

XX From The Lowest Depths?

Almost anything could be more interesting, more exciting than Mailer's non-account of the assassination but what he has follow it, titled as that chapter does not justify, "The Hour of Panic," is ever more ~~bored~~ boring and strained in the writing. And, of course, none of it is at all new. Mailer has Ladybird Johnson and the others in ~~the~~ ^{that car} huddled down as it raced to the hospital, ~~and~~ ^{but} he has nothing at all about Mrs. Kennedy almost losing her life to try ^{ing} to recover a piece of her husband's scalp ^{from that} ~~bloody~~ ^{bloody} ~~at the~~ ^{bloody} hospital where in his text she just appears out of nothing and nowhere. Then he has more than three pages of rehashed Ruth Paine and Marina Oswald testimony, verbatim. For this he does not use McMillan. And after that, his bete noir, "The Return of Marguerite Oswald" (pages 691-5), again mostly Commission testimony, verbatim. *end 453*

Cari's ~~think 308~~ ^{here is a copy by...} ~~Mailer does have her holding that piece of scalp at the~~ ^{bloody} ~~hospital~~ ^{bloody} ~~where in his~~

With his rare literary talent for ignoring first names and omitting identifications ^{that} ~~that~~ are important to the story, in "The Octopus Returns" (pages 696-708) Mailer is ~~directed~~ ^{right off the bat} off and running-nowhere- ^{to introduce the} He mentions Dallas Police Captain Will Fritz in his first paragraph, ~~essentially to his verbatim and essentially~~ meaningless verbatim excerpt from Fritz's testimony that follows, but what ^{the} ~~the~~ reader should know, that Fritz was the chief of homicide, Mailer omits. Likewise he then omits the first name of the Commission lawyer who deposed Fritz, Leon Hubert.

It was Mailer's intention to keep it ~~drag~~ ^{Whaley's} drab, dull and bygone from what he omits when he uses the Dallas cab driver William Whaley's testimony and ^{his} ~~his~~ low opinion of Oswald from that one ^{Mailer succeeds} ~~only~~ contact with him, (page 705) Or was it Mailer's omni-present ignorance that led him to omit what is in those volumes at the precise point ^{he} ~~he~~ ^{studied and} ~~studied and~~ ^{his} ~~his~~ ^{used those vol-} ~~used those vol-~~ ^{umes,} ~~umes, a presumption ~~the~~ ^{his} ~~record~~ ^{can be cited to dispute.} Then, too, perhaps Mailer decided~~

not to trouble his reader with the actualities of the official "evidence." Whatever may have accounted for it, Mailer could easily have entertained his readers a bit, or informed them, if he had not been so determined to ignore Whitewash which, as indicated earlier, he did know about.

Or that she ^{was} saved by the daring, instinctive action of Secret Service agent Clint Hill, who came close to being crushed to death in his bravery. Hill was on the left running board of the Secret Service followup car behind the Presidential limousine. When he saw Mrs. Kennedy ^{move} out on the slippery trunk he dashed ~~to~~ ^{her to} keep her from sliding or falling ^{under the wheels of the car he had been on} off. The ~~pruder~~ ^{pruder} film shows the bumper of the car he dashed from actually touching Hill's leg as all the motorcade accelerated. Hill was that close to giving up his life to save that of the first lady to whose protection he was assigned.

That Mailer is not aware of the legitimate human-interest stories, as they were known in his reporting days and mine, is still another indication of the fact that he was and remains a subject-matter ignoramus.

He does have Mrs. Kennedy clinging to

Brennan acquired this knowledge from his brief glance at the TSED. It was so brief, if there are ~~Not~~ other explanations, that Brennan was firm in his description of what he said he saw that was absolutely impossible. Like insisting that he saw the alleged rifleman standing erect in that sixth floor window and withdrawing his rifle after shooting it. In the strange design of that building the window sills were but a foot and a half from the floor. What Brennan was so resolute in testifying that he saw meant the alleged assassin had to fire through two thickness of ~~the~~ windowpane and then ~~with-~~ draw his (misidentified) rifle from those two panes without not only the slightest damage to the glass but without disturbing years of caked dust and grim.

If anything else convinced Mailer of Brennan's political ^{wisdom and of} sophistication and his dependability -if Mailer had any other reason for quoting Brennan without any question at all on Oswald as a Communist and the ^{the} assassination as a "Communist activity" - ~~he~~ ^{he} gives no indication of it,

But

what Mailer uses ² Whaley for
 However, given the nature of those Dallas police lineups for identifying Oswald, (so much of aight from Mack Sennett and so much that would have been laughed off the typed pages of transcript if not held in secret, perhaps it was ^a wise of Mailer to limit what he uses of that evidence to Howard Brennan, the closest thing, ^{and} thing he indeed was, to an eyewitness who could pretend to identify Oswald as the shooter, and to Whaley.

In Mailer's favor is his atypical ~~honest~~ honesty is his understated account, that Brennan "refused to identify" Oswald at the police lineup (page 707). What he does find so quotable he begins his excerpting of Brennan's testimony with it is Brennan's ^{end 454} political sophistication, ^{undereducated} steamfitter that he was, despite his ~~awkwardness~~ ^{ungrammatical} speech, Brennan's qualifications for testifying that "I believed at that time", the moment those shots were fired, "and I still believe it was a Communist activity," (page 706),

3094 — In Mailer's defense it should be remembered that he had only a little more than eight hundred printed pages so with all the space ^{required} for his rare ESP, his so insightful mind reading from the grave and all the ^{gratuitous} ~~extraneous~~ opinions he found so indispensable he really did not have the space, if the kidney, to tell his readers about those ^{police} lineups. A ^{precise} as any real account of them is,

In handling Whaley in Whitewash I led into that, logically, with the ^{first} bus driver said to have driven the bus Oswald had been on before he left it for the Whaley cab, and I followed Whaley with the Mrs Mary Bledsoe who disliked Oswald so much he did not stay at rooming with her the full ^{also} first ^W week he had paid for. ^{end 455} But there is so much about Mrs.

Bledsoe that Mailer did not earlier tell his readers earlier in ^{his} ~~her~~ book when he uses her ^{misrepresenting the kind of person Oswald was} for his own purposes. In part because in Whitewash I did use a mite of her testimony

for which having only eight hundred pages kept Mailer from using it, in part because it does say what Mailer did not say about those ^{quoting what I wrote about} police lineups, before excerpting ~~that~~ ^{both} Whaley's testimony a little of what her ^W record actually was, what he did not deem ^{a little of} essential to ^{his} Mailer's Tales of the JFK Assassination (pages 108-9) and then what I used before Whaley will reflect the ^{character of those police lineups} true ~~value~~ ^{for} which Mailer lacked the space. If not the interest: ^{or also tells a little about Mailer's writing of history and of his book.}

There is no reason to believe that these notes were of what she did not remember. All else was nastiness she did get into the record about the Oswald she had gypped out of part of the rent he had paid her and she did not ^{return to him} ~~return~~ on asking him to leave.

The ~~Commission's~~ Commission's need for this testimony, despite the problems with it, is clear in ~~the~~ ^{its} unsuccessful effort to get Mrs. Bledson, who had given all officials who questioned her ~~nothing~~ to believe she would say anything at all that ^{could} be hurtful ~~to~~ to Oswald, to indicate that he had brought to her house what could have been the rifle. The Commission did fail ever to place that rifle in Oswald's possession, and it did not explain how any ~~rifle~~ Oswald rifle could have gotten from New Orleans, as we have seen, to Irving thence to Dallas.

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This type of identification was not restricted to Whaley. It also happened to another witness who was even less necessary to the establishment of the case against Oswald. She is Mrs. Mary Bledsoe, a former landlady, who saw him on McWatters' bus. That is all she could say, but there were other things the Commission wanted her to say, especially about a traveling bag of some kind (6H400-27).

Mrs. Bledsoe had had an unsuccessful marriage that ended in divorce in 1925. She had had a stroke. She took in roomers, keeping her records on a calendar. The only month missing from her calendar, mysteriously and inexplicably, was October 1963, when Oswald stayed with her for five days. She said she asked him to leave for no reason that is clear and refused to refund the balance of his rent. The reading of her testimony would indicate her biggest complaint against Oswald was that he would not spend time chattering with her. She talked of him as a bad person without ever being asked or saying anything bad that he ever did. Like all

the other witnesses who ever did talk with him, however, she saw the picture of his wife and child. Mrs. Bledsoe's appearance can hardly be described as testimony. At one point, following one of her non-responsive answers, Ball interrupted her to say, "But, before you go into that, I notice you have been reading from some notes before you." Her reply was, "Well, because I forget what I have to say." When Ball asked her, "When did you make these notes?" (he did not ask her how she knew what she was going to be asked), her reply was a rephrasing of his question. Her attorney, Melody Jane Douthitt, interjected to explain, "When Mr. Sorrels (Dallas Secret Service) and I were talking about her going to Washington, he made the suggestion that she put all the things down on paper because she might leave out something ... and that's when she started making notes" (6H407-8). This had happened during the previous week.

Most of Mrs. Bledsoe's answers were, "I don't know", "I didn't pay any attention", "I didn't care", "I didn't look", "I didn't even look", "I couldn't tell you", and other such valuable contributions to the Commission's knowledge. (Ply. 104-9)

The major effort by the lawyers had to do with one of the two bags in which Oswald had brought his clothes. This old lady was subjected to one of the longest interrogations in the Commission record. From what is known, it could not have had great significance in the assassination. In addition, the unqualifiedly uncertain character of most of her testimony would have rendered any identification she might make meaningless. But the Commission's lawyers took turns working on her. When one gave up, another tried, and then Miss Douthitt sought to do it for them. Through it all, Mrs. Bledsoe persisted in proclaiming her lack of knowledge. At one point Miss Douthitt became concerned about her interventions into the Commission's proceedings and excused herself in a little confusion, saying, "... Mary, pardon me, I am not - this is not for the record." Assistant Counsel Albert E. Jenner, Jr., assured her to the contrary: "That's fine, leave it on the record." Miss Douthitt then spent the next 3 1/2 pages acting as a member of the Commission's legal staff, but without any more success (6H422ff.).

During the lengthy interrogation, the old lady frequently complained of being tired and called to everyone's attention that she had had a stroke. There was no intermission and she had no respite. But when Marina was on the stand in Washington, on the other hand, she was told at the outset that the Commission would take short recesses "for her refreshment" (1H2). After six pages of testimony, without a request by her, the Commission took its first such recess. Four pages later came the lunch recess. Less than four pages after the resumption of the hearings, she was again offered a recess but declined, saying, "Better to get it over with" (1H16).

The Commission even tried to get Mrs. Bledsoe to say she had seen Oswald with a package approximately the dimensions of a wrapped rifle. After a series of such questions, Mrs. Bledsoe said bluntly, "Didn't have anything like that with him" (6H426).

Mrs. Bledsoe's personal dislike for Oswald was clear, even if she never gave a reason for it. Her complaints included using her phone (with her permission) to speak in a foreign language (she presumed it was Spanish "because the girl is Spanish", referring to Marina) (6H408); not knowing of Marina's pregnancy (6H406); and apparently because she thought she was in some way shamed. One of the first things she told the Commission was, "Of course, I had no idea he was the kind of man he was" (6H403). She also did not approve of his eating in his room, although she had directed him to the grocery (6H403).

Of seeing Oswald in McWatters' bus, she said, "He looks like a maniac ... I didn't look at him. That is - I was just - he looked so bad in his face, and his face was so distorted" (6H409). Even Whaley, who saw two different jackets where there was none, did not see that much. (page 109)

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end 457

Mrs. Bledsoe's

~~Here~~ is the only real, if real it was, identification of Oswald having been on McWatters' bus. McWatters himself identified someone who was not Oswald as Oswald. Without this identification, if that was an identification, the only claimed evidence that Oswald was on that bus, the only way of getting into the record ^{the version from} ~~what gushed from~~ Mrs. Bledsoe, was the claim that the bus transfer he had in his pocket was punched with McWatters' punch. There was no investigation of Oswald having taken the bus for which Earlene Roberts saw him waiting ~~for~~ to determine whether that operator's punch is the one that ^a ~~marked~~ that transfer.

It is not easy to believe that Oswald, whether or not the ^a assassin, was on McWatters' bus. Whether or not the assassin, ^{and especially if he had been,} before he left the TSBD he knew what had happened. Knowing that the official mythology has him walking six block to the east of the traffic jam from the assassination, ^{he had created, W.M. Coffey} and traffic was blocked that far as it headed toward the scene of the assassination, ^{would be how gotten on, not go anywhere, could} to get onto a bus that could not move, because of the assassination.

Oswald certainly knew that bus could not move for some time. Getting on it was no way to escape the scene of the crime.

Only the most extreme desperation led the Commission to take any testimony from any of these three. Between them McWatters and Whaley would have gotten the Commission openly laughed at in the papers and on TV around the world if they had not taken ~~that~~ ^{all its} testimony in utmost secrecy and then kept that testimony secret for two months after the report ^{was} ~~was~~ out.

Here in particular it is worth noting that there were reasons for this official secrecy that are not the normal claimed reason for secrecy, "national security." In addition, the Commission lacked authority to classify anything at all. But it did, as we here see, have the urgent need so once again it ^a asserted the authority it did not have and thus avoided being laughed at throughout the world.

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There may well be other serious problems with "Watters' testimony for which I do not here take the time. But I do report that all indications are that traffic did not start moving on Elm Street for ten minutes after the assassination. That at least is the time it is seen to start moving in news pictures that show the Hertz clock atop the TSEB. This additional ten minutes is not included in the Commission's calculations. While ~~not~~ ^{only a single ten minute} acknowledging ~~this~~ delay the Commission's lawyers were foresighted in getting Whaley to testify that the manifest he was required to keep on all his passengers was with times he just put down without regard to the actual time. His carelessness thus became evidence.

This is doubled into twenty minutes, ^{by} the minimum time required for Oswald leaving the TSEB, as the Commission conjectured, at 12:33 and walking seven blocks into that traffic jam. Add the time required to walk to the Greyhound bus station, where Whaley's cab was, and Oswald got there at about the time the Commission has him reaching his rooming house in Oak Cliff. This is without ~~in~~ the time Oswald spent offering that cab to a little old lady whom wanted it. Whaley said he ended that discussion by just telling Oswald to get in. end
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Oswald's reconstructed trip home led the Commission into the use of three other witnesses who in no way contributed to the fair construction of the case against him and in no way added lustre to the Commission or its record. Two transported him and the third was an aging, ill, former landlady.

The Report has Oswald leaving the Depository at 12:33 and walking seven blocks in the wrong direction to catch a bus coming back past the Depository. He alighted after a few minutes because in that time the bus had traveled only two blocks due to the traffic jam at the Depository intersection (R6). He then took a cab a few minutes later and rode it to near but not to his roominghouse.

Placing Oswald at and leaving his roominghouse at a time the Report calculated could have allowed him to get to the Tippit killing on time was all that was necessary, and this the Report did with Mrs. Earlene Roberts, the housekeeper. But Oswald had a bus transfer in his pocket when arrested and the police made the initial blunder of calling Cecil J. McWatters, the busdriver. First he was taken to an evening lineup and then to the Sheriff's department for an affidavit (19H561). In this statement, McWatters swore that the

man he identified with the magical words "No. 2" in the lineup was the one to whom he gave that particular transfer, that he picked up the man at 12:40, the exact minute the Commission later wanted him to have the man alighting, that this man was grinning about the shooting of the President, and that he picked up this man at Elm and Houston, the corner on which the Book Depository is located and seven blocks away from where the Commission wanted the man to have taken the bus and five blocks away from the point at which he departed.

Page 105-6

To explain the ~~words~~ "magical words," "no. 2" in the lineup, to make identification of Oswald automatic in the lineups in addition to having him conspicuously different that the others in those lineups, the police always had him in that "o. 2 position.

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March 12, 1964, was transportation day before the Commission. The entire morning was devoted to McWatters and the cabdriver, William Whaley. For 30 pages (2H262-92), McWatters rambled about the details of the bus business and his route, where the man about whom he gave the deposition and the man the Commission wanted identified sat, did and said, what other passengers thought of the man grinning about the shooting of the President, and other such completely unnecessary details that merely added to the impressive bulk of the record without in any way advancing the case against Oswald. The Report used only that brief portion of McWatters' testimony that served its purposes as part of the "overwhelming" approach in which a monumental mass of undigestible unessentials was to bog everybody down but, in bulk and statistics, was imposing. In this spirit, the staff had photographs and diagrams of the bus on which McWatters could identify the seating of his passengers and other impressive and valueless data.

But it turned out that, in identifying "No.2", McWatters was not identifying Oswald. He had had a suspicion a teenager, a regular passenger on his bus, might somehow be connected with the assassination. In selecting No. 2, without absolute certainty, he had this teenager and not Oswald in mind. Alas! in the No. 2 spot was the real Oswald. The Commission had McWatters' affidavit and it needed explaining. It is referred to but only in order for McWatters to explain it. The brief text does not appear in the Report. Despite the affidavit, Commission Assistant Counsel Ball asked McWatters, "Anyway, you were not able to identify any man in the lineup as the passenger?" Dutifully, McWatters replied, "No, sir" (2H370), only to admit subsequently that he was "under the impression" the man he pointed out to the police at the lineup "was the teenage boy who had been grinning" (2H281). This grinning incident, attributed to Oswald by the police, received tremendous publicity and was instrumental in fixing the character of a ghoul on him. McWatters also went further and, again despite his previous oath, said he "really thought" he was identifying the man who did not get off the bus, to whom he had not given the transfer (2H281). He could not identify Oswald (2H283).

Ball and McWatters agreed on one thing. When showing him a copy of his affidavit, Ball told McWatters, "And sometimes when you see something that you signed before it refreshes your memory." McWatters declared, "It sure does" (2H279). (page 106)

This is a rare picture of an assassin in desperate flight and of his need for precious minutes in his flight, his willingness to give up the cab to the old lady who did not even ask for it.

McWatters needed more than his memory refreshed. So did Whaley. Whaley was

close to a one man wrecking ^{crew} gang:

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If the Commission got less than the value of his fare from Dallas to Washington from McWatters, cabdriver Whaley was a major disaster. Again, the Report carefully filtered out Whaley's unintended assault on the honesty of the police and their framed "lineup". There are but three brief references to his 18 pages of "testimony" on two different occasions (2H253-62, 292-4; 6H428-34).

Oswald presumably walked to the cabstand from the bus. Whaley delineated a novel picture of an assassin running away:

"And instead of opening the back door, ... he opened the front ... and got in ... And about that time an old lady ... said, 'Driver, will you call me a cab?' ... he opened the door a little bit like he was going to get out and he said, 'I will let you have this one,' and she says, 'No, the driver will call me one.'"

Whaley did not because he was certain one would soon be there (2H256).

Whaley had seen Oswald approach his cab and enter it and Oswald had sat next to him for almost three miles. He noticed an identification bracelet (2H256). When shown a bracelet marked "Exhibit 383", Whaley said he thought that was the one he saw on Oswald but "I couldn't tell exactly whether that was the bracelet or not" (2H292). Ball, without description, said, "Offer this in evidence", and Congressman Ford accepted "this". The transcript then reads "(Commission Exhibit No. 383 was withdrawn and a photograph of the bracelet was received as Commission Exhibit No. 383-A.)". This photograph is included in Volume 16, where the table of contents is blank of Exhibit 383 and describes Exhibit 383-A as "Photograph of the identification bracelet of Lee Harvey Oswald". The photograph, as poor as those of the Commission consistently are, shows not only what may be taken to be an identification bracelet but also another detached and rather large undescribed object not identified in the interrogation or the picture. In telling how he saw this bracelet, which would appear to be an "identificationless" bracelet, Whaley testified, "His coatsleeve was like this when he stretches his arm out", for the purpose of opening the door for the old lady. Only it was the left arm, the one away from the door, and Oswald was righthanded (2H293).

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Whaley was one of only two among the numerous witnesses who described Oswald as wearing a coat, an identification he changed for the worse. Oswald had worn a jacket that day and the Commission said he left the jacket at work, where it was later found on a windowsill. Whaley explained further about this bracelet, saying, "I always notice watchbands, unusual watchbands, and identification bracelets like these because I make them myself ... I particularly notice things like that". Asked if he had told both the Dallas police and the FBI that Oswald had been wearing "a heavy identification bracelet", Whaley said he did "but I don't remember saying it was heavy because I wouldn't know how heavy it was without handling it."

Whaley was not an expert on clothes, as his testimony displayed. Asked early in his first appearance to describe what Oswald had been wearing, he said, "I didn't pay much attention to it right then. But it all came back when I really found out who I had. He was dressed in just ordinary work clothes. It wasn't khaki pants but they were khaki material, blue faded blue color, like a blue uniform made in khaki. Then he had on a brown shirt with a little silverlike stripe on it and he had on some kind of jacket. I didn't notice very close but I think it was a work jacket that almost matched his pants. He, his shirt was open three buttons down here. He had on a T-shirt ..." (2H255).

Later the questioning returned to Oswald's clothing, about every element of which except the T-shirt Whaley had testified incorrectly in varying degrees. When shown Exhibit 150, he exclaimed, "That is the shirt, sir, it has my initials on it ... Yes, sir; that is the same one the FBI man had me identify." How clothing identifications were made will become more evident shortly.

Whaley identified this shirt by "a kind of little stripe in it, light-colored stripe. I noticed that" (2H259). Exhibit 150 (16H515) shows no stripe.

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Shown two pairs of pants, Exhibits 156 and 157 (16H518), Whaley said, "I don't think I can identify the pants except they were the same color as that, sir." Asked "which color?" he responded, "More like this lighter color, at least they were cleaner or something." He selected Exhibit 157. Both pairs of pants are gray, the one he selected being quite light in color and highly light-reflective. He had earlier described blue pants. But about the pants, "I am not sure about the pants. I wouldn't be sure of the shirt if it hadn't had that light stripe in it" (2H239-60). When shown Exhibit 182 (16H520), identified by Ball as "gray jacket with zipper":

"Mr. Whaley. I think that is the jacket he had on when he rode with me in the cab.
Mr. Ball. Look something like it? And here is Commission Exhibit No. 163, does this look like anything he had on?
Mr. Whaley. He had this one on or the other one.
Mr. Ball. That is right.
Mr. Whaley. That is what I told you I noticed. I told you about the shirt being open, he had on the two jackets with the open shirt.
Mr. Ball. Wait a minute; we have got the shirt which you have identified as the rust brown shirt with the gold stripe in it.
Mr. Whaley. Yes, sir.
Mr. Ball. You said that a jacket -
Mr. Whaley. That jacket now it might have been clean, but the jacket he had on looked more the color, you know like a uniform set, but he had this coat here on over that other jacket, I am sure, sir.
Mr. Ball. This is the blue-gray jacket, heavy blue-gray jacket.
Mr. Whaley. Yes, sir.
Mr. Ball. Later that day did you - were you called down to the police department?
Mr. Whaley. No, sir.
Mr. Ball. Were you the next day?
Mr. Whaley. No, sir; they came and got me, sir, the next day after I told my superior when I saw in the paper his picture, I told my superiors that that had been my passenger that day at noon. They called up the police and they came up and got me." (2H260)

It is no wonder Ball was anxious to change the subject to the lineups. He could not conceive the additional disaster Whaley, alone and unassisted, was yet to launch against the Commission and the police. But he knew how utterly and completely wrong his witness was on Oswald's clothing. Instead of two jackets, Oswald, according to all other witnesses, was not wearing any. The "brown shirt with the silverlike stripe" that Whaley had described earlier Ball converted to a "rust brown with the gold stripe in it". The blue khaki pants with matching jacket had become light gray pants with two jackets. It was not difficult for Whaley to be certain of the shirt, as he later revealed, even though his descriptions varied from white to silver to gold and the "stripe" became a "lining". About a week after he spoke to the police "an FBI man brought the shirt over and showed it to me" (2H293). (Pages 107-87)

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In Whitewash I also dealt with Whaley earlier because of how the Commission claimed it got Oswald to where Tippit was killed in time to kill him, ~~which~~ ^{that} is contrary to the Commission's own evidence, which is that he did not get there until after Tippit's killing ~~of~~ was on the police radio:

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Of utmost importance to the Commission once it determined it had to prove all of Oswald's movements following the assassination (actually, it proved almost none) was William Wayne Whaley, the cabdriver. He was regarded as of sufficient importance to be one of the relatively few selected to appear before the Commission itself (2H253-62;292-4). His appearance was a disaster to the case against Oswald of a magnitude exceeded by few things except his subsequent deposition (6H428-34).

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

At the lineup, the police "brought in six men, young teenagers ... At that time he had on a pair of black pants and a white T-shirt,

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

end 465

The subsequent effort of Counsel Ball to clarify this testimony was little credit to the police and district attorney and less help to the Commission. "Now, in this police lineup, now," Ball began, "and this man was talking to the police and telling them he wanted a lawyer, and that they were trying to, you say he said they were trying to, frame him or something of that sort -" He was interrupted by Whaley who explained, "Well, the way he talked that they were doing him an injustice by putting him out there dressed different than those others ...". Ball then wanted to know, "Now, did any one, any policeman, who was there, say anything to him?" "Yes, sir;" Whaley replied, "Detective Sergeant Leavelle, I believe it was, told him that they had, they would get him his lawyers on the phone, that they didn't think they were doing him wrong by putting him out there dressed up" (2H294). (Pages 77-8)

The police never did that. I am confident that the Jim Leavelle I know in his retirement not only did not have that responsibility- he would not have kept Oswald from speaking to a lawyer. Jim is the detective who was handcuffed to Oswald when Ruby shot and killed him. Oswald had asked for John Abt, of New York City. Abt had had considerable newspaper attention from his defense of those accused of being Communists. He had told the newspapers he could not take his case for Oswald. The Dallas police high command knew it and there is no record of their telling Oswald. The actual record is that thereafter when the American Civil Liberties told Oswald it would represent him Oswald replied that he would ask them to if the lawyer he had asked did not. take his case. He died not knowing that the day before Abt has said he could not.

318A job

It is possible to argue that if the police had not withheld from Oswald the knowledge that the lawyer he had asked, ~~John Abt~~, had declined to represent him Oswald might not have been killed. *end 466*

He was entitled to have his lawyer with him when questioned by the police. That then would have meant he had a local ACLU lawyer. Had that lawyer participated or in anyway caused a delay in moving Oswald, as in the time taken for consultations; or had he done anything to shorten the time Oswald was then questioned by the police; or had he objected to the means by which the police planned to move Oswald; Oswald could have been moved earlier than he was, and that would have precluded Ruby's shooting him, or he could have been moved later, and that would have given time for th^e/many police there to recognize Ruby and th^eo him out. In fact Sergeant Patrick ~~Dan~~ testified that he saw and recognized Ruby only a moment before he shot and killed Oswald, (Whitweah pages ~~92-5;143~~),

The difference of as little as a minute could have prevented Oswald's killing.

A.I. English, who ^a had been assistant manager ~~of~~ of the Western Union office across Main Street from ~~police~~ headquarters, was kind enough to give me an original carbon copy of the money order Ruby sent and after which he walked over to the police station. The time stamped on it is 11:17 a.m. November 24, 1963. The Commission gives the time of his killing Oswald as only four minutes later, (~~pg~~ R333) In those four minutes Ruby had to cross the street to the garage entrance that was not opposite the WU office, then go ^{down} ~~down~~ the ramp to about the center of the garage, which as wide as the block between Commerce and Main, and get to where he faced the elevator down which Oswald would be brought. If there had been ant ~~traff~~ traffic on Main Street Ruby could have been too late even then, it was that close.

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

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

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

In a futile, almost ridiculous, attempt to reconcile the conflicts in his identification at the lineup, and ignoring the fact that all positions were identified by an official number, which he saw, over the heads of the four different men in the lineup, Whaley said that, counting from right to left rather than left to right, Oswald was the third man. After attributing the "error" of two blocks in the location at which Oswald disembarked from his cab to the presence of reporters in the building (with no indication that they were anywhere near him when he executed the affidavit), Whaley administered the coup de grace to the lineups:

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

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

(pages 7 & 9)

That Belin got Whaley "confused" it nothing to what Belin did to the record,

the Commission's and the record he ~~was~~ made as its most loquacious counsel after the Commission's life ended. ~~It~~ ^{was} Belin, personally, who engaged in the time reconstruction to get Oswald to the scene of the Tippit killing in time to kill Tippit and who nonetheless made the record that showed his time reconstruction exculpated Oswald. he likewise omitted from his part of the Report other Commission evidence that Tippit was shot before Oswald could have gotten there, shot before he could have gotten there in any reconstruction.

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

"I don't remember. I don't remember whether it said three or two or what," Whaley responded.
"Did they have any statements on there before you went down to the lineup?" Belin wanted to know.

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

With a little encouragement, Whaley offered still a different version, in which he signed a blank paper, as his confused words seemed to say, "because they had to get, a stenographer typed it up". Soon he got back to saying he signed the affidavit after it was typed. But when again asked by Belin, "... had they already put on there a statement that the man you saw was the No. 3 man in the lineup?" Whaley again said, "I don't remember that. I don't remember whether it said two or three or what ... I never saw what they had in there ... I signed my name because they said that is what I said" (6H431).

When Belin again made an effort to undo the "two-three" punch Whaley had thrown at everyone involved, Whaley uttered a magnificent and appropriate understatement: "I don't want to get you mixed up and get your whole investigation mixed up through my ignorance, but a good defense attorney could take me apart..." (6H432). (Page 179)

There is more about Whaley, including about his death, the death that Penn Jones held was mysterious and somehow suggestive of evil forces going around killing people

before they could talk. Talk Whaley did, as we see above. If he could have said more to damage the official mythology what else he could have done is not easy to imagine. Yet

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Jones started an entirely new mythology with those deaths he called "mysterious" and Jim Marrs, in taking that over, while daring note ^{use} the same ~~same~~ description of

"mysterious" enlarged on them enormously. In his Crossfire, which has the subtitle The Plot that Killed Kennedy (Carroll & Graf, New York, 1989), the 225-page book that is on many different imagined conspiracies, has a dozen pages on what he retitled "Convenient

Deaths." The last words in his introduction somehow seem not to have interested Mailer or attracted his attention for all he says about ~~the~~ "conspiracy theorists" are, ^{on} page

558, "When does coincidence end and conspiracy begin?" Those ^{Marrs} ~~the~~ regards as deaths of greater importance he ^{marks} ~~marks~~ with an asterisk. Whaley is asterisked on page 560. Whaley's

"Connection with Case" identifies him as "Cabdriver[sic] who reportedly drove Oswald to Oak ~~Cliff~~ Cliff." Under Cause of Death Marrs parrots Jones: "Motor Collision (the only cab driver to die on duty)."

The Report lists all testimony on seventeen pages beginning on page 483. ~~Then~~
The mereest look at the Report told Mailer that Whaley testified on two occasions.
Mailer should have known that he did.

The details of that collision have never been secret although treating them this way does tend to suggest nefarious conspiracies and especially dirty deeds.

Jones said Whaley was the first cabbie to die on "active duty" and one of the time he published that he added "in thirty-seven years." But Jones also omitted the details.

Whaley was driving in the correct lanes of a divided highway when he was hit headon by an eighty-two year-old man driving the wrong way on it. That man also died in that crash.

My what fun Mailer could have had with that one, as I have for many years, by asking if the CIA had developed a secret process for knowing when Whaley should be on the right stretch of that divided highway, with no other driver blocking access to him,

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and the means of controlling an eight-two year-old kamikazi driver so he could be exactly where Whaley was and be able to get onto that wrong lane and then be able to knock off him by hitting him straight-on. *that enabled it to*
telling and
going the wrong way on that
with no other traffic to interfere or prevent it
@ So the CIA had octogenarian kamikazi drivers?

De gustibus and all that.

But there can be no questioning Mailer's good taste as well as good judgement, absent what can always be present with him and the controlling factor, his ignorance, in not using what was at hand for him from the time of that first book on the Warren report.

Mailer decided in advance that Oswald was the assassin. He cannot be faulted for his judgement in suppressing all that tended to suggest that there was no real case against Oswald despite the official misrepresentations of the official evidence itself.

No, Mailer's judgement on this cannot be fairly questioned.

Now with his honesty that is another question.

On this one he cannot claim ignorance. His source note on this is to Whaley's testimony. (page xxxiii). Mailer, however, cited but two pages, 260-1. Whaley's March 12, 1964 testimony, however, begins on page 253 of the Commission's Volume 2 and continues to for most of page 292. His April 8 testimony is at 6H 428ff. 318 here

When Mailer does not use what I sued from these pages he did not cite, is it not to wonder again why his "research" into the Commission's published records was

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with those ~~/~~ xeroxes he had made in Minsk? How he decided on which of those tens of thousands of pages to have xeroxed and whether he had those twenty-six printed volumes with him?

If his selections for xeroxing were from the published work of others, then, of course, he would have been eliminating much and he could have been ignorant of what Whaley actually testified to.

Whatever ~~may~~^q explain it, this does seem to justify Liz Smith's use of ~~"defn"~~ "definitive" to define Mailer's ~~&~~ Tales, albeit not as she used the word. It is "definitive" on his "thorough" research, Mailer's modest word for it.

It is ~~"defn"~~ "definitive" on his honesty, too.

And/or on his subject-matter ignorance for all those eight hundred and twenty eight pages he uses to establish Smith's appropriateness.

Is it not ^{also} to wonder whether in titling this chapter "The Octopus ~~Outside~~ Outside" Mailer saw it outside his nose? With all eight arms ^{about} to engulf him?

The octopus, however, lives in the lowest depths and that is not "outside." However appropriate it is to describe this book of his.

If Mailer uses the word to represent some all-encompassing force or group, there is not a word he uses to indicate that. Besides which ~~it is~~^{that} would be the exact opposite of what he says he believes, that Oswald was entirely alone.

Maybe this "octopus" business is what Mailer had in mind with his subtitle, "An American Mystery." As this chapter title it is that, as nothing else in his book is.

Other than the fact that Mailer did it.

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