswald.”

Palmer also told the DA's office that he saw the “black Cadillac”^{*} parked about twenty feet from the entrance to his building that day, and he learned from someone—he forgets who, saying it could have been Manchester, the town marshal—that the two people he saw sitting inside the car “were representatives from the International Trade Mart in New Orleans,” and that they were “selling bananas.” He was unable to identify David Ferrie as the man seated in the passenger seat, only saying that the eyebrows in the photo of Ferrie he was shown “looked like the type of eyebrows” the man in the car had. At Shaw's trial, Palmer now added that “the hair” of the man in the car was also “similar” to that of Ferrie. (Transcript of testimony of Henry Palmer at Clay Shaw's trial, February 6, 1969, p.84) As to Clay Shaw, Palmer was unable to identify Shaw as the driver of the car for the DA's office, saying only, when shown a photo of Shaw, that that “is the type of build the person appeared to have [who] was sitting [in the driver's seat]. He had broad shoulders and had white hair.” Palmer said he “didn't get a full view of the [man's] face.”[†]

But under questioning by Garrison's deputy, Andrew Sciambra, at the trial Palmer identified Shaw from Shaw's hair as the man he saw in Clinton. The problem is that on cross-examination he conceded, “I didn't get a good look at [the two men in the car]. I just saw the back of them. I didn't see the faces.” How, then, could he see the eyebrows of the man in the passenger seat? Palmer said he got a side view of that man and only saw one eyebrow. (Transcript of testimony of Henry Palmer at Clay Shaw's trial, February 6, 1969, pp.78, 84–85, 97–98; Memorandum from Andrew Sciambra to Jim Garrison on June 1, 1967, re: his interview of Henry Palmer on May 29, 1967, pp.1–3; HSCA Record 180-10089-10042, Testimony of Henry Palmer before the HSCA on April 19, 1978, pp.7, 10)

In Palmer's interview with the New Orleans DA's office in May of 1967, he made a statement that may hold a clue to what happened in the small (about 1,500 residents) sleepy village of Clinton, a village populated by people—we can assume from their parochial background—probably more susceptible to the power of suggestion than being noted for sterling objectivity and cerebral incandescence. Palmer, the man who, according to investigator Dischler, started the whole Clinton story,

^{*}Jeff Biddison, a close friend of Shaw's, testified at Shaw's trial that he owned a black Cadillac in 1963 but that he had never loaned it to Shaw, and that Shaw owned a black Thunderbird (Kirkwood, *American Grotesque*, p.397). Contrary to allegations by conspiracy theorists, no evidence has ever surfaced, and there was no testimony at Shaw's trial, that the New Orleans International Trade Mart owned any black Cadillacs.

[†]Since the story of the Clinton witnesses makes little sense, as conspiracy author Anthony Summers writes in his book *Conspiracy*, “Many [conspiracy] investigators now favor the theory that the car's driver was in fact Guy Banister,” which also, they argue, would be suspicious (Summers, *Conspiracy*, pp.306–307). Banister, indeed, does bear a vague facial resemblance to Shaw, but he was of average height and his gray hair had much black in it, as opposed to Shaw, whose hair was all gray. But coincidentally, Palmer knew Banister, having served in the army with him in 1943 while stationed in Orlando, Florida, and saw him as late as 1960 at the state legislature in Baton Rouge, and Palmer said the man in the car was not Banister. (HSCA Record 180-10089-10042, Testimony of Henry Palmer before the HSCA on April 19, 1978, pp.17–18, 24; Memorandum from Andrew Sciambra to Jim Garrison on October 9, 1968, re: Sciambra's interview [no date given] of Palmer)

told the DA's office that "he would talk to some of the people around town to see if he could get some information about who might remember the incident." ("You dadgum right, Henry, I 'member that fella Oswald real good.") (Memorandum from Andrew Sciambra to Jim Garrison on June 1, 1967, re: Sciambra's May 29, 1967, interview of Palmer, p.4)

The other main Clinton witness, John Manchester, gave an undated (a notary public stamp says 1967) affidavit to the New Orleans DA's office *after* the Palmer interview (Andrew Sciambra of the DA's office asked Manchester a question in the affidavit that referred to the previous Palmer interview). Manchester says in the affidavit that he also remembers seeing a black Cadillac parked close to the registrar's office around "the time of the civil rights demonstrations," but did not remember any voter registration line at all. Manchester says he saw two people in the car. The driver had "gray hair," was "well-built," and "possibly six feet or better." Manchester said that "from pictures I have seen in the paper of Clay Shaw, [the driver] resembled Clay Shaw quite a bit. *I would say that mostly from his build and his hair.*" Manchester goes on to say in the affidavit, "I don't remember exactly how, but I remember finding out some way that the car was from the International Trade Mart in New Orleans . . . I don't believe that a 1028 [vehicle registration check] was run on the car, so the info must have been given to me by the man in the car." But Manchester also says in the affidavit that "I can't be sure, I can't be certain" about whether he walked up to the car. A little shaky, right?

But again, in the good hands of the New Orleans DA's office, at Shaw's trial in 1969, Manchester's doubts vanished like shadows before the sun and he testified he definitely walked up to the car and spoke to the driver for "maybe two minutes," the driver told him he was "a representative of the International Trade Mart in New Orleans," and he positively identified Shaw as the driver. (Transcript of testimony of John Manchester at Clay Shaw's trial, February 6, 1969, pp.60, 66) Nine years later, in his testimony before the HSCA in 1978, Manchester, now a car salesman in Baton Rouge, improved his performance even further. He testified, "I walked over [to the car] and asked the driver would he please identify himself. He gave me his driver's license." When asked if the driver of the car identified himself, Manchester said, "He gave Clay Shaw, which corresponded with his driver's license." (HSCA Record 180-10089-10048, May 17, 1978, pp.9, 11)

Manchester continued to amaze. In his earlier affidavit, he could not identify the passenger in the front seat of the car, saying only that "all that I can remember about the man is that he was not as well-dressed as the man on the driver's side. I can't remember about him because I would not have been interested in him at all." (Undated affidavit of Manchester, pp.1-2) And at Shaw's trial, when asked, "Can you describe the individual on the passenger side?" he answered, "No, sir, I can't . . . I didn't talk to him." (Transcript of testimony of John Manchester at Clay Shaw's trial, February 6, 1969, pp.58-59) But nine years later, in his testimony before the HSCA, he said that "David Ferrie [was] the other man in the car with Clay Shaw." But there's much more. In his affidavit and at Shaw's trial, he made no reference to seeing Lee Harvey Oswald that day. But in his testimony before the HSCA, the remarkable Manchester said, "I saw Lee Harvey Oswald coming out of the registrar's office" and "he got in the backseat of the Cadillac." (Transcript of testimony of John Manchester before the HSCA on March 14, 1978, pp.9,

11–12, 14) If John Manchester would not be considered a witness lacking in all credibility, then who would be? Kilbourne, the former East Feliciana Parish DA, said that “Manchester was completely unreliable. You could easily plant something in his mind and he would say it as a fact” (Lambert, *False Witness*, p.187).

Inconveniently for Manchester and all the other Clinton witnesses, Miss Goldie Moore, Clay Shaw's personal secretary from 1946 to 1965,* told the Orleans Parish grand jury that in 1963 Shaw drove a black Ford, and that the Ford was registered to the Trade Mart. She said she had never seen Shaw at any time drive a large black Cadillac. (Transcript of testimony of Goldie Moore before Orleans Parish grand jury, August 23, 1967, pp.2–4) The conspiracy theorists have another problem. Lloyd Cobb, the president of the Trade Mart, testified at Shaw's trial that during the months of August, September, and October of 1963, the New Orleans Trade Mart was in a “crash program” to obtain leases to the new International Trade Mart from the more than forty foreign consuls in New Orleans, and Clay Shaw, per Cobb, “had the responsibility for obtaining the leases.” Cobb said Shaw and he were extremely busy during this period, and the only workday during the entire period that he was not in contact with Shaw was September 25, 1963, when Shaw was in his hometown of Hammond, Louisiana, which is about ninety miles from Clinton. However, even on that day, he said, a “representative” of the Trade Mart reached Shaw in Hammond. (HSCA 180-10097-10180, Transcript of testimony of Lloyd Cobb at Clay Shaw's trial, February 21, 1969, p.7–9, 11–13) The “representative” was Shaw's secretary, Miss Moore, who testified at Shaw's trial that during the subject three-month hectic period, there was “only one” workday that Shaw was absent and that was September 25, when Shaw went to visit his mother and father in Hammond, and that pursuant to a call from one of the directors from the Mart, she called Shaw in Hammond on September 25 and spoke to him over the phone. (HSCA Record 180-10097-10180, Transcript of testimony of Miss Goldie Moore at Clay Shaw's trial, February 21, 1969, pp.48–50)

Shaw himself testified at his trial that the subject period to obtain the leases was July 8 to October 8, 1963, that his workload during this ninety-day crash period was “extremely heavy. I have never worked harder in my life than I did those three months, and I have had some hard jobs.” Shaw confirmed that the only day he missed work during the subject period was the day in late September when he went to Hammond to visit his ill father, and he recalled his secretary calling him that day. Shaw testified he had never been to the town of Clinton, Louisiana. (HSCA Record 180-10093-10407, Transcript of testimony of Clay Shaw at his trial, February 27, 1969, pp.7, 10–12)

It has to be noted that although only Garrison brought Ferrie and Shaw to the attention of the public, Oswald's face was seen in newspapers and on television all

*Moore started working at the Trade Mart on February 6, 1946, “a few days” before Shaw started there. She immediately became his personal secretary and remained so for nineteen years, until his retirement in 1965. (HSCA Record 180-10097-10180, Transcript of testimony of Goldie Moore at Clay Shaw's trial, February 21, 1969, pp.34–35) Yet in 1967, one Aura Lee, wanting to get her fifteen minutes of fame, told people that she used to be Shaw's secretary at the Trade Mart and had seen David Ferrie enter Shaw's office “on a number of occasions” (FBI Record 124-10253-10076, March 4, 1967).

over the world—yes, even in Clinton and Jackson, Louisiana—for weeks and months on end after the assassination. Are we really to believe that if these witnesses thought they had actually seen Oswald in their little town just two months or so before the assassination, not one of them would have said a word, for over four years, to the authorities or even the local paper? When Manchester testified before the HSCA that there probably were “plenty of people” who saw Oswald in Clinton shortly before the assassination, he was asked, “Do you know whether or not any of these individuals contacted the FBI or the Warren Commission?” He answered, “No, sir, I don’t know of any that did.” (HSCA Record 180-10089-10048, Transcript of testimony of John Manchester before the HSCA on May 17, 1978, p.19) And when Henry Palmer testified before the HSCA, he said that on the day of the assassination, he was watching TV with his wife and sister-in-law and immediately recognized Oswald, telling them, “That man was in my office not too long ago.” Question: “As a result of that, sir, did you contact anyone?” Palmer: “No, I didn’t.” Question: “Did you speak to anyone about this incident?” Palmer: “Nobody but just the family right there, that was all.” (HSCA Record 180-10089-10042, Testimony of Henry Palmer before the HSCA on April 19, 1978, p.13)

Of course, if Manchester and Palmer and the others had actually seen Oswald that summer, they and the whole town would be talking about it, and after the news appeared in the local papers, it would quickly reach the national media and hoards of news people and conspiracy theorists would have descended on Clinton and Jackson. *But not one word came out until Garrison’s investigation of Shaw in 1967, four years later.*

At the Shaw trial, when some of the Clinton witnesses were asked why they hadn’t told anyone, they responded that if the authorities wanted to know, they could have asked them. For example, when the barber, McGehee, was asked why he “waited five years before saying anything about this to anybody?” he replied, “Nobody approached me.” (Transcript of testimony of Edwin McGehee at Clay Shaw’s trial, February 6, 1969, p.36) And when Corrie Collins was asked why he didn’t tell anyone, he responded, “No one asked me.” When he was asked, “You didn’t consider it your duty to report it?” Collins responded, “Well, I felt like if they wanted to know they would ask me” (Transcript of testimony of Corrie Collins at Clay Shaw’s trial, February 6, 1969, p.118), a common response by witnesses in criminal trials when they are asked why they failed to bring an important matter to the attention of the authorities. Of course, there is never any good answer for the follow-up question: how would the authorities know they should ask the witness about this information if he never brought it to their attention that he had it?

If anyone should have reported his sighting to the authorities, it was John Manchester, the town marshal and a deputy sheriff. In his testimony before the HSCA he said he saw Oswald in Clinton on the subject day, and when he saw Oswald’s face on television, and photographs of him in the newspapers around the time of the assassination, he recognized Oswald as the person he had seen in Clinton just a few months earlier. Manchester conceded that he knew the FBI, and Warren Commission thereafter, were investigating Oswald’s participation in Kennedy’s assassination. When Shaw’s attorney asked him at Shaw’s trial why he never reported to the authorities the fact that Oswald was seen in Clinton shortly before the assassination, he responded, “I figured if they wanted it, they could come and

get it.” Question: “As a law enforcement officer you didn’t feel it was your duty to make it available to them?” “I felt it was my duty if they came and asked for it.” (Transcript of testimony of John Manchester at Clay Shaw’s trial, February 6, 1969, pp.71–72)

Newsweek reporter Hugh Aynesworth drove to Clinton with former Garrison investigator William Gurvich before the trial to interview some of the Clinton witnesses, but he was only able to track down Manchester, whom he described as a “foul-talking, dirty and scruffy man . . . Manchester told me he recognized Oswald . . . the day Oswald shot Kennedy, adding, ‘And I told several people about it.’ I pressed him to give me the names of those people he had mentioned this to, but beyond a stammer or two, he couldn’t come across. ‘You probably still run around with the same guys now you did then, don’t you?’ I taunted the skinny racist. ‘Damn right,’ he replied, ‘when I got a friend he’s a friend.’ He said he worked with and drank coffee with most of the same people in 1963 [as he was now doing in] 1968, but when I kept asking him who he mentioned seeing Oswald in Clinton to, he just grinned . . . and changed the subject . . . He said I reminded him of a guy he knew in the Air Force or the Army. ‘I got enough of [him] real fast,’ he added, ‘and I’m gettin’ enough of these questions of yours too.’” (Kirkwood, *American Grotesque*, pp.220–221)

One of the Clinton witnesses, Reeves Morgan,* testified at Clay Shaw’s trial and told the HSCA in 1978 that he had, in fact, called the FBI back in 1963 when he recognized Oswald from news photographs, but the FBI has no record of any such call. (Transcript of testimony of Reeves Morgan at Clay Shaw’s trial, February 6, 1969, p.46; FBI has no record: HSCA Report, p.142 footnote 25) Gene S. Palmisano, the U.S. attorney in New Orleans, told Sciambra that “the only information imparted by Mr. Morgan to the FBI was in August of 1963, which was prior to the assassination, and the information imparted was on a totally unrelated matter” (FBI Record 124-10061-10384, Letter from Gene S. Palmisano to Andrew Sciambra dated February 14, 1968; see also FBI Record 124-10264-10050). And when Andrew Sciambra of the New Orleans DA’s office interviewed Morgan on May 29, 1967, Sciambra’s June 1, 1967, report of the interview makes no reference to Morgan telling him he had reported the Oswald incident to the FBI.

How do the conspiracy theorists handle the problem of the eight Clinton witnesses who believed that the man who the world believed murdered the president of the United States had been in their town just months before the assassination, and not one single one of them immediately talked up a storm about it, which would have led to articles in the local papers and then in the national news? As is the custom of most conspiracy theorists, they simply don’t address the issue. But one did step up to the plate, and his effort was not only laughable, but insulting to anyone’s intelligence. In his book *Let Justice Be Done*, conspiracy author William Davy

*The Jackson barber, Edwin McGehee, said Oswald told him he wanted to get a job at the nearby East Louisiana State Hospital and said he referred Oswald to the home of Reeves Morgan, a state representative, who, he told Oswald, might be able to help him. Morgan said he told Oswald that he’d have a better chance to get the job if he registered to vote in the area. (Memorandum from Andrew Sciambra to Jim Garrison on June 26, 1967, re: interview of McGehee on June 17, 1967, p.1; Memorandum from Sciambra to Garrison on June 1, 1967, re: his interview of Morgan on May 29, 1967, p.1; Transcript of testimony of Reeves Morgan at Clay Shaw’s trial on February 6, 1969, pp.43–44)

writes, “[Louisiana] District Judge and later [U.S.] Congressman, John Rarick, spoke to both McGehee and Morgan shortly after the assassination about Oswald’s visit. Rarick’s findings were printed in a right-wing newspaper based out of Shreveport called *The Councillor*,” the inference being that Rarick must have contacted the newspaper. Apparently no paper in Clinton or Jackson was interested in such a story, nor, for that matter, was any newspaper in New Orleans, Baton Rouge, or Shreveport. Only a right-wing rag (the periodical of the racist White Citizens’ Council of America) had an interest in it, but the story was never checked out by anyone and it did not wend its way, as virtually all small but important stories eventually do, into the national media.

But it gets sillier. If, indeed, even a small right-wing paper printed such a story, that would be quite an investigative coup for Davy to have found it, right? So we would expect Davy to trumpet this very important discovery of his by giving his readers the date the article was published in the *Councillor* (the fact that Davy didn’t know how to spell the paper’s name—it had one *l*, not two—is some evidence he never saw the paper), the page it was on, and obviously at least some quote from the article. But Davy gives nothing at all. He simply tells his readers that if they want confirmation of the story, “back issues of *The Councillor* are on file at the Northwestern State University Library, Louisiana.” (Davy, *Let Justice Be Done*, pp.115, 302 note 59) Obviously, Davy never went through these back issues himself to find out if there was such an article, but I, for one, intend to take up my entire next vacation doing so. I know a good lead when I see one. (I’m joking, of course.)

Moreover, Davy doesn’t actually allege that his “source” for his story is the *Councillor* newspaper, or even Rarick (who once allegedly was the head of the local Ku Klux Klan chapter) or Morgan, but the barber McGehee, who he says told him this on August 26, 1994 (Davy, *Let Justice Be Done*, p.302 note 59; Rarick a Ku Klux Klan leader: *Fourth Decade*, November 1996, pp.6, 15 note 7). Another reason why I’m not going to look for that back issue of the *Councillor* is that the *Councillor* didn’t start publishing until 1965,* so there couldn’t possibly have been an article in it not long after the assassination, as Davy suggests. If there ever was such an article, Rarick had to have spoken to the *Councillor* well over a year after the assassination, again making it a ridiculously long time to wait before telling any member of the media of Oswald’s presence in Clinton in 1963.

The likelihood that Oswald, Ferrie, and Shaw were in Clinton during the incident in question is less than remote. As we know, no credible evidence has ever surfaced connecting these three acting together under any circumstances. And if they were plotting the assassination of Kennedy, as only Garrison and the extremists in the conspiracy community believe, would they be calling attention to themselves in broad daylight before many witnesses just two months before the assassination? Also, according to the assassination theory propounded by Garrison, not only Shaw and Ferrie but also Oswald were right wingers associated with U.S. intelligence. What conceivable motive would these three have, then, to be part of, or interested in, the registration of black people to vote in this small southern town? Even if

*The April 15, 1978, edition of the *Councillor* says in its letterhead that “it has never had to print a retraction, nor has it ever been sued for libel in its 14 years of publication.” If it started in 1965, 1978 would be its fourteenth year of publication.

their interest was to sabotage the registration drive in any way, the notion of their bothering to reduce themselves to such an extremely insignificant matter (particularly when they were working on the plan to commit the biggest murder in American history) is simply too nonsensical to contemplate. But since there was no claim by any of the Clinton witnesses that the three men they identified at the trial as Oswald, Ferrie, and Shaw engaged in any mischief or effort to derail the registration effort, even that nonexistent argument fails.

Moreover, why in the world would Oswald, who lived in New Orleans, want to register to vote in Clinton, a town well over 150 miles north of New Orleans? The conspiracy theorists respond that Oswald was seeking a job at the East Louisiana State Hospital* located between Jackson and Clinton, and was advised it would be good if he first registered to vote. But why would Oswald, who we know wanted to get to Cuba, want to get a job in a hospital near Clinton? And if so, are we to believe that Shaw and Ferrie, who we are told were planning to use Oswald as a patsy for the assassination coming up shortly, drove him to Clinton so he could apply for a job at a hospital? How could he be a patsy if he was living in Jackson, Louisiana? Was Kennedy planning to come to Jackson? Where does the silliness end?

About Cuba, Oswald had the island nation on his mind throughout the summer of 1963, applying for a new passport on June 24 and receiving it on June 25, 1963 (WR, p.727; CE 1969, 23 H 819). And we know Oswald, per usual, was consumed with politics that summer in New Orleans, passing out Fair Play for Cuba leaflets and, as late as August 21, debating Carlos Bringuier on New Orleans radio on the virtues of Marxism over capitalism and denouncing U.S. intervention in Cuban internal affairs (WR, p.729). And Marina testified that in August or September, when the Clinton witnesses said they saw Oswald in their town, Oswald wanted to get to Cuba at any cost, including trying to persuade her into helping him hijack a plane out of New Orleans for Cuba, which she talked him out of (1 H 23, 44; 2 HSCA 256–257). On September 24 or 25, he left New Orleans for Mexico City, hoping to get a transit visa to Cuba, crossing the border into Mexico City on September 26, 1963 (CE 2123, 24 H 665). So we know that Oswald was totally immersed in national

*Coincidentally, this is the very same mental hospital that conspiracy icon Rose Cherami was taken to in the early morning hours of November 21, 1963, after she was struck by a car while hitchhiking near Eunice, Louisiana, about eighty-five miles southwest of Clinton. (See discussion in text.) Although the receptionist at the hospital, Bobbie Dedon, testified at the Shaw trial that she had directed Oswald back to the personnel office, and a clerk in personnel, Maxine Kemp, testified at the Shaw trial that she had seen an application in the files with the name "Oswald, Harvey" on it (FBI Record 124-10056-10167, pp.3-5), Aline Woodside, who at the time was the head of the hospital's personnel department, told author Patricia Lambert in 1993 that she and others, pursuant to a request by Garrison's office, had conducted an exhaustive search for Oswald's job application and found no such application on file. She told Lambert that no one in personnel at the hospital remembered seeing Oswald, giving him an application to complete, or interviewing him. "We didn't think she [Kemp] saw it [Oswald's alleged application]," Woodside told Lambert. (Lambert, *False Witness*, p.188) Being unable to corroborate their story with any kind of physical or documentary evidence was a hallmark of the Clinton witnesses. Per Anne Dischler's notes, Henry Palmer told Dischler and Francis Fruge that Oswald actually registered to vote (Palmer testified before the HSCA that he did not permit Oswald to register to vote because Oswald had no proof he lived in the area) and signed the register. But when Dischler and Fruge examined the register, the signature that Palmer told them was Oswald's had been erased and another name written over it. When Dischler and Fruge returned the next day to get a copy of the page, Palmer told them the page was "missing," and had no idea who could have or would have erased Oswald's name or taken the page. (Lambert, *False Witness*, pp.192-193); HSCA Record 180-10089-10042, testimony of Henry Palmer before HSCA on April 19, 1978, pp.11-12)

and Cuban politics in the summer of 1963, and that his desire to get to Cuba was so intense he wanted, as indicated, to hijack a plane to get there, and that he broke down and cried at the Cuban consulate when his application for an in-transit visa to Cuba was turned down. Therefore, his allegedly going to the little hamlets of Clinton and Jackson, Louisiana, in late August or early September 1963, to work in a hospital and register to vote is totally incompatible with what we know was going on in his life around this time, and hence, unworthy of serious consideration.

The Clinton witnesses turned out to be just another sideshow in the traveling carnival of flimflam, mirrors, and—to be magnanimous—entertaining oddities that have populated the world of conspiracy in the Kennedy assassination.

- 1377 **two years after the not-guilty verdict:** There were other post-trial prosecutions of leading Shaw trial participants. In addition to the two unsuccessful federal prosecutions of Garrison in 1971 for bribery, and in 1974 for income tax invasion (see discussion in earlier endnote), in December of 1969 New Orleans police arrested Judge Edward Haggerty, the presiding judge at the Shaw trial, during a raid on a hotel stag party to which Haggerty had brought three women and stag movies. Garrison overcharged Haggerty with solicitation of prostitution, public obscenity, and resisting arrest, but Haggerty was acquitted on all charges in February of 1970. In August of 1970, Perry Russo and another man were arrested for burglarizing a New Orleans residence, stealing property valued at eight thousand dollars, and being in possession of a stolen safe-deposit key, but Garrison's office declined to prosecute on the burglary and theft charges. Russo pled guilty to possessing the stolen key and was given a three-month suspended sentence. (Seigenthaler, *Search for Justice*, p.115)
- 1382 **age thirty-nine:** Rose Cherami gave various ages during her life, so there is no way of knowing, absent her birth certificate, how old she really was. Her Texas death certificate lists her date of birth as October 13, 1923, which would mean she was forty-one at the time of her death on September 14, 1965. The HSCA, in saying Cherami was "approximately 34 years old in 1963" (10 HSCA 200), and hence thirty-six when she died, was probably incorrect in that her first arrest, for vagrancy, in San Antonio, for which she was fined \$3.50, was in February of 1941. If she was thirty-four in 1963, she would have been eleven or twelve years old at the time. Though possible, it is improbable that she would have been arrested and fined for the crime of vagrancy at that age.
- 1382 **Dr. Victor Weiss:** The clear indication in Dr. Victor Weiss's statement over the telephone to HSCA staff member Jonathan Blackmer on July 5, 1978, is that Weiss had no contact with Cherami before the assassination. Indeed, Weiss suggested to Blackmer that he contact Dr. Don Bowers, who had told Weiss about Cherami's alleged statement. Though Weiss did not say that Bowers said Cherami had told him this (i.e., theoretically, Bowers could have heard about Cherami's alleged statement from some third party), obviously there is a chance Cherami had told Bowers this. In any event, Bowers was a logical person to interview, and at the bottom of Blackmer's report of his telephone interview of Weiss in the "Recommended Follow-up" section, he wrote, "Contact Dr. Bowers" (HSCA Record 180-10074-10060, Outside Contact Report of interview with Dr. Weiss by HSCA staff member Jonathan Blackmer on July 5, 1978). This may not have been done. At least James R. Mathis, an archivist at the National Archives, said, "I could find no reference in the database for

Bowers, nor any in the Garrison papers” (Letter from James Mathis to author dated July 14, 2005, p.1). And I was unable to locate Bowers.

On the issue of whom Cherami told her story to, a friend of Weiss's, one A. H. Magruder, wrote to New Orleans DA Jim Garrison (the date of the letter is unknown but it is most likely, based on a DA memo Magruder's letter generated dated February 23, 1967, either the previous day or earlier in February) that during a “bull session” at Magruder's home after a hunting trip with Weiss over the Christmas holiday season in 1963, Weiss told him that Cherami told him, before the assassination, that Kennedy was going to be killed. But Garrison detective Frank Meloche interviewed Weiss (Meloche doesn't give the date he interviewed Weiss, but suggests it was on or about February 25, 1967) and wrote that Weiss told him he didn't recall whether Cherami's story about Kennedy about to be killed “was *told to him* before or after the assassination,” the implication being that someone other than Cherami (undoubtedly Dr. Bowers) told him this. (Memorandum from Detective Frank Meloche and Sergeant Fenner Sedgebeer to District Attorney Jim Garrison, February 23, 1967; Meloche quoting Weiss: HSCA Record 180-10112-10062, Memorandum from Frank Meloche to Jim Garrison on March 13, 1967) Magruder's statement conflicts with what Weiss told the HSCA—that he had learned about Cherami's statement concerning the assassination not from Cherami but Dr. Bowers, and the likelihood is that Magruder simply confused the details or chronology of what Weiss had told him several years earlier. This is particularly likely since Weiss said he *did* question Cherami about her statement, and the indication is that she repeated it to him. But this took place on November 25, 1963, *after* the assassination. (10 HSCA 200-201; HSCA Record 180-10074-10060, July 5, 1978)

- 1383 **she used to work as a stripper for Ruby:** However, in an April 4, 1967, memorandum to DA Jim Garrison, Francis Fruge wrote that Rose Cherami's claim of once having worked as a stripper for Jack Ruby “was verified.” But Fruge never indicated how this was verified or by whom, and he never mentioned this information in his testimony before the HSCA, which he would have been expected to do. Walt Brown writes in his publication, *JFK/Deep Politics Quarterly*, that “not a single scrap of paper has yet been found to verify Fruge's claim that Cherami's alleged employment with Ruby had been somehow verified. The House Committee did not cite any such document when they reported [what Fruge said Cherami had claimed], and none has yet been uncovered by any independent researcher” (*JFK/Deep Politics Quarterly*, April 2000, p.27; see also 10 HSCA 202).
- 1383 **anyone at the house of prostitution:** Francis Fruge, from 1965 through 1967, was put “on loan” from his job with the Louisiana State Police to Jim Garrison's office in the latter's investigation of Clay Shaw for allegedly conspiring to murder Kennedy. Fruge told the HSCA that while working for Garrison, he went back to the Silver Slipper and interviewed the proprietor of the house of prostitution, one Mac Manual. Fruge said that Manual remembered the incident at his place involving Rose Cherami. Fruge testified that Manual told him that the two men Cherami was with that night “had been to his place before, hauling prostitutes from Florida to his place and hauling them back.” There is no indication in Fruge's testimony that Manual knew the identity of these two men. However, when Fruge showed Manual a stack of photos furnished him by Garrison's office, Manual, per Fruge,

picked out a photo of Sergio Arcacha Smith and another of a man named “Osanto” as being the two men Cherami was with. (HSCA Record 180-10105-10330, Testimony of Francis Fruge before HSCA on April 18, 1978, pp.27–29)

If, indeed, one of the men was Arcacha, this would be a somewhat suspicious coincidence, since in 1960 and 1961 Arcacha was the New Orleans delegate to the FRD (Democratic Revolutionary Front), a militant, anti-Castro group that was absorbed into the Cuban Revolutionary Council (CRC) in October of 1961. For six months in 1961 to 1962, the CRC rented office space at 544 Camp Street in New Orleans, the same building in which Guy Banister, the anti-Communist ex-FBI agent, had an office, and the same address that was on some of the Fair Play for Cuba leaflets Lee Harvey Oswald passed out in the summer of 1963 in New Orleans. (If there was any doubt as to the relationship, if any, between the FRD, the CRC, and the CIA, the CIA dispelled it in a September 28, 1967, memorandum to the Department of Justice. The memo said that “the FRD was created in May 1960 with the CIA’s assistance, guidance, and financial support. Consisting of several anti-Castro groups, it was a political action, propaganda, and military unit . . . The CRC had direct access to and support from the White House as well as CIA.” [DOJ Record 179-20003-10191, CIA memorandum of September 28, 1967, pp.2–3; CE 1413, 22 H 829–831]) Arcacha was an associate of David Ferrie’s and Banister’s in the anti-Castro effort. (HSCA Report, p.144) Not only was Arcacha a member of a group with heavy ties to the CIA, but while in New Orleans he “maintained extensive relations with the New Orleans FBI” (CIA File 201-289248). Arcacha, along with Banister and several New Orleans business and political figures, founded the short-lived Friends of Democratic Cuba in New Orleans in January of 1961. The group’s purpose was to collect money to aid Cuban exiles in their fight against Castro, but it folded after only one month. (CIA Record 104-10013-10387)

Arcacha told the HSCA that he had no knowledge of Cherami or her allegations (10 HSCA 203), which, of course, doesn’t mean anything. However, what does mean something is that in the various references to Arcacha in assassination literature, he is invariably referred to as a very involved political activist, not the type who would be routinely driving from Miami to Louisiana as a professional pimp for prostitutes. Whenever Arcacha, married and with five children, is mentioned in a context other than his anti-Castro activities, it’s as a businessman, such as in public relations and the tourist business. (*Life* magazine office memo from Holland McCombs to Will Lang, March 21, 1967, pp.1–5; HSCA Record 180-10101-10003, p.11) Indeed, even conspiracy author Paris Flammonde writes that “shortly before the Kennedy assassination Arcacha moved to Houston, and the day after it [the assassination] he took up residence in Dallas, becoming an export consultant for an air-conditioning firm” (Flammonde, *Kennedy Conspiracy*, p.117). Moreover, there is no evidence connecting Arcacha in any way to the assassination, and the Domestic Intelligence Division of the FBI concluded that “we have found no evidence to indicate [Arcacha] Smith ever knew Lee Harvey Oswald or was involved in the assassination” (FBI Record 124-10058-10082, February 24, 1967).

It is worth noting that in a nuanced way, the HSCA suggested it may not have believed this particular part of Fruge’s testimony. Whether it was guilt by association with the thoroughly discredited Garrison or not, the committee wrote that

Fruge “claims” that he showed Manual (since deceased) a stack of photos and Manual picked Arcacha Smith out (10 HSCA 202). *Claims* is just not the word one uses when one has confidence in an allegation. An indication of Fruge’s changing mentality is that in contrast to his original testimony that Cherami told him that she, or she and the two men she was with, were going to kill Kennedy, he later told conspiracy author Anthony Summers that Cherami told him she overheard the two men discussing a plot to kill the president (Summers, *Conspiracy*, pp.591–592).

On March 7, 1967, a time when Garrison was seeking to have Arcacha come to New Orleans to help in his investigation and Arcacha feared that if he went back Garrison might somehow try to improperly implicate him in the assassination, Arcacha’s Dallas lawyer, Frank Hernandez, employed a certified Texas polygrapher to test him. In answers to questions, Arcacha said that he had never met Lee Harvey Oswald, that he did know David Ferrie and Guy Banister, though he didn’t know the latter’s first name, and that he had met Clay Shaw once in the coffee shop of the New Orleans International Trade Mart, at which time he sought Shaw’s support for his idea of a Crusade to Free Cuba, but Shaw never expressed any interest in the idea. Arcacha said he never discussed killing Kennedy with anyone and had no prior knowledge of the assassination. The polygrapher said Arcacha answered all of his questions truthfully, and was also a suitable polygraph subject. (Report from John M. Spoonmore of Scientific Security Service to Frank Hernandez, March 8, 1967, pp.1–2, 4–5)

1383 **“previously furnished the FBI false information”:** Although the HSCA reported prior instances where the FBI found tips by Rose Cherami to be “erroneous in all respects,” she did give one tip that was verified. The HSCA said that Cherami told the FBI “she had information about a heroin deal operating from a New Orleans ship. A call to the Coast Guard verified an ongoing narcotics investigation of the ship” (10 HSCA 203).

1388 **Hill is in an office being grilled:** Jean Hill’s interview by the authorities on the afternoon of the assassination took place at the Dallas sheriff’s office, and she says she was interviewed there by members of local and federal law enforcement (CE 2582, 25 H 854). However, the only record of an interview of her I could find on the afternoon of the assassination was by the sheriff’s office (Decker Exhibit No. 5323, 19 H 479). On March 13, 1964, she was interviewed by the FBI, and for the first time alleged that on the afternoon of the assassination one unidentified federal agent at the sheriff’s office told her that “there were three shots, three bullets, that’s enough for now.” Although, if true, this would probably constitute an implied effort to influence her, she advised that at no time did any federal agent or other law enforcement officer expressly attempt to tell her what she should say in regard to the number of shots fired or to force any other opinions on her. (Dallas FBI interview of Jean Hill by SAs E. J. Robertson and Thomas T. Trettis Jr. on March 13, 1964, p.2) In her testimony before the Warren Commission eleven days later (March 24, 1964), she said the federal agent she spoke to on the afternoon of the assassination was a Secret Service agent, and when she told him she heard “from four to six shots anyway,” he responded, “Mrs. Hill, we were standing at the window and we heard more shots also, but we have three wounds and we have three bullets, three shots is all that we are willing to say right now.” Hill said the agent didn’t try to intimidate or coerce her in any way. (6 H 220–221, WCT Jean Lollis

Hill) Hill's story about a Secret Service agent, as early as the afternoon of the assassination, already purporting to know the number of wounds, and that three bullets had been found, makes absolutely no sense. As to the fact that prior to March 13, 1964, she never suggested to anyone whom we know of that anyone tried to influence what she said she heard, the previous month Hill was interviewed by Mark Lane, and there's a hint in Hill's testimony that Lane tried to implant the whole notion of pressure and influence in her mind, "repeatedly" asking her if she had been "held" against her will. (6 H 219–220, WCT Jean Lollis Hill; Lane, *Rush to Judgment*, p.285) Hill also testified that Mark Lane asked her if anyone had told her not to say anything about what she saw at the time of the assassination, and she told the Commission, in one sentence, that an FBI or Secret Service agent told her to "not mention [seeing] the man running," but in the next breath she said it was *Dallas Times Herald* newsman Jim Featherston who told her this (6 H 221–222, WCT Jean Lollis Hill). Apart from the fact that she is incoherent on this matter, it makes no sense that *anyone* would have told Hill this.

- 1390 **Witt sitting on the edge of the grass [footnote]:** Louie Witt's testimony before the HSCA in 1978 as to his position at the time of the shots not only is incorrect, but makes no sense at all, undoubtedly the result of a failure of memory after fifteen years. He said he was on the grass in front of the pergola and when the presidential limousine entered Dealey Plaza he "moved *forward* toward the street" and "got [my] umbrella up in the air." At the time of the shots he was "possibly standing on the retaining wall." (4 HSCA 433) But if he was moving forward toward the street, how could he end up at the retaining wall behind him? Bronson slide number 3 clearly shows that at the time of the shots, Witt was at the bottom of the grass right next to the sidewalk. (Trask, *Pictures of the Pain*, pp.285, 302, note 15)
- 1390 **the "umbrella man":** Some conspiracy theorists (e.g., Marrs, *Crossfire*, pp.29–33) insist that Louie Witt may not be the real umbrella man, and the real one may have been acting in concert that day with a dark-complected man near him who, they say, appears to be using a walkie-talkie. But no walkie-talkie can be seen in any photo of the man, and all Witt remembers is that when he sat down on the grass after the shooting, he "noticed a Negro man" sitting near him who kept repeating over and over, seemingly to himself, "They done shot the president." (HSCA Record 180-10108-10191, p.7; see also 4 HSCA 433–434)
- 1391 **HSCA asked Walter:** William S. Walter told the HSCA in 1978 that on August 10, 1963, the day New Orleans FBI special agent John L. Quigley interviewed Oswald (the day after Oswald's altercation with anti-Castro Cubans while distributing his Fair Play for Cuba leaflets), Quigley asked Walter for a file check on Oswald, and when he did this he found that the New Orleans FBI office maintained both a security and an informant file on Oswald. (JFK Document 006847, HSCA deposition of William S. Walter on March 23, 1978, pp.3–6, 55–58; HSCA Report, p.191) Quigley submitted an affidavit to the Warren Commission in 1964 that Oswald was not an FBI informant, nor did he ever give any consideration to making him one, only interviewing Oswald at Oswald's request (CE 825, 17 H 749). In 1978, Quigley reaffirmed this position in an HSCA interview, and said when he (the implication being he never asked Walter to do so) checked the file indices of his office in New Orleans he only found that a security investigation on Oswald had been assigned to Special Agent Milton Kaack, and there was no indication in the indices that Oswald was an FBI informant (JFK Document 009914, HSCA

interview of John L. Quigley on March 12, 1978; HSCA Report, p.191). The HSCA said it "could find no independent basis for verifying Walter's testimony about an Oswald informant file" (HSCA Report, p.191).

- 1391 **Clay Bertrand:** The issue of whether Clay Bertrand was Clay Shaw initially confounded law enforcement to the point where Acting Attorney General Ramsey Clark told the *New York Times* on March 2, 1967, that Shaw "was involved in an FBI investigation in the New Orleans area in November and December of 1963" concerning the Kennedy assassination, but the FBI had found "no connection" between Shaw and the assassination (*New York Times*, March 3, 1967, p.22). The reason Clark said what he did is that on the morning of March 2, 1967, Cartha "Deke" DeLoach, the number-three man at the FBI, had told him over the phone that "Shaw's name had come up in our investigation [of the assassination] in December, 1963." DeLoach's memo of the conversation says that "I stated [to Clark] we had attempted to ascertain the identity of an individual by the name of Clay Bertrand, but to no avail. I mentioned it had been alleged that this was an alias used by Shaw. I stated also that we had conducted considerable investigation regarding a man whose name was [Dean] Andrews." (FBI Record 124-10040-10147, Memorandum from Cartha DeLoach to Clyde Tolson on March 2, 1967, p.1)

Since no evidence has ever surfaced (other than DeLoach's assertion), documentary or any other kind, that the FBI investigated Shaw in 1963 for Kennedy's assassination, and since no evidence has ever surfaced that anyone (other than Perry Russo four years later in 1967) suspected Shaw in 1963 of being involved in the assassination, it seems very clear that DeLoach was in error in what he told Clark. How did the error come about? An internal FBI memo of March 2, 1967, the same day DeLoach spoke to Clark, says that "on February 24, 1967, we received information from two sources that Clay Shaw reportedly is identical with an individual by the name of Clay Bertrand, who allegedly was in contact with Dean Andrews" (FBI Record 124-10040-10311, FBI internal memorandum, March 2, 1967). (Recall from the main text that Andrews had told the FBI and Secret Service this earlier, on November 25.) The *New York Times* said that "an examination of papers in the archives . . . shows that the FBI did inquire into the activities of a man named 'Clay Bertrand.'" Since an unidentified Justice Department official told the *New York Times* on the evening of March 2, 1967, that the FBI actually believed Clay Bertrand was Clay Shaw, and that this was the basis for Clark's statement to the paper earlier in the day, the *Times* concluded that the FBI, when they were investigating Clay Bertrand, thought they were "inquiring into the activities of Mr. Shaw." The *Times* said that "usually well-informed Government sources . . . said that to the best of their knowledge the FBI had not conducted an investigation of Clay Shaw." (*New York Times*, March 3, 1967, p.22)

Just how reliable were the two FBI informants who told the agency that Clay Shaw was Clay Bertrand? An FBI report of February 25, 1967, shows that neither was furnishing firsthand information. As to one, the report says, "[FBI informant] #1309-C advised on February 24, 1967 [when the rumor was all over New Orleans, because of Jim Garrison's stated belief that Shaw was Bertrand], that he received information [from whom he did not say] that the individual using the name Clay Bertrand is actually Clay Shaw." Hardly a reliable informant. The second informant would have been reliable if he had been the source of the information, but he was not. The same FBI report reads, "Aaron Kohn, managing director, Metro-

politan Crime Commission, advised on February 24 he had received information that Clay Bertrand and Clay Shaw was one and the same. Kohn advised he picked this information up from one of the 89 news sources that contacted him.” (FBI report, February 25, 1967, Agency File 62-109060-4584)

Conspiracy theorists for years have cited the names of many French Quarter habitués, as well as others, who supposedly stated categorically, including to Garrison’s own staff, that they knew Clay Shaw as Clay Bertrand (e.g., Davy, *Let Justice Be Done*, pp.87, 119–120). But either these people never, in fact, told Garrison and his staff this, or it was very obvious to Garrison and his people that not only were the witnesses lying, but they could easily be exposed as liars and absent any credibility on cross-examination.* Why do we know this? Because we can be 100 percent certain that if any witness told Garrison that he knew Shaw as Bertrand, which Garrison was desperately trying to prove, and Garrison either believed him or knew he was lying but could not be easily exposed as a liar, he would have forced this witness to testify by way of a subpoena. And if the witness denied, under oath, that he had told Garrison this, we know what Garrison would have done—prosecuted him for perjury. But the fact remains that Garrison did not call one single witness to the stand at Shaw’s trial (other than the completely discredited Perry Russo) to testify that he or she knew Shaw as Bertrand or had been introduced to Clay Shaw as Clay Bertrand.

Garrison did, however, call a witness who, although her story wasn’t too believable, at least did not appear to be some nut like most of his other witnesses. Mrs. Jesse Parker was a nicely dressed, respectable, middle-aged woman who was a former hostess in the Eastern Airlines VIP lounge at Moisant Airport, New Orleans’s international airport. She testified that on December 14, 1966, two men (one of whom she identified as Shaw) entered the lounge. “He [Shaw] and the [other] gentleman passed a few words with each other and left.” But before they did, she said, Shaw (but not the other man) signed the name “Clay Bertrand” in the guest book. She said she remembered Shaw “because I admired his pretty gray hair” and because he was so tall.

Apart from the fact that it would be unlikely that Shaw, if he were a part of a plot to kill Kennedy in 1963, would thereafter continue to use the same alias he had used when he conspired to murder the president, there are other problems with Parker’s story. First, very conveniently the signature “Clay Bertrand” in the guest book (which was introduced at the trial as a prosecution exhibit) is the last one on the page, meaning it could have been easily added at any time after the day in question.† Second, why would Shaw, who apparently, per Mrs. Parker, did not

*For example, a homosexual prostitute, William Morris, while behind bars in Texas in 1967, told DA investigator William Boxley that in June of 1958 he was introduced to Clay Shaw as Clay Bertrand at the Masquerade Bar, a homosexual hangout on St. Louis Street in New Orleans. After a few drinks, he said, they went to a nearby apartment for paid sex. So far, not unbelievable. But Morris went on to tell Boxley that one night in 1960 in New Orleans, Clay Shaw (Bertrand) entered Morris’s apartment by mistake and he was with Jack Ruby. Right. (Transcript of interview of William Morris by William Boxley on July 12, 1967, July 14, 1967, pp.1, 3, 5, 10) Garrison, naturally, did not call Morris as a witness at Shaw’s trial.

†The defense called one Arthur Davis, an architect, to the stand since his signature appeared above the signature “Clay Bertrand” in the guest book. His testimony could not be conclusive, but he said he was fairly sure his signature was the last on the page when he signed the book, and that he did not see Clay Shaw, whom he had known for over ten years, in the room when he was there. (Kirkwood, *American Grotesque*, p.403)

use the VIP lounge at all, think it necessary to sign the book? Further, though Parker admitted knowing from the media that a big issue was whether Shaw was Bertrand, she never contacted the authorities. "They contacted me," she said, adding, "When the District Attorney sent for me I was frightened. I didn't know what he wanted." Of course, the flip side of this is that she was not, like many of Garrison's other witnesses, a publicity-seeking character, one who was more likely to have made up her story. But if Parker never contacted the DA, how would the DA have learned of Shaw's "Bertrand" signature in the guest book? Since there's absolutely nothing about Garrison's prosecution of Shaw that can be trusted, this raises a question. On cross-examination, when Shaw's lead defense attorney, Irvin Dymond, asked Parker, "Is it a fact you refused to identify him [Shaw]?" on the day during jury selection that the DA's office brought her to the courtroom to look at Shaw, she answered, "Yes." Dymond: "Isn't it a fact when they threatened you with a lie detector test, you then identified him?" Parker: "Yes." She then added, "They didn't threaten me, they asked me." At that point, prosecutor James Alcock sought to introduce Parker's supposedly truthful lie detector test results into evidence (for just what truth was not made clear), but since the results of lie detector tests are legally inadmissible, the court did not permit the results to be received. (Kirkwood, *American Grottesque*, pp.348-350; *New York Times*, February 20, 1969, p.25; Brener, *Garrison Case*, p.256)

It should be noted that the defense called former FBI agent Charles Appel Jr., one of the leading and most respected handwriting experts in the nation (he was the FBI's expert in the Lindbergh kidnapping-murder trial in 1935 and had qualified as an expert in court in every state of the Union except Hawaii), to the stand at the Shaw trial. With large photographic blow-ups of the guest book signature as well as Shaw's handwriting and signatures from a post office receipt and several letters Shaw had written in 1966, he pointed out in detail to the jury the many differences in style, size, and proportion, letter by letter, between the known writings and signatures of Shaw and the "Clay Bertrand" signature in the guest book. It wasn't even a close call. Appel, who didn't accept a fee for his services, told the jury, "The defendant, Clay Shaw, did not write the entry in the book." The guest book entry, he said, "was made by some other writer, entirely." (HSCA Record 180-10097-10187, Transcript of testimony of Charles Appel at Clay Shaw's trial, February 25, 1969, pp.11, 17-19, 30-32, 52, 56)

Garrison threw a real heavyweight at Appel to rebut him, one Elizabeth McCarthy, a lawyer and purported handwriting expert from Boston, and the last witness at the trial. Author James Kirkwood, who attended the trial, wrote that Mrs. McCarthy, in a wide-brimmed hat, "made a slow walking-from-the-hip Mae Westian entrance down the center aisle" to the witness stand. McCarthy said she had qualified as an expert in handwriting analysis in twenty-eight states and had taken a "course [in handwriting analysis] for three or four years around 1930." When asked if it had been at a formal school, she replied it had not, that her teacher happened to have his office next to her law office, adding that the man had written "three books on the subject" of handwriting. Testifying she had just been brought on the case "yesterday," and referring to the defendant as "Mr. Clay," she said she had formed the opinion that it was "highly probable" that Shaw had signed the guest book. When asked, on cross-examination, what equipment she had used

in reaching her conclusion, unbelievably, she responded, "I will show you," whereupon she dug down into her purse and removed a pair of binoculars. An incredulous Dymond, Shaw's attorney, asked, "Are you being *paid* to testify?" "Well, I hope so," McCarthy replied, "it is my business." (Kirkwood, *American Grotesque*, pp.423-425; Transcript of testimony of Elizabeth McCarthy at Clay Shaw's trial, February 28, 1969, pp.78, 80-81, 86, 90, 92)

Jim Garrison cited McCarthy's testimony in *On the Trail of the Assassins* to support his position that it was Shaw's signature, but he couldn't find the space to include the testimony of Appel, or even mention his name (Garrison, *On the Trail of the Assassins*, pp.282-283).

Why, one may ask, would Garrison call to the witness stand someone like McCarthy to be his expert witness, and have to summon her all the way from Boston at that? Milton Brener, a former New Orleans assistant district attorney who closely monitored the Garrison trial, knows the answer. In his book on the case he writes that there was "another expert who examined the guest register, though he was not called to testify. Gilbert Fortier, one of the best-known examiners of questioned documents in this part of the country [New Orleans area], had examined the book and known specimens of Shaw's handwriting at Garrison's request. Fortier is the expert most frequently called by the State [prosecution] to give testimony as to handwriting comparisons in cases involving forged or other questioned documents . . . After examining the questioned guest book, Fortier conferred with Garrison. He was not called as a witness. Instead, Garrison called on Mrs. McCarthy from Boston, Massachusetts, to come to New Orleans." (Brener, *Garrison Case*, p.263)

For his own part, Shaw testified at his trial that the signature in the guest book was not his, that he had never signed his name anywhere in the Eastern Airlines VIP room at the Moisant Airport in New Orleans, adding that "I didn't know that room existed until this trial" (HSCA 180-10093-10407, Transcript of testimony of Clay Shaw at his trial, February 27, 1969, pp.20-21).

Predictably, there were nuts galore offering themselves to Garrison as witnesses to testify they knew Shaw as Bertrand and/or putting Ferrie and/or Oswald together with Shaw, et cetera. To repeat, the fact that Garrison, desperate to prove all of these points, never called any of them to the stand is *conclusive* proof their credibility was so extremely bad that even Garrison, who ended up calling to the stand one nightmare witness for the prosecution after another, couldn't accept them. (Undoubtedly, Garrison knew things about some of these witnesses he feared would come out on cross-examination and would increase the unbelievability of their stories.) The following are some of these witnesses:

Mrs. June Rolfe told Garrison's office in March of 1962 that "in the early 60s," she "saw Clay Shaw in a light-colored Thunderbird with the top down in the French Quarter. There were two young men in the front seat, Shaw was in the middle and had an arm around each of them." Oh yes, she added, "a man that looked exactly like David Ferrie sat in the backseat." Mrs. Rolfe and her husband, Dick, were staunch Garrison fans who attended the trial and wanted (per author James Kirkwood, who knew them well and spoke to them often during the trial) Clay Shaw "skewered in the worst way." (Kirkwood, *American Grotesque*, p.116) Since they

saw their hero, Garrison, trying right before their eyes to connect Shaw with Ferrie, they must have often wondered why he didn't turn around in his seat at the counsel table, wink at them, and motion Mrs. Rolfe to come up to the witness stand. I think it's fair to assume he didn't because he thought Mrs. Rolfe was either a liar or a dingbat.

Young (twenty-four) Jules Ricco Kimble came up with a real whopper for Garrison. On October 10, 1967, he told the DA's office that in 1960 (when he was seventeen), David Ferrie introduced him to Clay Shaw at a bar in the French Quarter. Then, "in late '61 or early '62," Ferrie, who Kimble never indicated was anything more than a casual acquaintance, asked him (why, he didn't say) to accompany him and Shaw on a plane flight to Canada to pick someone up. With Ferrie piloting and Shaw "in the back of the airplane reading books and sleeping," they stopped, en route, in Nashville, Louisville, and Toronto before arriving at their destination in Montreal. Kimble didn't specifically say whom they picked up in Montreal, but the implication was that it was a Mexican or Cuban who appeared with Shaw the next day for the return flight. Kimble also said he heard "people introduce Clay Shaw as Clay Bertrand," though he never explained what his association with Shaw or Ferrie was. According to Kimble, he had worked for the FBI and CIA in the past (what he did he never said) and had been paid by check or cash. What a wonderful witness for Garrison to call to the stand! But the fact that Garrison didn't do so did not stop a classic conspiracy theorist like William Davy, a big supporter of Garrison's, from repeating Kimble's story to his readers as if it were completely factual. (Davy, *Let Justice Be Done*, pp.87-88)

In a September 12, 1977, memorandum to HSCA staff members Jonathan Blackmer, Cliff Fenton, and Gaeton Fonzi, Garrison set forth several other such witnesses, *none of whom had been good enough for him to call to the stand nine years earlier.*

One witness was Edward Julius Girnus, an inmate at the federal penitentiary in Atlanta, who told a member of Garrison's staff that in the summer of 1963 he was at a party at Clay Shaw's home in Hammond, Louisiana, and Lee Harvey Oswald was at the party. Earlier, Shaw had introduced Girnus to Oswald in New Orleans as someone who was interested in buying guns. (Memorandum from James Alcock to Jim Garrison on December 7, 1967, re: Alcock's December 5, 1967, interview of Girnus, pp.2-3)

Edward James Whalen, a lifetime felon who twice had been declared incompetent to stand trial in federal courts because of psychiatric reasons, told James Alcock of the New Orleans DA's office that in 1964 at the Absinthe House in New Orleans, Ferrie introduced him to Clay Shaw as "Clay Bertrand." They then proceeded to Ferrie's apartment, where Ferrie and Shaw told him that Shaw would pay him \$10,000 up front and \$15,000 later to kill a man who was going to be a witness against Shaw on a case that could send him to the penitentiary. Whalen wanted no part of the deal but pretended to be interested and Shaw gave him \$300 in spending money. The next night they met at Shaw's apartment (Shaw had a home) and Ferrie boasted that he had set up the assassination of President Kennedy and told Whalen of a meeting that he, Shaw, Oswald, and Ruby had had in Baton Rouge before the assassination. Whalen didn't like what he was hearing and left town. (Memo from James Alcock to Jim Garrison on September 18, 1967, re: Alcock's interview [date of interview not given] of Whalen, pp.2-3)

A man named Martin Waldron, claiming to be with the *New York Times* in Houston, called the New Orleans DA's office and said the *Times* had received two memos revealing that one Ray Sadler, a University of South Carolina professor working on a doctoral thesis on an aborted invasion of Cuba in 1947, which was twenty years earlier, learned that an airport for the invasion was leased near Venice, Florida, by a man named Shaw, and one of the fliers assigned to fly out of the airport was David Ferrie. (Memo from Tom Bethell to Jim Garrison, October 5, 1967)

In a telephone conversation with Assistant DA James Alcock, one David Logan said he met David Ferrie at a party in the French Quarter in 1961, and Clay Shaw, whom he already knew, was at the party. He said Shaw was sadomasochistic, and that during a sexual encounter with Shaw after dinner at Shaw's home, Shaw whipped him but he declined to whip Shaw when the latter asked him to. He said Shaw "wasn't discreet at all" about his sexuality, Shaw being a "regular patron" at a place located at the corner of Toulouse and Bourbon in the Quarter where a woman ran a male and female prostitution business. Logan said, "I met Shaw in there on several occasions." (Transcript of telephone conversation between James Alcock and David Logan on April 13, 1968, pp.1-4, 7-8)

One of the most famous characters in Ferrie-Shaw conspiracy lore is the Reverend Raymond Broshears (aka Earl Raymond Allen), who had a series of four interviews with New Orleans DA investigator Stephen Jaffe in July and August of 1968, the first two in Long Beach, California, the last two in New Orleans. Broshears was an "ordained" minister in the Universal Life Church, founded in 1960 by a "Dr." Kirby J. Hensley of North Carolina, a man, Broshears said, who could neither read nor write. Broshears acknowledged that Hensley had stated, "I will give ordination papers to anybody who writes me," and said Hensley didn't care "what they're going to preach." In all his interviews, Broshears made no reference to ever working as a preacher, but he often referred to his doing civil rights work for the Congress of Racial Equality (CORE). After a conviction for sexually molesting a minor in East St. Louis, Illinois, in 1964, and serving six months in prison, he found work in a carnival for a short time, and eventually, to "escape my problems," he said, went down yonder to New Orleans in 1965. Thirty years old and almost penniless, he holed up in a hotel near the Continental Trailways bus depot that was so cheap it had no name, and shortly thereafter met David Ferrie at a homosexual bar in the Quarter. An admitted homosexual, Broshears says Ferrie spent several nights in the hotel with him, and gave him handouts to live on. Broshears said that Ferrie, in time, and only when intoxicated, would confide to him about his part in the conspiracy to assassinate Kennedy. Ferrie, per Broshears, told him that on the afternoon of the assassination, he, Ferrie, was waiting in Houston for "two of the assassins" to fly in from Dallas, and he was to fly them to South Africa, which did not have an extradition treaty with the United States, so they'd be safe there. But instead, these particular two assassins, who had shot Kennedy from the grassy knoll, decided to fly on their own from Dallas straight to Mexico. "Carlos," the pilot, ended up crashing the plane near Corpus Christi and both of the assassins perished. (Broshears's interviewer, Jaffe, told Broshears in a later interview that his office had checked and learned that no plane crashed around Corpus Christi on the day of the assassination.)

Broshears said that Ferrie introduced him to Clay Shaw in late August or early

September of 1965 at Dixie's bar, a homosexual hangout in the Vieux Carré, and that he saw him with Ferrie on two other occasions on the streets of the French Quarter. Ferrie told him that the main people behind the assassination were Shaw, Hale Boggs, the U.S. representative from Louisiana, Kent Courtney, a financier from New Orleans, and Richard C. Lauchli, a businessman from Collingsville, Illinois. Oswald, Ferrie told Broshears, did not kill Kennedy but was "one of the best lays I've ever had." Broshears told Jaffe that "at that time the whole thing didn't really mean too much to me. You've got to remember I was in the homosexual underground and I was too busy trying to have fun and hustle a buck." But what Ferrie told Broshears had enough effect on him to cause him to state on a local television show in Los Angeles on July 8, 1968, "David [Ferrie] admitted being involved with the assassin. There's no question about that."

Also on Broshears's sterling resumé is his statement in New Orleans in late 1965 that "President Johnson, who was responsible directly or indirectly for the assassination of our beloved President, should be put to death." It resulted in his being arrested for threatening the life of the president and being committed to the Gulfport Psychiatric Hospital, a federal mental institution, for close to half a year.

Poor Broshears. As with all the people referred to in this little section, Garrison didn't dare call him to the witness stand because his credibility was so transparently nonexistent. But with Broshears, either Jaffe or another member of Garrison's staff felt obligated to write, on the very transcript of the August 8, 1968, interview, "Note: *Even* if everything Broshears recalls is truly what Ferrie told him, it is apparent that Ferrie is giving him some garbage from time to time—to say the least." (Memorandum from investigator Stephen Jaffe to Jim Garrison on August 8, 1968, re: Jaffe's August 2, 1968, reinterview of Raymond Broshears; even if everything Broshears recalls: Transcript of interview of Raymond Broshears by Stephen Jaffe, James Alcock, and Louis Ivon on August 8, 1968, p.6; Transcript of interview of Raymond Broshears by Stephen Jaffe on August 9, 1968; words of Broshears in Los Angeles TV interview: Flammonde, *Kennedy Conspiracy*, p.39; *New York Free Press*, August 15, 1968)

Fred Leemans, the proprietor of a twenty-four-hour Turkish bath on Canal Street in New Orleans, told the New Orleans DA's office in May of 1967 that "a couple of years" after he bought the establishment in late 1959 or early 1960, a man whom he identified as Clay Shaw frequented his bath on several occasions using the name Clay Bertrand. He was sometimes accompanied by a "younger fellow that he called Lee." The DA interviewer, Assistant District Attorney Robert E. Lee, never asked him if he could identify Lee as being Lee Harvey Oswald, but Leemans described Lee as being "small and slender" and someone "always popping off about something being done wrong." (Transcript of interview of Fred Leemans by New Orleans assistant district attorney Robert E. Lee on May 5, 1967, pp.1, 3–4) A month and a half later, on June 19, Leemans told a national TV audience on NBC's exposé on Garrison, *The JFK Conspiracy: The Case of Jim Garrison*, that Assistant DA Lee had offered him \$2,500 on behalf of Garrison's office to help him open a new club if he would sign a statement that he knew Clay Shaw as Clay Bertrand and that Shaw had come to his club with a young man named "Lee." He told the *New York Times* that he had decided to tell the truth that his original story was a lie because "I got to thinking about it and I decided it was a

lousy thing to do. No amount of money is worth playing that way with a man's [Shaw's] life" (*New York Times*, June 19, 1967, p.27).

Leemans admitted on the air that he had asked NBC for money to appear on its show, which he said they told him they couldn't do, and admitted to the *New York Times* reporter that he would never "have gotten into this mess if it had not been for the debts that had piled up because of my wife's illness" (*New York Times*, June 19, 1967, p.27). Clearly, Leemans is a person of self-acknowledged small credibility, and he destroyed what little credibility he had by alleging that after his NBC appearance, the DA's office offered him \$5,000 to appear with Garrison in the latter's half-hour response on NBC to the NBC special and assert that what he said on the special about the \$2,500 offer by the DA's office was false. (Brenner, *Garrison Case*, p.192) Right. The DA's office offered him \$2,500 to connect Shaw with Oswald, he blabs about it on national television, and now they're going to come back to him and offer him \$5,000? Please. Leemans's story about seeing Shaw and Oswald at his Turkish bath is so bad that Garrison himself has publicly acknowledged it was unworthy of belief, referring to it as the "outlandish steambath story" (Garrison, *On the Trail of the Assassins*, p.198).

There's an interesting footnote to this: After I had already concluded that Leemans was probably lying about the monetary offer from Garrison's office, I received a copy of an affidavit of his from the National Archives that the staff had previously been unable to locate. Two weeks before the Shaw trial started on January 21, 1969, Leemans, after having disappeared from the Shaw stage for a year and a half, reappeared, but apparently not for an encore. (He never testified at the trial.) He gave an affidavit to Garrison's office that "the statements I made on the NBC program relative to Garrison's office offering me a bribe for testimony favorable to their case was a lie." He had lied, he said, because he had received "numerous anonymous threatening phone calls . . . that if I did not change my statement and state that I had been bribed by Jim Garrison's office, I and my family would be in physical danger." Interestingly, Leemans didn't say in his affidavit whether or not the story he told Garrison about Shaw and Oswald was true, only that Garrison hadn't offered him a bribe to tell it. He said he gave the affidavit to "clear the name of Robert E. Lee . . . and the office of Jim Garrison . . . My conscience would not allow me to defame and impugn the character of Mr. Lee and the office of Jim Garrison any longer." (HSCA Record 180-10102-10388, Affidavit of Fred Leemans on January 6, 1969) Since Leemans has no credibility, it's difficult to assess this affidavit, except to say that at least as to the alleged bribe offer, I believe his statement in it about Lee and Garrison's office not offering him a bribe.

Then there was Clyde Johnson, a part-time itinerant preacher nicknamed "Slidin' Clyde" because he was such a slippery, disreputable character. Like so many of these types who like to put their name on a ballot, Johnson had run for governor of Louisiana in 1963. He called Garrison's office on March 30, 1967, to report that during his campaign for governor, a man he identified as Clay Shaw (known to him as Alton Bernard) decided to support him because Shaw appeared to be a Republican who hated Kennedy for, among other reasons, withdrawing air support for the Bay of Pigs invasion and his pro-civil rights stance, and he liked Johnson's anti-Kennedy remarks. Slidin' Clyde said that in July or August of 1963 Shaw gave him \$2,000 in cash for his campaign, and "around the first part of Sep-

tember” Shaw asked Clyde to meet him at the Capital House Hotel in Baton Rouge. While inside the hotel room, Clyde said Jack Ruby and Lee Harvey Oswald (introduced to him by Shaw as Jack and Leon) showed up. While Clyde was in the bathroom he overheard one of the three men say, “I will get him.” Clyde thought they might be talking about him so he picked up his gun, until he heard the words “coming down from Washington” and “the pressure is on,” which convinced Clyde he was safe. Also, Shaw assured Ruby and Oswald that he, Clyde, was “one of my boys.” Before the evening was over, Clyde saw Shaw give Ruby and Oswald each a thick envelope and Shaw gave him an envelope with fifty \$100 bills in it. (Statement of Clyde Johnson to New Orleans DA's office on April 5, 1967, witnessed by James Alcock and Lou Ivon, pp.1–3)

As much of an obvious fabrication as this was (so bad that Garrison didn't even mention Slidin' Clyde in *On the Trail of the Assassins*), as part of a ninety-eight-point document that Garrison filed with the court in early June of 1967 in answer to motions filed by Shaw's attorney, Garrison actually asserted that the alleged Baton Rouge hotel meeting took place and that Ruby was part of the New Orleans-based conspiracy to murder Kennedy. And Alcock, during jury selection in the Shaw trial, actually alluded to the Baton Rouge hotel fairy tale as one of six overt acts committed by Shaw and his co-conspirators to carry out the conspiracy. As patently fraudulent as Johnson was, many conspiracy theorists hint that the conspirators who murdered Kennedy may have severely beaten Johnson in February of 1969, before the Shaw trial started, to discourage him from testifying (he was never called by the prosecution as a witness), and killed him in July of 1969, after the trial, by shooting him near Greensburg, Louisiana (e.g., Davy, *Let Justice Be Done*, p.310 note 8). But Johnson was gunned down by his wife's second cousin (Benson, *Encyclopedia of the JFK Assassination*, p.127; see *Times-Picayune* [New Orleans], July 24, 1969). Remarkably, conspiracy theorist Jim Marrs lists Johnson's killing as one of a great number of suspicious deaths, noting he was “scheduled to testify about the Clay Shaw/Oswald connection” (Marrs, *Crossfire*, p.562). The problem is that the trial had ended several months before Johnson was killed in July.

Other various and sundry kooks who offered their services to Garrison included the former mental patient who went by the name Julius Caesar. Hugh Aynesworth, who covered the Shaw case for *Newsweek*, wrote that Caesar was “a rangy character” from the West Coast “who affected a red toga and sandals . . . Mr. Caesar claimed to have been present at a hotel in Alexandria, Louisiana where Oswald met with Clay Shaw, the pitiable New Orleans businessman whom Garrison would falsely prosecute for conspiracy to assassinate Kennedy, plus Jack Ruby, whom Caesar said arrived with a package of money for the other two.” Aynesworth also recalls one Annie Patterson, “an American woman who was a prisoner in a Mexican jail. She told Garrison if he helped her get freed, she would tell him all she knew about a plot she overheard in Laredo, Texas—a plot to kill JFK . . . She told Garrison she saw [Lyndon] Johnson meet with Oswald in a dim cabaret bar and hand him . . . a bag of money . . . Later when I found her and called her—at the jail—she said that Clay Shaw had been there too. When I found out that there had never been a bar in Laredo that came close to her description, and that Shaw and Johnson had been at public events the day she

allegedly witnessed the meeting (pinpointed by her arrest the following day), I no longer accepted Annie Patterson's calls."

And then there was the "slight little guy from Houston, a piano player," who showed up in New Orleans with his story. This was at a time when Aynesworth was still on good terms with Garrison, before he wrote his May 15, 1967, exposé of Garrison's fraudulence in *Newsweek*. Aynesworth was present when the piano man "proceeded to relate [to Garrison] how he knew that Ruby and Oswald were long-time gay lovers. He went into great detail, naming names of clubs he said he had played at when Ruby and Oswald dropped by—clubs in Dallas, even in Houston. He even described one occasion where he said the owners of one club in Houston had booted the two out because they had been 'groping each other all evening long.'" Aynesworth said the piano man had told the same story to the Dallas police three days after the assassination. The police gave him a polygraph, which he failed. (Aynesworth with Michaud, *JFK: Breaking the News*, pp.234–236)

- 1393 **"Clay Bertrand never existed":** On December 23, 1966, the New Orleans DA's office summoned Clay Shaw to its office. Shaw's diary entry on the interview of him conducted by Assistant DA Andrew Sciambra, and Sciambra's memorandum of the interview, differ in some respects, but one thing is clear—Shaw had no idea Garrison suspected him of being Clay Bertrand, though Shaw's diary does say that Sciambra informed him that Lee Harvey Oswald knew a man named "Clay" who frequented the French Quarter and wondered if Shaw was the same "Clay." Shaw said he wasn't, that he had "almost" met Oswald the day in the summer of 1963 when Oswald was passing out leaflets in front of Shaw's Trade Mart. Per Shaw's diary, he told Sciambra a "commotion" occurred during the incident attracting the police and TV crews, but by the time he, Shaw, went outside to see what was happening, Oswald was gone. His diary also says Sciambra asked him if he had ever heard of a man named Clay Bertrand, or if he knew David Ferrie, and Shaw said no to both questions.

Sciambra's memo says Shaw told him he had never talked to Lee Harvey Oswald and did not know him. With respect to the incident in front of the Trade Mart, Sciambra says Shaw told him that Oswald had asked his assistant, J. B. Dauenhauer, for permission to distribute leaflets in front of the Mart, that Dauenhauer had told him he shouldn't do it but Oswald went ahead and did it anyway. When asked, Shaw also told Sciambra he did not know Dean Andrews, and asked Sciambra what Andrews did for a living. Shaw told Sciambra he was retired from the Trade Mart and was now primarily a playwright and was currently translating a play from Spanish to English for the La Petite Gallery Circle Theater in New Orleans. Sciambra writes that "Mr. Shaw apologized for not having more time to talk with me but that he was leaving for Hammond [his parents and his hometown in Louisiana] that afternoon and had to get ready, and wished me a Merry Christmas and left." (Shaw's diary: Lambert, *False Witness*, pp.51, 301 note 27; Memorandum from Andrew Sciambra to Jim Garrison on February 9, 1967, re: his December 23, 1966, interview of Clay Shaw)

- 1393 **no such record of the alleged meeting:** In a subsequent document Steven Tilley sent to me, a reference by Jim Garrison to a restaurant meeting with Dean Andrews appears. But it wasn't a memo written by Garrison to his file at or around the time of the alleged meeting in early 1967. Rather, it was buried in a six-page memo about

- many other matters from Garrison to HSCA staff members on September 12, 1977, *over ten years later*. And Garrison doesn't allude to any of the strong and clear language ("If I give you that name . . . it's bon voyage, Deano . . .") he claims Andrews used, which he put in his book and Stone put in his movie. In the memo to the HSCA, Garrison simply writes, "I arranged a lunch with Andrews at Broussard's Restaurant. At that time, I informed him that it was apparent to me that he was concealing the true identity of the men who called him about representing Oswald, and when he demurred, I indicated . . . that I intended to find out what the true facts are." (Memo from Jim Garrison to [HSCA staff members] Blackmer, Fenton, Fonzi, et al, September 12, 1977, p.3)
- 1394 **"Clay Shaw is not Clay Bertrand"**: On December 5, 1963, Ms. Betty Engelbrecht of the New Orleans Retail Credit Bureau told FBI agent Richard Bucaro that a search of her records revealed no one by the name of Clay Bertrand or Bertram. Also, the New Orleans Police Department, including the vice squad, had no record of a Clay Bertrand or Bertram, and no such names were in the city telephone directory. (HSCA Record 180-10030-10064, p.28)
- 1394 **perjury charge**: On August 14, 1967, a New Orleans jury convicted Dean Andrews on three of the five counts of perjury arising out of Andrews's grand jury testimony on March 16, 1967 (*New York Times*, August 15, 1967, p.25; United Press International, August 14, 1967; see also *New York Times*, August 14, 1967, p.15). He never served any time for his conviction, and after an appellate court reversed the conviction on June 9, 1972, and sent the case back for a new trial, Judge Frank Shea dismissed the case against him on August 14, 1974 (*Times-Picayune* [New Orleans], August 15, 1974). In his book, Garrison says it was he who, aware of Andrews's bad health, had the case dismissed, but Garrison's last day in office was March 30, 1974, several months before the case was dismissed. Nonetheless, Garrison deserves much of the credit for the dismissal in that he joined with Andrews's attorney in the petition to the Louisiana Supreme Court to reverse the conviction and order a new trial. (Garrison, *On the Trail of the Assassins*, p.284 footnote; Lambert, *False Witness*, p.285 note 40; Biles, *In History's Shadow*, p.53; Garrison joins in petition: *New York Times*, June 11, 1972, p.34)
- 1394 **Andrews testified for the defense**: On cross-examination, Dean Andrews, at one time a part-time assistant district attorney in nearby Jefferson Parish, changed the story he had told the Warren Commission about Oswald coming into his office with "some gay kids . . . Mexicanos" (11 H 326, WCI Dean Adams Andrews Jr.). He told the Shaw jury that three "swishes" (he later said "homosexuals") came into his office to discuss their legal problem. Ten to fifteen minutes later they left, and as they walked out the door, Oswald and a Mexican came in, and he didn't know whether or not there was any connection between Oswald and the homosexuals. Andrews refused to say why Oswald came to his office, claiming "attorney-client privilege," only saying that Oswald had "consulted" with him and paid him no fee. (HSCA Record 180-10097-10181, Transcript of testimony of Dean Andrews at Clay Shaw's trial, February 25, 1969, pp.19-21)
- 1394 **when he was at the hospital**: Dean Andrews's doctor at the Hotel Dien Hospital told the FBI that during the first four days of Andrews's nine-day stay at the hospital (November 20-29, 1963), he was seriously ill and under heavy sedation. The doctor said he did not believe Andrews was capable of using a telephone dur-

ing that period. (CE 2899, 26 H 355, FBI interview of Dr. J. D. Andrews [no relation] by SA Richard Bucaro on December 5, 1963) But this cannot be true, at least for two of the four days, one of which was November 25, since Andrews telephoned the Secret Service that day. Of the two days that Andrews said Bertrand called (November 22 or 23), he has always favored November 23, a Saturday. And on November 25, he first reported the alleged Bertrand phone call when he telephoned Special Agent John Rice of the Secret Service from his hospital bed. He claimed to Rice that Bertrand called him on Saturday (November 23) between 6:30 p.m. and 9:00 p.m. (CE 3094, 26 H 704–705; DOJ Record 179-20001-10400, FBI interview of Dean Andrews on November 25, 1963) He also told the FBI on November 25 that the call from Bertrand was on a Saturday night (CD 75, p.306; see also HSCA Record 180-10030-10064, p.1), and testified at the Shaw trial it was on Saturday (HSCA Record 180-10097-10186, Transcript of testimony of Dean Andrews at Clay Shaw's trial, February 25, 1969, p.11). The only record of Andrews's medication on November 23 was a statement from Thelma Massarini, the medical records librarian at Hotel Dien Hospital, that at 6:00 p.m. Andrews was treated with nose drops and cough medicine. At 8:00 p.m. he received sedation in the form of phenobarbital, and he complained of pains in the chest. At 9:00 p.m. he was given antibiotics. (CE 2899, 26 H 355, FBI interview of Thelma Massarini by SA Richard Bucaro on December 5, 1963)

In a December 3 interview with FBI agents, Andrews said that during the time he was in the hospital he was under "heavy sedation" and was "a very sick man." Although he stuck to his story of Oswald coming to his office, he said that the Bertrand phone call now seemed "like a dream" to him. However, the only reason he felt the telephone call was not a dream is that he called Sam "Monk" Zelden, president of the New Orleans Criminal Bar Association, at the New Orleans Athletic Club and asked Zelden to assist him in his defense of Oswald for Kennedy's murder. That would have been the following day, November 24, a Sunday, since when he called Zelden, Zelden told him that it had just come over television that Oswald had been shot. Andrews also said he recalls telling his law firm investigator, Sergeant R. M. Davis, and his secretary, Eva Springer, about the call from Bertrand. (CD 126, pp.21–22, FBI interview of Dean Andrews by SA Regis Kennedy and Reed Jensen, on December 3, 1963)*

Sam Zelden did, indeed, recall receiving a call from Andrews on Sunday, November 24, asking him to help Andrews represent Oswald in Dallas. (So it was confirmed that Andrews used the phone from his hospital room on at least two of the first four days he was at the hospital, November 24 and 25.) Zelden said he told Andrews he wasn't interested but he'd think about it, and right around that time he heard Oswald had been shot and told Andrews this. (FBI Record 124-10053-10244, Interview of Sam Zelden by FBI SA Regis Kennedy and Claude L. Schlager, November 25, 1963, p.1) Sergeant Davis confirmed to the FBI that Andrews told him about the Bertrand call on November 24, but had "no doubt"

* Andrews was unable to satisfactorily explain to the FBI how Bertrand would have known where he was (room 202 of the Hotel Dien Hospital), since he acknowledged that his residence phone number was unlisted, his office was closed on Friday and Saturday, and he did not have an answering service (HSCA Record 180-10030-10064, p.5).

that Andrews himself had become convinced the call he received at the hospital was a dream (CE 2900, 26 H 356–357, Interview of R. M. Davis by FBI SA Regis Kennedy on December 5, 1963). And Eva Springer told the FBI that Andrews had called her at around 4:00 p.m. on November 23 and told her a man named Bertrand had employed him to represent Oswald in Dallas. (Andrews told the FBI Bertrand called between 6:30 p.m. and 9:00 p.m. that same day, hours *after* he called Springer about the news.) She advised that the name Clay Bertrand was unknown to her and that she searched the office files but could find nothing on Bertrand. She also said she does not recall Oswald ever coming to the office. (CE 2901, 26 H 357, FBI interview of Eva Springer on December 5, 1963, p.1) Sergeant Davis also told the FBI he searched Andrews's office for any record of Clay Bertrand but could not find any. However, he did recall Andrews mentioning on various occasions that an individual named Oswald had been to the office, and when he (Davis) saw Oswald on TV, Oswald looked "vaguely familiar" to him and Oswald "may" have visited Andrews's office. (CE 2900, 26 H 357, Interview of R. M. Davis by FBI SA Regis Kennedy on December 5, 1963) The FBI report doesn't say whether Davis heard Andrews talking about Oswald before or after the assassination. If before, it is unclear what reason Andrews would have for bringing Oswald up to Davis so often.

In a December 5 interview by the FBI, Andrews said the call allegedly received by him from "Bertrand" was a "figment of my imagination," and that he has no memory of talking to Sergeant Davis or calling his secretary Eva Springer about his representation of Oswald, but did recall calling Zelden about it. (CD 126, pp.30–31, 33, FBI interview of Dean Andrews by SA Regis Kennedy on December 5, 1963)

All of the above, of course, is moot, since Andrews admitted at the Shaw trial that he fabricated the entire Bertrand incident.

- 1395 **Davis testified that Andrews had represented him on two legal matters [footnote]:** The transcript of Eugene Davis's testimony at the Shaw trial is not at the National Archives (Letter from Steve Tilley to author dated April 18, 2003), and no one seems to have a copy of it, assuming it still exists, so whether or not he expressly denied calling Andrews about a bill of sale on an automobile is not known. However, in his testimony before the Shaw grand jury, he recalled very clearly the only cases he had contacted Dean Andrews on: one, to handle the devolution of an estate to him of a ninety-four-year-old "colored woman" he had been taking care of "for fifteen years," and the other involving a close friend of his who had been killed in an automobile accident in February of 1965 (two years after the assassination). The victim's mother asked him to get a lawyer for her and he called Andrews and asked him to call the mother, which Andrews did. (Transcript of testimony by Eugene Davis before Orleans Parish grand jury in Shaw case, June 28, 1967, pp.4–5)
- 1396 **during Shaw's booking:** Aloysius J. Habighorst was the New Orleans police officer who fingerprinted Shaw on the evening of March 1, 1967, in the Bureau of Identification room at the New Orleans Police Department. Habighorst testified at a hearing outside the presence of the jury on February 19, 1969, that the personal information he typed on the back side of Shaw's fingerprint card (which he said included Shaw's alleged alias, Clay Bertrand) was information he had

“obtained from Mr. Shaw himself,” and he said Shaw then signed the card. The DA’s position was that by Shaw signing the fingerprint card, he had confessed, in writing, to being Clay Bertrand.

But it was clear to the trial judge, Edward J. Haggerty, that Habighorst was flat-out lying, that Habighorst had gotten the name Clay Bertrand from Shaw’s arrest report, where Clay Bertrand was listed as an alias (based on information from Perry Russo), and that he had typed the name Clay Bertrand on Shaw’s fingerprint card *after* Shaw signed the card. In the long, afternoon hearing, Habighorst’s credibility was thoroughly destroyed by several witnesses, including fellow members of the New Orleans Police Department. Habighorst had testified that Shaw’s attorney, Edward Wegmann, was present in the Bureau of Identification room off and on during the booking process and was definitely present when Shaw signed the fingerprint card. But not only did Wegmann testify he wasn’t in the room, but Captain Louis Curole, who was at the jail that night, supported Wegmann’s testimony and added that it was a general rule at the New Orleans Police Department that lawyers were not allowed in that room, and he had forbidden Wegmann to go there. Even worse, Curole testified that the defendant’s arrest report, *including aliases*, is always sent *to* the Bureau of Identification room at the time of the booking process, so there would have been no reason or need for Habighorst to ask Shaw if he had an alias, although Habighorst testified he didn’t see the arrest report until *after* he had fingerprinted Shaw and Shaw had signed the fingerprint card. Shaw himself testified at the hearing that he never told Habighorst his alias was Clay Bertrand, that Habighorst never even asked him if he had an alias, and that at the time he signed his name to the fingerprint card, the card was blank, which New Orleans police officer John Perkins told Haggerty was the normal situation. Even more important, Sergeant Jonas Butzman, a New Orleans police officer who was assigned to be with Shaw throughout the entire booking and fingerprinting process, told Judge Haggerty that he was present when Habighorst fingerprinted Shaw and the name Clay Bertrand was never used.

Haggerty, who showed absolutely no favoritism to Shaw at the trial, refused to allow Habighorst to testify, and refused to allow Shaw’s fingerprint card, with the name Clay Bertrand typed in as an alias, into evidence. He ruled that Shaw’s alleged statement to Habighorst that his alias was Clay Bertrand, and the fingerprint card where Shaw allegedly acknowledged the name Clay Bertrand was his name, were inadmissible because “Officer Habighorst . . . did not forewarn Mr. Shaw of his right to remain silent on an inculpatory [matter] such as ‘do you have an alias.’” In addition, he ruled that Captain Curole’s not allowing Shaw’s lawyer, Wegmann, to be present in the Bureau of Identification room during the alleged question by Habighorst violated Shaw’s constitutional rights under the U.S. Supreme Court decisions in *Miranda v. Arizona* and *Escobedo v. Illinois*.^{*} “So even if Officer Habighorst is telling the truth,” Haggerty said, “about what he did testify to—

^{*}Though there were no appellate court cases at the time which specifically dealt with the alias issue, many federal cases since then have held that *Miranda v. Arizona* does not apply to biographical and identification data, including aliases, furnished by an arrested person to the police as a part of the booking process, holding that questions eliciting this information do not constitute “interrogation” within the *Miranda* meaning of that term. The first case dealing with the alias issue, and so holding, was *United States v. Prewitt*, 553 F.2d 1082, 1085–1086 (1977), cert. denied 434 U.S. 840. See also *United States v. McLaughlin*, 777 F.2d 388, 391–392 (1985).

and I doubt it very seriously from all the circumstances . . .” “Your honor,” Alcock vehemently interjected, “are you passing on the credibility of the State’s witnesses in front of the press and the world?” Alcock should have left well enough alone. Haggerty shot back, “The *jury* is not hearing it, that is the main thing. The whole world can hear it . . . *I do not believe him.*” Haggerty sustained the defense objection to the admissibility of the fingerprint card and Habighorst’s testimony with respect thereto. Alcock’s immediate motion for a mistrial was denied, whereupon Alcock said he would appeal. Haggerty said that was fine with him, though the DA’s office never did. (HSCA Record 180-10099-10062, Testimony at hearing outside the presence of the jury in Clay Shaw trial, February 19, 1969, pp.49–50, 53, 56, 58, 60, 62–63, 67–69, 73, 79, 82–84, 99–101, 109–111, 124–125, 128–129, 178–182; see also *Times-Picayune* [New Orleans], February 29, 1969; Biles, *In History’s Shadow*, pp.102–105; *New York Times*, February 20, 1969, p.25)

1396 **extent of their involvement has never been clearly quantified:** One person who attempted to quantify the extent of the involvement of Guy Banister and David Ferrie in the anti-Castro movement, at least as to David Ferrie, was Jim Garrison. And he asked someone who should have known, Carlos Quiroga, an anti-Castro Cuban exile who *was* heavily involved in the movement and someone who was a close associate of Sergio Arcacha Smith’s, the head representative of the Cuban Revolutionary Council (CRC) in New Orleans in the early 1960s. “What was Ferrie’s function with the Cuban Revolutionary Front [Council]?” Garrison asked Quiroga. “That is something that is not clear to me.” When Quiroga never gave a clear answer, Garrison pressed on, “He must have made some sort of contribution because Arcacha seemed to have been with him quite often.” “Yes, yes,” Quiroga said. “But what did Ferrie do? That’s what I am curious about,” Garrison continued to ask. “Well,” Quiroga finally responded, “to tell you the truth, Mr. Garrison, the only thing he got for us was a couple of rifles and some mortars . . . Ferrie bought them with his own money because he wanted to be active, and yet he just made a flop of himself by saying, ‘Oh, I can get this and I can get that’ and he never did get it. But he did finally get three rifles.” Garrison: “But in spite of this did you have the impression that Arcacha seemed to think Ferrie was of value?” Quiroga: “Ferrie [was] the guy, you know, who would—excuse the word—bullshit, and this is why [Arcacha] was so close to Ferrie. Now, besides that, Ferrie lent him [Arcacha] money when he needed it for his family . . . But really, [Ferrie] did nothing for the Cuban Revolution of value. In fact, he hurt the Cuban Revolution, and I tried to tell Arcacha [this]. Because the Cubans here, on account of Ferrie, didn’t want to get along with Arcacha. You know . . . he [Ferrie] committed a crime against nature and all that. Besides, his own appearance was not appealing to the Cubans around here. He didn’t appeal to anybody.” (HSCA Record 180-10101-10003, Transcript of interview of Carlos Quiroga by Jim Garrison on January 21, 1967, pp.1–2)

So at least according to Quiroga, and contrary to the belief of most conspiracy theorists that Ferrie was one of the leaders of the anti-Castro movement in New Orleans, Ferrie was mostly a talker and a wannabe. On the other hand, Quiroga inconsistently acknowledged that when he first joined the anti-Castro movement in 1961, he was aware of a large cache of stolen arms and munitions (stolen, he said, from the naval base in Algiers, Louisiana), including thirty-one boxes of

grenades, being stored for a while at Ferrie's residence as well as at Arcacha's.* And we know that whatever his motivation, and whether he was sincere or not, on July 18, 1961, Arcacha did write a personal letter to World War I air ace Captain Eddie Rickenbacker, chairman of the board of Eastern Airlines, requesting a "60 or 90 day leave with pay" for Ferrie so Ferrie could have more time to help the anti-Castro campaign in New Orleans. Arcacha told Rickenbacker that after "the effort of April 17 [Bay of Pigs] failed . . . the morale of the Cubans in exile and the Underground within Cuba fell to zero. Then along came Captain Ferrie. He strongly prodded our whole organization until it was revitalized . . . Fund collecting began." Arcacha went on to tell Rickenbacker that the anti-Castro movement in New Orleans "need[s] his [Ferrie's] advice on a day-to-day basis." (Committee to Investigate Assassinations, *Assassination of JFK by Coincidence or Conspiracy?* pp. 496–497)

Quiroga said he met Guy Banister on many occasions in 1961 and 1962 because he said Arcacha's CRC office was in the same building (Newman Building) as Banister's, and "Guy was downstairs and he was a very nice person." He added that "Guy Banister knew quite a bit about Communists. He was very interested in the Cuban Revolution and the Communists." But Quiroga gave no indication that Banister was actively involved in the anti-Castro movement, though he conceded he never saw Banister in 1963, Arcacha having moved out of the Newman Building in 1962. When Garrison told Quiroga, "We have evidence which suggests that Banister was involved in shipping arms to Cuba . . . in 1962 and 1963," Quiroga responded, "Well, I'll tell you the truth, if he was I don't know [about it], Mr. Garrison."

What about the fabled anti-Castro training camp across Lake Pontchartrain that is so much a part of conspiracy lore? In the first place, Quiroga said, the "camp" was only in existence "for a short time. It was there a month or so," around August of 1963. He said a "famous" Cuban exile by the name of "Peneque" was the commandant of the camp, but "there were only about fourteen" Cubans being trained there. "There weren't many. There was just a few people, to blow up a couple of spots in Cuba. It was just [to be] a small assault." When four of the fourteen left the camp because a Castro spy was discovered in their midst and they got afraid, Quiroga paid for Greyhound bus tickets for the four to Miami.

Quiroga denied ever being at Mancuso's restaurant (on the ground-floor corner of the Newman Building) with Arcacha and Lee Harvey Oswald (as David Lewis told Garrison—see later endnote), insisting that "the first time and the only time" he had met Oswald was when he went to Oswald's house "to join his organization." (After Oswald's street confrontation with Carlos Bringuier on August 9, 1963, Quiroga, a friend of Bringuier's, volunteered to go to Oswald's home and feign interest in Oswald's Fair Play for Cuba Committee to determine just who

*Other witnesses have said the munitions were also stored for a time in Guy Banister's office (Hinckle and Turner, *Deadly Secrets*, p.230). Everyone agrees that the cache was meant to be used in the anti-Castro effort, and that it wasn't, but they don't agree on what happened to the cache. Quiroga told Garrison, "I'm the one who put the explosives in the trailer—U-Haul—to be sent to Miami." He claims the cache reached Miami, and the report he and his people got back from the Miami Cubans was that "the stuff that we had gave them, they said it was not good . . . Evidently they tried it at a camp to see if everything was okay." (HSCA Record 180-10101-10003, pp.16, 20) Others say the munitions made it to the hold of the *Santa Ana*, an old boat flying a Costa Rican flag, bound for Cuba, but the mission was aborted. (Davy, *Let Justice Be Done*, p.26)

Oswald was and what his motives were. Quiroga did that, learned that Oswald was married to a Russian and spoke Russian himself, and formed the opinion that Oswald was not actually intent on enlisting members into his organization.)

At first, Quiroga readily agreed to take a lie detector test, but when asked to do so a few days later, he declined. The last page of Garrison's interview with Quiroga says that his office intended to ask Quiroga at a later date to take the test, but it is not known if someone did, and if so, what Quiroga's response was. (HSCA Record 180-10101-10003, Transcript of interview of Carlos Quiroga, Jim Garrison, January 21, 1967, pp.6-9, 14-18, 20, 25-27; Quiroga goes to Oswald's door: HSCA Report, p.141)

1397 **ever knew each other:** And god knows Garrison made every effort imaginable to connect Oswald, Ferrie, and/or Shaw to each other. In the March 1, 1967, search of Clay Shaw's home in New Orleans by the New Orleans DA's office, among the items seized was a notebook of Shaw's that contained the entry "Lee Odum, P.O. Box 19106, Dallas, Texas." Garrison said that the same post office box number was written in the address book found in Lee Harvey Oswald's room at his Beckley Street address in Dallas after the assassination. (Jim Garrison, *On the Trail of the Assassins*, p.170) Voilà, a conspiracy. But actually, the page in Oswald's address book, which had many entries written and hand printed by Oswald in Russian, did not have a "P.O." before the number "19106," but rather two Russian letters that were Ds in English—hence, DD 19106. (Directly above this entry is another entry, "DD 10206.") (CE 18, 16 H 58) No one has figured out what Oswald was writing here in Russian.

Garrison made much of his discovery, claiming to the media that he personally had deciphered the numbers and they were a code for Jack Ruby's unlisted phone number in Dallas, WH (Whitehall) 1-5601. How did Garrison do this? Milton Brener, in his book *The Garrison Case: A Study in the Abuse of Power*, explains: "First . . . it was necessary to unscramble the numbers by selecting the nearest digit, then the farthest digit, then the next nearest digit, then the next farthest digit, and so on. When the process of unscrambling is applied to 19106, the number obtained is 16901 . . . When 1300 was subtracted from the unscrambled number 16901, the result was 15601 [the digits on Ruby's phone number] . . . The numbers corresponding to P and O on the [phone] dial are 7 and 6. They add up to 13. Garrison said that the only other two numbers on the dial that add up to 13 are 9 and 4, conveniently forgetting 8 and 5. The letters corresponding to 9 and 4 are WH, standing for Whitehall" (Brener, *Garrison Case*, p.204).

Clay Shaw's defense team pointed out that with Garrison's type of arbitrary juggling of numbers, any number could be converted into any other number. In a May 12, 1967, written response to a request by Clay Shaw's lawyers to have his notebook returned to him, Garrison argued that the page with the "P.O. Box 19106" entry was vital evidence and therefore should not be returned because of "the possibility it might be destroyed forever." The New Orleans court ruled in favor of Garrison, but the latter ended up electing not to present the evidence at Shaw's trial. The only inference that can be drawn is that as far-out as Garrison and his case were, even he (on his own, or yielding to the advice of his aides) came to realize that the five-digit numbers in Shaw's notebook and Oswald's address book were nothing but a coincidence, and didn't go anywhere.

It should be pointed out that there was, indeed, a person named Lee Odum in Dallas, who came to New Orleans in 1966 hoping to promote a bullfight there. The manager of the hotel where he was staying, the Roosevelt, gave him Clay Shaw's name as a good person to contact about his venture. Shaw, Odum said, "came over to the hotel and we talked for fifteen or twenty minutes . . . I gave him my address in Dallas [P.O. Box 19106]. The bullfight didn't come off and we never communicated again." (Flammonde, *Kennedy Conspiracy*, p.229)

The coup de grace to Garrison's theory regarding the number 19106, and that which probably convinced him not to introduce this evidence at the trial, was when Dallas postal authorities confirmed that the post office box number, 19106, didn't come into existence until 1965, two years after the assassination (Brener, *Garrison Case*, p.205).

In a similar vein, Garrison told the media that "if you look in Oswald's address book, you will see PE 8-1951 . . . Jack Ruby called that number twice. It is a number in Fort Worth . . . There was indeed a close relation between Lee Oswald and Jack Ruby." What Garrison, predictably, failed to say was that PE 8-1951 was the telephone number of a Fort Worth television station. (Epstein, *Assassination Chronicles*, p.189 footnote; *Los Angeles Free Press*, November 17, 1967)

1397 **a picture that shows:** Although the subject photograph did not depict Ferrie in the company of Shaw, at least the conspiracists came up with *a* photograph. Throughout the years several conspiracy theorists have alleged that they have seen photographs (even films) of Ferrie with Shaw, or Oswald, or the three of them together, or some other combination thereof, but not one of these photographs or films has ever surfaced. I can assure you that if any conspiracy theorist had seen such a photograph or film, he would have seized it at gunpoint (I'm joking to illustrate my point) and run off with it, and it would soon appear in papers throughout the country and on the cover (or very prominently therein) of all subsequent conspiracy books on the assassination. No one, not even conspiracy authors, takes these allegations seriously, the proof being that no reference is made to them in virtually all the conspiracy books on the assassination. Even the occasional book that does, mentions the allegation very briefly, and it's obvious from the context that the author certainly is not relying on the allegation in any meaningful way to make his case of a conspiracy in the assassination.

1398 **Louis Ivon:** In telephone conversations with Louis Ivon on May 31 and December 20, 2000, he told me that only he had the conversation with David Ferrie in the hotel room "a day or two" before Ferrie's death. Contrary to the movie *JFK*, he said neither Jim Garrison nor anyone else was present. I went down the list of the statements attributed by Oliver Stone to Ferrie in the movie. Yes, Ivon said, Ferrie said, "I know Oswald. I taught him everything," but Ivon said he didn't know if Ferrie was talking about his teaching Oswald in their Civil Air Patrol unit or what. (The reader should be reminded that according to virtually everyone else who spoke to Ferrie, such as the FBI, the media, and even Garrison's assistant prosecutor, John Volz, Ferrie said he did not know Oswald. In fact, in Garrison's own book, *On the Trail of the Assassins*, he doesn't quote Ivon as telling him that Ferrie had admitted knowing Oswald to him. Are we to believe that Ivon kept this a secret from his boss, Garrison?) I asked him if Ferrie could have been bragging. "He could have been. He bragged a lot." When I asked for an example, he said Ferrie claimed

that when New Orleans Mafia chieftain Carlos Marcello was deported to Guatemala, he, Ferrie, “had enough contacts high up in our government” to let Marcello come back to America. (In other words, Ferrie must have had higher contacts than the president’s brother, RFK, who had Marcello deported.)

“No,” Ivon said, Ferrie did not tell him that he knew Shaw and that Shaw had him “by the balls” because of compromising photos Shaw had of him. Did Ferrie say, as Stone had him saying in the movie, that he, Shaw and Oswald were all members of the CIA? “No,” Ivon replied. What about Ruby being a “bagman for the Dallas mob”? “Yes,” he said. Of course, by 1967, the belief that Ruby was connected with organized crime—indeed, had “silenced Oswald for the mob”—was a part of the American vernacular.

In the movie, Stone also has Ferrie telling Garrison, “This [case] is too big for you.” Did Ferrie say this? I asked Ivon. “Yes, he had told me this same thing on several occasions.” But if Ferrie believed, as most Americans did, that the CIA or mob, et cetera, was behind the assassination, it would not be noteworthy or indicative at all of complicity in the assassination for Ferrie to say that the local DA’s office in New Orleans did not have enough heavy guns to get to the bottom of the matter. What about the main thing Ferrie says in the movie (in response to Garrison’s asking him who killed Kennedy) that would clearly be highly incriminating: “The shooters don’t even know. Don’t you get it?” “No,” Ivon said, “he never said anything like that to me.” When I told Ivon that the movie created the unmistakable impression that Ferrie was implicitly confessing in the hotel room to his involvement in the assassination, and asked him if he had that impression when he was listening to Ferrie in the room, he responded, “No, I wouldn’t say that.”

In response to my questions, Ivon, who until 2000 continued to work as an investigator under then DA Harry Connick Sr., said he handwrote a page and a half memorandum of his hotel room conversation with Ferrie and turned it in to Garrison. Could he furnish me with a copy of his memo, I asked. No, he said, he did not make a copy, which, he said, was typical for him, and the original has “disappeared.” He said he also verbally told Garrison about the conversation.

No wonder Garrison never quoted (or even referred to the memo by) Louis Ivon in his book. There was little in it worth quoting.

1400 **started the investigation of him:** David Ferrie was also dragged into the assassination by one Richard Giesbrecht. In a 1967 feature article in the Canadian magazine *Maclean's Reports*, Giesbrecht, a Winnipeg salesman, claimed that around 2:45 p.m. on February 13, 1964, he was seated at his table in the Horizon Room lounge at Winnipeg’s International Airport sipping a 7-Up and planning his sales pitch for his client, who hadn’t yet arrived. While waiting, he overheard a very disturbing conversation taking place between two men, who gave the impression of being homosexual, at an adjacent table. One of the men, he said, had “the oddest hair and eyebrows I’d ever seen. The eyebrows were wide and sort of streaky. The hair was very shiny and it started quite far back on his head.”

Giesbrecht, a Mennonite, was only able to hear bits and pieces of the conversation over the airport’s piped-in music and the muffled shriek of engines coming through the nearby twin-panel windows, enough to conclude that the two men were discussing the Kennedy assassination in a way that seemed to implicate them. From the conversation, Giesbrecht said he “got the impression that a man named

Isaacs was to have been the assassin* or one of them, but that he had taken on Oswald to do the dirty work. In the opinion of these two men Oswald was a psycho,” and one of them wondered how Isaacs had gotten “mixed up with a psycho like that.” The man with the funny hair and eyebrows wondered how much information Oswald had passed on to his wife or, for that matter, anyone else.

When Giesbrecht noticed that he was being stared at by an “ugly” man with a “flat, fighter’s nose” sitting alone across a corner of the lounge, he got spooked, left his table, and sought out the Royal Canadian Mounted Police (RCMP) at the airport, but when he was walking up the steps to their office, he was confronted by the same man, facing him on the stairs and still staring at him. Geisbrecht immediately turned around and went in search of a telephone. Finding one in a bank of phones, he started to call the RCMP but when he saw the man had followed him and was only a yard away, he hung up the phone, lost his pursuer in the crowd, and eventually left the airport.

Giesbrecht eventually talked to an FBI agent named Merle Nelson about his airport experience, and, per Giesbrecht, Nelson told him, “This looks like the break we’ve been waiting for,” but a few months later he claims Nelson told him to forget the whole thing, that “it’s too big” and “we can’t protect you in Canada.” Translation: per Giesbrecht, there *was* a conspiracy in the assassination, the FBI knew about it, and the FBI was covering up for the president’s killers.

*Remarkably, conspiracy author Dick Russell postulates that perhaps “Isaacs” was one Harold Isaacs, who in 1963 was a research associate at MIT’s Center for International Studies in Boston, which some claim was a CIA think tank (Wise and Ross, *Invisible Government*, p.243), though Isaacs was an avowed Communist. What does any of this have to do with Oswald, Ferrie, or the assassination? Russell points out that Oswald’s New Orleans’s cousin, Marilyn Murret, was a well-traveled woman who had taught school in many grade-level subjects in several countries, including Japan and Singapore. Since Isaacs, way back in 1931–1936, had worked as an editor for a radical leftist paper in China that supported the Communist uprising of Mao in China, maybe Murret’s and Isaacs’s paths had crossed. (After all, China isn’t too far from Japan and Singapore, is it?) Russell then tosses out the possibility that Isaacs met Oswald through Marilyn Murret. Translation: If Isaacs was supposed to kill Kennedy, maybe it was his friend Marilyn Murret who suggested that he, Isaacs, could get her cousin Lee to do the job. Such insanity was aided by the fact that Russell found an FBI document that he claims said that Marilyn Murret “was linked in some manner with the apparatus of Professor Harold Isaacs.” But Russell, trying to show Murret was with the CIA (and hence would not likely be conspiring with a Communist), managed to deliberately mislead his readers twice in one short sentence. He said the “linked” language was in “the FBI’s *statement*,” when actually the FBI was merely reporting what a news columnist told the FBI he “believed” but hadn’t yet confirmed. (The columnist also made the false accusation that Marilyn Murret was among the nation’s “most wanted” defectors.) And Russell blithely deleted the word “Communist” before the word “apparatus” in the FBI report.

Russell goes on to say that Lonnie Hudkins and William George Gaudet (who, we know, are not two of the most reliable people associated with the assassination inquiry—see earlier discussion in text and endnote), though not claiming that Murret knew Isaacs, suggested she worked for the CIA. (Russell, *Man Who Knew Too Much*, pp.119–123; “linked” language: FBI Record 124-90080-10027, May 7, 1964, pp.3, 5; FBI Record 124-90080-10028, May 7, 1964, p.1; Isaacs an avowed Communist: FBI Record 124-10032-10195, FBI interview with Harold Isaacs on May 22, 1964, p.2)

The FBI was unable to establish any connection between Marilyn Murret and Harold Isaacs, and none has ever surfaced. But personally, I don’t have too much trouble with Professor Harold Isaacs being designated by Ferrie and his co-conspirators to kill Kennedy (I mean, some professors are very angry people), though somehow the connection between Marilyn Murret, a CIA agent, working hand in hand on the plot to kill Kennedy with Isaacs, a radical leftist and supporter of Mao, gives me pause. What I also wonder about is this: Unless Marilyn was part of the original plot to murder Kennedy (or actually, even if she weren’t), when Isaacs disobeyed the instructions of the conspirators and decided to get Oswald to do the killing for him (presumably at Marilyn’s suggestion), wouldn’t Isaacs have first gone back to Ferrie, Shaw, and the other conspirators to get approval for Marilyn’s suggestion? Just wondering. I’ve asked this question so many other times in this book—Is there any end to the silliness of the conspiracy theorists?—and the answer is always no.

On February 23, 1967, a little over three years later, Giesbrecht said he was visiting a friend in a hospital when he saw a newspaper photograph of David Ferrie, and it rang a bell that Ferrie was the man with the funny hair and eyebrows at the airport. With the help of two articles written about Giesbrecht and his allegation in the *Winnipeg Free Press*, Garrison's office got in touch with him and expressed "extreme interest" in what he had to say. Indeed, Garrison himself spoke personally to Giesbrecht and said he wanted Giesbrecht to testify at Clay Shaw's upcoming trial, which Giesbrecht was more than willing to do. Giesbrecht was excited, saying, "I've had three years of feeling like a little child that wants to convey something, and nobody's listening," including the FBI. ("Did This Man Happen upon Kennedy's Assassins?" pp.1-3)

But alas for poor Richard, neither, in the end, did Garrison and his people want to listen. The most effective debunker of looney allegations in the Kennedy assassination is, ironically, Jim Garrison. This is so because we know he called to the witness stand at Shaw's trial perhaps the worst group of witnesses ever called by any prosecutor in a criminal case. So if a witness couldn't make the cut *even* with Garrison, you know he had to be super goofy. We know that's the case with Giesbrecht because whatever Garrison's team found out about his story (among many other things, perhaps that Ferrie was proved to be somewhere other than Winnipeg on February 13, 1964), Garrison did not call poor Richard to the stand at Shaw's trial, obviously feeling he would hurt the prosecution's case with his nonsense. In fact, Garrison was so contemptuous of Giesbrecht's story that he didn't devote one single sentence or word to him in his book, *On the Trail of the Assassins*, and he is very rarely mentioned in other conspiracy books.

One fairly insignificant footnote to the Giesbrecht story: In his November 1967 interview in the Canadian magazine, *Maclean's Reports*, he said that in the conversation between Ferrie and the other man at the airport, he didn't see the second man's face because the latter's back was to him. Fine. But when author Paris Flammonde called Giesbrecht in 1967, after Giesbrecht said that even though he saw the one photo of Ferrie three years later he was "a hundred percent" sure Ferrie was the man at the airport, and Flammonde asked him if he had any idea who the man with Ferrie was, he answered, "No comment." (Flammonde, *Kennedy Conspiracy*, pp.31-32) No comment? I don't know what a psychiatrist would say about such a response, but one thing we can all agree on is that in the context of Giesbrecht's story and his willingness to identify Ferrie and his not seeing the second man's face, it was a very strange and inappropriate comment. Why not just tell Flammonde, "No, I didn't see his face"?

One part of Giesbrecht's fairy tale was true. An agent out of the FBI's Grand Forks, North Dakota, office, Merle E. Nelson, did indeed interview him. The interview took place on February 27, 1964, and Nelson said that he at no time made the remarks Giesbrecht attributed to him. He said he contributed no information to the interview and offered no opinion. His participation in the interview consisted solely of asking direct, pertinent questions. The special agent in charge of the Minneapolis office of the FBI, in a December 1, 1967, Airtel to FBI headquarters, wrote, "Since I feel any denial on our part would only give more publicity to the ridiculous comments of this individual [Giesbrecht], no further action is recommended." (FBI Record 124-10056-10361, December 1, 1967, pp.1-2; see also CD 645, pp.1-6; FBI Record 124-10056-10375, January 15, 1968, pp.1-2)

Giesbrecht, who had a minor criminal record of an arrest for “break, enter, and theft” in 1951 and a conviction for assault in 1954, was described by the manager of a TV station in North Dakota, to whom Giesbrecht persistently tried to peddle his story, as a “beer-drinking type, childlike, and one who felt he could possibly obtain some money from his story.” Giesbrecht eventually got his story published in the United States in the January 28, 1968, edition of the *National Enquirer* under the caption “Suppressed JFK Murder Evidence.” (Criminal background of Giesbrecht: CD 645, p.5, March 6, 1964; description of Giesbrecht: FBI Record 124-10042-10119, May 5, 1964, p.2; *National Enquirer*: FBI Record 124-10054-10075)

- 1402 **Ferrie being murdered:** In the early-morning hours of February 23, 1967, about twelve hours after David Ferrie’s body was found, the body of Eladio “Yite” del Valle, a Cuban congressman and Havana city councilman during the Batista years who later became a Florida-based militant anti-Castro exile, was found by Miami police in his Cadillac parked in a shopping center. He had been shot through the heart and his head split open from a machete-like blow. (Homicide report of Miami Police Department, February 23, 1967; Committee to Investigate Assassinations, *Assassination of JFK by Coincidence or Conspiracy?* pp.303–304) Book after book on the assassination has claimed that del Valle was an associate of Ferrie’s who had paid Ferrie \$1,500 a mission to fire-bomb Cuba, and suggests del Valle and Ferrie were silenced by the same group of assassination conspirators. But no evidence has ever emerged that Ferrie and del Valle even knew each other. At the time of del Valle’s murder, Garrison’s office was *reportedly* trying to locate him in its ever-widening investigation. Garrison doesn’t even mention del Valle in *On the Trail of the Assassins*, and in his October 1967 *Playboy* interview, says, “I haven’t been able to check out del Valle’s involvement with Ferrie” (“Playboy Interview: Jim Garrison,” p.176).

A murder of a Ferrie associate that conspiracy theorists have unsuccessfully sought to connect with Ferrie and JFK’s assassination is that of New Orleans Dr. Mary S. Sherman. Sherman was a partner in Dr. Alton Ochsner’s New Orleans cancer clinic, and because of Ferrie’s own abiding interest in finding a cure for cancer, they became casual friends. A fifty-one-year-old widow who lived alone, she was found murdered in her St. Charles Avenue apartment on July 21, 1964. The police report said, “This subject was stabbed to death, then her body was set afire at her apartment on the above date by some unknown subject or subjects” (New Orleans Police Department Report G-12994-64, July 21, 1964). Two follow-up homicide reports on October 29 and November 3, 1964, shed no further illumination on the case except that her body was nude and there was no sign of a struggle or forced entry into her apartment. (Benson, *Encyclopedia of the JFK Assassination*, pp.236–237) The homicide remains unsolved to this day.

- 1402 **Banister’s office:** Two ex-marine brothers, Dan and Al Campbell, did various investigative jobs for Guy Banister, though the time Dan did is not clear. Dan Campbell told the New Orleans DA’s office that it was in the summer of 1963. And he told author Anthony Summers that it was his brother Al who brought him into the Banister operation. But Al told Summers that he did not work with Banister that summer. In any event, Dan Campbell told the New Orleans DA’s office in 1969 that he did not know Clay Shaw or David Ferrie, and although Oswald’s face looked familiar to him, he couldn’t place it. *But ten years* later he told Summers that one

day he saw Oswald using the phone in Banister's office. That's progress. His brother Al said that he (Al) worked for Banister "around 1958 and 1959, and again around 1962 and 1963," but never told the New Orleans DA's office or Summers that he had ever seen Oswald in Banister's office. No one but a conspiracy theorist like Anthony Summers could get excited enough about Dan Campbell's statement to devote even one word to him. (Memorandums of interviews of Dan and Al Campbell by New Orleans assistant district attorney Andrew Sciambra on May 14, 1969; Summers, *Conspiracy*, pp.293, 590 note 81)

- 1403 **Martin's allegations:** Jack Martin (true name, Edward Stewart Suggs) was a self-styled expert on electronic eavesdropping who described himself as an author, former newspaperman, professional soldier, adventurer, and philosopher (*Washington Daily News*, March 6, 1967). He was also a part-time detective who claimed to be an ordained American Orthodox Catholic bishop. He had been charged with murder in Houston in January of 1952 and was arrested in Dallas, but the charge was dismissed in August of 1957. Martin had a history of making wild accusations. For instance, he told HSCA investigators in 1977 that the FBI had moved David Ferrie's body from its original grave, and that John Dean, of Watergate fame, had framed New Orleans DA Jim Garrison. (HSCA File 005206, Interview of Jack Martin by HSCA investigators on November 22, 1977, pp.1-2; murder charge: Memo from D. K. Rogers of the Dallas Police Criminal Intelligence Section to Captain W. F. Dyson, Administration Services Bureau, July 6, 1967) On January 5, 1966, he told an associate in his Catholic Orthodox church, that he, Ferrie, and Oswald used to live together. The associate told the FBI that in July of 1961, on the recommendation of "Bishop Martin," he and Martin had "consecrated Ferrie as a bishop" in the church, but Ferrie was "deposed as bishop in January 1962 when it was learned he had been discharged from his position with Eastern Airlines because of homosexual activity." (FBI Record 124-10040-10310, FBI interview of Carl John Stanley on March 2, 1967)

On November 25, 1963, Martin told the FBI that when he was watching TV in New Orleans after the assassination (what day was not given), one of the local people being interviewed about Oswald said he believed Oswald had been in the Civil Air Patrol (CAP) with David Ferrie. When he heard this, he said he "flipped" and started putting two and two together. Ferrie and he used to be friends, and Martin recalled that Ferrie had once told him he taught the CAP cadets how to shoot weapons. He also recalled seeing two years earlier a foreign-made rifle in Ferrie's home that was similar to the one Oswald had used. He surmised that perhaps Ferrie had taught Oswald how to shoot the rifle he used to kill Kennedy, and that the rifle Oswald used could have even belonged to Ferrie. He also knew that Ferrie was an amateur hypnotist and it was his idea that Ferrie may have hypnotized Oswald and planted a posthypnotic suggestion that he kill Kennedy.

Before talking to the FBI, Martin had reported (again, day was not given) what he knew about Ferrie, as well as why he believed Ferrie may have been involved in the assassination, to station WWL-TV in New Orleans and to a Major Trosclair of the New Orleans Police Department. On Sunday, November 24, he called an assistant district attorney he knew, Herman Kohlman, and also gave him this information, adding that he believed Ferrie had been communicating with Oswald concerning the distribution of some unidentified literature. (FBI Record 124-

10053-10253, FBI interview of Jack Martin by SAs Regis L. Kennedy and Claude L. Schlager on November 25, 1963, pp.1-2; FBI Record 124-10053-10236, FBI interview of Jack Martin on November 27, 1963, pp.1-2; contacted Kohlman on November 24: CD 87, p.2, Control Number 620, Secret Service Report of December 13, 1965, in which J. Philip Stein, Kohlman's former roommate, clearly recalls a person calling him on a Sunday afternoon looking for Kohlman; the alcoholic Martin said he called Kohlman on November 23 [FBI Record 124-10053-10236, p.1]) Martin, fantasizing even further, told the DA's office he felt Ferrie had probably been the scheduled getaway pilot for the assassination, and when Garrison learned that Ferrie had left for Texas (Houston and Galveston) with two of his young male friends on the day of the assassination, ostensibly on a mini-vacation, Garrison thought he had something.* But Garrison confirmed that Ferrie was seen in New Orleans after 12:30 p.m. on November 22, and hence, Garrison himself conceded that Ferrie couldn't have left for Texas until some time on November 22 *after* the shooting in Dealey Plaza, thereby foreclosing his being scheduled to be a getaway pilot. (Garrison, *On the Trail of the Assassins*, p.6)

Ferrie had been working as an investigator assisting attorney G. Wray Gill in Gill's defense of New Orleans Mafia chieftain Carlos Marcello on immigration charges that Marcello had obtained a fraudulent Guatemalan birth certificate, committed perjury when he denied being responsible for the bogus certificate, and illegally reentered the country after being deported. The case went to trial in New Orleans, and coincidentally, Marcello was acquitted of the charges on the day of the assassination. The HSCA also investigated the matter and found that several people, "including Marcello, Marcello's lawyer, the lawyer's secretary, and FBI agent Regis Kennedy, supported Ferrie's alibi" that he was in a federal courthouse in New Orleans on the day of the assassination awaiting the jury verdict in the Marcello case, which didn't come in until 3:20 p.m. (Dallas time). (10 HSCA 105; *New Orleans States-Item*, November 23, 1963) So much for Jack Martin's getaway pilot theory.

After celebrating Marcello's victory at the Royal Orleans Hotel, Ferrie and two of his young friends, Al Beauboeuf (around twenty years old) and Melvin Coffee (around twenty-six), drove to Texas, leaving around 9:00 p.m. for Houston, not Dallas (10 HSCA 113). The FBI confirmed from telephone records that Ferrie made a call from Coffee's home in New Orleans to a skating rink in Houston around 6:30 p.m. (Lambert, *False Witness*, pp.26, 278 note 9; CD 75, p.288, FBI interview of David Ferrie on November 25, 1963, see also CD 87, p.4, Control Number 620, Secret Service Report of December 13, 1965) And Chuck Rolland, the manager of the Winterland Skating Rink in Houston, confirmed to the FBI that Ferrie had called him from New Orleans on November 22, asking him for the skating schedule at the rink (FBI Record 124-10263-10460, FBI File 62-2115-143, November 28, 1963, pp.1-2). Per the registration card at Alamotel in Houston, the three men checked into room 19 at 4:30 a.m. on November 23 and left

*Because of Martin's allegation, two detectives from the New Orleans Police Department immediately went out to the New Orleans airport to check on Ferrie's plane. "His plane was not in flyable condition," Detective Frederick O'Sullivan told the Warren Commission. "It had flat tires, instruments missing" (8 H 30).

between 8:00 and 9:00 p.m. on November 24 (most likely November 23).^{*} While at the motel Ferrie made five phone calls, four to New Orleans (two to radio stations, one a collect call to the Town and Country Motel, the New Orleans headquarters of Carlos Marcello), and one local call to the Gateway Roller Rink. (FBI Record 124-10263-10460, FBI File 62-2115-143, November 28, 1963, p.1; 10 HSCA 113)

Beauboeuf was a medal-winning roller skater but he had never been on ice skates before. When New Orleans DA detective Louis Ivon and Assistant DA John Volz asked him on December 15, 1966, "Who suggested the trip?" Beauboeuf said, "I think it was me. I made the suggestion to go ice-skating." Their original plan was to go to Baton Rouge, he said, but when they learned the rink was closed, they decided on Houston, which, though 350 miles away, had the closest open rink. (Lambert, *False Witness*, pp.26, 295 note 13) On the afternoon of November 23, all three men skated at the Winterland Skating Rink, though Ferrie did so only long enough, per Beauboeuf, to show Beauboeuf "he could do it." That night, they drove to NASA's Manned Space Craft Center in Houston, and then drove a hundred miles to Galveston,[†] checking in to the Driftwood Motor Hotel at 11:00 p.m. and leaving at around 10:00 the following morning, November 24, for the return drive to New Orleans. (FBI Record 124-10263-10460, FBI Files 62-2115-142, -143, and -144, November 28, 1963)

Along the way, Ferrie, who had been trying to reach Gill to find out if Gill needed him back in New Orleans on Monday for the start of another trial, called his apartment in New Orleans and was told by Layton Martens, his houseguest, that he was

^{*}The check-in and check-out times for the Alamotel in Houston, and the next hotel the three stayed at, the Driftwood Motel in Galveston, are in direct conflict. The FBI's check of the Alamotel registration records showed that the three men checked out between 8:00 and 9:00 p.m. on November 24. This is most likely a motel or an FBI error. After spending the whole day in Houston on November 23, there is no evidence in any of the records that they spent another full day there before leaving for Galveston on the evening of the twenty-fourth. Moreover, hotel registration card 38063 at the Driftwood Motel in Galveston shows Ferry and his two friends checked in at 11:00 p.m. on November 23 and checking out around 10:00 a.m. on November 24. This would be much more consistent with the rest of the evidence, including Ferrie returning to New Orleans on November 25, and he and his attorney appearing at the New Orleans DA's office at 4:30 p.m. (10 HSCA 113; FBI Record 124-10263-10460, FBI File 62-2115-142, November 28, 1963, p.1; returning to New Orleans on November 25: 10 HSCA 113; FBI Teletype, November 26, 1963 to Director from SAC New Orleans, p.16; JFK Document 003840; see also FBI Record 124-10263-10460, FBI File 62-2115-144, November 28, 1963, p.1)

[†]That same night (Saturday, November 23) at 11:44 p.m., Jack Ruby placed a two-minute call to Galveston to one Breck Wall, a friend and entertainer. Wall's show in Dallas had suspended its performance out of respect for President Kennedy, so he had gone to Galveston in the late afternoon with his partner, Joe Peterson, to stay overnight at the home of Thomas McKenna and his wife. Wall had lived with the McKennas when he first came to Dallas, and they had moved to Galveston. Wall was the president of the Dallas office of the American Guild of Variety Artists (AGVA), and he testified before the Warren Commission that Ruby called him to determine whether or not AGVA had met concerning a dispute Ruby was having with the union. (WR, p.350; 14 H 605, WCT Breck Wall [Billy Ray Wilson]) Now, Galveston is a city approaching a hundred thousand people, and there's no evidence that David Ferrie knew or ever met Breck Wall, or that Breck Wall would have had any reason to be involved in the murder of President Kennedy. Moreover, we know whom Ruby called in Galveston, and it was not Ferrie. But because Ruby placed a call to a *city* where Ferrie also happened to be, the conspiracy theorists predictably can't help but feel this is a very suspicious circumstance, confirming what we already know—that Garrison's "propinquity" theory is not indigenous to him. "Ferrie had arrived in Galveston just before the arrival in town of Ruby's friend Breck Wall and just before the phone call to Galveston that *Ruby found it so vital to make that night*," Anthony Summers writes in *Conspiracy* (Summers, *Conspiracy*, p.459). "Investigators noted that Ferrie had arrived in Galveston just before one of Jack Ruby's friends, Breck Wall, arrived in Galveston," writes John Davis in *Mafia Kingfish* (Davis, *Mafia Kingfish*, p.213).

“being implicated in the assassination of President Kennedy.” When he finally reached Gill, Gill told him that Jack Martin had been the source of the allegation against him and that the police wanted to ask him “some questions” about the assassination. When he arrived in New Orleans that Sunday, November 24, he noticed all the people and cars around his apartment and suspected the police were inside. He called his apartment and, he said, “some dumb ox” answered and tried to “suck him into a conversation.” Ferrie hung up and spent the night at a friend’s home in Hammond, Louisiana. (Memorandum from Andrew Sciambra and Louis Ivon to Jim Garrison on February 28, 1967, re: their interview of David Ferrie on February 18, 1967) Meanwhile, the police arrested Beauboeuf at his apartment and Martens at Ferrie’s. The next day, November 25, Ferrie went to Gill’s office and then, accompanied by Gill, surrendered to the DA’s office (CD 75, p.292, FBI interview of David Ferrie on November 25, 1963; 10 HSCA 113), where he was interrogated by several members of Garrison’s staff, including First Assistant DA Frank Klein and Garrison himself.

Garrison found it suspicious (under his propinquity theory) that Ferrie drove to Texas (which is, after all, contiguous to Louisiana) on the day of the assassination to go ice-skating, particularly when they had to drive through inclement weather—a rain storm. But as Beauboeuf told author Patricia Lambert, he and Ferrie were accustomed to *flying* through storms, so “*driving* through one was no big deal” (Lambert, *False Witness*, pp.44, 295 note 14).*

Although Garrison had no evidence to connect Ferrie to the assassination, because he found Ferrie’s Texas trip “curiously timed,” and Ferrie’s answers to his questions about it not particularly “forthcoming,” Garrison ordered that Ferrie be arrested and booked at the New Orleans Police Department’s First District Police Station as a “fugitive from Texas” and to be held there “for questioning by the FBI.” (A fugitive from what crime? The only implication was the murder of the president. But Texas had no warrant out for Ferrie’s arrest for Kennedy’s murder.) (Garrison, *On the Trail of the Assassins*, pp.5–7; CD 75, pp.285, 292, FBI interview of David Ferrie on November 25, 1963, at First District Police Station, Interview of David Ferrie by New Orleans assistant DA John Volz, December 15, 1966, p.7)

The FBI and Secret Service immediately investigated Ferrie’s possible involvement in the assassination, interviewing not only Ferrie, Beauboeuf, Coffee, and Ferrie’s roommate, Layton Martens, but also motel clerks, the manager of the skating rink, et cetera, and obtained a record of all the telephone calls Ferrie made that weekend from the skating rink and the motels in Houston and Galveston, such as the two calls he made trying to reach attorney Wray Gill. Within a matter of days, both the FBI and Secret Service concluded that there was no foundation for Martin’s allegation that Ferrie may have been involved in the assassination, and he was released. (HSCA Report, p.145) Garrison accepted the FBI’s conclusion and his

*Though Garrison doesn’t say it in his book, there have been references through the years in the conspiracy literature and in Oliver Stone’s movie *JFK* that Ferrie told the DA’s office that he and his two friends went goose or duck hunting on the trip. But in a September 13, 1994, interview with author Gus Russo, Beauboeuf said, “While we were on the road, I suggested we go deer hunting, not duck hunting, in Alexandria, Louisiana. I had plenty of relatives in the area from whom we could borrow rifles if we needed them. We ended up not hunting after all” (Russo, *Live by the Sword*, pp.566–567 note 37).

office's companion probe of Ferrie also ended at that time. (Garrison, *On the Trail of the Assassins*, pp.10–11) But as we know, that was not the end of it.

One footnote to the above was Martin's claim to authorities that Oswald had Ferrie's library card in his possession at the time of his arrest, and had used the card to obtain books from the New Orleans Public Library (Lambert, *False Witness*, p.199; see also 10 HSCA 113). No such library card of Ferrie's, we know, was found in Oswald's possession at the time of his arrest or at any other time. When the FBI interviewed Ferrie on November 25 and 27, 1963, he himself brought up Martin's allegation and said that the allegation was untrue and that his library card—which along with other possessions of his was in the custody of the New Orleans Police Department following his arrest earlier on the day of November 25—“had never been out” of his possession. (CD 75, p.294, FBI interview of David Ferrie on November 25, 1963; see also FBI Record 124-10007-10080) Moreover, between May 22 and September 19, 1963, Oswald, an avid reader, checked thirty-four books out of the New Orleans Public Library using his own library card, number N8640 (CE 2650, 25 H 928–930). So why would he want to use someone else's card when he had his own? Nonetheless, if we're to believe Oswald's New Orleans landlady, Ferrie came by around 9:00 p.m. on the evening of the assassination and said to her, “I came here to find out what's all this about Lee Oswald, that they found my library card on his clothes in his pocket?” She said she told him, “I'm not interested in that. You just go on and worry about your business. I don't know a thing about that . . . I [told him] ‘Get out.’” (HSCA Record 180-10104-10364, Testimony of Lena Garner before the HSCA on May 5, 1978, pp.20, 23) Although this may have happened, it is not the most believable of stories. We know that Ferrie left New Orleans for Houston with two of his friends around that very same time on the night of the assassination. (The HSCA suggested that Garner may have been mistaken—that “Ferrie may have come by her house on a later date” [10 HSCA 122 note 208].) Garner's story is indirectly supported (but not as to the date of its occurrence) by a statement made to the New Orleans DA's office in 1968 by a neighbor of Oswald's, Mrs. Doris Eames. She said that Ferrie had come by her house after the assassination inquiring if her husband (who apparently worked at the library) had any information regarding Oswald's library card, which he did not. (10 HSCA 114)

Author Anthony Summers raises a question about Garner's overall credibility when he quotes her as telling him in 1978 that while Oswald lived in her rooming house in New Orleans, he was under heavy surveillance by the FBI in “a car which used to park there at night and watch him and the house” (Summers, *Not in Your Lifetime*, p.218). In her forty-five pages of testimony before the HSCA that same year, she says an FBI agent only came to her house one time to inquire about Oswald, and she never even vaguely indicated any heavy surveillance of him or any car being parked near her home watching Oswald, things she likely would have mentioned if they had happened (HSCA Record 180-10104-10364, Testimony of Lena Garner before the HSCA on May 5, 1978, pp.1–45). Two things we do know: One, Ferrie himself has admitted that with the allegations being made against him, he decided to conduct his own investigation of the charges because he didn't have much faith in the court system and distrusted Garrison's investigation (Memorandum of interview of George Lardner by William Gurvich of the New Orleans

DA's office on February 22, 1967, p.4). Two, if Ferrie came to Oswald's former home, there is an answer to New Orleans prosecutor James Alcock's rhetorical question, "How did David Ferrie know where Lee Harvey Oswald lived in New Orleans?" in his summation at the Clay Shaw trial (Kirkwood, *American Grotesque*, p.431). Garner told the HSCA that *before* Ferrie came to her home on the subject night, "the news media" started "coming to my door" in a "steady stream" to talk to her (HSCA Record 180-10104-10364, Testimony of Lena Garner before the HSCA on May 5, 1978, pp.19, 22, 32).

Returning to the subject of Jack Martin, for some inexplicable reason, on November 26, 1963, the FBI informed the Secret Service that when it interviewed Martin on November 25 he admitted that all the information he had furnished the media and authorities about Ferrie's possible participation in a plot to kill Kennedy was a "figment of his imagination" (HSCA Report, p.145; CD 87, p.5, Control Number 620, U.S. Secret Service report, New Orleans, December 13, 1963). But as the HSCA said, "The FBI overstated Martin's recantation" (HSCA Report, pp.145, 145 note 28). Actually, there wasn't even a recantation. The FBI report of its interview of Martin on November 25 carries no hint of recantation. Martin merely said that the charges he had made against Ferrie were only "suspicions" on his part—that is, he had no evidence to support them. He went no further; indeed, he suggested that the FBI should investigate Ferrie because he "could" be involved in Kennedy's death. (SSCIA Record 157-10003-10041, FBI interview of Jack Martin on November 25, 1963, pp.1-3) However, on November 29, Secret Service agents John Rice and Anthony Garrets interviewed Martin in his small rundown apartment in New Orleans and wrote in their report that Martin "recalled having seen rifles in Ferrie's home and also recalled that [Assistant DA Herman] Kohlman [a former journalist] had written an article on Ferrie and that Ferrie had been a Marine and had been with the Civil Air Patrol. Martin stated that after turning all these thoughts over in his mind he had telephoned Herman S. Kohlman and told his story as though it was based on facts rather than on his imagination" (CD 87, p.5, Control Number 620, Secret Service Report of December 13, 1963, referring to November 29, 1963, interview of Martin). Though there is no way of knowing, it's possible this could have been sloppy writing by the Secret Service agents who wrote the report, being influenced in their characterization of what Martin told them by what the FBI had erroneously told these same agents Martin had told them.

We know that as late as 1977, Martin gave HSCA investigators the same story about believing the rifle Oswald used to kill Kennedy "might have belonged to Ferrie," adding the allegation he first told Garrison in 1966 (the one Oliver Stone ran with in his movie) that he had seen Oswald with Ferrie in Guy Banister's office (HSCA Record 180-10080-10208, Interview of Jack Martin by HSCA investigators on December 5, 1977, pp.2-3).

The belief persists in the anti-conspiracy community that Martin admitted he made everything up (e.g., Posner, *Case Closed*, p.428). Since it was all drivel, he could just as well have admitted doing so, but it's not clear from the record that he did.

In using Jack Martin (played by Jack Lemmon) to his powerful advantage in his

movie, Oliver Stone wasn't satisfied with Martin's obvious lie about seeing Oswald and Ferrie (Stone added Shaw) together in Banister's office. He has a scene where Martin and Banister (played by Ed Asner), on the evening of the assassination, return to Banister's office after a hard night of drinking. Banister, apparently intending to get some more hooch out of a file cabinet, notices that the cabinet is slightly open. He yells at Martin in slurred speech, "Who the hell opened my files? You've been looking through my private files, haven't you, you weasel?" Martin slurs back, "You may not like this, chief, but you're beginning to act paranoid. I mean, you really are." Banister, getting even more steamed: "You went through all my files to see what was going on. You're a goddamn spy." Martin: "Goddamn it, chief, why would I ever need to look in your files? I saw enough here this summer to write a book." Banister: ". . . What do you mean, you son-of-a-bitch?" Martin: "You know what I mean. I saw a lot of strange things going on in this office this summer. And a lotta strange people" (the clear implication, and the inference Stone obviously wants his audience to draw, being that Martin had seen Oswald, the presidential assassin, meeting in Banister's office with his [Oswald's] two co-conspirators, Ferrie and Shaw), whereupon Banister, cursing and in a state of rage, takes his revolver out and strikes Martin hard in the temple, knocking Martin down. "You didn't see a goddamn thing, you little weasel," he yells at Martin. "You didn't see a goddamn thing."

The only problem with this physical confrontation between Banister and Martin, which actually took place, is that it almost assuredly had nothing to do with Banister suspecting Martin of looking into his files for incriminating evidence on the Kennedy case or any other case. Martin, after being pistol-whipped by Banister, called the New Orleans Police Department from his home around 8:45 p.m. and reported being beaten. Lieutenant Francis Martello and two patrolmen went to Martin's home, and based on what Martin told the police, Martello typed up a report on the incident, which was classified as an "aggravated battery." The report says that after having drinks at the Katz & Jammer Bar, located at 540 Camp Street, around 5:00 p.m. on the day of the assassination, Martin and Banister went back to the latter's office, where they "became involved in various discussions about personal and political subjects. The discussion led to some long distance telephone calls that were allegedly made by Jack Martin, and Banister accused Martin of making some unauthorized telephone calls and ran his telephone bill up . . . Jack Martin denied that he had made" the calls. "The discussion became heated and Martin stated that Banister told him, 'Don't call me a liar.' Martin replied that he was not calling him a liar. Banister became enraged and drew a .357 S & W Magnum revolver from his holster and holding it by the butt struck Martin about his head five or six times . . . When Martin started to bleed, Banister stopped hitting him . . . Martin then went to Charity Hospital and received treatment," then went home and called the police. "When asked if he wished to prefer [sic] charges, Martin stated that he did not as Banister was like a father to him, that he could not put him in jail and they had been friends for a long time." The police took Martin to the Baptist hospital, where his injuries were photographed. Martin had "three small lacerations on the forehead and one laceration on the rear of the head." Martello's report says he went to Banister's office on November 25 "concerning the complaint of Jack Martin, and

Mr. Banister stated that he would not comment about this matter upon advise [*sic*] of his attorney . . . Due to the victim, Jack Martin, not wishing to press any charges against Mr. Banister, he was not arrested.” (New Orleans Police Report K12634-63, November 25, 1963, pp.1-2)

Shortly after the incident, Martin told Joe Newbrough, a part-time investigator for Banister, that Banister had beaten him over the long-distance telephone calls (JFK Document 009113, HSCA Outside Contact Report on interview of Joseph Newbrough on April 10, 1978, p.1). But Jim Garrison, in *On the Trail of the Assassins*, claims that one day in his office in the autumn of 1966, which was three years later, Martin, apparently for the first time, told him that Banister had actually beaten him over Martin’s allegedly snooping into his files. “I told him I remembered the people I had seen around the office that summer,” Martin said. (Garrison, *On the Trail of the Assassins*, pp.3, 33-35) Since Garrison thought the incident was important enough to devote several pages in his book to, including the second page of his book, and since the New Orleans DA’s office reduced to memorandums the interviews they conducted with hundreds of witnesses, a great number of which were on matters much, much less significant than this, it is worth noting that no record has ever surfaced of this alleged interview of Martin by Garrison. But even assuming, for the sake of argument, that Martin did tell Garrison this, we know that Martin has no credibility. And between the two stories, one he gave to the police right after the incident (and shortly thereafter to Newbrough), and one three years later, by which time Martin had told many contradictory stories about the assassination and had already been found by the authorities to be completely unreliable, it would easily seem that Martin’s story to the police on the evening of the incident would be the more reliable.

Garrison’s corroboration for Martin’s version of events was only partial and came from a totally discredited source (see later endnote), Banister’s secretary, Delphine Roberts. In 1978, long after Garrison’s version of the event (as allegedly told to him by Martin) was out, Roberts, who knew Martin, told the HSCA that she saw the whole event, and that Martin was behind a railing where the files were kept. About the time she told him not to go there, Banister walked in (it had been believed that Banister and Martin returned to the office *together* from the bar) and the two exchanged words (she didn’t say over what), whereupon Martin punched Banister, and it was only then that Banister drew his gun and beat Martin. After Martin left the office bleeding, she says, Banister looked up the Oswald file, which was in her desk because she hadn’t “mounted and indexed” it yet. The file on Oswald contained news clippings and had not yet been placed with the other files on Communists Banister kept in the office. She said Banister told her not to talk to anyone about Oswald. She said that earlier, Banister, an ardent anti-Communist like her, became aware that Oswald passed out pro-Castro leaflets with the address of 544 Camp Street on some of them and had said at the time, “How is it going to look for him [Oswald] to have the same address as me?” She told the HSCA that Banister told her many times that he believed there had been a conspiracy to murder Kennedy—as most Americans also believed at the time, and still do. (HSCA Record 180-10097-10214, p.3; HSCA Record 180-10078-10089, pp.3-4)

For a few years (1966–1968), primarily at the beginning of Garrison's investigation of Shaw, Martin's phony stories were augmented by one David Lewis, a young roustabout and express handler for the Continental Trailways bus line in New Orleans who was discharged from the military for psychiatric reasons. Lewis was a protégé of Martin's and actually lived with him for awhile, vigorously competing with his mentor as to who could be the most unreliable. But not to Garrison, inasmuch as when he started his investigation the "Martin and Lewis" show was literally all he had. The same month (December) in 1966 that Martin told Garrison about seeing Ferrie and Oswald in Guy Banister's office, Lewis told the New Orleans DA's office that "in the late summer of 1963" he stopped by Mancuso's restaurant, which was adjacent to Banister's office, and saw Sergio Arcacha, "Carlos" (presumably Carlos Quiroga, an anti-Castro Cuban), and a man Carlos introduced to him as "Lee Harvey" (whom Lewis identified from photos as being Lee Harvey Oswald), having coffee together. But Lewis was just getting warmed up. He said that one day around that same time while he was in Banister's office (he said he worked as a "leg man" for Banister's detective agency), he saw David Ferrie in Banister's office with a third man, who "may have been Lee Harvey Oswald," and that although he never saw Oswald and Ferrie together, one time when he went to Ferrie's apartment a man was there that "looked like Lee Oswald." (HSCA Record 180-10070-10357, Interview of David Lewis by New Orleans DA investigator Louis Ivon on December 15, 1966; HSCA Record 180-10070-10356, Signed statement of David Lewis to DA's office on December 15, 1966)

On January 20, 1967, the month after his statement to the DA's office, Lewis claimed he was shot at in front of the Royal Orleans Hotel by a Cuban in a passing car who "could have been Quiroga." When he failed a lie detector test, he said he made the story up because he thought it would please Garrison. (Brener, *Garrison Case*, p.74; Signed statement of David Lewis given to New Orleans DA's office on January 22, 1967) The following month Lewis announced to the media that Garrison's investigation "is definitely not a hoax. There was a plot. I know about it. And I know the people who were involved" (*New York World-Journal Tribune*, February 22, 1967)

In late February of 1967, Lewis told Art Kevin, a television reporter for KHJ-TV in Hollywood, California, that he had furnished to DA Garrison the names of "twenty to twenty-six" individuals involved in a conspiracy to murder Kennedy, but did not tell Kevin who these people were (FBI Record 124-10040-10259, March 7, 1967, p.2). But to other people around the very same time, Lewis said he had the names of "five" people involved in the conspiracy ("Says 5 Aided Oswald," *Washington Daily News*, February 20, 1967; FBI Record 124-10058-10085, February 27, 1967, p.1). Bob Guzman, a New Orleans private eye who knew Lewis, described him as an "uneducated, completely incompetent, detective-happy" individual. He said when Lewis got a twenty-five-dollar check from Banister for his part-time work, he immediately proceeded to buy a seventeen-dollar shoulder holster. He then purchased a plastic pistol from Woolworth's department store and started to flash the holster and plastic gun around town. (FBI Record 124-10048-10494, March 22, 1967)

White House correspondent Merriman Smith, to whom Lewis tried to sell his

story for a thousand dollars, described Lewis as a man “who should be locked up since he appears to be a dangerous mental case.” *Yet, to repeat, Lewis and Martin were the two witnesses who launched Garrison on his investigation of the assassination of President Kennedy!* Only good things could be expected to flow from an investigation that had such a distinguished ancestry. In 1968, Lewis and Martin capped their madcap intrusion into the Kennedy assassination when they authored two affidavits (February 20 and March 1, 1968) totaling forty-nine pages, which they furnished to Garrison and in which they suggest that British spy master Kim Philby, assisted by the influence he exercised over Robert Kennedy, and through international intrigue involving Cuba, Guatemala, and France, was behind the assassination. (Philby was the Soviet mole in British intelligence who was exposed in 1951 and booted out of Washington, where he had been the British liaison to the CIA. He ended up defecting to the Soviet Union, which acknowledged his presence there in July of 1963.) (FBI Record 124-10073-10072 [the two affidavits]; FBI Record 124-10073-10055, FBI internal memo from W. A. Branigan to W. C. Sullivan of April 12, 1968; FBI Record 124-10048-10494, March 22, 1967)

Lewis’s credibility was so nonexistent that Garrison never called him to the witness stand at Shaw’s trial and didn’t even mention his name once in *On the Trail of the Assassins*.

1404 **corner of Camp and Lafayette streets:** In the movie, Jim Garrison notes ominously to his two assistants that across from 544 Camp Street is the U.S. Post Office and that “upstairs, in 1963, was the Office of Naval Intelligence [ONI]. And just by coincidence, Banister, before he was FBI, was ONI.” There is no evidence that Banister was ever an ONI agent.

The conversation among Garrison and his two assistants suggested to the audience that Oswald was a U.S. intelligence agent. Oswald’s alleged connections with the CIA and FBI have been discussed earlier in the main text. With respect to the Office of Naval Intelligence, Oswald’s ONI file of thirty-six, mostly one-page documents contains nothing that even remotely hints of a relationship between the ONI and Oswald, and no other evidence has ever emerged connecting the two. On September 21, 1964, Rear Admiral Rufus Taylor, the director of Naval Intelligence, sent an affidavit to the director of the Defense Intelligence Agency (DIA) of the Department of Defense stating that “Lee Harvey Oswald was never utilized as an agent or informant for the Office of Naval Intelligence.” (Final Report of the ARRB, p.98)* Indeed, the earliest document in Oswald’s ONI file is a one-page cable from the U.S. embassy dated October 31, 1959, on Oswald’s attempt to renounce his citizenship (ONI Record 173-10011-10171). We know that no Oswald file had ever been set up to receive this document because an April 6, 1964, FBI report reads that “on November 2, 1959, we determined through liaison with the United States Navy Department that the files of the Office of Naval Intelligence (ONI) contained no record of Oswald” (CE 2718, 26 H 92; see also FBI

*On this same day, Robert McNamara, the secretary of defense, forwarded a similar affidavit to the Warren Commission that Lee Harvey Oswald had never been an informant or agent of *any* intelligence agency under the jurisdiction of the Department of Defense. Two days earlier, Major General Edgar C. Doleman, assistant chief of staff for Army Intelligence, sent a memorandum to the director of the DIA that “there is no record that Lee Harvey Oswald was ever an Army Intelligence Agent or Informant.” (CE 3138, 26 H 819–821)

Record 124-10010-10005). The following day, November 3, the naval attaché at the American embassy in Moscow cabled the chief of naval operations at the Pentagon about Oswald's attempt to renounce his U.S. citizenship and his offer to furnish the Soviets information he possessed on U.S. radar (CE 917, 18 H 115). The last two documents in Oswald's ONI file are dated on the day of the assassination (ONI Record 173-10011-10041 and ONI Record 173-10011-10034). One is a brief summary of what ONI had heard from other sources as to the facts of the assassination, including misinformation such as Oswald's rifle being found "on a back stairway" in the Depository Building. The document also contains the curious statement that Oswald's half brother Edward J. Pic "is said to be wild and crazy," a characterization I had not heard before. Most documents in the ONI file are merely routine routing slips or copies of documents available from other sources, such as Oswald's January 30, 1962, letter to the then secretary of the navy John Connally requesting that Connally set aside what Oswald erroneously believed to be his dishonorable discharge. (ONI Record 173-10011-10136; see also Folsom Exhibit No. 1, 19 H 713)

Inasmuch as Oswald was a marine, and the Marine Corps was* a branch of the U.S. Navy, a small Warren Commission omission is that it probably should have taken the testimony of someone from ONI.

ONI came up when the HSCA investigated an allegation by a former Marine navigator named Larry Huff that on December 14, 1963, he was on a flight with ten to twelve military investigators that left the Kaneohe Bay base in Hawaii for Tachikawa, Japan, the closest landing base to Atsugi, where Oswald was stationed. Per Huff, the investigators went there to investigate Oswald's stay at Atsugi. He says he dropped the investigators off, returned to Hawaii, then went back to Japan in the latter part of December to bring the investigators back to Hawaii. En route back, Huff claims that the investigators showed him their report, which was classified "Secret, for Marine Corps Eyes Only," and the report's conclusion was that Oswald was incapable of committing the assassination alone. Although the HSCA was able to confirm the flights from Kaneohe Bay to Tachikawa, the committee could find no documentary support, or support of any other kind, for the mission Huff claimed. Among those interviewed was Lieutenant General Carson A. Roberts, who was in charge of the base at Kaneohe Bay at the time. He said he knew of no military flights or investigations by military or civilian personnel connected with the assassination of President Kennedy that emanated from his base. Also, Lieutenant Colonel Bill Brewer of the Intelligence Division of Marine Corps headquarters told the HSCA that his office conducted no such investigation, saying it wouldn't have even had jurisdiction to do so. And one Roy Elmquist of ONI told the HSCA that the only investigative request his office received that had any bearing on the assassination concerned the death of Martin Schrand, who served at the Cubi Point Naval Air Station in the Philippines at the same time Oswald had in 1958. ONI's conclusion was that Schrand died an accidental death from a gunshot wound while on guard duty (see earlier endnote).

Huff's story sounds fictitious on several grounds, the main one being that there

*Today the Marine Corps is a branch of the U.S. military, not the U.S. Navy, although it still falls under the U.S. Department of the Navy.

is absolutely no corroboration for it. If such a mission had taken place, all types of documents would have been generated, and they were not. But there are other problems with Huff's story. His wife, not Huff, contacted the HSCA about his story, which he then reiterated. Also, George Moffitt, a military friend of Huff's at El Toro Marine Base, said Huff, whom he liked, had a mental problem in the past. (Huff had told the HSCA that Moffitt told him that a group of military investigators had also left El Toro for Dallas to conduct an investigation, but Moffitt told the HSCA he never told Huff any such thing.) Further, if the report Huff claims he saw was classified "Secret," why would the investigators let him, merely the navigator of the plane, read it? Finally, the report's conclusion from talking to people at Atsugi that Oswald was "incapable" of committing the assassination alone sounds ludicrous on its face, not being the type of conclusion that any responsible investigative team would reach. (11 HSCA 541-549; JFK Document 014615, HSCA deposition of Larry Cecil Huff on May 9, 1978)

- 1404 **544 Camp Street:** In 1978 the HSCA revisited the 544 Camp Street issue. But other than the thoroughly discredited Jack Martin, the only person who put Oswald in Banister's office for the HSCA was Banister's bantam (four feet ten inches tall) secretary and purported mistress, Delphine Roberts, someone so flaky that the defense at the London trial didn't dare put her on the stand, though she was eager to testify. Roberts told author Gerald Posner that she was related to the "King and Queen of Wales [*sic*] and Mary Queen of Scots," as well as "being one of the very few, since the beginning of the world, who has ever read the Sacred Scrolls that God himself wrote" (Posner, *Case Closed*, p.140). In a February 7, 1986, telephone interview with a staff researcher for London Weekend Television, she said that in 1960 she tried to have a flagpole (for the American flag) erected in a square in New Orleans, and none other than Fidel Castro came up to her booth where she was soliciting support. In a July 6, 1978, interview with the HSCA she said that Castro and his number-one man, Che Guevara, walked by the booth in early 1961 or 1962. But there is no known record of Castro coming to the United States after his visit here in April of 1959. The racist and staunchly antisegregationist Delphine, who was a member of the white supremacy southern group White Citizens' Council, believed that Franklin Roosevelt's wife, Eleanor, was a Negro, and the two of them had gotten the United States into the United Nations (not even in existence at the time of the Roosevelts), an organization whose charter was based on the Communist manifesto. (HSCA Record 180-10097-10214, July 6, 1981, pp.1-3)

But it wasn't just because Delphine was daffy that the HSCA concluded it could not rely, without corroboration, on her word about Oswald being in Banister's office. You see, when Robert Buras, an HSCA investigator, first interviewed Miss Roberts in New Orleans on July 6, 1978, she told him she "never saw Oswald in person." But when Buras reinterviewed her the following month, on August 27, 1978, she told him that she had interviewed Oswald for a position as an investigator for Banister, that on a later occasion Banister introduced her to Oswald and his wife, Marina, and that Oswald came to the office "several" times and went right into Banister's office. (HSCA Record 180-10097-10214, Interview of Delphine Roberts by Robert Buras on July 6, 1978, p.3; HSCA Record 180-10078-10089, Interview of Delphine Roberts by Robert Buras on August 27, 1978, pp.1, 3; 10 HSCA 129) But Mary Brengel, who worked as a secretary in Banister's office

between June and December of 1963, said she never saw Oswald in the office at any time (Transcript of "Who Was Lee Harvey Oswald?" *Frontline*, PBS, November 16, 1993, p.21; 10 HSCA 128). It seems that sometime in 1978 (author Anthony Summers doesn't say when in 1978 he interviewed Roberts), Roberts went beyond what she told the HSCA, telling Summers that Oswald had an office right above Banister's, and Banister took her to Oswald's office several times to show her all the material on Cuba there (Summers, *Conspiracy*, p.295). But Roberts later told Posner that "I didn't tell him [referring to Summers] all the truth," suggesting she told him what she did because he paid her five hundred dollars for a television interview (Posner, *Case Closed*, pp.140-141). And way back in 1967, when Garrison was desperately trying to connect Oswald with Ferrie and Shaw, and the three of them with Guy Banister's office, Roberts, in a long statement to the DA's office, followed by questions from Louis Ivon, spoke of seeing all types of people in Banister's office, including David Ferrie, but said nothing of seeing Oswald and Shaw there. (Statement of Delphine Roberts to New Orleans DA's office, January 19, 1967)

The HSCA interviewed six former employees of Banister's, and none had ever seen Oswald in Banister's office or in any other place in the Newman Building. One of those employees, Joseph Newbrough Jr., worked with Banister as a private investigator from 1958 until Banister's death in 1964, almost the entire period of time that Banister had his detective agency, and he told the HSCA that he had never seen Oswald except in the media. And Jack Mancuso, owner of Mancuso's Coffee Shop on the ground floor of the Newman Building, said that Banister, Ferrie, and Jack Martin were "steady" customers, but could not recall ever seeing Oswald in the restaurant. (10 HSCA 125, 128-129; HSCA Record 180-10072-10214, HSCA interview of Joseph Newbrough Jr. on April 10, 1978, p.2)

For his part, after the assassination Banister told his brother, Ross, a Baton Rouge attorney, that he had only seen Oswald pass out Fair Play for Cuba literature on the streets of New Orleans (HSCA Record 180-10082-10170, HSCA interview of Ross Banister on February 20, 1978, p.2). And Ivan E. "Bill" Nitschke, a former FBI agent who knew Banister in the bureau and worked on two cases for Banister during a very brief period in 1960 while awaiting employment with the National Aeronautics and Space Administration at Michoud in New Orleans, told the HSCA that he was in Banister's office once in the summer of 1963, and someone (he did not know who) had "brought to" Banister two or three "pro-communist handbills" that someone (presumably Oswald) was "passing out" on the streets, and he "gathered from the conversation [between Banister and his associate Hugh Ward] that it wasn't well-received or accepted by one or both of them." Question: "There was some source of irritation?" "Yes, there was." Nitschke said he never saw Oswald in Banister's office, only in the media. (HSCA Record 180-10092-10462, HSCA deposition of Ivan Nitschke, July 31, 1978, pp.5, 8, 10, 12-13, 36-41)

The only other person who possibly connects Oswald to Banister, though he doesn't claim to have seen the two in each other's presence, is a former investigator for Banister, George Higgenbotham. Higgenbotham told a DA investigator during a series of interviews on April 12, 16, and 17, 1968, that one time he was kidding Banister about sharing a building with people passing out leaflets on the street, and Banister said, "Cool it. One of them is one of mine." Note that there's no reference to Oswald, or what the leaflets even said, and Banister and Higgenbotham

were talking about more than one person passing out leaflets, whereas Oswald, with the exception of the time in front of the Trade Mart, was the only known person passing out Fair Play for Cuba leaflets. Further, Higgenbotham worked for Banister in 1960–1961, and Oswald wasn't even in New Orleans during this period, though Higgenbotham continued to have some social contact with Banister after that. The information Higgenbotham furnished the DA's office, possibly because he was facing a charge of marijuana possession, was further suspect. For instance, he said a fellow gay (Higgenbotham was gay), Eddie Porter, told him that Oswald was a "hustler" on Royal Street. The DA investigator (whose identity is not clear from the two-page, typewritten document) who interviewed Higgenbotham also obviously had questions about the latter's credibility, saying that "much of what George said was difficult to orientate," adding that "I was never sure whether what he said was meant to be bait or not."

The HSCA said that although it was unable to trace or recover all of Banister's files, a partial index of the files was made available to the committee by former DA Jim Garrison, and the index "did not include the name of Lee Harvey Oswald or the Fair Play for Cuba Committee." The HSCA concluded that it "could find no documentary proof that Banister had a file on Lee Harvey Oswald nor could the committee find credible witnesses who ever saw Lee Harvey Oswald and Guy Banister together." (10 HSCA 131)

1407 **Willie O'Keefe:** Stone has said that in addition to Perry Russo, O'Keefe was a composite of two other men, each of whom was a homosexual hustler—David Logan and Reverend Raymond Broshears.

1408 **"Smoke Gets in Your Eyes":** We all know that when we expect more of someone, we become more disappointed when that person fails. That is how I feel about Joan Mellen and her 2005 book about Jim Garrison and the Clay Shaw case, *A Farewell to Justice*. Since I already knew that Clay Shaw had as much to do with the Kennedy assassination as the actor Clark Gable did, I also already knew that any new book saying he did, and Jim Garrison was right, had to be, by definition, the equivalent of a press release from the Flat Earth Society. Nonetheless, since Mellen is a professor of English at Temple University, had worked on her book for eight years, and claimed to have conducted over one thousand interviews, and the entire conspiracy community was dry-washing its hands waiting for all the new promised "revelations" in her book, I assumed her final product would at least raise an eyebrow here and there, be scholarly in the sense of being fair, and not be overly silly. But I was wrong: Mellen's book is dreadfully bad on all counts.

All the completely discredited witnesses, even mental cases, who had made bizarre allegations years ago in the Shaw case, *even those who had been rejected by Garrison himself* and not called to the witness stand (e.g., Richard Nagell, Fred Lee-mans, June and Richard Rolfe, Jules Kimble, the Reverend Clyde Johnson, Jack Martin, Richard Giesbrecht, and many more), were actually, per Mellen, telling the truth. In other words, the culturally genteel English professor who doesn't have one day, one hour of experience in law enforcement was able to look back, *over thirty years later*, and, *in effect*, tell Garrison and his legal staff that she knew more about the case than they, and she was able to determine the credibility of these people better than they. She doesn't expressly say this, but this is precisely her point, if we're to believe the essential theme of her book. Mellen makes an anemic effort

to explain why Garrison didn't call some of these witnesses to the stand, coming up with all types of excuses (e.g., some of them had prior records) that would never have deterred Garrison if he thought they were believable.* In this same regard, she also clearly and deliberately misleads her readers. For instance, she indicated that the reason Garrison never called Nagell to the stand was that although he could have identified both Oswald and Clay Shaw as CIA agents (wouldn't that have been extremely helpful to Garrison, all by itself?), he would not name the government organization he had worked for in 1963 (easily explained to the jury because Nagell claims to have signed a nondisclosure agreement). But Ms. Mellen, was that the only reason why Garrison didn't call him to the stand? Don't you think you had the obligation to tell your readers that Garrison said Nagell's "account was not easy to digest" for him, and that he feared the defense would make Nagell look like "a crackpot"? (Garrison, *On the Trail of the Assassins*, pp.216, 267)

What Mellen did throughout her book is take the stories of all the wackos in the Shaw case, embrace and embellish them, and present them all over again, virtually never presenting any of the evidence previously gathered by the official record and a considerable number of other writers and authors demonstrating beyond all reasonable doubt that these people had no credibility.† This fact alone renders Mellen's book devoid of any credibility, and I will not dignify it by putting any of her allegations, and my response to them, in the main text. There have been several pro-Garrison books before hers, every one of them lacking in credibility, but hers is the very worst. Even William Davy's *Let Justice Be Done* is not as bad as Mellen's book, and that's saying something. Unbelievably, she tries to convince her readers that Jack Martin was, in the eyes of someone she spoke to, "entirely credible," and Garrison felt that unless Martin intended it otherwise, "almost always what Jack Martin told you checked out." How in the world could anyone, even Jack Martin's mother, say this about Martin? Mellen doesn't tell her readers, of course, why Garrison would have never dreamt of calling Martin to the witness stand. As noted in the main text, Lynn Loisel, one of Garrison's chief investigators (who didn't know Martin as well, apparently, as Ms. Mellen did thirty years later), said, "Jack Martin? No, no, no. Phew . . . that sack of roaches . . . believe you me, anything that he said, 99 percent of it was checked out to be false, you know, made-

*For example, Vernon Bundy had a record, but Garrison believed his story and Bundy became one of Garrison's star witnesses at the trial. Mellen most likely got the idea about the excuse for Garrison not calling some of the witnesses to the stand from an interview Garrison gave to the *New York Times* two weeks after the verdict was reached, in which he gave the weakest excuses for losing a major case I've ever heard a prosecutor give. He lost for two reasons, Garrison said. One was a "tactical" error on his part to not put witnesses on the stand who had been "in trouble before." (If Garrison didn't know, prosecutors win a substantial percentage of their cases with such witnesses, the very type most criminal defendants hang around with.) His second reason or excuse was even more absurd, saying that the rules of evidence in our American court system restricted what evidence he could present (right, among other things, evidence has to be *relevant* to be admissible), but he did not elaborate on what he meant to the *Times*. (*New York Times*, March 15, 1969, p.20) How could he have without sounding foolish?

†For instance, in addition to the oddball witnesses mentioned earlier, if you read Mellen, all of the Clinton witnesses, none of whom could tell the same story twice, told the truth, and she presents none of the abundant evidence establishing they were not credible witnesses. Even poor Rose Cherami comes across as a completely truthful witness, and Mellen's readers would never know that Cherami changed her story every time she told it. Dean Andrews himself admitted that his story was a lie, but if you read Mellen's book, his whole story was the truth. (Mellen, *Farewell to Justice*, pp.205-235, 312)

up, lies, jealousy, everything else.” How can an author with any sense of literary scholarship or dignity try to misrepresent to her readers who Jack Martin was?

In fact, Mellen went far beyond what I have just said. She actually claimed that Jack Martin wasn’t even who he said he was, or whom everyone, including Mellen’s hero, Jim Garrison, and Oliver Stone thought him to be. He was really Joseph J. Martin, a former CIA agent who worked for the CIA between November 1950 and June of 1958, when he retired on disability. Indeed, Mellen says, Carl John Stanley, aka “Most Reverend Christopher Maria Stanley,” who knew Jack Martin, told the FBI that “John J. Martin” was an alias of Jack Martin.* Mellen claims that the New Orleans Martin never actually retired from the CIA, as the CIA said that Joseph J. Martin did, and was simply continuing to work for the agency in New Orleans on its plot to murder Kennedy.

Since it turned out that the real Joseph J. Martin, after he left the CIA, became an alcoholic who was mentally disturbed (just like the New Orleans Martin), and even expressed a dislike for John F. Kennedy, and since the height and weight of the two men were close enough (they even had mustaches), the CIA itself, though believing it was highly unlikely that its own Martin was the New Orleans Martin, decided to check it out. The agency concluded that its former agent, Joseph J. Martin (born in Cleveland in 1913), who lived in Washington, D.C. (his wife was a secretary for a Washington law firm), and the New Orleans Jack Martin (born in Phoenix in 1915) were different people. “No further checks necessary. Not identical,” a CIA employee, one B. Soles, handwrote on the bottom of a CIA report on the matter. (CIA Record 104-10300-10323, April 6, 1967) Of course, Mellen doesn’t tell her readers this. Neither does she tell them that Joseph J. Martin, the real CIA agent, Social Security number 285-09-5499, died in Washington, D.C., on October 24, 1975 (Telephone interview of CIA spokesperson Michelle Neff by author on November 18, 2005), whereas she herself has the HSCA interviewing the New Orleans Martin in 1978.

Mellen, with not an ounce of research to back her up, accepts without questioning that Oswald was innocent of killing Kennedy; that he, Ferrie, and Shaw were all CIA operatives; that they conspired to murder Kennedy; that Oswald wasn’t even a leftist, only posing as one; and that Oswald was working not only for the CIA and FBI, but also for U.S. Customs. Can you imagine that?

In her book of street gossip, rank rumors, and deception, Mellen also charges that the CIA and FBI joined together to subvert Garrison’s investigation and prosecution of Shaw, treating as criminal the CIA’s normal and proper effort to convince the media that Garrison’s charges that they were behind Kennedy’s murder were wrong, and as only an effort to prevent Garrison from proving that they, in fact, did have Kennedy murdered, something she accepts as a fact without pre-

*I know that the name Jack is a form of John, not a form of Joe, a different name. But because Mellen was filching the identity of CIA agent Joseph Martin, she apparently thought John was close enough, particularly since the middle initial, *J*, that the Reverend Stanley gave for Jack Martin’s alias John Martin (Jack Martin’s real middle initial was *S*) was the same as Joseph’s.

senting one single piece of evidence to support her position. She also claims that the CIA had nine CIA "plants" in Garrison's office, or infiltrating his investigation, including William Gurvich, Bill Boxley, Jack Martin, and Thomas Bethell, but presents no credible evidence that any of the nine were in fact CIA operatives (one of them, Boxley, was a former CIA agent, the very reason why Garrison wanted him as an aide) and that the CIA had "planted" them to obstruct Garrison's investigation. * She also alleges that the FBI installed a wiretap in Garrison's office. But

* Although there is no question that the CIA closely monitored the proceedings in New Orleans, including the trial, with two minor exceptions I am aware of (see below), the agency did not, contrary to Mellen, help the defense team. However, early on, although Shaw's lawyers felt he was innocent, "they were confused by the smoke screen Garrison was raising" and wanted to talk to "someone in government who could steer them" to the true facts of the case. An overture was made to the CIA on their behalf on September 18, 1967, by Herbert "Jack" Miller, Walter Sheridan's lawyer. The CIA spoke to the Department of Justice, which felt it indeed was "tempting" to try to help the defense but felt it was "rather dangerous." (CIA Record 104-10104-10309, Memorandum from Lawrence R. Houston, CIA General Counsel, to Executive Director-Comptroller, CIA, dated September 18, 1967, p.1) In a memorandum for the record a week later, Donovan Pratt of the CIA's Counterintelligence Research and Analysis staff said he agreed that helping the defense would be both tempting and dangerous. "Moreover, if Garrison learned of federal assistance to Shaw's lawyers, he'd play it to the hilt," adding that "we have little to say that is not in the report of the Warren Commission" anyway, and suggesting that Shaw's lawyers be told by Miller "that they study the first volume, at least, with care . . . if Shaw's lawyers are confused by Garrison's smoke screen, a careful study of the report ought to set them straight again." (CIA Record 104-10104-10299, September 25, 1967, pp.1-2; see also Memorandum from Lawrence Houston to CIA Director, October 2, 1967, HSCA/CIA Collection, box 85, National Archives)

Of the "two minor exceptions," one was indirect and involved an individual, Donald P. Norton, who claimed to Garrison's office that he was a former CIA employee who worked under the CIA's counterintelligence chief, James Angleton, and who alleged that on a CIA assignment he delivered a package of money to Oswald in Monterrey, Mexico. He said Oswald also was a CIA employee. The CIA chief of the New Orleans office wrote to CIA headquarters on September 15, 1967, saying, "I realize that we are taking a hands off policy" in Garrison's case, "but I just wonder whether or not the Agency would, in a case such as this, be in a position to deny that the man had ever worked for the Agency if this is the case, and I assume that it is." The CIA contacted its office of general counsel on September 18, 1967, saying, "We have been authoritatively advised that Donald P. Norton has falsely claimed affiliation with CIA," asking the general counsel's office what to do with the request from the head of its New Orleans office. (CIA Record 104-10189-10049, September 18, 1967) It is not known what advice the counsel's office gave on this matter or whether there was any follow-up, although a fair assumption is that there was. What is known is that Garrison never called Norton to the stand at Shaw's trial, proof that he believed that Norton's tale was patently untrue.

The second exception, the most explicit and direct one I am aware of, involved one Alfred Moran, a member of the board of Shaw's Trade Mart in New Orleans whose signature was reportedly on the same page of the guest book at the Eastern Airlines VIP lounge at New Orleans International Airport that contained the forged Clay Bertrand signature. Hunter Leake, a CIA agent working out of the New Orleans office, spoke to Moran at a cocktail party at which Mellen says that Moran told Leake that Shaw was Bertrand. Leake wanted to formally interview Moran on the matter. On November 30, 1967, CIA General Counsel Lawrence Houston wrote to the head of the New Orleans office giving his approval to Leake's request. Houston wrote, "Since Moran has in the past always been most helpful and cooperative with the Agency [as we know Shaw had been in his reports to the CIA's Domestic Contact Service], we believe in this case an exception might be made to the caveat on discussing the Clay Shaw case. It makes no sense for Clay Shaw to use the name Clem [Clay] Bertrand . . . so we assume they were two different people. But if Moran could confirm this it might be a very important point." Houston goes on to say that if Shaw and Bertrand were two different people, this fact could be furnished to Shaw's lawyer, Irvin Dymond, without Leake or the CIA being involved. (Letter from "Office of General Counsel" to "New Orleans," November 30, 1967, CIA Document 1993.08.10.17:16:57:750015, JFK box JFK37, vol./folder F20)

We can assume the above contact by Leake with Moran took place, and the information that Shaw was not Bertrand was probably furnished to Dymond, who most likely already knew it by then.

It should be noted that although the CIA established a policy of not helping Shaw's lawyers and getting involved in the case, and, except for some minor exceptions, for all intents and purposes adhered to that policy, the CIA's New Orleans station did monitor everything that was happening and sent its reports to CIA headquarters. See, for example, CIA Record 104-10105-10068, a memo from Lawrence Houston to the New Orleans station on September 29, 1967, advising them that the Department of Justice wanted to insure that

she doesn't tell her readers in the text that her only source for this allegation was the completely discredited William Walter, a clerk in the New Orleans FBI office who made up the story that there was an FBI Teletype that warned of the assassination. (See main text.) Walter was also the source for Mellen's assertion that the FBI had asked former FBI agent Raymond Beck to spy on Jim Garrison.

I got the sense in reading Mellen's book that she was the counterpart of Gerald Posner. Not in terms of credibility, since Posner's credibility far exceeds Mellen's. But in the sense that Posner and his publisher tried to convince their readers that he had solved the mystery of the Kennedy assassination that the Warren Commission couldn't, whereas Mellen, if we're to believe the thrust of her book, solved the case that Jim Garrison was trying to prove—that Oswald conspired with Shaw and Ferrie to murder Kennedy. In other words, both the Warren Commission and the FBI, and Garrison and his staff of investigators, were helpless in trying to prove their respective cases. The Warren Commission had to wait for close to thirty years for Posner to come along and figure everything out for it, and Garrison had to wait for over thirty-five years, when the trail was so cold there was ice on it, for the Temple college professor to prove everything he couldn't.

For instance, if Garrison and his staff, who lived in New Orleans, and were all members of law enforcement, couldn't find anyone other than Perry Russo to put Oswald, Shaw, and Ferrie together, or any two of them together, no problem. Mellen came up in 2002, over thirty years later, with a witness whose brother, a lawyer, told him that his client, a contractor, told him that he saw all three of them together at Shaw's home. I know it's multiple hearsay, but back then a subpoena to the contractor would have eliminated all the hearsay. Mellen also came up with a witness in 2001 who told her that he worked at a parakeet stand at the Old Pontchartrain Amusement Park, and one day Ferrie and Oswald came by the stand to throw a few nickels at the plates to win a parakeet, which they didn't. (God, Ms. Mellen, if they had, you could say that was the parakeet Oswald gave his mother.)

And Mellen found a witness who saw Shaw and Ferrie together in a lawyer's office just days before the assassination. In fact, she even found a witness who had a document with Ferrie's and Shaw's signatures on it. You see, Ferrie was broke and he needed to borrow four hundred dollars to rent a plane from a man to fly to Dallas for assassination preparations, but the man wanted more than Ferrie's sig-

"we not get involved" in some "possible provocative actions" occurring on the case at the time, but adding that "your reports on these episodes are most helpful."

Although, as we have seen, the CIA was very reluctant to get involved in the Garrison case, there is evidence that the U.S. Justice Department decided at one point to get involved in Shaw's New Orleans trial. When autopsy surgeon Pierre Finck testified that some army general was in charge of the autopsy (see discussion in main text of autopsy section), the Justice Department's Carl Eardley immediately dispatched fellow autopsy surgeon Thornton Boswell to New Orleans (Dr. James Humes's mother-in-law was ill so Humes couldn't go). He said he spent a part of the night at the U.S. attorney's office reading the transcript of Finck's testimony. In his testimony before the ARRB, Boswell is clear about going to the U.S. attorney's office but also says he "met somebody, some lawyer in another firm that night," which could have been a reference to one of Shaw's lawyers. Boswell said, "I spent two days down there and then came home, never appeared in court." He noted the obvious: "The federal attorney [in New Orleans] was on the side of Clay Shaw against the District Attorney." (Transcript of testimony of Dr. J. Thornton Boswell before ARRB on February 26, 1996, pp.10, 208-211)

nature on the promissory note, so Ferry got Shaw to cosign with him. So Shaw and Ferrie, per Mellen throughout her book, were working and conspiring with the CIA in the CIA's plot to murder Kennedy, but Ferrie has to borrow four hundred dollars to make a *needed* flight to Dallas before the assassination. How in the world do people like Mellen get their books published?

Garrison couldn't come up with anyone other than Perry Russo to say that Clay Shaw was Clay Bertrand. But Mellen had no trouble finding several such witnesses. "Shaw was indubitably Clay Bertrand," Mellen asserts. If you say so, Joan. My question is, Joan, where were you when Garrison needed you?

She could have really helped the HSCA also. The committee couldn't come up with any credible witnesses stating that Oswald knew Guy Banister (10 HSCA 131), but Mellen found several witnesses. In fact, she says, "Oswald set up shop at intelligence operative Guy Banister's establishment."

Where Mellen can't find some already well-known nut in the Garrison case to rely on or tell her what she wants to hear, she comes up with more obscure nuts, the most important of whom is a roustabout named Thomas Beckham. Beckham had nothing to volunteer to the Warren Commission so his name doesn't appear in its volumes. And the only mention of his name in the twelve volumes of the HSCA is when Marina Oswald is asked if she had ever heard of a series of names, one of whom is Beckham, and she said no (12 HSCA 397). And his name appears in virtually none of the books (pro- and anti-Garrison) written on the Garrison-Shaw case, including Jim Garrison's book. Indeed, the only two books I could find from a brief search that mention him is William Davy's *Let Justice Be Done*, where he is referred to once in his endnote section as a "Banister operative" (Davy, *Let Justice Be Done*, p.299 note 7), and Patricia Lambert's *False Witness*, where he is mentioned in a footnote as having been identified by one of the Clinton witnesses, who allegedly saw him in the black Cadillac (Lambert, *False Witness*, p.197 footnote).

Beckham wasn't left out because no one knew of him, but because no one before the extraordinarily perceptive Joan Mellen wanted to diminish or contaminate whatever they published on the case with anything he had to say. In 1977 and 1978 Beckham told the HSCA much of the same fabricated story he told Mellen when she caught up with him in 2002, and the committee predictably never published one word of it or even alluded to it. Mellen says "Tommy" was a protégé of Jack Martin (what a role model), and at times, because of his good strong voice, picked up a dollar or two singing and yodeling, being a Bourbon Street barker, and calling out bus departures at the Greyhound bus depot. Martin, a paragon of mental stability himself, thinks Tommy, who can't read or write,* isn't all there—a belief not decreased when Tommy was arrested for impersonating a priest.† Martin urged

*Mellen, who spent time with Beckham, and would have no reason to make him more insubstantial than he already was, says that in 1963 Beckham could "neither read or write" but had begun to learn "by reading the labels on liquor bottles." By the time he testified before the HSCA in 1978, fifteen years later, when he was asked, "Can you read and write?" he answered, "Uh-huh," adding unresponsively, "I speak Spanish." He said a friend of his had "taught me, you know, how to read." (HSCA 180-10104-10278, May 24, 1978, pp.71, 78)

†Beckham says that David Ferrie asked him if he wanted to be an ordained priest in the Catholic Church and run a "Church" that was being set up called the United Catholic Mission Fathers (also known as the United Cuban Mission Forces), which was actually being used to solicit funds for the anti-Castro effort. Beckham agreed and paid five dollars for his "ordination" papers, sent to him by someone in Toronto, Canada. (HSCA Record 180-10096-10254, HSCA interview of Thomas Beckham on August 18, 1977, p.2)

Tommy to commit himself to a psychiatric ward for help, which Tommy did for a while. It wouldn't be the last time he was in a mental hospital. By Beckham's own admission, he was "committed" to the Louisiana state mental institution in Mandeville "three times," the Charity Hospital mental ward in New Orleans once, and the federal mental hospital in Springfield, Missouri, once. (HSCA Record 180-10104-10278, Testimony of Thomas Beckham before the HSCA on May 24, 1978, pp.57-60) "Of course, I could be nuts," Beckham told HSCA investigators. "I'm not sure, but I don't think so" (HSCA Record 12110016, HSCA File 014888, October 9, 1977, p.15).

But if Tommy couldn't pass muster with the down-and-out alcoholic Martin, that didn't mean the U.S. government felt the same way about him. According to the story Tommy told only Mellen (that's the indication in her book), one day in the late spring of 1963 Tommy opened up his mail box and found an airplane ticket and instructions to proceed to the CIA training installation in Camp Peary near Williamsburg, Virginia. When he arrives there, he is subjected to all types of tests. He is also shown photos of Mao Tse-tung and Khrushchev and told, "These are leaders who at some time in the future might possibly have to be hit." In other words, the CIA is thinking about murdering Mao and Khrushchev, and one of its top candidates to do so is Tommy. (The CIA can always teach him Chinese to get Mao, and Khrushchev visits America at times, so Tommy can do the job without learning Russian.) He is also taught all types of things, like how not to leave a paper trail, how to walk without giving away who you are, and how to use guns. Tommy didn't tell the almost childishly gullible Joan Mellen what happened next. (I mean, did the CIA use Tommy on any clandestine mission, did they tell him to go back to work at the Greyhound bus depot, or what?) But he does give her a document he said was given to him by an associate of his, one Fred Lee Crisman (another flake who turns up in Kennedy assassination tales and UFO stories who convinced Beckham he was a CIA agent), a "government document," she assures her readers, that was "never meant to be seen." Purportedly from the "United States Army Air Defense Command," the document, which apparently resulted from Tommy's being tested at Camp Peary, describes him as someone who is expendable and "has no personal feelings as to killing and/or death, see Psychological Report." Then Mellen writes that "this revelatory and never-before-seen document [only you, Joan, were privileged enough and important enough to see it] reveals how military intelligence, the Army, and the CIA, working in concert, had set up a scapegoat. Should Oswald have broken away or turned, they had Beckham groomed and waiting in the wings as an alternative scapegoat to take the blame for the murder of John F. Kennedy."

What I want to know is just how Beckham fit into the assassination of Kennedy. According to Mellen, Beckham told her (and he told the HSCA in 1977-1978) that in the summer of 1963 he had attended several meetings where assassinating Kennedy was discussed—at a place in Algiers, a suburb of New Orleans, and at Carlos Marcello's Town and Country Motel in Jefferson Parish. He said he saw Shaw at some of the meetings, as well as Oswald (whom Beckham said he was good friends with, Oswald "always picking up the check"). Even Jack Ruby showed up at some of the conspiracy-to-murder-Kennedy sessions, and there was always a representative of organized crime present. (Beckham told the HSCA that David

Ferrie and G. Wray Gill were at the assassination meetings, though he never mentioned Ferrie being present at these meetings to Mellen, and said Gill never showed up.) Just before the assassination, Tommy says he was sent to lawyer G. Wray Gill's office. Gill is there with Clay Shaw, Jack Martin, and David Ferrie. One of them gives Tommy a large envelope containing photographs, maps, and "drawings of buildings, sketched in detail, with an automobile on the street below [undoubtedly, Kennedy's limousine, right?]. The view is from a high angle looking down." He is told to fly to Dallas and deliver it to a man at the Executive Inn whom he will recognize as having met at the "United Catholic Mission Fathers" in New Orleans. When he delivers the package to the man at the inn, he turns out to be Lawrence Howard (one of three men thought for awhile to have appeared at Sylvia Odio's door, before Loran Hall, one of the three men, admitted he made up the story). (Beckham tells same story to HSCA: HSCA Record 180-10082-10187, October 7, 1977, p.2; HSCA Record 12110016, October 9, 1977, pp.2-5; HSCA Record 180-10104-10278, Testimony of Thomas Beckham before HSCA on May 24, 1978, pp.31-35, 37-43) Kennedy was murdered within days thereafter. When Tommy, on the day of the assassination, tells a New Orleans member of the Ku Klux Klan, A. Roswell Thompson, that Tommy's friend, Oswald, "did it," Thompson said, "No he didn't. Two of *our* guys did."

Wait a while, Joan, you can't just leave it at that, as you do. I thought you said that "U.S. military intelligence, the Army, and the CIA, working in concert," were behind the assassination. Now it's the Ku Klux Klan? Just like that? With no explanation?

Getting back to Beckham's story, what he told the HSCA in 1977-1978 and Mellen for her 2005 book isn't what he told the Orleans Parish grand jury in 1968 when Garrison was preparing for his prosecution of Clay Shaw. Indeed, though it is not crystal clear, the most reasonable inference is that Beckham was in Mississippi, not New Orleans, during the period just before the assassination when he was supposedly flying to Dallas for the conspirators. And in the summer of 1963, if he was in New Orleans it was to visit his parents now and then, not to be a regular attendee of plots to murder Kennedy. Let's look at his testimony. Question by New Orleans assistant district attorney James Alcock: "You were here in 1963, is that correct?" Beckham: "That the time the president was killed, 1963?" "Yes." "My mother was living on Chef Menteur Highway. I think you called it Hollywood Trailer Park." "You living at that location then?" "*No. I was living in Mississippi then.*" He goes on to say he knew he was visiting his parents in New Orleans at the time of the assassination "because Mother had the television on when it happened and I went back there and she said the president is dead." "Prior to that, say the summer of '63, and the spring of '63, were you in New Orleans?" "Seems like it was forever ago. But I am pretty sure I was. Seems like it was forever though." (If it was "forever ago" in 1968, what was it like thirty-five years later when Beckham remembered everything so well in telling Mellen his story?) "Do you recall being in New Orleans in June of '63?" "It might have been . . . I don't know." "Where were you living in Mississippi?" "I was staying up there in a place called 'The Kerrymore,' a motel, it's on Highway 80. I was playing at a club called the 'Satellite.'" "You were coming into New Orleans off and on? To see your parents?" "Yes." Beckham said he was with a band touring Louisiana

and Mississippi. (Testimony of Thomas Beckham before Orleans Parish grand jury, February 15, 1968, pp.7–8)

Don't you think Mellen had the obligation to quote Beckham's testimony at least to the above extent? Instead, she merely tells her readers that Beckham lied before the grand jury about his education and whether or not he was living in New Orleans in 1963 because of his fear of retaliation if he told Garrison the truth, and the fear Garrison might prosecute him "for criminal conspiracy" to kill Kennedy. But with respect to the latter, since murder has no statute of limitations, why wouldn't he have had that same fear when he testified to all these things before the HSCA in 1978?

At the grand jury, Beckham testified he was not in Dallas in 1963 (in which case he could not have been a courier for the conspirators as he later told the HSCA and Mellen he was), only being in Dallas once in his life, in 1966. He also said he had only met David Ferrie once in his life, and had never met, at any time, Jack Ruby, Clay Shaw, or Lee Harvey Oswald. (Testimony of Thomas Beckham before Orleans Parish grand jury on February 15, 1968, pp.15, 25, 85, 88, 148, 151)

According to Mellen, HSCA investigators who interviewed Beckham completely believed his later story to them and he even passed a polygraph test, but their superiors, including G. Robert Blakey, the HSCA's chief counsel, told them to back off because they were getting too close to the assassination for, she says, "the compromised CIA controlled [House Select] Committee" by questioning a witness (Beckham) with "CIA connections," and because they had gone far beyond the intent of the HSCA to only connect organized crime, no one else, with the assassination. Can you imagine that? According to the incredible Mellen, now Blakey and the HSCA are part of the cover-up.

Mellen is so totally irresponsible that she even claims that Bobby Kennedy, the president's own brother, did "everything in his power to destroy Jim Garrison's investigation." His reason? Because of "his own complicity in Castro's planned assassination" and "his acquaintance with the people" who murdered his brother. In other words, he knew who murdered his brother, but because he was their acquaintance, and because of his being part of the plot to kill Castro (Mellen confuses Operation Mongoose, the effort to overthrow Castro, with the separate effort to kill him), he made an "active effort to sabotage Jim Garrison's investigation and . . . to assist the CIA in its coverup" of the assassination. Of course, despite the blizzard of citations Mellen throws at those checking her work, she has none to support these wild charges.

By the way, Mellen says the assassination spooked Tommy and he told Mellen he left town, but before he did, Jack Martin told him, "There's \$8,000 in your post office box" for his Dallas assassination courier service.

Mellen says that after the assassination, Beckham was "penniless." Joan, please. According to you, he had just gotten \$8,000—at least the equivalent of \$25,000 today. How could he be penniless so soon? Did he take all of his friends at the Catholic Mission to a full-course dinner at Antoine's? With breakfast at Brennan's? Even if he did, wouldn't he still have a lot left over? In any event, Tommy made ends meet, according to Mellen, by joining a carnival and riding a stripped-down motor bike inside a drum with the centrifugal force holding him up. Quite a step down for someone the CIA was once grooming to get rid of Mao

and Khrushchev. But hey, life's a struggle, and Tommy was just trying to make his way in the world.

Mellen doesn't tell her readers that even Jack Martin, who was, per Mellen, Beckham's mentor and someone she claims was credible, thought that Beckham, the hero of her book, was of bad character and a liar. "You couldn't believe a word he said," Martin told an HSCA investigator. But Joan Mellen did—hook, line, and sinker. And when the investigator checked with Jim Garrison, Garrison told him that Beckham had nothing of any value to tell his investigators during the Shaw case. (HSCA Record 180-10080-10202, HSCA interview of Jack Martin by Robert Buras on November 22, 1977, and "later check" with Garrison, p.2) But Joan Mellen thought he did.

In 1992, author Gus Russo tracked Beckham down to where he was living in Louisville, Kentucky. By that time, Beckham had changed his name several times. Russo said about his encounter with Beckham, "Beckham basically acknowledged to me being what most people would call a flimflam artist. I remember he pointed to his office walls. They were filled with bogus diplomas from every major university; he was selling them and cheap trinkets, like whoopee cushions, for a living. He told me he not only recorded but *wrote* three Number One hits, which he named—'From Jack to a King' was one. When I told him that I was a former professional musician and recited the names of the real composers, he laughed and said, 'Well, I can't fool you.' For anyone to use him as a source *for anything* is staggering." (E-mail from Gus Russo to Patricia Lambert dated October 11, 2005, and subsequent telephone interviews by Lambert of Russo) Gus, you just don't understand. Take Joan Mellen's word for it: Beckham holds the key to the Kennedy assassination.

By the way, Mellen won't be learning anything new from the foregoing Russo reference in this book. Surely she must have read Beckham's testimony before the HSCA in 1978. In it, though he admitted he only attended school through the third grade, he acknowledged that he held himself out to others as being, though he said he was not, a licensed physician for the state of Maryland and as having a certificate in psychotherapy from a Palm Beach College. He even advertised himself in a local newspaper as T. Edward Beckham, DD, PhD, having received his PhD from an English university. HSCA counsel asked Beckham, "Did you ever go to England to study?" Beckham: "Never have." "And [you said] you held a Doctor of Divinity from an ecumenical divinity institute in Cleveland, Ohio?" "Never attended it, and I've got four others [degrees] besides that." When Beckham said he had a "doctor of metaphysics degree" and HSCA counsel asked him, "From where?" he answered, "Oh, boy, I don't know. There's so many on my wall, you'd have to take a look and see." He also said he was a "naturopathic physician."* For good measure, he told the HSCA he was "an ordained priest of about four different Catholic denominations," as well as having an "ordination" in the Episcopal and Baptist churches. Question: "You are an ordained minister, apparently, in most

*When Beckham testified before the Orleans Parish grand jury in 1968 and New Orleans assistant district attorney James Alcock asked him, "What is your occupation?" he answered, "I am a psychologist . . . I practice clinical psychology and industrial psychology." He also told Alcock, "I am also a staff officer in the U.S. Merchant Marines." (Testimony of Thomas Beckham before the Orleans Parish grand jury on February 15, 1968, p.4)

of the world's major religions?" "Right." "Have you ever been a bishop?" "Yeah." "In which church?" "I was a bishop in the Baptist Church, the Episcopal Church, and the old Catholic Church of North America, and Universal Life Church." Beckham said he accumulated all these degrees, et cetera, to "establish a background" for an "organization" headed by Crisman whose purpose was to "use their powers to obtain things that people wanted." He said the people behind Kennedy's assassination did so "for money, completely." "[Was] somebody going to pay them for killing Kennedy?" "Uh-huh." "Who?" "If I told you, man, I'd probably be in more trouble than on earth." (HSCA Record 180-10104-10278, Testimony of Thomas Beckham before HSCA on May 24, 1978, pp.64-74)

The HSCA, of course, knew that Beckham was either certifiably crazy or a fraud, and this is why it completely ignored him in its report, and never devoted one word to any of his allegations in its twelve volumes. Even though Mellen had the same information about Beckham that the HSCA did, the same information that would cause *any* rational and well-intentioned person to disregard Beckham, Mellen decided to make him the centerpiece of her book.

Throughout Mellen's book, she conceals the truth from her readers. (I've already pointed out that with witness after witness, she accepted their story at face value, never mentioning to her readers how they had been completely discredited.) I could give many examples, but Mellen's book doesn't deserve the space. Here are a few illustrative ones:

We've seen that Perry Russo's credibility was destroyed (among many other ways) by the fact that in five interviews before he said under sodium pentothal that he was present when Oswald, Ferrie, and Shaw conspired to murder Kennedy, he never said a word about this, or even about seeing Oswald, Ferrie, and Shaw together, period. But of course Mellen doesn't tell her readers this.

Mellen has Shaw (as in Stone's movie) telling New Orleans police officer Aloysius Habighorst that his alias was Clay Bertrand, even though she had to know that a court hearing clearly established that Habighorst was lying when he said Shaw told him this.

Mellen tells her readers that "among those whom Shaw recruited under his QKENCHANT clearance was Guy Banister." Mellen has to know this is a lie, and the only document she cites, apparently to prove this allegation, refers to Banister and a QKENCHANT clearance, but has absolutely no reference to Clay Shaw. (CIA Record 104-10109-10374, August 26, 1960)

Though it was clearly proved at Shaw's trial that Shaw never signed the guest register in the Eastern Airlines lounge at Moisant Airport, Mellen ignored all the evidence that proved this and said he did.

Though she had to know this was not the truth, she tells her readers that Dallas DA Henry Wade believed that Oswald had been to Ruby's Carousel Club, and Oswald used Jack Ruby as a personal reference for a job.* If she actually doesn't know these things are untrue, what is she doing writing a book about the assassination?

*The allegation of the source on whom Mellen relies for the Ruby reference contains its own refutation. Orvie Aucoin, a cameraman for Channel 12, WVUE-TV in New Orleans, told an FBI source that Garrison's "ace in the hole" at the upcoming trial of Shaw for having conspired with Ferrie and Oswald to kill Kennedy was a "certified photostatic copy" of a job application filled out by Lee Harvey Oswald in his own handwriting during the spring or summer of 1963 for a position with a trucking company in New Orleans. On the appli-

To get her readers to accept the pathetic Rose Cherami's story, Mellen, unbelievably, has Cherami watching the presidential motorcade coming down Elm Street on television and shouting out to people in her hospital recreation room: "Somebody's got to do something. They're going to kill the president. Watch. This is when it's going to happen . . . They're going to get him at the underpass." Mellen said Cherami yelled, "POW," as the shots rang out over the television set. And here, through the years, we've all been relying on the Zapruder film of the assassination, not knowing that there undoubtedly is a much clearer film of the shooting in some network archives, and with audio to boot. But if the assassination was televised, Rose Cherami must have been the only person in the whole country who was watching a TV set at the time.*

One more example of Mellen's blatant duplicity (there are many more) before I move on. (I want to spend more time on this one because her duplicity here was multilayered and it shows the extent of deception to which Mellen was willing to go. If Mellen weren't a college professor of whom much more is expected, I wouldn't be nearly as hard on her.) As set forth in the main text, when Garrison prosecuted Shaw for perjury after Shaw's acquittal, Shaw sought an injunction in the federal courts to prohibit the prosecution, and secured the requested relief. Judge Herbert Christenberry, in setting forth the basis for his concluding that Garrison was acting "in bad faith," justifying the issuance of the injunction, was openly scornful of Garrison's conduct. One of the reasons for his finding bad faith, which took up only two pages in his twelve-page opinion (i.e., just one-sixth of what he wrote), was the fact of the private group of New Orleans businessmen who called themselves "Truth or Consequences" that had funded *part* of his investigation of Shaw. (No monetary amount was given as to how much the group gave, though one member of the group, William E. Robertson, had loaned Garrison \$30,000 of the \$99,000 the DA's office spent on the investigation.) Christenberry found no impropriety in the group's contribution, but did infer that perhaps one reason for Garrison's perjury prosecution of Shaw was that if he succeeded he would at least be giving the group something for its investment. In fact, one of the members of the group testified at the hearing that he obviously expected results for the money

cation Oswald listed three personal references, one of whom was Jack Ruby. (FBI Record 124-10027-10214, March 5, 1967) The fact that Mellen knows Garrison never introduced such a document at Shaw's trial should have been proof to Mellen that no such document existed—at a minimum, that Garrison never had such a document. But Mellen doesn't give her readers Aucoin's full allegation, knowing that if she did, it would disprove what Mellen wanted her readers to believe.

*Mellen writes that Anne Dischler, whose information about the Clinton witnesses was very helpful to author Patricia Lambert in her book, *False Witness*, had "repudiated Lambert's book" to her, quoting Dischler as telling her that Lambert "twisted my report to fit her own 'Clinton scenario,' leaving out important facts that would have shed a different light on the actual truth of the Clinton, Louisiana story." Mellen writes that "Dischler wrote Lambert that she was 'appalled at, and ashamed' that her work was mentioned as any part of what Lambert had written." But in Dischler's February 10, 1999, letter to Lambert in which she had all the opportunity in the world to do so, she doesn't write one single word of criticism about how Lambert handled the Clinton witnesses and story. She did tell Lambert that she was "ashamed to be part of the book 'False Witness'" and that she was "appalled" by the book. But consistent with Mellen's duplicity, Mellen doesn't tell her readers that just before the "ashamed" and "appalled" language, Dischler, who was a minister at the time, writes, "The facts of Jim Garrison's life were never mentioned to me by you. Had you done so I would have declined the use of my records. I wanted no part of what I had read and heard of him (negative) because I had and have no proof of same [apparently referring to the sexuality of Garrison that Lambert writes about in her book]. In the light of *that* fact, I must tell you I am ashamed."

contributed by him, and Christenberry concluded that “the perjury charge against Shaw is *part* of Garrison’s effort to produce such results.”*

But any reading of Christenberry’s decision clearly shows that the Truth or Consequences issue was very secondary and subordinate to the main reason for his issuance of the injunction. The main reason, and the one he spent five-sixths of his opinion writing about, was that Garrison’s investigation of Shaw was “baseless” and therefore he “was not prosecuting Shaw in good faith,” referring, among other things, to the “publicity Garrison was obviously seeking” in the way Garrison handled Shaw’s arrest and the way Garrison cultivated the media on many occasions. The perjury prosecution was a “continuing harassment” of Shaw without any justification. Christenberry said that without “direct federal court intervention,” there was no reason to believe that it would not continue. Christenberry wrote that if Shaw “is forced to stand trial for perjury, takes the stand and is acquitted, this court has no doubt but that [Shaw] will be charged anew on the basis of statements made by him from the witness stand.” Throughout Christenberry’s opinion he reveals his contempt for Garrison’s conduct from the beginning of the investigation forward, using adjectives like “appalling,” “inexcusable,” and “outrageous,” at one point accusing Garrison of using drugs and hypnosis on Russo to “concoct” a case against Shaw.

But readers of Mellen’s book would get no sense at all of what I have just written. According to Mellen, Christenberry “dismissed the perjury charges against Clay Shaw on the ground that Garrison’s investigation had been funded by a private organization” even though four years earlier “the Truth or Consequences contributions were [determined to be] entirely legal.” In other words, Mellen strongly implies, the perjury charges were dismissed by Christenberry not on the merits, but on the technicality that the Truth or Consequences contributions were illegal. Nowhere does Mellen mention Christenberry’s severe denunciation of Garrison’s conduct, nor its serving as the main basis of his issuing the injunction.

So Mellen deceived her readers into believing that Christenberry issued his injunction because of the impropriety or illegality of the Truth or Consequences contributions, which we’ve seen Christenberry did not say; deceived them into believing that it was the *only* reason why he dismissed the perjury charges, another lie; and deliberately deprived her readers of knowing the main reason why Christenberry issued his injunction. Lest there be any doubt about what Christenberry’s main reason was, Mellen read the same court opinion I did, and Christenberry wrote, “Perhaps of all the evidence presented at the hearing, that concerning Shaw’s arrest and his subsequent prosecution on the conspiracy charge is the *most* demonstrative of the defendant’s bad faith in this case.” Immediately after this, Christenberry proceeds to *only* discuss the “outrageous,” “inexcusable” and “appalling” way Garrison went after Shaw.

To summarize and repeat, through an apparent deliberate effort to deceive, compounded by abysmally bad scholarship, Mellen totally ignored virtually all the evidence that proves beyond all reasonable doubt that Shaw was innocent and the case

*Christenberry also concluded that Garrison probably believed that his continuing prosecution of Shaw would help the sale of Garrison’s book, *Heritage of Stone*, and also concurrently provide a means to help him repay his loan to Robertson.

against him was fabricated by Garrison. Indeed, if Mellen had read her own hero's final summation in the case, she would have seen that even he never believed Shaw was guilty. If he did, as I say in the main text, why wouldn't he have told the jury so in his final summation? Instead, he only told them, as if they didn't already know, that they were there to decide whether Shaw was guilty or not guilty. If prosecutors believed in their case that little (by *his* words, apparently not at all), there would be a lot more defendants out on the street.

About Mellen perhaps not reading Garrison's summation to the jury, for anyone writing a book about the Shaw case, Shaw's trial has to be the most important event of the whole saga. How is it possible then that Mellen, working on the case for eight years, would devote less than 16 pages of a 547-page book to the trial, and *never quote any part of any witness's testimony at the trial, and give a citation to the trial transcript page for the quote?* She seems to have picked up what little she had on the trial from newspapers and other sources. Is this or is this not an embarrassing failure of scholarship? (Mellen, *Farewell to Justice*, pp.xii, 26, 33, 35–37, 39–43, 46, 55, 61, 69–70, 74, 76–79, 81–83, 95–96, 118, 121, 143, 145, 162, 201–202, 206, 238, 240–241, 243, 282, 287–288, 299–300, 344, 346, 349–353, 368–372)

In this book, in quoting the allegations of most authors in the conspiracy community, I have given citations to their work along the way in my writing. As one can see, I did not do that here. I read Mellen's book carefully at first, but it soon became obvious to me that the author had written a book that was unworthy of my time, that she lacked the elemental principles of scholarship. I wish I had the luxury of dismissing a terrible book like this by saying it's beneath any commentary by me, but since I'm writing a book about the assassination, I can't. Despite its literary affectation of many citations—essentially worthless since they are only citations, for the most part, to silliness—I've treated Mellen's book with about the same lack of respect as I treated the charges of Judyth Baker, but with much more bitterness. The Kennedy assassination has already been polluted beyond all tolerable limits by nuts and quacks and phony stories. Mellen is a university professor. How dare she publish such misleading material on so serious a subject.*

1409 **an executive inquiry as to why the Bay of Pigs invasion had failed [footnote]:** Richard Helms wrote that General Maxwell Taylor's committee found "that there was more than enough blame to go around—the Agency, the Department of Defense, the Department of State, and White House staffs," and recommended a "study [of] our government [not just CIA] practices and programs in the area of . . . paramilitary, guerrilla, and anti-guerrilla activity [that falls] short of outright war, with a view to strengthening our work in this area . . . and to direct special attention to the lessons which can be learned from the recent events in Cuba" (Helms with Hood, *Look over My Shoulder*, p.183).

1409 **they decided to kill him:** Except for one major modification by Oliver Stone, Jim Garrison articulated, way back in 1968, what became the main theme of Stone's

*Remarkably, Mellen, who had written sixteen previous books, told her university paper that her Garrison book was "the best work I've ever done," saying that the book "cracks the case" and puts the whole Kennedy assassination issue "to rest" (*Temple Times* online edition, November 17, 2005, available at http://temple.edu/temple_times/11-17-05/mellen/html).

movie. On February 22, 1968, Garrison told Willem L. Oltmans of Dutch TV (NTS) that “President Kennedy was killed by elements of the CIA.” Why did they kill him? There were two main reasons. One was that Kennedy “was already beginning to take steps to change the CIA.” Perhaps even more important, Kennedy, contrary to the wishes of the CIA, was trying to “end the Cold War,” as evidenced by his withdrawing a thousand troops from Vietnam, his “re-examining our approach to China . . . and reaching new understandings with Soviet Russia . . . [and his] considering the possibility of recognizing Cuba.” Garrison said that to the CIA, this conduct by Kennedy was “traitorous.” He said that “vested interests” like the “industrial warfare state that President Eisenhower warned about” wanted to “continue the Cold War.” Garrison, who was building his *whole* case on motive, then engaged in a disconnect. Though Garrison had alluded to the military-industrial complex in this interview, he said the assassination was a “100% CIA” operation, whereas in Stone’s movie, though the CIA was complicit in the murder, the main group that made the decision to kill Kennedy, and decided how to implement it, was the military-industrial complex. (Transcript of interview of Jim Garrison by Willem L. Oltmans, Dutch TV [NTS], February 22, 1968, pp.1, 7–10, CIA Document 1993.07.29.10:13:09:750620, JFK box JFK37, vol./folder F14; see also CIA Record 104-10104-10350, March 1, 1968)

- 1413 **Kennedy’s decision to withdraw 1,000 troops:** In fact, 1,000 American military personnel on duty in Vietnam *were* returned home by the end of December 1963. But since Kennedy, the month before NSAM 263, had agreed to a slight increase in our military presence in South Vietnam, the troop strength at the end of December was reduced by around 800, not 1,000. According to the *Pentagon Papers*, “more than a thousand U.S. personnel” left Vietnam in December 1963. However, “many of these were part of the normal turnover cycle,” so the small withdrawal was somewhat illusory (*Pentagon Papers*, vol.2, pp.191–192). The 1,000-troop withdrawal was only important as a signal of intentions anyway. The important question was whether the remaining 15,000 American troops in Vietnam would be coming home by the end of 1965.
- 1413 **NSAM 273:** Some military-industrial-complex conspiracy theorists point to the following language in paragraph 6 of NSAM 273 as indicating that it reversed NSAM 263: “Programs of military and economic assistance should be maintained at such levels that their magnitude and effectiveness in the eyes of the Vietnamese Government *do not fall below* the levels sustained by the United States *in the time of the Diem Government.*” But this final version of 273, issued on November 26, 1963, is identical, word for word, to the November 21, 1963, draft of 273 written *while Kennedy was still alive*. And the author of the draft (who also wrote the final version), McGeorge Bundy, special assistant to the president for national security affairs, said that in writing the draft of 273, “I tried to bring them [recommendations] in line with the words that Kennedy might want to say.” (Newman, *JFK and Vietnam*, pp.438–439)

The only significant change in wording between the draft and the final version of 273 is in paragraph 7, but if anything, the final version of 273 is weaker than the draft on the issue of American military involvement in Vietnam. The final version reads, “Planning [of the programs mentioned in the previous paragraph, paragraph 6] should include different levels of *possible increased activity*, and in such instances

there should be estimates of such factors as A. Resulting damage to North Vietnam; B. The plausibility of denial; C. Possible North Vietnamese retaliation; [and] D. Other international reaction.” But number one, this “planning” for programs is tethered to the provisions of paragraph 6, which, as indicated, were the same as the draft under Kennedy (“programs of military and economic assistance” to the Vietnamese government), but more importantly, paragraph 7 of the draft under Kennedy did not contain the “possible” language. It reads, “With respect to action against North Vietnam, there should be a detailed plan for the *development of additional* Government of Vietnam resources, especially for sea-going activity, and such planning should indicate the time and investment necessary to achieve a *wholly new level of effectiveness* in this field of action.”

There are ambiguities lending themselves to different interpretations in paragraphs 6 and 7 of both the draft and the final version of 273. But what is clear is that which is set forth in the second numbered paragraph of both the draft and the final version: “The objectives of the United States with respect to the withdrawal of U.S. military personnel *remain* as stated in the White House statement of October 2, 1963.”

1414 **whether or not it would “be wise to promote a coup”:** But there’s much more to the story. The Kennedy administration was aware of the coup plans of “The Generals” (as they were referred to), led by Diem’s own military adviser, General Duong Van Minh, aka “Big Minh.” Indeed, in an Oval Office meeting of his top advisers as early as August 26, 1963, the president asked, “What is our thinking if the coup should be unsuccessful?” Secretary of Defense McNamara responded that it would be “a disaster” for the United States, and we would have only two choices, “get out and let the country go to the Communists, or move U.S. combat forces into South Vietnam and put in a government of our own choosing.” (Department of State “Memorandum of Conversation” in Oval Office on August 26, 1963, p.3)

“It would appear that a coup attempt by the General’s group is imminent,” Henry Cabot Lodge, U.S. ambassador to South Vietnam, cabled Secretary of State Rusk on October 29. JFK’s posture was set forth succinctly by the CIA director, John McCone, who advised Lodge, “We certainly would not favor assassination of Diem,” adding, however, that “we are in no way responsible for stopping every such threat of which we might receive even partial knowledge.” Kennedy biographer Robert Dallek wrote, “Kennedy saw ‘deniability’ of direct U.S. involvement as of utmost importance should a coup occur.” (Dallek, *Unfinished Life*, p.681)

Although the nature of our involvement, if any, in the coup of Diem remains unclear, one thing does not. We were more than just knowing observers. In the tape-recording of an Oval Office remark by Kennedy on November 4, 1963 (two days after Diem’s assassination), which was released by the John F. Kennedy library on November 24, 1998, Kennedy is heard saying, “I was shocked by the death of Ngo Dinh Diem.” Referring to the coup that led to it, he added, “I feel we must bear a good deal of responsibility for it . . . I should never have given my consent to it,” implying not direction or even complicity, but acquiescence. (“37 JFK Tapes Made Public,” Associated Press, November 25, 1998) And President Johnson told Ralph Dungan, a Kennedy aide, a few days after JFK’s funeral, “I want to tell you why Kennedy died. Divine retribution. Divine retribution. He murdered Diem

and then he got it himself” (Mahoney, *Sons and Brothers*, pp.302–303). Though LBJ was not known for parsing his words and we can probably assume he did not mean what he said about JFK murdering Diem literally, the remark is further support for the belief that the Kennedy administration was not as clean as it could have been in the events that almost inevitably led to Diem’s murder. I am inclined to accept General Maxwell D. Taylor’s assessment of the matter: “The degree of American complicity [in the coup] has often been raised, but . . . I know of no evidence of direct American participation in carrying out the coup and certainly of none in the assassination [of Diem and his brother]. But there is no question but that President Kennedy and all of us who advised him bore a heavy responsibility for these happenings by having encouraged the perpetrators through the public display of our disapproval of Diem and his brother. That responsibility extends beyond the death of Diem—so bitterly regretted by President Kennedy—to the prolongation of the war and to the increased American involvement of later years” (Taylor, *Swords and Plowshares*, pp.301–302).

- 1418 “**hoped we could negotiate our way out of a major war in Vietnam**”: It has been argued that the so-called Gulf of Tonkin incident in August of 1964 militates against the contention that LBJ did not want to go to war in Vietnam, but this argument does not appear to have any merit. Briefly, at 3:40 a.m. (EST) on August 2, 1964, a U.S. destroyer, the USS *Maddox*, on reconnaissance patrol in the Gulf of Tonkin (an arm of the South China Sea off North Vietnam) was fired on by three North Vietnamese torpedo boats, though none of the torpedoes struck the *Maddox*. Aircraft from the nearby U.S. aircraft carrier *Ticonderoga* destroyed one of the torpedo boats and damaged the other two. The *Maddox* and *Ticonderoga* were in international waters about 28 nautical miles (32.2 statute miles) off the North Vietnam coast conducting covert operations at the time. This attack on the *Maddox* is not in dispute and North Vietnam never denied the attack, although in 1997 General Nguyen Dinh Uoc, the director of the Institute of Military History in Hanoi, said that the assault was instituted by a local North Vietnamese commander, not the North Vietnamese government. (Beschloss, *Taking Charge*, pp.493–495; Miller, *Lyndon*, pp.383–384; statement of Dinh Uoc: David Shipler, “Robert McNamara and the Ghosts of Vietnam,” *New York Times Magazine*, August 10, 1997, p.42; Windchy, *Tonkin Gulf*, pp.1–7) In any event, it was an unprovoked attack. However, beyond the actions of the aircraft from the *Ticonderoga*, the Johnson administration did nothing to retaliate. So at least up to this point no one could possibly claim that the Gulf of Tonkin incident reflected any desire by LBJ to go to war.

Where the “LBJ wanted to go to war” proponents make their argument is with a second alleged attack, again by three torpedo boats, on the *Maddox* in the late morning of August 4, 1964. One has to say “alleged” because such an attack was never confirmed to anyone’s complete satisfaction. Indeed, later at 1:25 p.m., Captain John J. Herrick, commander of the two-destroyer patrol, the *Maddox* and the *C. Turner Joy*, cabled Honolulu (headquarters of the Pacific Fleet) and Washington: “Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and overeager sonarman may have accounted for many reports. No actual sightings by *Maddox*. Suggest complete evaluation before any further action.” Pursuant to this, Robert McNamara, the secretary of defense,

telephoned Admiral Ulysses S. Grant Sharp, commander in chief of the Pacific Fleet, in Hawaii and told him they had to “be damned sure that no retaliatory action was taken until any doubts as to what went on were eliminated.” At 2:48 p.m., Herrick sent another and different message, which now stated, “Certain that original ambush was bonafide.”* Sharp continued to investigate and at 5:23 p.m. called Air Force Lieutenant General David A. Burchinal of the Joint Chiefs of Staff and stated he had no doubt that a second attack on the *Maddox* had, indeed, taken place. On LBJ’s authorization, at 10:43 p.m., U.S. aircraft from the *Ticonderoga* and *Constellation* started flying sixty-four sorties against North Vietnamese patrol boat bases and a nearby oil complex supporting the boats. It was the first U.S. bombing of North Vietnam in what was to become the Vietnam War. It was estimated that twenty-five North Vietnamese patrol boats were damaged or destroyed and 90 percent of the oil complex was destroyed. At 11:36 p.m., President Johnson told the nation in a televised address from the White House of the North Vietnamese attack and our retaliation, saying, “We seek no wider war.” (Austin, *President’s War*, pp.21–23, 186; Windchey, *Tonkin Gulf*, pp.1–2, 213–215; McNamara with VanDeMark, *In Retrospect*, pp.133–135)

On August 7, just a few days after the above incidents, Congress passed the Gulf of Tonkin Resolution sought by the Johnson administration by an overwhelming vote of 88 to 2 in the Senate and 416 to 0 in the House of Representatives. The resolution authorized the president “to take all necessary steps, including the use of armed force, to assist any member” of SEATO (Southeast Asia Treaty Organization, which included South Vietnam) “in defense of its freedom.” In other words, Congress gave President Johnson the authority to go to war in Vietnam if he so chose.

Many have alleged, almost from the very beginning, that the whole Gulf of Tonkin incident was a pretext for war provoked or staged by the Johnson admin-

*In October of 2005, the *New York Times* learned the contents of a classified 2001 report by a historian for the National Security Agency (NSA), the nation’s top-secret eavesdropping and code-breaking agency. The historian, Robert J. Hanyok, wrote in his report he had concluded that during this second incident, NSA officers misinterpreted North Vietnamese intercepts in an apparently honest mistake that there had been an attack. But after spending months studying documents in the NSA archives, he further concluded that midlevel agency officials at the NSA discovered the errors very shortly thereafter but covered them up and doctored documents so as to provide evidence of an actual attack. Hanyok’s report also concluded that neither President Johnson and his advisers nor top NSA and Defense Department officials knew of the deception. If Hanyok is correct, this inexcusable deception played a part in Congress ultimately signing the Gulf of Tonkin Resolution, which authorized war with North Vietnam. Indeed, the first paragraph of the resolution reads, “Whereas naval units of the Communist regime in Vietnam, in violation of the United Nations and of international law, have deliberately and *repeatedly* attacked United States naval vessels lawfully present in international waters . . .” So the deception could not have been more serious, although, as indicated, no one disputes the first attack on the *Maddox*, which alone could have contributed substantially to the resolution. Edwin E. Moise of Clemson University, a longtime student of the Gulf of Tonkin incident, said he was “surprised at the notion of deliberate deception at N.S.A. But I get surprised a lot.” (Scott Shane, “Doubts Cast on Vietnam Incident, but Secret Study Stays Classified,” *New York Times*, October 31, 2005, pp.1, 16) On December 1, 2005, the NSA released the classified report, and it confirmed the accuracy of the October *New York Times* article. In the report, Hanyok says the NSA’s intelligence officers “deliberately skewed” the evidence passed on to policy makers in LBJ’s administration to lead them to believe that North Vietnamese ships had attacked American destroyers on August 4, 1964. Hanyok said that 90 percent of the NSA’s intercepts of North Vietnamese communications regarding the alleged August 4 attack were never passed on to policy makers. “The overwhelming body of reports, if used, would have told the story that no attack had happened. So a conscious effort ensued to demonstrate that an attack occurred.” (Scott Shane, “Vietnam War Intelligence ‘Deliberately Skewed’ Secret Study Says,” *New York Times*, December 2, 2005, p.A11)

istration to help him during his campaign for reelection against Senator Barry Goldwater. The corollary argument, shorn of its political allegation, has also been made that the incident was provoked or staged to enable Johnson to get a congressional resolution authorizing war. But William P. Bundy, assistant secretary of state for Far Eastern affairs, told the Senate Foreign Relations Committee on September 20, 1966, that he was in the process of drafting a similar resolution for the Johnson administration *before* the Gulf of Tonkin incident occurred, explaining this was routine and normal contingency planning to prepare for the reality that “things might take a more drastic turn” for the worse in Vietnam. (Windchy, *Tonkin Gulf*, p.50; Miller, *Lyndon*, p.386) Ironically, one of those who began to strongly imply the pretext argument was Senator J. William Fulbright, who had helped gather support for the passage of the Tonkin resolution but later came to believe he had been misled by the Johnson administration. (Windchy, *Tonkin Gulf*, pp.44–47; Steinberg, *Sam Johnson’s Boy*, p.765) And a February 1968 Senate Foreign Relations Committee hearing that reexamined the evidence was unable to categorically resolve precisely what happened.

But in addition to the very important fact that no evidence has surfaced in over forty years that the Gulf of Tonkin incident was provoked or staged, there is one reality that clearly demonstrates that everything was on the up and up, at least as far as Johnson and his advisers were concerned. And that comes from the valuable (for many matters) book *Taking Charge*, edited with commentary by presidential historian Michael Beschloss, which was published in 1997 and contains transcripts of taped telephone conversations between LBJ and his advisers, primarily Secretary of Defense McNamara, during the Tonkin incident. As the transcripts reflect, from the moment LBJ first discusses the incident through his working out how to resolve it, he clearly is dealing with new information and an evolving situation not of his making. (Beschloss, *Taking Charge*, pp.493–510) One example is the following telephone conversation on August 4, 1964, 11:06 a.m.:

McNamara: Mr. President, we just had word by telephone from Admiral Sharp that the destroyer is under torpedo attack.

LBJ: [almost inaudible sound]

McNamara: I think I might get Dean Rusk and Mac Bundy and have them come over here and we’ll go over these retaliatory actions and then we ought to—

LBJ: I sure think you ought to agree to that. Yeah . . . Now where are these torpedoes coming from?

McNamara: We don’t know. Presumably from these unidentified craft that I mentioned to you a moment ago. We thought that the unidentified craft might include one PT boat, which has torpedo capability, and two Swatow boats, which we don’t credit with torpedo capability, although they may have it.

LBJ: What are these planes of ours doing around while they’re being attacked?

McNamara: Presumably the planes are attacking the ships. We don’t have any word from Sharp on that. The planes would be in the area at the present time. All eight of them.

LBJ: Okay, you get them over there and then you come over here. (Beschloss, *Taking Charge*, p.498)

Are we to believe that LBJ and McNamara (who, if the Tonkin incident were not legitimate, *would have had* to be the main architects of the charade, as, indeed,

some claim them to be) not only manufactured the whole incident, but also, when they thereafter discussed it on the phone with each other, were following a fabricated script, right down to the interruptions and ungrammatical utterances? Though one would have to say that this was *theoretically* possible, how many people would actually believe this, particularly in view of the context—the weight of the evidence showing that Johnson was searching for a way to avoid war, not precipitate it?

By way of footnote on this issue, in November of 1995, McNamara, on a visit to Hanoi, spoke to General Vo Nguyen Giap. Giap was the North Vietnamese vice premier for defense during the Gulf of Tonkin period, and McNamara reported that Giap had convinced him that no second attack on the *Maddox* had ever happened. “I am absolutely positive,” McNamara said, that the second attack never took place. (Giap did confirm to McNamara that a Vietnamese ship did carry out the first attack on the USS *Maddox*.) (*Washington Post*, November 11, 1995, p.A21) If McNamara had been part of a deliberately provoked or staged Gulf of Tonkin incident (which, if the incident were provoked or staged, he would have had to be), he hardly would have made any concession suggesting that the second attack never took place and was not therefore real.

If the Gulf of Tonkin incident that led to the resolution had been provoked or staged to get Congress to pass the resolution, it would seem that with the nation and the whole of Congress behind him, *that* would have been the opportune time, politically, for LBJ to have sent combat troops to Vietnam. But as we've seen, it wasn't until March 8, 1965, *seven months after the resolution was passed*, that he finally sent U.S. combat troops to Vietnam,* and July 27, 1965, that he decided to embark on a major ground war in Vietnam. (McNamara with VanDeMark, *In Retrospect*, first photo section and pp.204–205) A few hours of sorties against the North Vietnamese patrol boats and their supporting oil complex was the only and very limited extent of LBJ's response to the Tonkin incident.

The Gulf of Tonkin incident clearly appears to be a nonissue in the assassination debate.

1421 the “**domino theory**”: This mind-set, we all know, grew out of and became a part of the “cold war.” Following the Second World War, the cold war between the United States and the Soviet Union was an almost natural progression for two world powers whose political ideologies of capitalism and communism could hardly be more starkly conflicting, particularly since the Soviets, led by the tyrannical Josef Stalin, had ominously and rapidly spread their hegemony over much of Eastern Europe, even North Korea. The U.S. position, from the end of World War

*It didn't help the North Vietnamese cause that there was an unprovoked attack on American soldiers the previous month. On February 7, 1965, an American compound as well as an airfield near Pleiku, South Vietnam, came under attack by Communist guerrillas. Eight Americans were killed and over seventy were wounded. The United States saw great significance in the timing because that day, McGeorge Bundy, President Johnson's special assistant for national security, was in Saigon. LBJ had sent him to “assess the deteriorating military situation.” This was seen as a “calculated policy move by Hanoi.” In response, the United States began sustained bombing raids on North Vietnam, raids that continued until the fall of 1968. In 1997, Lieutenant General Dang Vu Hiep, a former deputy of the North Vietnamese army's political department, said that the attack was “a spontaneous attack by the local commander,” and had not been directed by Hanoi. (David Shipler, “Robert McNamara and the Ghosts of Vietnam,” *New York Times Magazine*, August 10, 1997, p.35; *New York Times*, February 7, 1965, p.1)

It right up to the disintegration of the Soviet Union and the fall of communism more than four and a half decades later in 1991, was that of “containment” of the Soviets by the threat or use of force. The conceiver of this strategy, one which required no birth since it was inevitable, is usually thought to be George Kennan. Kennan was a U.S. diplomat stationed in Moscow who had been a student of Russian history dating back to 1929, when he studied the Russian language and history at the University of Berlin. He was part of the small staff that reopened the American embassy in Russia’s capital city in 1933, and returned to Russia in 1944 as the right-hand man of the American ambassador to Russia, Averill Harriman, during the difficult war negotiations with the Kremlin between 1944 and 1946.

On February 22, 1946, he sent the State Department in Washington, D.C., one of the most celebrated cables in American history. Known as the “Long Telegram” because of its extraordinary length, around eight thousand words, it represented Kennan’s “accumulated wisdom on Russia, America, Europe, and the postwar balance of power” and created a sensation in Washington and diplomatic circles. Kennan cabled that “we have here a political force [the Soviet Union] committed fanatically to the belief that with [the] U.S. there can be no permanent *modus vivendi*, that it is desirable and necessary that the internal harmony of our society be disrupted, our traditional way of life be destroyed, the international authority of our state be broken, if Soviet power is to be secure.” He then went on to write the most memorable and quoted words in his cable, words, as indicated, usually cited as being instrumental in the development of our policy *vis-à-vis* the Soviets: Though the Kremlin, he said, was “impervious to [the] logic of reason . . . it is highly sensitive to [the] logic of force . . . Thus, if the adversary has sufficient force and makes clear his readiness to use it, he rarely has to do so. If situations are properly handled there need be no prestige-engaging showdown.” (Kennan, *Memoirs, 1925–1950*, pp.31, 180, 557–558; length of telegram and creating a sensation: Gellman, *Contending with Kennan*, p.11) In the ensuing years, Kennan’s words, of course, presaged the American posture toward the Kremlin, most notably in the Cuban missile crisis sixteen years later.

1422 **best seller [footnote]:** Kennedy’s second and last book, *Profiles in Courage*, about biographies of U.S. senators he felt had taken courageous positions in American history, was published in 1956. It, too, was a best seller and gained Kennedy a Pulitzer Prize in the category of biography.

1423 **Kennedy would not have sent combat troops:** Famed linguist Noam Chomsky weighs in on the issue of what Kennedy would have done by concluding that Kennedy would not have withdrawn from Vietnam unless victory (by South Vietnam) was assured. He rejects the position of Ken O’Donnell and Dave Powers, and others who agree with them, by noting that most of them took their positions “post-Tet”; that is, the Tet offensive convinced nearly everyone that the Communists were as strong and determined as ever and there was no end to the conflict in sight. At that point, Chomsky says, the “Camelot memoirists,” to save Kennedy’s image, felt they had to do what they could to separate JFK (and themselves) from the widening disaster in Vietnam. And Chomsky does cite some examples of Kennedy loyalists changing their earlier positions on the war. Where his position (which he acknowledges was taken earlier publicly by author Thomas Brown in his book *JFK: History of an Image*, though Brown does not make the point as forcefully as Chom-

sky [Brown, *JFK*, pp.39–41]) becomes shaky is when he blithely writes off Kennedy's *pre-Tet* statement to Senator Mike Mansfield that he intended to withdraw from Vietnam (without any apparent reference to the precondition of victory) after his anticipated 1964 reelection as being merely telling Mansfield what he wanted to hear—that is, he lied to Mansfield. Chomsky's basis for this conclusion? Like Brown, he says politicians tell people what they want to hear (lie to them), and “whatever else he may have been, Kennedy was a political animal.” (Chomsky, “Vain Hopes, False Dreams,” pp.5–7, 9, 11–13)

Though Chomsky may be correct in his assessment of no withdrawal without victory, it is a position he takes without apparently factoring in Kennedy's rationalism, or the fact about which virtually everyone agrees—JFK very much did not *want* to use American combat forces in Vietnam.

- 1426 **Prouty imagined:** The wacky, right-wing Fletcher Prouty couldn't even claim authorship for his military-industrial-complex assassination theory. Unless it's a coincidence, his articulation sounds very much like an ironical borrowing from the other end of the political spectrum. In German-born American Communist Joachim Joesten's 1964 book, *Oswald: Assassin or Fall Guy?*, published by pro-Soviet American publisher Carl Aldo Marzani, Joesten supported Moscow's attempt to deflect suspicions right after the assassination that Oswald, a Marxist, must have killed Kennedy at the behest of the Soviets. Seeking to place the blame for the assassination on the Far Right, Joesten wrote that right-wing racists like Texas oil magnate H. L. Hunt “feared that Mr. Kennedy, with his test-ban treaty, his neutralization of Laos . . . and his quiet feelers towards Castro, intended to put an end to the Cold War, cut back the arms budget, and bring under control the Warfare State—that ‘military-industrial complex’ which President Eisenhower . . . warned the nation about in his farewell address.” (Joesten, *Oswald: Assassin or Fall Guy?* pp.119, 149–150; Andrew and Mitrokhin, *Sword and the Shield*, p.227)
- 1428 **“Star was never published in the morning”:** In Fletcher Prouty's (X's) book on the assassination, he asserts that the *Christchurch Star* “ran an ‘Extra’ edition that was on the streets *before noon* in Christchurch” (Prouty, *JFK: The CIA, Vietnam, and the Plot to Assassinate John F. Kennedy*, p.306). Between Prouty, who has little credibility, and the Christchurch newspaper staff, it would be safer to go with the paper's version, not Prouty's. It is noteworthy that the “before noon” reference only appears in Prouty's book and didn't make it into the movie, which only said the paper came out before 2:00 p.m.
- 1428 **“Many strange things were happening”:** Another of the “strange things” that X tells Jim Garrison was happening at the time of the assassination that suggested a conspiracy is that six members of Kennedy's cabinet (Secretary of State Dean Rusk, Secretary of the Treasury C. Douglas Dillon, Secretary of Agriculture Orville Freeman, Secretary of Labor Willard Wirtz, Secretary of Commerce Luther Hodges, and Secretary of the Interior Stewart Udall), in addition to Press Secretary Pierre Salinger, were on a Boeing 707 plane over the Pacific, which had left from Hickam Air Force Base in Honolulu and was flying to Tokyo. But why is this strange? X doesn't bother to tell Garrison why the plane trip was “strange,” unless you want to accept X's cryptic statement that they were in the air “to get their perception [about the assassination] out of the way” as an explanation. How—if the cabinet members had been in Washington or somewhere else at the

time of the shooting—their observations about Kennedy’s murder would have disrupted the conspiracy, X and Oliver Stone don’t say. After turning around over the Pacific nine hundred miles west of Honolulu when news of the shooting was received via Teletype at 12:40 p.m., the plane returned to Honolulu and then departed for Washington. The cabinet members’ remarks of grief and sorrow to the news media when they landed forty minutes after midnight at Andrews Air Force Base in Maryland certainly never had any significance as far as the assassination and its alleged cover-up was concerned. But the inference of X’s remark was inescapable. Either Salinger and the six cabinet members were in on the conspiracy to murder JFK, or the conspirators arranged to have them up in the air at the time of the shooting. Stone, of course, didn’t tell his audience why Salinger and the cabinet members were en route to Tokyo. It was their boss, John F. Kennedy, not the alleged conspirators, who sent them there to set things up for his scheduled visit to Japan in February for political and economic talks. (Manchester, *Death of a President*, pp.11–12, 139, 193, 356–358; *New York Times*, November 23, 1963, p.6; Newseum with Trost and Bennett, *President Kennedy Has Been Shot*, pp.44–45, 166–167)

1441 **Et cetera, et cetera [footnote]:** Assassination researcher David Phinney, who leans toward the conspiracy theory, has come up with a variation of the notion that a great number of people were (or would have to have been) involved in a conspiracy to kill the president and cover it up that has more arguable merit than those propounded by the bulk of the conspiracy community. He postulates that only the heads of agencies like the CIA, FBI, Secret Service, et cetera, would have to be actual conspirators, and when they pointed their agencies in a certain direction to carry out the conspiracy, the considerable number of people below them, though carrying out the conspiracy, would be unaware they were doing so. In other words, he says, they were “unwitting allies” in the conspiracy. He analogizes the situation to a wartime situation when a commander gives an improper order and the troops below carry it out without questioning it.

But even Phinney sees the weakness in his theory, which, admittedly, is better than others. He notes that when it was all over, at least some of the considerable number of people who unwittingly carried out the conspiracy would look back at their conduct and say, “Hey, there really was no valid reason for my having to do” a particular thing or things, and this would open up a whole line of questions, the answers to which would lead back to the actual conspirators. Indeed, I would add that not just afterwards, but *while* they were carrying out the conspiracy, a large number of them would sense that what they were doing was clearly counterintuitive, and at some point at least some of them either wouldn’t do it or would start to talk, a situation that would start to unravel the conspiracy. In any event, though some conduct could be engaged in that might not arouse suspicion in the “unwitting” spear carriers, other conduct unequivocally would. How, for instance, do you get a number of firearms experts to say that Oswald’s rifle was the murder weapon if their tests showed it was not? How do you get the autopsy surgeons to say that the wound to the back of Kennedy’s head and the wound to his upper right back were entrance wounds (as they concluded) indicating shots from the rear if their examination showed the two wounds were exit wounds?

Additionally, the military parallel goes only so far. True, troops will carry out orders without questioning them, but they have to be the type of orders they have no reason to question in which they make the necessary assumption that the orders were predicated upon information they were not privy to. But say the orders were to go into a village and kill all civilians, including women and children, even though they are unarmed. How successful do you think that order would be? And even if it were, how long do you think this order and the murders that followed would remain a secret? For example, say higher-ups ordered the lawyers for the Judge Advocate General Corps, in a court martial for these murders against the soldiers who killed the civilians, to suppress critical evidence favorable to the defendants—that is, proof that they were merely following orders from their superiors. How successful do you think this order would be, and if it were, remain a secret for long? For one thing, even if the military lawyers played along with this obviously improper order, how do you silence the defendants’ lawyer who learns about the existence of the evidence suppressed from his client and has his client testify to

this, or members of the media who learn about the suppression from their sources and publicize it, or the judge who decides to conduct a hearing on the matter?

I return to what I told the jury in London: “Three people can keep a secret, but only if two are dead.”

- 1442 **“could not hold a conspiracy together”**: The only conspiracy that could conceivably have been kept secret would have been if Oswald had conspired with another nut and non-entity like himself to kill Kennedy. But there is no evidence of such a conspiracy. Even if there were, it would have been sexless and would not have excited the intellect and concern of millions the world over who sense the dark hand of powerful forces behind Kennedy’s murder. Indeed, it is virtually unheard of for any conspiracist to make the accusation that a second gunman in the shooting of the president, or any person behind Oswald’s act, was some other misfit like Oswald, acting alone with him. Almost without exception, the co-conspirators are well-known groups such as the CIA, FBI, mob, and so on.
- 1444 **Kennedy was going to come to Texas**: The first mention in a Dallas newspaper of President Kennedy coming to Dallas was a front-page headline story (“President to Visit Dallas, 3 Other Texas Cities Soon”) in the *Dallas Times Herald* on September 13, 1963. The article said that the visit was “still in the talking stage,” and said “no date has been set.” (*Dallas Times Herald*, September 13, 1963, p.1; CE 1366, 22 H 618)
- 1444 **just three days before the assassination**: It should be noted that on November 16 (the Saturday before the assassination), a *Dallas Times Herald* front-page article said that Kennedy would be in a Dallas motorcade on November 22 that “apparently will loop through the downtown area, probably on Main Street en route from Dallas Love Field” on the way to a luncheon at the Dallas Trade Mart (CE 1361, 22 H 613; WR, pp.39–40). Although Elm Street was not mentioned, and the article said “the route the President will travel has not been determined,” anyone knowledgeable about the subject area of Dallas would know that it was highly likely the motorcade would pass in front of the Book Depository Building. But even if we make this assumption, we’re still left with the reality that the CIA, mob, et cetera, would not have recruited Oswald to kill Kennedy until just six days before the assassination.
- 1448 **statement to the media**: Ah, the naysayers say, but RFK’s statement to the media on September 7, 1964, was just for public consumption. It wasn’t how he *really* felt and what he said privately. This may or may not be true, but Frank Mankiewicz, who was not only RFK’s press secretary but also a close friend and confidant, told me that with one indirect exception, RFK “never talked about the assassination with me.” The one time occurred at a newsstand at O’Hare airport in Chicago at the height of Jim Garrison’s investigation in New Orleans. Garrison was on the cover of a magazine and RFK said to Mankiewicz, “Does this fellow have anything?” When Mankiewicz said he didn’t know, RFK told him to keep current with the matter for him.

On the other hand, Mankiewicz said that about a week before the California primary for the Democratic nomination for president, which was on June 5, 1968, he was with RFK at an outdoor rally for RFK at San Fernando Valley State College (since 1972, Cal State Northridge) in the San Fernando Valley of Los Angeles. When a student asked RFK if he would reopen the investigation of his brother’s

assassination if he became president, RFK replied with just one word: “Yes.” (Telephone interviews of Frank Mankiewicz by author on August 27, 1999, and February 8, 2001)

A later article quotes Mankiewicz as saying he was “stunned” by RFK’s answer. “It was either like he was suddenly blurting out the truth, or it was a way to shut down the questioning you know, ‘Yes, now let’s move on.’” Mankiewicz said to me that that was “probably what I was thinking.” The article, not quoting Mankiewicz, also says that at an earlier campaign rally at the college on March 25, 1968, when a woman heckler called out, “We want to know who killed President Kennedy!” RFK responded by saying, “I stand by the Warren Commission Report.” Mankiewicz told me he was “nearly always” with RFK at all campaign appearances in Southern California, and though this incident may have taken place, he has “no recollection of this earlier appearance or the exchange between RFK and the woman.” (David Talbot, “The Mother of All Coverups,” available at <http://www.salon.com/news/feature/2004/09/15/warren/index.html>; Telephone interviews of Frank Mankiewicz by author on May 5, 2003, and October 4, 2004)

On February 27, 2006, well after my telephone conversations with Mankiewicz, I was sent a copy of a letter from conspiracy theorist David S. Lifton to one Alan Rogers dated April 2, 1994, that was posted on the Web site of John McAdams. (From time to time people send me articles and documents from the many JFK assassination Web sites, and from what I have received, it appears to me that McAdams’s site is the premier JFK assassination Web site, clearly superior in depth and scholarship to that of his peers.) Lifton wrote that he was present when RFK came to San Fernando Valley State College in early June of 1968. Lifton, at that time, was already a confirmed conspiracy theorist, and he says in his letter that when students asked RFK, “What about the JFK assassination?” “Will you reopen the case?” et cetera, RFK replied that no, he would not reopen the case. Lifton recalls the “sense of anger and betrayal” he felt over RFK’s answer.

Lifton said that Patricia Lambert, a conspiracy theorist at the time, was also present that day and heard RFK say the same thing. In a telephone conversation with Lambert she said she could not remember RFK’s words, but there was “no question he indicated he would not reopen the case, which we of course wanted him to do.” Lifton makes one telling point: “I can assure you,” he points out, “that had RFK said any such thing [that he *would* reopen the investigation] it would have been major news—major national news.” And we know, from the newspapers and magazines of that period, that this never happened. (Letter from David Lifton to Alan Rogers available at <http://mcadams.posc.mu.edu/rfkclaim.txt>; Telephone interview of Patricia Lambert by author on February 28, 2006)

What is interesting is that Lifton and Lambert made no mention of RFK having spoken twice at San Fernando Valley State College, and the question is why would RFK, in a national campaign, speak twice at the same college, a relatively small junior college at that? Mankiewicz, himself, traveling with RFK, has no recollection that he did.

A later posting on McAdams’s Web site from Clark Merrill dated March 7, 1995, seems to have finally clarified the matter. Merrill said he could find no evidence from any of the newspapers that RFK spoke in June of 1968 at San Fernando Valley State College, raising the possibility that someone, looking back, erroneously

said it was June, and everyone thereafter unthinkingly accepted that date. (Lambert did not. She said there was a “good gap” between the time of RFK’s speech and the election on June 4. The election was “not within days” of RFK’s speech. [Telephone interview of Patricia Lambert by author on February 28, 2006]) Merrill then “found a book called 85 days about the 85 days of the RFK campaign” and it only mentions RFK speaking at the San Fernando college once, on March 25, 1968. With a new date to check out, Merrill found two newspaper articles covering RFK’s speech on March 25, an AP story and one from the *London Times*, both of which agreed that RFK had said he would not reopen the case. The AP story read, “Los Angeles, March 25 (AP) . . . ‘I would not reopen the Warren Commission report’ Mr. Kennedy told students at San Fernando Valley State College. ‘I have seen everything that’s in there [on another occasion he said he had only been briefed on what was in the report]. I stand by the Warren Commission.’” (Posting from Clark Merrill available at <http://mcadams.posc.mu.edu/bobby2.txt>)

It would appear from all the available evidence that RFK only spoke once at San Fernando Valley State College, that it was in March, not June, of 1968, and that for whatever reason, Frank Mankiewicz’s recollection (as well as Lifton’s) that the event was shortly before the California primary and his recalling that Kennedy said he would reopen the investigation are in error. Another possibility is that RFK did say what Mankiewicz recalls, but it was at some other event, and he (Mankiewicz) is conflating the two.*

RFK biographer Evan Thomas writes that “although he would deny it,” RFK was indeed interested in the various conspiracy allegations in the death of his brother. Among other things, Thomas offers as support for this assertion his interview with Walter Sheridan’s widow. As we know, Sheridan, an RFK loyalist who had gone to work for NBC when RFK became a U.S. senator, traveled to New Orleans for the network to cover Jim Garrison’s investigation of Clay Shaw for JFK’s murder. And Sheridan’s widow told Thomas that her husband, from New Orleans, regularly kept RFK informed on the New Orleans probe. (Thomas, *Robert Kennedy*, pp.333, 464)

- 1448 **RFK’s feelings:** The reminiscences by the people close to RFK vary. Arthur Schlesinger Jr. was very close to both JFK and RFK. He writes, “I cannot say what [RFK’s] essential feeling was. He came to believe the Warren Commission had done an inadequate job; but he had no convictions that an adequate inquiry would necessarily have reached a different conclusion.” If Schlesinger’s assessment is accurate, one thing that diminishes the weight of RFK’s belief that the Warren Commission had done an inadequate job is Schlesinger’s statement “I do not know whether [RFK] ever read [the Warren] report.” (Schlesinger, *Robert Kennedy and*

*On the Michael Dresser radio show in Fairbanks, Alaska, on March 13, 2003, conspiracy author Bill Turner said that Robert Kennedy met with District Attorney Jim Garrison at the Carlyle Hotel in New York City during his investigation of Clay Shaw for the president’s murder, and Garrison convinced Kennedy there was a conspiracy behind his brother’s murder. When Garrison asked Kennedy, “What are you going to do about it?” Kennedy responded, “Nothing right now. After I’m president and in control of the Justice Department, I’m going to re-open the investigation.” Mankiewicz told me, “If anyone would know if such a meeting took place, I would, and my memory is good. I’m not aware of any meeting that Bobby Kennedy ever had with Jim Garrison.” (Telephone interview of Frank Mankiewicz by author on May 5, 2003)

His Times, pp.616–617) Indeed, we know that in a statement RFK released to the press on September 25, 1964, he expressly said, “I have not read the report.”

1451 **federal income tax return [footnote]:** Oswald’s federal income tax return for 1956 showed a reported income of \$772.46. In 1964, the IRS told the Warren Commission, “We have not located a 1957 return for Oswald. He is known to have served in the Marine Corps during that year.”* Oswald’s federal income tax return for 1958 (in the military) showed a reported income of \$980.09 and his return for 1959 (also in the military), an income of \$996.31. (HSCA Record 180–10110–10130, December 19, 1978; Letter from Mitchell Rogovin, Assistant to the Commissioner of Internal Revenue, to J. Lee Rankin, General Counsel, President’s Commission on the Assassination of President Kennedy, February 17, 1964) Oswald filed no return in 1960 and 1961, as he was in Russia during that period.

1455 **close to the motorcade route:** Sam Wiener told the FBI that after the assassination one of his employees suggested the theory to him that maybe Oswald wanted the job at Wiener Lumber Company because the motorcade route could easily have passed the company property, a route Wiener then realized might possibly have been an even more direct route from Love Field than that which was actually taken (CD 5, p.361). But Wiener’s employee’s theory is merely speculation, nothing more.

On October 15, the Texas Employment Commission (TEC) referred Oswald to an airline company, Trans Texas, for a job as a cargo handler, but its records show he did not go there for a job interview (Cunningham Exhibit No. 1, 19 H 398; 10 H 132, WCT Mrs. Helen P. Cunningham). The reason, undoubtedly, was that he was hired that very day to work at the Texas School Book Depository Building (3 H 213–214, WCT Roy Sansom Truly).

On December 2, 1963, one Olin Benjamin Hamilton, the treasurer and production manager for the Al Semtner Drug Depot, called R. L. Adams of the TEC and said that he had interviewed Oswald for a job as a warehouseman, and believed the TEC had sent Oswald out. He was not impressed with Oswald and didn’t hire him. However, Adams told the FBI that the TEC had no record of having sent Oswald to the Al Semtner Drug Depot. There’s no indication in the FBI report that Hamilton gave any date for the interview of Oswald. (CD 205, p.507, FBI interview of R. L. Adams on December 2, 1963) When the FBI interviewed Hamilton four days later, he said he had contacted the TEC on September 23, 1963, and asked it to start referring applicants for the job of warehouseman to his company, and said he recognized the name of Lee Harvey Oswald as someone who had applied for a job sometime “during the period” between September 23 (when we know Oswald was still in New Orleans) and the day of the assassination. Hamilton was unable to identify a photograph of Oswald being the person he interviewed.

But there is another reason to question Hamilton’s statement. He said Oswald appeared “arrogant and not friendly” and did not think he would “mix with the other boys in the warehouse” (CD 205, p.508, FBI interview of Olin Hamilton on December 6, 1963). Though this is all true about Oswald, it was not true that he came across this way in job interviews, where he was always on good behavior and consistently impressed interviewers with his appearance and demeanor. Hamilton,

*Oswald’s military income in 1957 was \$1,150.00 (CE 3099, 26 H 725).

by December 6, 1963, could have easily gotten the description of Oswald being arrogant and difficult to get along with from the newspapers. In any event, the Al Semtner Drug Depot, listed by the FBI as being at 2416 South Central Expressway, but actually being around the corner at 2416 South Harwood, is south of the downtown area and nowhere near the motorcade route.

1456 **never received or made any calls:** During the week of October 7–14, 1963, when Oswald stayed at a residence on Marsalis Street in Dallas (the week before he moved to his last residence on Beckley Street), the landlady, Mrs. Bledsoe, said that Oswald did not make any long-distance telephone calls from her home and did not receive any mail or visitors (CE 2189, 24 H 870).

1458 **his revolver:** An opposite inference, though not as likely to me, is that Oswald never took his revolver to work with him because he thought that if he was stopped while leaving the building after he shot Kennedy, having a revolver would make him look guilty. But if he did this much thinking, he'd probably realize that an unfired revolver wouldn't be *that* incriminating. Further, that unless he became an immediate suspect, the likelihood is he wouldn't be searched on his way out of the building. (Indeed, as we saw, Officer McDonald didn't search him in the second-floor lunchroom.) He *could* anticipate that in due time, everyone in the building might be searched, but he had to know that before such a sealing of the building and a search of all employees was organized, he'd easily be far away by then. My sense is that if he had really prepared the shooting of Kennedy, arming himself for his escape would have been a more likely thought.

- 1465 **“This case is too big for you”**: *The Trial of Jack Ruby* by John Kaplan and Jon Waltz is the best and most comprehensive book on the Ruby trial. But curiously and exasperatingly, like virtually all the books on Jack Ruby and the Ruby trial, as opposed to those on the assassination of Kennedy, it has no source notes for citation purposes. Indeed, many of the Ruby books don’t even have an index. And no one seems to have a copy of the complete transcript of Ruby’s trial, not even the chief trial prosecutor, Bill Alexander.
- 1466 **he was emotionally unstable**: Earl Ruby, Jack’s brother, told the Warren Commission that Joe Tonahill, one of his brother’s defense attorneys, told him that the FBI had furnished the Dallas DA’s office with evidence that Jack had received psychiatric help at the age of ten. However, none of Ruby’s family members knew about it. (14 H 414–415) Not only is it rather unlikely that Jack Ruby could receive psychiatric attention without anyone in his family knowing about it, but when I asked the lead prosecutor, Bill Alexander, about it, he said, “This is the first time I’ve heard of this. I’m not aware of Ruby having received psychiatric help before” (Telephone interview of William Alexander by author on September 2, 2004).
- 1467 **famed San Francisco lawyer Melvin Belli**: In an effort to raise money for legal fees before the trial, Earl Ruby negotiated with a photo-journalist named Billy Woodfield for Woodfield to interview his brother and write a series of articles to be sold to newspapers. Titled “My Story,” the first of a three-part series was published on January 28, 1964, in many cities throughout the country, including New York and Chicago, but not Dallas, where neither the *Dallas Morning News* nor the *Times Herald* were interested. The articles, sympathetic to Ruby, contained nothing significant that was not already known. After Woodfield and his associate, Larry Schiller, took about \$15,000 from the approximate \$45,000 realized from the sale of the articles, Ruby’s \$30,000 was divided up between Belli, who received \$11,000, and several other lawyers, and the rest was used for defense costs, including \$5,000 to pay doctors their expert-witness fees. (Kaplan and Waltz, *Trial of Jack Ruby*, pp.63–68)
- 1468 **“probably a better lawyer in his field than we were in ours, but he was in the wrong ballpark”**: Ruby may have done better with another colorful and flamboyant San Francisco attorney, Jake “the master” Ehrlich, on whose legal cases the television series *Sam Benedict* was reportedly based. Though not quite as well known nationally as Belli, he had more of a background in the criminal law. And in fact, Ehrlich told UPI on Tuesday, November 26, 1963, that Ruby’s sister, Eva, had called him and asked if he would be willing to represent her brother. Ehrlich, who said he was definitely interested, said he told Eva that since her brother was already represented by a lawyer, Tom Howard, it would be best if she had Howard call his San Francisco office. (*Evening Press* [Binghamton, N.Y.], November 26, 1963, p.9)
- 1468 **“not Belli” as in one’s belly [footnote]**: W. W. “Bo” Mabra was one of the two courtroom bailiffs at the trial. “The first day in court,” he would later recall, “there were a lot of motions to be taken up. When everybody arrived, Judge Brown called the court to order . . . I turned to the lady bailiff sitting at her desk and said, ‘I’ll bet you five dollars that Bill [Alexander] calls him Mr. Belly in less than five min-

utes.’ She just grinned as the judge called on the prosecution first. Bill got up and said, ‘Your honor, Mr. Belly over here,’ and I became strangled and had to leave the courtroom to keep from laughing [out loud]. I knew that Bill was going to say that.” (Sneed, *No More Silence*, p.526)

- 1469 **whether that jury could give Ruby a fair trial:** Jack Ruby had two built-in problems working against him, one because of existing law, the other possibly because of a miscalculation on the part of his lawyer, Melvin Belli. As to the first problem, the law at the time entitled prosecutors to excuse any prospective juror for cause if he said he had a conscientious objection to the death penalty, and it is pretty much conceded that jurors who have no such objection to the death penalty (as was the case with the twelve Ruby jurors) are more conservative and hence more likely to vote not just for death as a punishment, but a conviction.*

The second problem was Belli’s purported decision to pick an intelligent jury because his defense of Ruby was based on a technology that he felt less intelligent people would not comprehend. This may have been true as a general proposition, but one should be careful not to extend principles beyond the limits of their logic. Several Dallas trial lawyers commented that the Ruby jury was the “smartest” they had seen for a murder case. It consisted, among others, of an accountant, research analyst, two engineers, a bookkeeper, two salesmen, a secretary, and a corporation vice president, a jury that the prosecution itself was very happy with. Seven of the jurors lived in the Dallas suburbs. (Kaplan and Waltz, *Trial of Jack Ruby*, p.114) As Ruby appellate lawyer Elmer Gertz observed, the composition of the jury “was a sure recipe for disaster, for such Dallas citizens would be utterly unsympathetic to Jack Ruby, his occupation, his derivation, his crime. It is remarkable how even an essentially shrewd man such as Belli could deceive himself. The prosecution team, less learned than Belli, was nevertheless wiser in the ways of the world of Dallas” (Gertz, *Moment of Madness*, pp.38–39).

It does seem that Ruby would have been better off with a jury “of his peers,” those more a part of the gritty, unbuttoned, and freewheeling life of the city. On the other hand, Belli pointed out that there were precious few of those kind of people to pick from on the jury panel. “Face after face,” he said, “had that civically self-righteous Southern white Protestant look,” with only a sprinkling of Jews, Catholics, and blacks. “There’s not a union man on this list,” Belli groaned to co-counsel Joe Tonahill when he saw the backgrounds and occupations of those on the panel. “This was not,” Belli said, “a fair representation of Dallas with all its prejudices and hatreds.” (Belli with Carroll, *Dallas Justice*, p.118)

- 1471 **162 prospective jurors:** Sixty-two of the prospective jurors were dismissed for cause by the court on a motion of the prosecution’s (virtually all because of their

*Four years later, in the U.S. Supreme Court case of *Witherspoon v. Illinois* (391 U.S. 510 [1968]), the court held that a mere conscientious objection to the death penalty was not a ground to dismiss a juror for cause. Only if the juror said he would, in all cases, automatically vote for life imprisonment could he be excused. In other words, the juror who said he was opposed to the death penalty, but could nevertheless vote for it in some egregious cases, could no longer be disqualified for cause. As a result of *Witherspoon*, whose ruling the court made retroactive, thousands of death penalty verdicts around the country were reversed and remanded for a new trial on the issue of penalty. I’m not clairvoyant, but I fortunately had been complying with the ruling during my jury selection in death penalty cases before *Witherspoon* came down, and no death penalty verdict I secured was reversed because of *Witherspoon*.

opposition to the death penalty); fifty-eight, on a motion by the defense. One juror was dismissed due to illness. Each side was allotted fifteen *peremptory* challenges (challenges for which no reason has to be given), and Judge Brown gave the defense an extra three. The defense used all eighteen to dismiss jurors, the prosecution using only eleven of its fifteen.

1472 **“three times,” and “Someone had to do it”:** Jack Ruby would later expressly deny to the Warren Commission having made the “three times” and “Someone had to do it” remarks, and inferentially denied the remark about first thinking of killing Oswald on Friday night when he told the Commission that “prior to” Sunday morning he never had the thought (5 H 198, 206).

The alleged remark by Ruby that he had first thought of killing Oswald two days earlier was testified to by Sergeant Patrick Dean on March 6, 1964, and was the most devastating to Ruby’s case, showing premeditation. Dean first noted this remark by Ruby in his February 18, 1964, report to Dallas police chief Jesse Curry, in which he said he was present when Ruby told this to Dallas Secret Service chief Forrest Sorrels on November 24, 1963 (Dean Exhibit No. 5010, 19 H 440). Dean told the Warren Commission on June 8, 1964, that when he testified earlier, on March 24, 1964 (12 H 415 et seq.), and his questioner, assistant Warren Commission counsel Burt Griffin went off the record with him (12 H 443), Griffin accused him of lying, saying he didn’t believe Ruby had ever made such a statement (5 H 255–256).*

It’s understandable why Griffin would have his doubts. Forrest Sorrels, the person to whom Ruby allegedly made the statement about first thinking of killing Oswald on Friday, testified to the Warren Commission that he did not recall Ruby ever making such a statement, and if he made it, it wasn’t while Sorrels was in the room (13 H 68, 76). It should be noted that although Sorrels’s testimony was on May 6, 1964, almost two months after Griffin accused Dean of lying, since Griffin was working on the Ruby part of the Warren Commission investigation we can assume he had spoken to Sorrels before Dean’s testimony and already knew Sorrels’s position. Dean would always maintain that Sorrels was in the room when Ruby made the statement Dean said he did (HSCA Record 180-10073-10050, HSCA interview of Patrick Dean on November 15, 1977, p.8).

Perhaps most damaging of all to Dean’s credibility on this issue is *why did he wait three full months to tell anyone about Ruby’s premeditation statement?* Prior to his report to Curry on February 18, 1964, he had many other opportunities to mention this and didn’t: his first report to Curry on November 26, 1963 (Dean Exhibit No. 5009, 19 H 438–439); an FBI interview of Dean on December 2, 1963 (Dean Exhibit No. 5008, 19 H 432–437); another report of Dean’s to Curry on December 8, 1963 (Dean Exhibit No. 5137, 19 H 448–450); another FBI interview of Dean on December 10, 1963 (Dean Exhibit No. 5011, 19 H 442–444); and even a fairly long television interview on Dallas TV station KRLD on November 24, 1963 (CE 2159, 24 H 799–803).

After Dean’s March 24, 1964, testimony before the Commission, he com-

*Nor did Griffin believe Dean that Ruby had told him he had entered the police basement through the Main Street ramp (5 H 255, WCT Patrick Trevore Dean). Dean first mentioned this in his interview with the FBI on December 2, 1963 (Dean Exhibit No. 5008, 19 H 437).

plained vehemently to DA Henry Wade about Griffin's charges. Wade took the matter up with the Warren Commission's general counsel, J. Lee Rankin. Although Assistant Counsel Howard Willens took Griffin's side, believing Griffin's aggressive behavior was "appropriate" and no punishment was in order, Rankin succumbed to pressure from Texas officials and removed Griffin from the Dallas investigation, reassigning him to the Warren Commission offices in Washington, D.C. (Kantor, *Ruby Cover-Up*, pp.20–21; *Dallas Morning News*, March 25, 1979, p.34A)

Though not introduced at the trial, one other alleged incident took place that, if true, points in the direction of premeditation. Wanda Helmick, an eighteen-year-old carhop who worked for Ruby's close friend, Ralph Paul, at his Bullpen Drive-In in Arlington, Texas, told the Warren Commission that around eight or nine o'clock on Saturday night, the night before Ruby shot Oswald, she was sitting in a booth after work at the restaurant waiting for her girlfriend or husband to pick her up when she overheard Paul's end of a telephone conversation with a man named Jack. She heard Paul say, "Are you crazy? A gun?" or, she said, "something like that." (15 H 397, 399)

The conversation sounds like it could very well have occurred, but there are several things working against Ms. Helmick. Telephone records show that the first call Ruby made to Paul the Saturday evening before he killed Oswald was at 10:44 p.m. (CE 2300, 25 H 235). That in itself would not be a problem, but since Ms. Helmick said she got off work at 5:00 p.m., this means that to hear this conversation, she would have had to have been sitting around the restaurant waiting for a ride home for almost six hours, which would seem to be rather unlikely. A smaller problem is that just three days before her Commission testimony she said the first time she heard any reference to a gun was not Saturday night but the *next* day, after Ruby shot Oswald, when she again overheard Paul talking over the phone. Paul told the person to whom he was talking that he had spoken to Ruby the previous night, that Ruby had made little sense, and that Ruby had mentioned something about a gun, and she concluded this must have been the conversation she overheard the previous night when Paul asked Ruby if he was crazy. (CE 2834, 26 H 276, FBI interview of Mrs. Donald Wanda Helmick on July 21, 1964; but see also CE 2823, 26 H 264, FBI interview of Helmick on June 9, 1964) A further problem for Mrs. Helmick is that when the FBI interviewed four coworkers of hers who were there that Saturday night, none of them said they heard what Helmick said she heard (CE 2431, 25 H 531–535).

For his part, Paul was categorical in his denial before the Warren Commission that Ruby had said anything to him over the phone about a gun or threatening to kill Oswald (15 H 671–672), although he admitted to the FBI that he may have asked Ruby if he was crazy when Ruby urged Paul to close his restaurant for a few days because of the assassination (CE 2431, 25 H 532, FBI interview of Ralph Paul on August 27, 1964). Author Gerald Posner notes that at the time Paul made his denial to the Warren Commission (August 24, 1964), Ruby's conviction for having murdered Oswald was on appeal, and Paul, a close friend of Ruby's, may not have wanted to say anything that could be used as evidence of premeditation against Ruby (Posner, *Case Closed*, p.390 footnote). Paul also told the Commission that in his several telephone conversations with Oswald over the weekend, "I never even

talked to Ruby about Oswald once,” which would seem to be highly unlikely, since we know Ruby did with several other people. And when he was asked if Ruby had said to him that “some action should be taken by someone with regard to Oswald?” he replied, “No, sir.” (15 H 671) But Paul told the *Dallas Morning News* in 1968 that “in the course of the conversation [presumably the longest one, the nine-minute conversation on Saturday evening] he [Ruby] started talking about Oswald. I don’t think he ever said his name. He said, ‘this guy who killed our President, someone needs to do the same to him’” (*Dallas Morning News*, November 20, 1988, p.29), a remark, undoubtedly, that a great number of people made before Ruby became the one to do it.

- 1473 **psychomotor epilepsy:** From the testimony of the defense medical experts, it was obvious that Ruby’s alleged psychomotor epilepsy was of the *petit mal* type, which is characterized by a momentary loss of consciousness, as opposed to the *grand mal* type, which is characterized not only by a temporary loss of consciousness but also by violent convulsions. Defense psychiatrist Dr. Manfred Guttmacher testified he didn’t believe Ruby had a *grand* or *petit mal* seizure at the time he shot Oswald. (Kaplan and Waltz, *Trial of Jack Ruby*, pp.224, 236)
- 1475 **would blurt out enough incriminating statements to bury himself:** In Melvin Belli’s book *Dallas Justice*, he wrote that Ruby told him he shot Oswald because he wanted to save the president’s widow the trauma of appearing in the Oswald trial. But Belli said he did not accept the story. “Where had it come from? Tom Howard, the local lawyer [who originally defended Ruby] . . . had been talking about that from the start and, whether he unconsciously planted the idea in Ruby’s mind or simply reinforced a confabulatory glimmer that was already there, I don’t know. I am sure the story was false because it didn’t square with everything else we knew.” (Belli with Carroll, *Dallas Justice*, p.41)

For years, conspiracy theorists have maintained that killing Oswald to save Mrs. Kennedy from having to come back to Dallas to testify at Oswald’s trial was a lie. And the reason for Ruby’s lie, they say, was to cover up the real reason he killed Oswald—to silence him for the mob. The invariable proof they offer (e.g., Twyman, *Bloody Treason*, pp.249–250; Scheim, *Contract on America*, p.128; Kantor, *Ruby Cover-Up*, p.238) was a story in *Newsweek* in 1967 that Ruby had written a note to one of his defense attorneys at his trial, Joe Tonahill, that read, “Joe, you should know this. Tom Howard told me to say that I shot Oswald so that Caroline and Mrs. Kennedy wouldn’t have to come to Dallas to testify. OK?” (“Note from Jack Ruby,” p.21) This note, to my knowledge, has never surfaced, and G. Robert Blakey and Richard N. Billings, in their book *The Plot to Kill the President*, give no citation for their statement that Tonahill later said, “What Ruby wrote down disturbed me very much” (Blakey and Billings, *Plot to Kill the President*, p.333). Therefore, we cannot be 100 percent sure Ruby ever wrote such a note. But there can be little question that even if he did, it did not accurately reflect what happened. Dallas Secret Service head Forrest Sorrels, within a half hour of Ruby’s arrest, and *before* Ruby had any contact with his first lawyer, Tom Howard, interviewed Ruby in the fifth-floor jail. In his report of that interview he writes that Ruby said “when he read an article about Mrs. Kennedy having to go to Dallas for the trial he thought why should she be brought down here and have to go through the ordeal on account of that no good son-of-a-bitch, that he had seen . . . a letter to little Caroline,” and so on. Ruby

also talked about working himself up to a state of insanity and also wanting “to show the world that a Jew had guts,” and there was his fear that Oswald might otherwise possibly get off and not be punished for killing Kennedy. (Sorrels Exhibit No. 1, 21 H 537; 13 H 65–68, WCT Forrester V. Sorrels) Howard saw Ruby, for the first time, between 1:58 p.m. and 2:02 p.m., over two hours later, when FBI agent C. Ray Hall allowed Howard to interrupt his (Hall’s) interrogation of Ruby (15 H 64, WCT C. Ray Hall). So the business about saving Jacqueline a trip couldn’t possibly have come from Howard. Furthermore, even if Ruby hadn’t already given this as one of his *several* reasons for killing Oswald, how could Howard, who obviously hadn’t even been retained as Ruby’s lawyer yet,* come up with this defense in the short four minutes he saw Ruby? Indeed, if he had been retained, he obviously would have instructed Ruby not to talk to Hall, or at a minimum would have sat in with Ruby during his interrogation. It appears that if the Howard story is true, what most likely happened is that Ruby told Howard the same story he had already told Sorrels, and Howard told Ruby it was a good defense and to go with it, and Ruby, if he in fact did ever write such a note to Tonahill, loosely suggested that Howard had come up with the idea.

Despite the fact that we know Howard could not have given this idea to Ruby, book after book continues to spout this theory, and even the HSCA bought in to it, saying that “a handwritten note by Ruby, disclosed in 1967 [quoting the *Newsweek* piece], exposed Ruby’s explanation for the Oswald slaying as a fabricated legal ploy” that he had gotten “from his first lawyer, Tom Howard” (HSCA Report, p.158).

My personal take is that sparing Jackie a trial in Dallas was just one of the reasons why Ruby shot Oswald, but not among the main ones, those being his genuine animus for Oswald and his desire to become a hero.

- 1475 **other medical experts:** A particularly impressive and important medical witness, Dr. Francis Michael Forster, was saved by the prosecution for surrebuttal. Forster was chairman of the Neurology Department at the University of Wisconsin’s School of Medicine. A former president of the American Board of Psychiatry, he was a highly qualified electroencephalographer. To eliminate the possibility of any bias, prosecutor Bill Alexander had flown to Wisconsin to meet with him before the trial and brought along three electroencephalograms (EEGs), each from a different person, one of them Ruby, though not telling Forster which one was Ruby’s. Forster told the Dallas jury that there were a few short runs of slow waves on the EEG that turned out to be Ruby’s that, he said, were “statistically rather minor, not a very prominent part of the record,” and they would not justify a diagnosis of psy-

*Strong evidence that when Howard met with Ruby for four minutes on Sunday afternoon he had not yet been retained by Ruby as his lawyer, and was just one of the lawyers Ruby spoke to that day, is a paragraph in the *Dallas Times Herald* the following day, November 25, 1963, that referred to the previous day, Sunday, and read, “Attorney C.A. Droby, one of several lawyers who called at police headquarters to consult with Jack Ruby, told police . . .” And a visitor’s permit card shows that at 1:45 p.m. on November 24, ten minutes *before* Howard visited Ruby, Ruby was visited by another attorney, Jim Martin (CE 2003, 24 H 395). This type of thing is typical in high-visibility criminal cases, where defense attorneys vie with each other to become the lawyer of record on the case. For instance, in the Charles Manson murder case, before Manson settled on a lawyer to represent him, Los Angeles County jail records reflected that over two hundred lawyers came to visit him, including Mel Belli, who I later learned offered to represent Manson without payment of a fee.

chomotor epilepsy. Perhaps more tellingly, he testified that if a person had recall of his activity, then he was not having a psychomotor seizure at the time he engaged in the subject activity. When Alexander presented to Forster Ruby's statements made during and shortly after his shooting of Oswald in the form of a hypothetical question, Forster responded by telling the jury that someone with that level of recall could not have been in the throes of an epileptic seizure at the time. Belli, on cross, couldn't budge Forster with his argument that "confabulation" may have allowed Ruby to fill in the blanks of his amnesia, Forster saying that confabulation is not a phenomenon of an epileptic seizure. (Kaplan and Waltz, *Trial of Jack Ruby*, pp.286–287; Sneed, *No More Silence*, p.546, interview of Bill Alexander)

Alexander also called Dr. Roland Mackay to the stand during surrebuttal. Mackay, a professor of neurology at Northwestern University Medical School, was a former president of the American Neurological Association. Alexander, who obviously did his homework and prepared well for the trial, had flown to Chicago to show Mackay Ruby's EEGs. Mackay told the Dallas jury he found in them "little short runs, lasting about one to two seconds each, of . . . slower waves, perhaps five per second," but said they were "within the limits of normal, except that they look to be the record of a sleepy person, or a person in a very light sleep, or perhaps under some medication." (Of course, Ruby's EEG was recorded while Ruby was in custody, possibly after he had been given some form of medication to calm him down.) Mackay testified that Ruby's EEG did not indicate psychomotor epilepsy. In response to Alexander's question, "Doctor, would a person in a . . . psychomotor-seizure state pick out a moving target from a crowd, move in on it and shoot that target from close range and then have recall of it?" Mackay answered, "No, sir." As with Dr. Forster, Belli scored no points with Dr. Mackay on cross. (Kaplan and Waltz, *Trial of Jack Ruby*, pp.287–289)

1477 **insanity defense:** The issue of Ruby's sanity came up again in a sanity hearing in Dallas on June 13, 1966, before Judge Louis T. Holland, who had replaced Judge Brown on the Ruby case. Ruby and his family had succeeded in having Joe Tonahill removed as Ruby's attorney in a Dallas court hearing on May 24, 1965, in which Ruby's brother Earl and Tonahill hurled bitter charges of financial profiteering against each other. Tonahill said Ruby was insane and, hence, not qualified to judge who should defend him. Earl Ruby conceded that his brother was currently insane but said that he was sane at the time he signed an affidavit shortly after his conviction in 1964 stating that he no longer wanted Mel Belli or Tonahill to represent him.* When Judge Holland dismissed Tonahill from the case, Tonahill said he

*Ruby's appellate legal team consisted of Bill Kunstler of New York, Sol Dann of Detroit, and Elmer Gertz of Chicago. Tonahill asked Earl Ruby at the hearing if he did not think his brother being represented by Kunstler "would be detrimental to your brother's public image" because of Kunstler's past representation of persons accused of Communist ties. (An objection to the question by the prosecutor was sustained.) Kunstler was so far to the left, and radically so, that he said somewhere (I vaguely recall in a high school classroom) that the assassination of President Kennedy was a positive or good thing. When his statement got out, I was invited to appear with him on either *The Today Show* or *Good Morning America* in New York City, where he repeated his assertion. This was many years ago and I don't even recall what his rationale was, but I think it had something to do with Kennedy being "an establishment" figure, and hence, the removal of him was okay, to which I responded to the effect that Kunstler's position was "too preposterous for words." As late as 1994, Kunstler was quoted as saying that not only John Kennedy, but also his brother Robert were "power-mad," and "their deaths were in some ways good for the country." (*Los Angeles Times*, September 2, 1994, p.E4)

intended to ask the State Court of Criminal Appeals to allow him to reenter the case, and, as reported by the *Dallas Morning News*, “Judge Holland did not oust [Tonahill] from that capacity and said the matter would be left to appeal judges.” (*Dallas Times Herald*, May 24, 1965, p.1A; *Dallas Morning News*, May 25, 1965, p.1)

So Tonahill was hanging on and refusing to give up on his effort to represent Ruby on the appeal of his conviction. But before the Texas Court of Criminal Appeals agreed to hear Ruby’s appeal from his murder conviction, it ordered the aforementioned sanity hearing to decide not if Ruby was insane at the time he shot Oswald (an earlier jury had already found he was not), but if Ruby was mentally competent enough to fire Tonahill. At the June 13, 1966, sanity hearing, the Dallas jury of seven men and five women, deliberating less than fifteen minutes after hearing testimony from four of Ruby’s jailers and a jail doctor that Ruby appeared to them to be of sound mind, found Ruby to be sane. One of the jailers testified he had caught Ruby cheating in a game of gin rummy with him. “If he got caught, he didn’t like it too much,” the guard said, smiling. Ruby’s lawyers did not offer any opposing evidence or question the five witnesses since Ruby and his family were opposed to the hearing. Indeed, Ruby himself took the stand and denied that he was insane or had ever claimed to be. “I never tried to make anyone believe I was of unsound mind,” he testified. (*New York Times*, June 14, 1966, p.27; *New York Times*, May 23, 1966, p.19)* “I don’t know who conspired to do that [make people believe he was insane],” he added, the implication being it was his lawyers. Prosecutor Bill Alexander, in his brief address to the jury arguing that Ruby was sane, said, “I almost feel sorry for Jack. Jack Ruby is in a better position than his lawyers because he takes a realistic view of things” (Gertz, *Moment of Madness*, p.369).

1477 **words for Judge Brown:** Belli would later write, “After the verdict, I was standing amid a cluster of reporters when Judge Brown broke away from his own interviewers and pushed his way through to me. He extended his hand, an incongruous look on his face. There were tears in my eyes, some of them for this fundamentally humane and decent man who had been a prisoner of his community’s prejudices. ‘I can’t shake hands with you, judge,’ I said. ‘You’ve got blood on your hands.’ Pain flickered across his face. ‘I’m sorry you feel that way about it, Mel,’ he said. ‘Come back and see us again.’ He walked away” (Belli with Carroll, *Dallas Justice*, p.259).

1479 **manipulating community opinion:** A perfect example of the Dallas Citizens Council manipulating the direction of the city to promote its image was in the area of race relations. Though racial antipathy existed among many Dallasites in the ultra-conservative city, the council, seeing that integration was inevitable, decided that resistance to it would be deleterious to the city’s image. So the council got its members to educate the employees of their large companies on the advisability of integration and got both Dallas newspapers to promote the integration of blacks

At the Dallas hearing, Ruby voluntarily took the stand and told of his fears that there would be an attempt in future years to link him as a conspirator with Oswald in Kennedy’s murder. “To the American people and the world I’m going to be branded a part of a conspiracy with Oswald,” he declared in an emotional courtroom scene. “You’re going to forget how I felt about the beloved President Kennedy.” (*New York Times*, May 25, 1965, p.21)

*At the earlier hearing to remove Tonahill as his lawyer, Ruby had also taken the stand and said, “If I’m an insane person at this moment, then the rest of the world is crazy” (*Dallas Morning News*, May 25, 1965, p.1).

and whites in the city's societal structure, including schools, even enlisting the services of Walter Cronkite, who donated his time to narrate a film touting integration. (Wills and Demaris, *Jack Ruby*, pp.105–106) The effort worked. As *U.S. News & World Report* noted in 1964, "Unlike some other cities, both North and South, Dallas appears to be solving its racial problems without violence or demonstrations in the streets" ("Different Look at Dallas, Texas," p.42).

- 1481 **"Belli antagonized everybody"**: At the beginning of Belli's final summation to the jury, he *did* try to mitigate the damage he probably knew he had already caused. "My mother always told me," he told to the jury, "that when I came to a strange place [a Freudian slip?], if I was treated graciously, to thank my hosts. And that I do here and now first. I have been treated graciously here from the high to the low, from the taxicab driver to the waitress, from the millionaire to the pauper, the Rabbi and the Reverend; all *individually* [emphasis by Belli in his book] have treated me graciously.

"But my mother also told me not to be a hypocrite in what I said: You know all too well what I have said to you, that I thought it was impossible for any one of you to sit on this jury because of the events that happened in your own city, and because of the *unconscious* [emphasis by Belli] pride that you have in your city" (Belli with Carroll, *Dallas Justice*, pp.228-229).

- 1483 **On October 5, 1966, the Texas Court of Criminal Appeals reversed Ruby's murder conviction**: A day or so after Ruby's conviction was reversed, Earl Ruby and two of Jack's appellate lawyers, Elmer Gertz and Phil Burleson, went to visit him at the county jail. Gertz wrote in his book, *Moment of Madness*, that "Jack shuffled in, almost furtively. There was no bounce in his step and little life to him. At first glance I was shocked, almost speechless. He was pale and pasty, and it was not simply prison pallor. He had the look of one stricken with a mortal illness." Within days, Gertz returned to visit Jack with another Ruby appellate lawyer, William Kunstler, who had come into town. Jack gave Kunstler a letter to hand deliver to his brother Earl. It's obvious from the excerpts that follow that the psychotic and paranoid rantings of his Warren Commission testimony over two years earlier, if anything, had gotten worse and more disjointed:

"Earl: You must believe what I've been telling you for the past two and a half years. If you only would have believed me all along you would have found some way to check out what I said. You would have saved Israel, but now they are doomed, because they think the U.S. [is] for them, but they are wrong because Johnson wants to see them slaughtered and tortured . . .

"They are torturing children here. If you only would believe what I'm telling you. Phil [Burleson, one of Ruby's lawyers] was in on the conspiracy all along, and he was very instrumental in the frame-up they planned, that I was in on the assassination of the President. Don't be fooled by his working on the [legal] briefs, now that [he] has done all the dirty work, he put himself in a position to make every effort that he is on our side. Please, you must believe all I've been telling you. Earl, they are going to torture you to death, and you will witness your own family being put to death. Forgive me for all this terrible tragedy I've caused . . .

"I know you won't listen to me Earl, but if you go to a public phone booth, they may be watching you, pretend that you are going to a department store or a movie, and then give them the slip. Try the phone booth and call some people in N.Y. you

know, and if you don't find them in, you will know something is wrong . . . Earl, I know what I am talking about, and I'm sure you think I'm crazy. But don't forget the jury found me sane . . . If you know your family is gone, then you know all is lost and you can't save anything. But you still may be able to save Israel. By getting to Miami either hitch-hike or some-way. You won't be able to fly because they will be watching for you. From Miami you must find a way to Cuba . . . From there you must find a way to Russia. Castro would get you there if he knew you had information for Russia. Then you tell the Russians how Egypt has been using them all along, but they are much closer to Johnson, because of what is happening to the Jews in the U.S. Then they will understand what kind of person Johnson is, and then they may be able to save Israel.

“Russia will then be in a position to tell Johnson, that there [their] first move if any trouble starts is not to bomb the U.S. but to wipe out Germany, that one thing Johnson don't want to happen because he is counting on them to be a master race . . .

“Earl, as God is my judge, you must believe all these things I've been telling you . . . You may have lost your family by now, but there is nothing you can do about it now, and you can save millions of people who are doomed to be slaughtered. This country has been overthrown.” (Gertz, *Moment of Madness*, pp.472–474)

On December 9 Ruby was taken to Parkland Hospital, where the initial diagnosis of his condition was pneumonia. He remained hospitalized there until his death less than a month later, on January 3, 1967.

1488 **the December phone call:** After I spoke to Marina over the phone on December 5, 2000, as is typical with me, I started accumulating some additional questions I wanted to ask (one among several: Did they have a phone in their apartment in Minsk? I found the answer, no, elsewhere), but when I called the Army-Navy Surplus Store on August 18, 2004, Corey Roberson, Linda Wilson's cousin, answered the phone and told me the surplus store had been closed, that he was operating a foam rubber supply store at that location now, and Marina did not work there. I asked Corey if he would get in touch with her for me because I had some more questions, none of them heavy, to ask her, and gave him my phone number to give to her, saying she should call me collect. Thirty-one-year-old Corey, whom Marina used to babysit for, made every effort to get Marina to talk to me, but although he never told me she refused, he could never get her to do so. Even my suggestion that he tell her I would set forth my questions in writing didn't help.

After at least five or six phone calls to Corey to check on his progress, and after it seemed he was getting nowhere, he proceeded to tell me in a phone conversation on November 10, 2004, the reason why he wasn't getting anywhere on my behalf: "I've known Marina all my life and you're the first person I've ever seen her intimidated by." "You're kidding me," I said. "I'm not kidding," he responded. I told Corey, as I'm now telling the reader, that there's nothing intimidating about me. Maybe those whom I have prosecuted were intimidated by the fact that they knew I had done my homework and was very prepared, but other than that I definitely don't feel there's anything intimidating about me. Moreover, as indicated in the main text, Marina's curt remarks to me when I first met her in Dallas showed anything but intimidation.

In any event, I never spoke to Marina after December 5, 2000, and although I have her unlisted home number (given to me by a third party), I never invaded her privacy by calling her there.

1489 **sources for the accusation:** One source, “Nomenclature of an Assassination Cabal,” was self-published in 1970 and has come to be known as “The Torbitt Document” because it was written by an anonymous trial lawyer in the southwestern United States who used the pseudonym William Torbitt. Photostatic copies of Torbitt’s manuscript began circulating in the conspiracy community in 1970, and it has acquired a certain cachet in conspiracy lore, I can only imagine because of the mystery of who the author was and the colorful and enigmatic name by which it came to be known. It can’t be because of the quality of the document itself, being unimaginably bad. There is no rhyme or reason to the manuscript, which is published in full in the book *NASA, Nazis, and JFK: The Torbitt Document and the Kennedy Assassination*. Indeed, other than a foreword and introduction, “Nomenclature of an Assassination Cabal” is the whole book. No author is listed on the cover, and only the foreword and introduction are copyrighted.

The book names more groups (FBI, mob, NASA, Nazis, exiled czarist Russians, Defense Intelligence Agency, Defense Industrial Security Command, Free Cuba Committee, American Council of Christian Churches, etc.) and people (from LBJ and RFK’s assistant Walter Sheridan down to Ruby stripper Tammi True and lawyer Roy Cohn, with a great number of other named conspirators in between) as being involved in the conspiracy to kill JFK than perhaps any other conspiracy book ever written. The problem is that Torbitt names these groups and people completely willy-nilly, without telling his readers how he came by his information or even why he says what he does. He just names people, fifty-seven on one page, and wanders aimlessly back and forth from subject to subject.

But I must say, I did learn a few things from Mr. Torbitt, of which I am duly appreciative. I learned that “the Warren Commission did not find that Lee Harvey Oswald killed President Kennedy. They simply found there was not enough evidence to find a conspiracy in the murder and the evidence was weighed [weighted?] against Oswald.” Also, “the actual assassination was done by a team of highly trained professional assassins from Mexico.” These things are nice to know. He even cleared up what happened in the murder of Martin Luther King Jr., saying that “on August 14, 1969, James Earl Ray *confirmed* [that’s the type of scholarly writing I like] that Division Five of the FBI was used in the slaying of Martin Luther King Jr.” (*NASA, Nazis, and JFK*, pp.5, 24–28, 54–55, 106, 133, 195)

1498 **Connally was so intent:** In a bedside interview at Parkland Hospital with CBS’s Martin Agronsky, most likely on Monday or Tuesday following the assassination, Agronsky asked, “Governor, when did they tell you that President Kennedy was dead?” Connally: “They told me Saturday after I was conscious enough really to understand. Nellie told me, and it was no news to me because I was almost sure he would be after the two shots that I felt he had taken . . . Because I personally felt that I had been killed, too, when I received my shot.” (HSCA Record 180-10116-10050, undated, p.2)

1500 **there is no such thing as a coincidence:** Conspiracy theorists in the Kennedy assassination have several problems with their “It’s not a coincidence” argument. One is that, in seeming defiance of the law of probabilities, coincidences are remarkably common. Second, they make the allegation that there are too many coincidences in the Kennedy case,^{*} but when they finally get around to setting forth what they perceive to be a suspicious “coincidence,” either it isn’t a coincidence or, if it is, it can be *proved* that it is, in fact, truly fortuitous. An example of the former is when Gerry Spence asked the London jury, after setting forth several things about Ruth Paine he thought were suspicious (such as her taking Marina into her house “under the single explanation that she wanted to learn Russian”), “*Is it just a coincidence that the gun that was found purportedly, purportedly, in Ruth Paine’s garage is the gun that killed the president?*” (Transcript of *On Trial*, July 25, 1986, p.1008) That’s no coincidence at all since the Oswalds stored their belongings in Ruth Paine’s garage.

An example of the latter is when the conspiracists point out that a photograph taken at the very time of the assassination shows a man bearing a very strong resemblance to Oswald standing on the front steps of the Book Depository Building, when Oswald was supposed to be in the sixth-floor sniper’s nest. If he is not Oswald, this clearly is a remarkable coincidence. The conspiracists maintain this may be no coincidence at all since the man in the doorway may be Oswald (many conspiracists to this day flat-out declare it is Oswald) on the steps, and the conspirators are framing him for Kennedy’s murder. But the problem for the theorists is that, as discussed in an earlier endnote, we *know* that the man on the steps was not Oswald but a coworker named Billy Lovelady, who identified himself as being the man in the photo, as did coworkers of his who were on the steps with him at the time. So we know that it was strictly fortuitous (as all true coincidences are) that someone strongly resembling Oswald was standing on the front steps of the Book Depository Building at the time of the shooting in Dealey Plaza.

In the very same vein, we know from an earlier endnote that shortly after the shooting in Dealey Plaza when a crowd gathered in front of the Book Depository Building, a man strongly resembling Jack Ruby was in the crowd. What is the likelihood that right around the time of the shooting in the plaza, men resembling Lee Harvey Oswald and Jack Ruby not only would be in the plaza but would be around the very same place in the plaza? One out of several million? Yet we know it happened and we also know it was just a coincidence, a phenomenon of life conspiracy theorists refuse to accept—at least insofar as the Kennedy assassination is concerned.

1502 **were named Johnson:** Though perhaps not something that could be considered a coincidence, there were two, separate, federal investigations into each assassination, and both Lincoln’s and Kennedy’s successors, Andrew Johnson and Lyndon

^{*}As Gerry Spence argued in London, “If you took a mathematical computer—and most of us try to be as mathematically correct about something as we can—that we would find that this case is one in which the chance of all of these coincidences . . . just happening are about one chance in ten billion” (Transcript of *On Trial*, July 25, 1986, p.1006).

Johnson, were accused by more than a few of being involved in a conspiracy to murder their predecessor (two investigations in Lincoln's death and Andrew Johnson being accused of Lincoln's murder: HSCA Report, p.597–598; Lyndon Johnson being accused of Kennedy's murder: see main text).

1506 **in isolation from her family:** Upon learning from Warren Commission counsel that the Commission intended to call Marguerite Oswald as a witness, Marina said to the Commission, “I am sorry that you will devote your time to questioning her, because you will only be tired and very sick after talking to her. I am very much ashamed to have this kind of relationship to my mother-in-law. I would like to be closer to her and to be on better terms with her. But when you get to know her, you will understand why. I don’t think that she can help you” (1 H 82).

Robert Oswald told the Commission, “She is rather persistent to the extent that . . . we have never really gotten along. She tries to dominate me and my wife, and I might say that applies to John and his family, and also to the extent that it applied to Lee and his wife” (1 H 315).

1506 **“a mother’s love”:** Marguerite Oswald died at age seventy-three of cancer in a Fort Worth hospital on January 17, 1981. Her attending physician, Dr. John Johnson, told the media, “She was alone and estranged from her family and had to make all the decisions concerning her own case and welfare. Her only visitors were a few neighbors.” (*Times-Picayune* [New Orleans], January 18, 1981, p.20; *Dallas Morning News*, January 18, 1981, pp.1A, 18A) This, of course, is sad and almost incomprehensible, since although her son John (since deceased) was living in Florida at the time, her other son, Robert, was living in nearby Denton. And it wasn’t as if Robert never knew that his mother was in the hospital and near death. When, in 2005, I read what Dr. Johnson said to Dallas reporter and author Hugh Aynesworth, a good friend of Robert’s, he said, “Yes, that’s all true, except I *think* Robert told me about half a year ago that he went to see Marguerite in the hospital once” (Telephone interview of Hugh Aynesworth by author on August 5, 2005).

The common consensus is that Marguerite was a quirky woman and had an overbearing personality, making her difficult to get along with. Since I never knew her, I am not in a position to weigh in on this issue. But I think I am in a position to say that if Robert never showed his mother the ordinary respect and dignity of being with her and helping her in her dying days, he failed in his book about his brother Lee and the Oswald family to meet his burden of proof in explaining to his readers why this type of conduct by him was justified. Parents who are much worse than what he writes about Marguerite very often receive warmth and compassion from their children near the end. My sense of Marguerite is that with her usually menial wages, and raising three sons all by herself, she did the best she could to take care of them, and loved them, particularly Lee.* Remarkably, although Robert Oswald writes that “it was a strain on her [Marguerite] to keep up the payments on the house and provide our food and clothes,” he nevertheless complains bitterly about Marguerite that “if John or Lee or I commented casually that we wished we could have something or do something, her immediate reaction

*To me, one of the most poignant of all Warren Commission exhibits, one that, in its smallness, speaks largely, is a December 13, 1963, FBI report that reads, “Records of the First National Bank of Fort Worth reflect Savings Account No. 8218 opened December 11, 1951 [when Oswald was twelve years old] by Marguerite C. Oswald in the name of Lee H. Oswald with address 7408 Ewing. The account was opened with a deposit of \$1.00 and additional deposits of \$1.00 on December 14, 1951, and January 10, 1952. A total of \$3.00 contained in this account was withdrawn July 1, 1952” (CE 1150, 22 H 184).

was that we couldn't afford it, there wasn't enough money" (Oswald with Land and Land, *Lee*, p.48). But if it was the truth that she didn't have the money, as it almost assuredly was, what did Robert expect Marguerite to say, "Yes, I do have enough money. Here, get what you want"? Marguerite told the Warren Commission, "I have always been broke, and I mean broke. About a week before rent time, we had it pretty hard in order to have that rent" (1 H 199). Aynesworth told me Robert had told him that one of the big reasons why his family had become estranged from Marguerite is that she was "always groveling for money" (Telephone interview of Hugh Aynesworth by author on August 5, 2005). But that's what people who don't have any money frequently do. And it wasn't as if Marguerite was a goldbricker. The evidence is clear from the literature that Marguerite worked hard virtually all of her life.

- 1510 **“Camelot”**: Although I am unaware of any reference in American literature to “Camelot” being applied to President Kennedy and his administration prior to Jackie Kennedy’s reference to it in *Life* magazine after his death, it is noteworthy that the November 23 edition of the *London Herald*, its first edition after the assassination the previous day, had a subheadline (beneath “Kennedy Assassinated”): “American Mourns Camelot Dream” (*JFK/Deep Politics Quarterly*, January 2006, p.23). This, of course, reflects that the belief that Kennedy and what he stood for were very special was international. The worldwide mourning of his death itself establishes this perception of him.
- 1510 **at forty-three the youngest man**: But Kennedy was not the United States’ youngest president. Theodore Roosevelt was forty-two when President William McKinley’s assassination in 1901 elevated Roosevelt to the presidency.

1512 **further information about the format of the citations:** As is shown in the main text of this book, the investigation of the assassination by local and federal law enforcement agencies (mostly the Dallas Police Department and FBI) commenced within minutes after the shooting in Dealey Plaza. Their interviews of witnesses and reports became what is known as “CDs,” for Warren Commission documents, and appear in volumes 22 through 26 of the Warren Commission volumes. These documents were the basic support documents for the Warren Commission’s investigation of the assassination. I asked the man I call “Mr. CD” (because he knows more about these documents and their provenance than anyone I know), assassination researcher Bill Drenas of Lowell, Massachusetts, to furnish me with some additional information about the CDs. In addition to informing me that CD numbers stopped being assigned to investigative reports on the assassination (which continue to this day) within a month or so after the Warren Commission discontinued its work in 1964, he said there are “1555 numbered Commission Documents” and they contain “approximately 50,000 pages.” (Telephone interview of Bill Drenas by author on November 19, 2005)

The CDs contain information from a considerable number of agencies. Some of these CDs, as all researchers know, consist of hundreds of pages, though most are only one or a few pages in length. Many of these CDs, or portions thereof, are reproduced in the Warren Commission volumes as “CEs,” or Warren Commission exhibits.

When I asked Drenas to give me the percentage of CDs that became CEs, after much work and analysis the meticulous researcher reported back to me that it was about 15 percent (Letter from Bill Drenas to author dated July 10, 2006).

It would be easy to say that the Warren Commission only put the most important CDs into its volumes as CEs, but although this may generally be true, any assassination researcher will tell you that there are a great number of important CDs that for whatever reason never made it into the volumes. Drenas’s explanation is that “each chapter in the Warren Report contains its own story, such as ‘Lee Harvey Oswald: Background and Possible Motives,’ and ‘Investigation of Possible Conspiracy,’ so what happened is that the authors of these chapters used as CEs only those CDs that fell within the story they were telling” (Telephone interview of Bill Drenas by author on November 19, 2005).

It should be noted that the “Contents” section at the beginning of each of volumes 22 through 26 of the Warren Commission volumes, wherein all the CEs for that volume are listed, includes the corresponding CD number from which the CE came. To simplify the citations, where a CD has become a CE, I only cite the CE number, but as indicated, researchers can easily find the corresponding CD number, if they wish to, in the “Contents” section. (Another example of simplification is that Warren Commission deposition exhibit numbers are cited without the word *deposition*. For example, Holmes Deposition Exhibit No. 1 is cited only as Holmes Exhibit No. 1.)

For clarity, tightening, and mostly to help expedite finding a CE in the volumes, I do not give the page number of the CE that I am quoting from, only the page number in the Warren Commission volume on which the quoted material appears.

The CE page numbers are often faint and illegible, and sometimes not visible at all. Why force a researcher to first find the CE in the subject Warren Commission volume, and then search for the page of the CE to find the quoted material (all of which can sometimes take several minutes), when the Warren Commission volume and page number will immediately take the researcher to the correct page?

A summary note about the twenty-six volumes of the Warren Commission: The first fifteen volumes are almost exclusively the sworn testimony of witnesses, the only other things included in these volumes being sixty-one affidavits and two statements. The testimony of the witnesses in the first five volumes (with the notable exception of Jack Ruby, whose testimony was taken in Dallas by Chief Justice Earl Warren and Congressman Gerald Ford) was taken at Warren Commission headquarters at 200 Maryland Avenue, N.E., Washington, D.C., before one or more members of the Commission. The testimony of witnesses in volumes 6 through 15 was taken for the most part by a Warren Commission assistant counsel, and in offices throughout the country, mostly Dallas. Volumes 16 through 18 contain all the Warren Commission exhibits that arose out of, and are referred to, in the testimony of witnesses in the first five volumes. These CEs only have a number, for example, CE 460, and give no express indication of the witness from whose testimony the CE arose. (This can be ascertained, however, by turning to the section of cross-reference tables titled "Commission Exhibits" at the end of volume 15, commencing on page 801 and running through page 826.) For whatever reason (when I asked Drenas, he said he didn't know why), starting with volume 6 and continuing through volume 15 of the Warren Commission volumes of testimony, any exhibit arising out of the testimony is named after the witness who testified, and these Commission "deposition exhibits" were marked as exhibits during the witnesses' testimony and placed in volumes 19 through 21 of the Warren Commission volumes. Thus, McMillon Exhibit No. 5018 (which *is* a Commission exhibit) in 20 H 561 (i.e., volume 20, page 561) is a document that was referred to (found by reference to the "Commission Exhibits" cross-reference tables in volume 15) in the Warren Commission testimony of Thomas Donald McMillon on pages 47, 49, and 53 in volume 13, the citation for which would be 13 H 47, 49, 53, WCT Thomas Donald McMillon.

Volumes 22 through 26 of the Warren Commission volumes contain, as indicated, "support documents," CDs that became CEs and support a position taken by the Warren Commission in its one-volume Warren Report. These Commission exhibits (CEs 1054–3154) were not marked as exhibits during the testimony of any witness before the Commission, nor referred to in that witness's testimony (note that the cross-reference tables to the fifteen volumes of *testimony* in the back of volume 15 end with CE 1053-F). As Drenas explains it, "In order to establish their point, and bridge a gap, the different attorneys who were writing the chapters of the Warren Report frequently needed additional information in documents that were not presented before the Commission" (Telephone interview of Bill Drenas by author on October 13, 2006).

With respect to the National Archives documents, the archives has assigned three-digit numbers to most of the many sources of archives documents; for example, the numeral 180 refers to documents normally generated by the HSCA, 124 to the FBI, and 104 to the CIA. These three digits are virtually always followed by

ten other digits, and the complete thirteen-digit number identifies a particular document. At the archives this number is referred to as an RIF (Record Identification Form) number.* In this book the number is referred to as a “Record” number (another name, even at the archives, for the RIF number) since I felt it would be better than the obscure RIF reference for the lay reader of the book who is checking out a source. A typical citation for a document in this book that is available at the National Archives would be FBI Record 124-10119-10380, identifying a specific FBI (as opposed to CIA or HSCA) document at the archives.

In the previous paragraph I said that the three-digit number at the beginning of the thirteen-digit number refers to the agency or group that “normally” generated the document with that number. But very frequently this is not so—a document whose three-digit designation would outwardly indicate that it was generated by that agency or group might have been generated by another agency or group. For example, HSCA Record 180-10111-10451 wasn’t generated by the HSCA in 1978, but by the Secret Service way back on November 25, 1963.

*James R. Mathis, archivist at the National Archives and Records Administration, said, “We estimate that 85 percent of the holdings of the Kennedy Assassination Collection have been assigned RIF numbers” (Letter from James Mathis to author dated January 11, 2006).