

The Director: Federal Bureau of Investigation
Harbert J. Miller: Assistant Attorney General
Criminal Division: Assistant Attorney General
Letter from [redacted]

The attached letter from subject individual is forwarded
for your information.

Enclosure [checkmark] S. A.

HM:WBR:am
129-11
(typed 4/13/64)

cc ✓ Records (Mr. F. Foley)
Chrono
Mr. Foley

Individual dated 4/7/64 of Mesa Arizona sent
to Mr. cc not made for our files)

SENT BY
COMMUNICATIONS SEC.
APR 13 1964
R.R.R.

*

ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

Department of Justice
Washington 20530

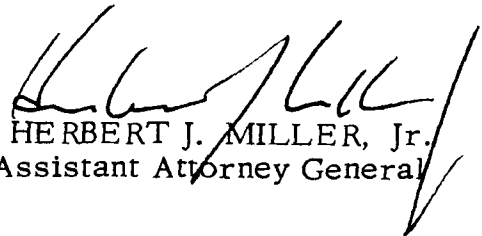
April 10, 1964

[Redacted]

Dear [Redacted]

In connection with your recent letter to the Attorney General, the crime for which Mr. Ruby was tried and convicted was a crime against the laws of the State of Texas. The State alone had jurisdiction to try him and there is no way in which the Federal Government can under our Constitutional system of government intervene.

Sincerely,


HERBERT J. MILLER, Jr.
Assistant Attorney General

*ms
D 3/15/64
29-11*

129-11
DEPARTMENT OF JUSTICE
13 MAY 26 1964
RECORDS BRANCH
RECORDED

APR 11 13 1964

4-9-64

The Director, Federal Bureau of Investigation

Herbert J. Miller, Jr., Assistant Attorney General, HJM:WEE:am
Criminal Division 129-11

(typed 4/13/64)

Jack Ruby.

Reference is made to the report of Special Agent Manning C. Clements, dated at Dallas, March 28, 1964, and transmitted to me by cover memorandum of April 6, to which was attached a note requesting to be advised whether a copy of Special Agent Clements' report should be furnished to United States Attorney Sanders at Dallas. Inasmuch as the state trial of Ruby has concluded, further routine transmission of reports to Mr. Sanders on this subject is not required. It is understood, of course, that copies of these reports are made available to the Special Commission appointed by the President to investigate the assassination of President Kennedy.

Handwritten initials

cc: Records
Chrono
Mr. Foley
Mr. Miller

DIRECTOR
CRIMINAL DIVISION
MAY 13 1964
MAIL ROOM

Form No. DJ-96a
(Rev. 7-17-63)

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. Miller			
2.				
3.				
4.				

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE
- PREPARE REPLY FOR THE SIGNATURE OF
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

I talked to Barefoot Sanders. His reaction is that while Tonahill does have a problem, it is not for us to bail him out - particularly at this late date. Should there be a new trial, we can cross the bridge later. From the standpoint of the local scene, he sees no reason why we should make the reports available and would vote against it.

129-11
DEPARTMENT OF JUSTICE
3 SEP 29 1964
RECORDS BRANCH

W. E. Foley

FROM:	NAME	BUILDING ROOM EXT.	DATE
	W. E. Foley		4/22/64

HIM:WEF:am
129-II
(typed 4/22/64)

O-N-12
AIR MAIL

APR 23 1964

Mr. Joe H. Tomahill
Tomahill Building
Jasper, Texas

Dear Mr. Tomahill:

This refers to your recent request that you be furnished for purposes of your appeal in the Jack Ruby case the statements taken by the Federal Bureau of Investigation from Dallas police officers Archer, McMillan, Lawverle, King and Dean. I have ascertained that the FBI did not take signed statements from these officers although they were interviewed and reports of the interviews were contained in the reports, brief summaries of which were made available to you prior to the trial of the Ruby case.

As you know, this Department has cooperated with you in this matter far beyond the normal practices in such cases. I believe, however, that at this time after the conclusion of the trial it would not be proper for me to authorize the furnishing to you of any interview reports. By furnishing you summaries of interviews conducted by the FBI prior to trial it was our intention to make it possible for you to call as witnesses, if you so desired, any persons who had been interviewed by the Federal Government.

Sincerely,

cc: Records ✓

Chrono

Mr. Foley

Mr. Miller

(cc for USA, Dallas, Texas (Mr. Sanders))
(cc for Warren Commission)
(cc for FBI)

Richard J. Miller, Jr.
Assistant Attorney General



See 100-117
4/18/64

The Director, Federal Bureau of Investigation

Herbert J. Miller, Jr., Assistant Attorney General,
Criminal Division

April 7, 1964

HJM:WEE:am
129-11

B.W.E.

I am forwarding the attached for information and any
comment you wish to make concerning Mr. Tomahill's proposal

Enclosure

cc: Records ✓
Chrono
Mr. Foley
Mr. Miller

Handwritten:
H. Tomahill
4/7/64

JOE H. TONAHILL

LAWYER

TONAHILL BUILDING

JASPER, TEXAS

March 18, 1964

DUDLEY 4-2501

JOE BOB GOLDEN

Herbert J. Miller, Jr., Esq.
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530

Re: State of Texas vs. Jack Ruby
(E-4010-J, In the Criminal District Court
No. 3 of Dallas County, Texas)

Dear Mr. Miller:

Allow me, on behalf of the defense team in Jack Ruby, to thank you, and through you, your superiors and the Warren Commission for authorizing us to use certain data obtained by the FBI in connection with the investigation of the assassination of President John Fitzgerald Kennedy and the shooting of Lee Harvey Oswald. It was very helpful.

As you have noticed from the Press, the jury returned a death verdict in the Jack Ruby trial on Saturday, March 14, 1964.

We are in the process now of taking the necessary steps to perfect the appeal.

Undoubtedly the appellate court will determine that the trial judge failed to accord Ruby the full protection of the law to which he was entitled. Change of venue should never have been refused under the circumstances. Undoubtedly the Dallas County jury was influenced by a subconscious desire to "redeem" the good name of Dallas for the November 22nd tragedies which it had somewhat encouraged through its oligarchy leadership through a Jack Ruby death verdict. Each of the jurors had opinions and from the testimony developed on voir dire appeared to have prejudged Ruby and come to their task with their minds made up. We didn't select a jury; we tried to strike one.

During the course of the trial and over repeated objections by defense counsel, the Court permitted police officers King, Leavelle, Archer, McMillian and Dean to give testimony of alleged statements by Ruby after being taken into custody. Those statements were offered as res gestae. They were the sole evidence of the State touching malice,

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MAR 20 1964

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Measure Miller Foley

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AAO Criminal

Herbert J. Miller, Jr., Esq.

March 28, 1964

Page 2

intent, and premeditation. They were uncorroborated by offer of proof of any of the lay witnesses who were with Ruby from 12:00 noon November 22nd until the shooting of Oswald at 11:19 A. M., November 24th.

Neither were they corroborated by the Secret Service nor the FBI who interrogated Ruby November 24th, following his arrest.

We feel that those so-called res gestae statements form the entire basis for the Court charging the jury on murder with malice which has a range of punishment from two years to death.

Without them, the Court would doubtless have been forced to charge solely on "murder without malice" which carries a range of punishment of two to five years.

The Court's charge contained eleven legal size pages of instructions. In excess of sixty witnesses testified, eleven of which were medical experts who testified extensively.

After the jury commenced its deliberations on the morning of March 14, 1964, after the arguments were concluded after 1:00 A. M., March 14, 1964, it announced to the bailiff that it had a verdict in less than two hours of deliberation.

We who represented Ruby were greatly shocked, of course. We were shocked by the manner in which the jury was forced upon us, the manner in which the case was tried, and the manner in which the Court continuously tied our hands despite violent objections that the Court was denying Ruby his guaranteed protection of the law.

My co-counsel termed the jury's verdict as a memorial to the Marxist Lee Harvey Oswald for "assassinating President Kennedy in behalf of the Dallas oligarchy." Those words were not borne alone of a disappointed jury verdict. One would have had to have been present during the course of the trial from the first witness on the change of venue to the end of the case to have fully appreciated the considerations that motivated Mr. Belli's strong denunciations.

We were prevented by the Court from ascertaining if the jurors were Republicans or John Birchers. Likewise, we were precluded from offering into the evidence the complaint file by the District Attorney at

11:20 P. M., November 22, 1963 against Lee Harvey Oswald for the murder of President John Fitzgerald Kennedy. We were likewise prevented from qualifying the jury on voir dire examination to the effect that the District Attorney was a friend of Ruby's and had stated on TV in the presence of Ruby the night of November 22, 1963 that Oswald had assassinated President Kennedy and Oswald should be electrocuted for it.

During the course of its investigation, the FBI may have taken statements from the aforementioned officers Archer, McMillian, Leavelle, King, and Dean, who are local Dallas police officers who gave evidence of the res gestae statements. We were finally able to see statements by Archer, Dean and McMillian. Those statements were corrected in subsequent statements and the subsequent statements that they had corrected supplied the so-called res gestae malice, intent, and premeditation testimony.

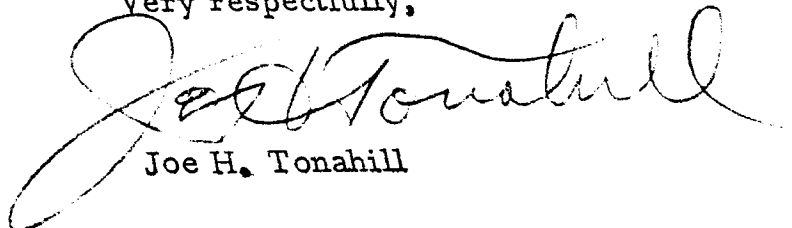
The purpose of this letter is to request of your Department photostatic copies of statements given to the FBI by Officers Archer, McMillian, Dean, King, and Leavelle for use in our Motion for New Trial and on appeal of this case.

Undoubtedly, the granting of this request will be very helpful toward getting a new trial and the transfer of this case to another county, and out of Dallas County.

Would you therefore please consider this request at your earliest convenience and if you see fit to permit us to have copies of the statements obtained, or copies of reports from FBI interrogating officers of these Dallas police officers that would be beneficial, we should be more than grateful.

This request is made in the interest of justice with the realization that your Department is in a better position to help us than any other means or method of obtaining this necessary help.

Very respectfully,



Joe H. Tonahill

JHT:vm

Herbert J. Miller, Jr., Esq.
March 1964
Page 4

cc: The President
The White House
Washington, D. C.

The Honorable Robert F. Kennedy
Attorney General
Department of Justice
Washington, D. C.

The Warren Commission
VFW Building
200 Maryland Avenue, N. E.
Washington, D. C.

THE ATTORNEY GENERAL

Deputy Attorney General.....	
Solicitor General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal.....	✓
Assistant Attorney General, Legal Counsel.....	
Assistant Attorney General, Internal Security.....	
Assistant Attorney General, Civil Rights	
Administrative Assistant Attorney General.....	
Director, FBI.....	
Director, Bureau of Prisons.....	
Director, Office of Alien Property.....	
Commissioner, Immigration and Naturalization...	
Pardon Attorney	
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Special Assistant for Public Information	
Records Administration Office	
For the attention of _____	

REMARKS:

Ignore
For reply. JH
File
WA



Joe H. Tonahill

M. J. [unclear]

Thursday -
3/19/64

Bob -
I should feel that I had failed you, your great father, father & his family. But, actually, we have the Ruby case now in position to do something with it.

The pattern was set by the prosecutor & the trial court to bring a death verdict, regardless of the number of reasonable errors it would take to persuade the jury.

The city of Dallas paid \$1000 for the trial.
Joe H. Tonahill

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APR 20 1964

CRIMINAL DIVISION

File in

RECORDS
ADMINISTRATION OFFICE

129-11

2	DEPARTMENT OF JUSTICE	REC-11
	APR 17 1964	
	RECORDS SECTION	
	CRIMINAL-GEN. CRIME SEC.	

Had he shot an armed man, had he kicked one of his pathetic little strippers in the back—oh, he could have done almost anything just so long as he didn't bring Dallas into it, endowing it with guilt by association. Oh, he could hang around with the cops and carry a concealed weapon—just so long as he kept it down to a college cheer.

The man that jury found guilty on Saturday was a defamer of Dallas, not a cold-blooded murderer. And we felt so sorry for him, for it was he against that awful little world. It is one of the few nice things about the best of us that we cannot stand to see anyone outnumbered. And what we beheld in Jack Ruby was an underdog.

ALL ONE HEAD to see, was the same expression on the face of every juror, every single one of the 12 good men (and women), and true who had done their job, which was to absolve a city. What is it about Dallas? Well, it is, of course, Neiman-Marcus—His and Her matching planes and yet not a shepherd check tie in the whole gaudy emporium!

And it is Jessie Curry, the image of every Keystone Cop from the beginning of time—and a district attorney named Henry Wade, who, now that Spectator has exposed his ineptness, is an occasion of laughter in London, and—But it is so many awful things. Sometimes it seems as if there is no grace at all in that desperate, despicable city. Yet there is—a little at least.

"I'm about to throw up," said Joe Tonahill, and, in so saying, gave that terrible place the only beauty it has had in a long, long time. But it is a hallmark of the horrible that it never knows when to leave well enough alone. So if Mr. Tonahill gave a little splendor to Dallas, his hometown, it almost immediately had to be erased by another man of that city, an assistant district attorney named Bill Alexander, who, referring to the St. Patrick's Day parade that had passed by earlier, observed, "I'm not so sure we're not pushing our luck too far having a parade for another Irishman."

What a witty one he is! And a wry one, too, for later, when recalling that Melvin Belli had repeatedly stated that it was necessary to look into Jack Ruby's brain to see what had motivated him to snoot Lee Harvey Oswald, he said, "I'll be glad to send Ruby's brain to him."

That city has him, but, of course, it also has Joe Tonahill. But the trouble is that the Alexanders always seem to prevail. That is what it is about Dallas!

I described him to the jury as the "Toronto" who would love to watch the execution of Ruby"

*Hill noted
line is Joseph
town of Democrats
resemblance to
D. Deformed Dallas*

Temporarily that is!

The Director, Federal Bureau of Investigation

March 11 1964

RECORDED

INDEXED

3/11/64

HJM:WEE:am

129-11

L. S. K.

Herbert J. Miller, Jr., Assistant Attorney General,
Criminal Division

Letter from [redacted] Relating to
the Assassination of President Kennedy.

The attached is forwarded for your information. A copy
has been made available to Mr. Willens at the Special
Commission.

Attachment

(cc of ~~XXXXXXXXXX~~)

Intr. 3/9/64;

(orig. sent to Mr. Willens)

cc: Records ✓
Chrono
Mr. Foley

SENT BY MESSENGER
COMMUNICATIONS SEC
MAR 11 1964

FIELD MESSAGE

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U. S. INFORMATION SERVICE

FROM: USIS PARIS
TO: USIA WASHINGTON
REF:
SUBJECT: Georges Simenon Defends American Justice.

85
MESSAGE NO.

March 9, 1964
DATE

129-11
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CRIM DIVISION

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In the March 5 issue of the pro-UNR weekly LE NOUVEAU CANDIDE, of all places, there appeared a most heartening effort to comment with objectivity on American justice. It took the form of an interview of novelist Georges Simenon by Christian Millau, of all persons — the same who has been covering the Ruby trial for PARIS-PRESSE (see field message #83).

Although CANDIDE used titles and sub-titles in such a way that the reader who glanced only casually might have a rather unfavorable impression, the text of Simenon's message, while "realist," was very largely on the positive side. Following are some excerpts regarding the Dallas trial:

SIMENON: "That Ruby had contacts with the Dallas police, what could be more normal? As a night club owner, Ruby is naturally an informer, a tipster. If you aren't convinced, go and ask the night club people in Pigalle..."

MILLAU: "If you were shown an FBI report establishing that there is no connection between Oswald and Ruby, would you believe it?"

SIMENON: "Without a shadow of hesitation."

MILLAU: "This report has not been made official but it exists and it does in fact affirm that there was no connection between the two affairs. (But) those who hold to the 'plot' theory say that is of no importance, that the FBI doctored its report."

SIMENON: "That's impossible. The FBI is un-buyable. No President could make it say the opposite of what it found. The FBI is totally independent. It does not have a minister of the interior on its back."

MILLAU: "These same people say that the Warren Commission, of the Supreme Court, is loading the deck."

SIMENON: "To think that is to have no idea of what the Supreme Court is. The Supreme Court couldn't care less about the President, the Senate, or public opinion. It is really supreme. I wouldn't put the Warren report in doubt for one second."

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RSSmith:gw MAR 17 1964

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PAGE 2 OF
ENCL. NO. _____
FIELD MSG. NO. 85
FROM USIS PARIS

MILLAU: "Oswald had hardly been shot down when, in France, people began to speak of a plot. What was your first reaction?"

SIMENON: "I was bowled over, but I did not think at all of a settling of accounts. The French reaction is explained by the fact that since Louis XIV that country has had a political police, which takes care of everything, even the elections..."

John W. Mowinckel
John W. Mowinckel
Public Affairs Officer

Enclosure: Clipping *all*

Agency: Please pass State.

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INCOMING TELEGRAM

United States Information Agency

SD004

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TOUSI 364, MARCH 8, 11 AM.

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REF: USITO 433

FRENCH AMATEUR DETECTIVES COMPRISING VIRTUALLY ENTIRE POPULATION OVER AGE OF TWELVE DELIGHTED WITH ARTICLES BY THOMAS G. BUCHANAN WHICH HAVE RECENTLY APPEARED IN THREE-PART SERIAL IN L'EXPRESS UNDER TITLE "THE REAL REPORT ON THE ASSASSINATION".

AUTHOR IS PARIS RESIDENT, DESCRIBED BY L'EXPRESS AS MATHEMATICIAN AND ELECTRONICS SPECIALIST TEMPORARILY WORKING ON COMPUTER OPERATIONS FOR PREFECTURE DE LA SEINE, AS WELL AS AUTHOR OF NOVEL "UNICORN", PUBLISHED BY SLOAN AND REPORTEDLY CHOSEN BY NEW YORK TIMES AS ONE OF BEST BOOKS OF 1960.

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MAR 11 1964

CRIMINAL DIVISION

MAR 8 8 29 AM '64

3-8-64

Mr. Katzenbach & I talked to Buchanan at length on 3/9 & report him to the President's Com. - WJ 2/11 File

cc: to Harvard Welles, Sp. Com.

File WA

MAR 11 1964

REGISTERED 89667

9/7/10

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CRIMINAL DIVISION
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PAGE TWO, FOUSI 384, PARIS

BUCHANAN, ACCORDING TO LEXPRESS, IS NOW IN DALLAS FOLLOWING TRIAL FOR LEXPRESS AND CONTINUING PERSONAL ENQUIRY. ACCORDING TO EXPRESS STAFFER WILL ALSO TRY TO CONTACT ATTORNEY GENERAL ROBERT KENNEDY. FOR HIS ARTICLES, HOWEVER, HE SEEMS TO HAVE CULLED ALL INFORMATION CONCERNING THE ASSASSINATION FROM THE AMERICAN PRESS.

WE UNDERSTAND ARTICLES WILL FORM PART OF A BOOK TO BE CALLED "THE WATCHMAN WAKETH" GIVING HISTORICAL SURVEY OF PRESIDENTIAL ASSASSINATIONS. SOME OF AUTHORS RESEARCH FOR SURVEY DONE IN USIS BENJAMIN FRANKLIN LIBRARY, TO WHICH HE WROTE LETTER OF LAVISH THANKS. LIBRARY STAFF DESCRIBE BUCHANAN AS COURTEOUS, INTELLIGENT AND HARDWORKING.

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PAGE three, tousi 384 PARIS

BUCHANANS ACCOUNT OF ASSASSINATION PROVIDES AMPLE AMMUNITION FOR THEORY WHICH ALL FRENCHMEN LIKE TO BELIEVE. NAMELY THAT ASSASSINATION WAS CONSPIRACY INVOLVING OME MEMBERS DALLAS POLICE AND RUBY, AND THAT OSWALD WAS ACCOMPLICE RATHER THAN LONE ASSASSIN. DESPITE SOME APPARENT WEAK POINTS THERE IS NO DOUBT THAT SALON EXPERTS AND SIDEWALK CAFE DEBATERS WILL FIND BUCHANANS ACCOUNT TO BE "WELL DOCUMENTED AND PLAUSIBLE". WE CAN BE CERTAIN, THEREFORE, THAT IT WILL FIND WIDE ACCEPTANCE ABROAD WHERE MANY PEOPLE ARE CONVINCED THAT SIGNIFICANT FACTS REMAIN HIDDEN.

L'EXPRESS HAS INTERNATIONAL BOOK AND PRESS RIGHTS, AND REPORTS IT HAS SOLD VIRTUALLY EVERYWHERE EXCEPT IN U. S.

POUCHING ARTICLES TO CARNEY.

CFN 433

MOWINCKEL

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(Rev. 7-17-63)

DEPARTMENT OF JUSTICE

ROUTE SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
	Mrs. MacMullin			4109
	<i>[Handwritten signature]</i>			

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
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REMARKS:

Mr. Katzenbach may be interested inasmuch as he spent an hour and a half with Buchanan yesterday (or Monday)

[Handwritten signatures and initials: Foley, W.E.F., and others]

FROM:	NAME	BUILDING, ROOM, EXT.	DATE
	W. E. Foley		3/11/64

File

File
HPW

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave. NE.
WASHINGTON, D.C. 20002

J. LEE RANKIN,
General Counsel

EARL WARREN,
Chairman
RICHARD B. RUSSELL
JOHN SHERMAN COOPER
HALE BOGGS
GERALD R. FORD
JOHN J. McCLOY
ALLEN W. DULLES

March 6, 1964

MEMORANDUM FOR THE MEMBERS OF THE COMMISSION

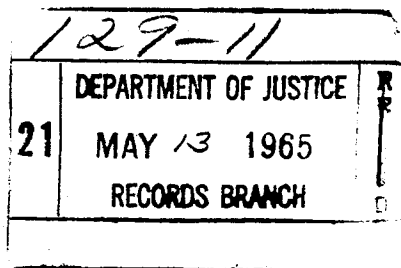
FROM: J. Lee Rankin

RE: Proposed Schedule for the Taking of Testimony

On the basis of my review of the memoranda and recommendations submitted by the staff, I have prepared this memorandum for the consideration of the Commission. This memorandum suggests which witnesses should be called before the Commission during the next several weeks and which witnesses should have their depositions taken by members of the staff during this same period. In most instances, a brief indication of the testimony expected from the witnesses is provided. This schedule reflects the wishes of Attorney General Carr and District Attorney Wade that representatives of the Commission not come to Dallas to interview witnesses during the Ruby trial, and that Dallas Police Department personnel not be called to Washington to testify during the trial, which they estimate will last approximately ten trial days. I suggest that this request be honored by the Commission for this period of time, at the very least, and reappraised later in the event the trial takes longer than expected.

I. Schedule of Witnesses before the Commission

The following schedule of witnesses to be called before the Commission has been prepared on the assumption that the Commission wishes to be presented with a full range of important witnesses on all phases of this investigation.



<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Mon., March 9	William R. Greer Roy H. Kellerman Clinton J. Hill Rufus J. Youngblood	These four Secret Service agents are the best eyewitnesses from the Presidential motorcade who will testify on the basic facts of the assassination including time, place, number of shots, spontaneous statements of key people, and immediate reaction of the principals. Agents Greer and Kellerman, who were riding in the President's car, heard the spontaneous exclamations of President Kennedy and Mrs. Kennedy, and were in a position to witness the immediate reactions of President Kennedy and Governor Connally. From the President's follow-up car, Agent Hill has crucial information to provide since he was the first to notice President Kennedy's reaction to the shots. Agent Youngblood also has important testimony to provide concerning his observations of and reactions to the assassination.
Tues., March 10	Arnold Louis Rowland Amos Lee Euins James Richard Worrell Robert H. Jackson	The first three of these witnesses stood near the intersection of Elm and Houston Streets when the motorcade passed by. They each observed the presence of a rifle in an upper floor window of the Texas School Book Depository Building. Mr. Jackson was located at the time of the assassination in the seventh or eighth car of the motorcade and also is in a position to testify regarding the presence of a rifle in the specified window of the building.
Wed., March 11	Limmie Mae Randle Buell Wesley Frazier	Mr. Frazier and his sister, Mrs. Randle, can testify regarding Oswald's departure for work on the morning of November 22, 1963, carrying a long package wrapped in brown paper. Mr. Frazier also can supply testimony regarding his association with Oswald during the period of Oswald's employment in the Depository, relevant conversations and Oswald's usual patterns of conduct.

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Thurs., March 12	Mary Bledsoe Cecil J. McWatters William Wayne Whaley	Mrs. Bledsoe, a former landlady of Oswald's, and bus driver McWatters can testify regarding their observations of Oswald after the assassination. Mr. Whaley is the taxicab driver who picked up Oswald.
Mon., March 16	Ruth Paine	Mrs. Paine was one of Marina Oswald's most intimate associates during 1963 and can provide the Commission with considerable testimony of significance. Mrs. Paine is in a position to testify regarding the relationship between Lee Harvey Oswald and his wife, their trip to New Orleans, Marina Oswald's return from New Orleans, Oswald's activities in the weeks before the assassination after his return from Mexico, and the FBI interviews of her and Marina Oswald prior to the assassination. To a somewhat lesser extent, Michael Paine is also able to supply important testimony before the Commission regarding his association with Oswald.
Tues., March 17	Michael Paine	
Wed., March 18		
Thurs., March 19	Mr. Declan P. Ford	Marina Oswald lived with Mr. and Mrs. Ford for approximately a week in November of 1962, and the Fords were the only Russian-speaking friends who remained in contact with Marina following the assassination. Marina Oswald lived with the Fords again after she left the residence of James Martin in February, 1964. Peter Gregory was the first of the Russian-speaking associates to meet Lee Harvey Oswald after his return from the Soviet Union. Moreover, he was called in by the Secret Service immediately after the assassination to serve as an interpreter prior to the arrival of Secret Service Agent Gopadze.
Fri., March 20	Mrs. Declan P. Ford	
	Peter Gregory	

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Mon., March 23 Tues., March 24	George deMohrenschildt Jean deMohrenschildt	According to most of the Russian-speaking group in Dallas and Fort Worth, Mr. deMohrenschildt was very close to Lee Harvey Oswald despite his later disavowal of such a relationship. He was aware of the rifle and jested with Oswald about the General Walker incident. Mr. deMohrenschildt may be in a position to provide important insight into the character of both of the Oswalds. Moreover, Jean deMohrenschildt probably shared the close relationship with the Oswalds and may have important observations of her own.
Wed. March 25 Thurs. March 26	Dr. Charles J. Carrico De. Malcolm R. Perry Cdr. J. J. Humes	These three doctors should be examined carefully before the Commission regarding the medical treatment and examination of President Kennedy at Parkland Hospital and Bethesda Naval Hospital. Every effort must be made to clarify the number and nature of the wounds suffered by President Kennedy. Dr. Carrico was the first physician to see the President, and Dr. Perry joined him shortly after the President arrived. Cdr. Humes acted as prosector during the autopsy performed on President Kennedy. Prior to taking the testimony of these witnesses before the Commission all the other doctors involved in the treatment of President Kennedy at Parkland Hospital probably will have their depositions taken.

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Mon., March 30 and following days of the week to the extent necessary.	Experts from the Federal Bureau of Investigation, other law enforcement agencies and/or independ- ent scientific laborator- ies.	After the necessary preliminaries have been completed by the staff, expert wit- nesses can testify before the Commission with respect to questions of ballistics, handwriting analysis, fingerprint identi- fication and clothing analysis with specific reference to the items of evi- dence gathered in the course of this investigation. Testimony on scientific examination of the clothes worn by the President at the time of the assassina- tion may supply important clarification regarding the wounds suffered by the President. Analysis of palm prints, fingerprints, handwriting samples and careful exploration of the ballistics identification of the bullets and cartridge cases are essential to any final judgment regarding the identity of the assassin.
Mon., April 6	Howard L. Brennan James Earl Jarman, Jr. Bonnie Ray Williams Harold Norman	Mr. Brennan is one of the most important eyewitnesses in that he observed a man in the window of the sixth floor with a rifle prior to the assassination and also saw this man take deliberate aim and fire one last shot. The other three witnesses are the three employees of the Depository who were on the fifth floor at the time of the shooting. Mr. Norman states that he heard the bolt action of the rifle and the falling of the expended cartridges onto the floor above him. Mr. Williams is the person who ate his lunch on the sixth floor prior to 12:15 P.M. and left certain remains of his lunch there prior to going to the fifth floor of the building. In addition to testi- mony regarding the location of the shots, these three witnesses can supply valuable testimony regarding the events immedi- ately subsequent to the firing of the shots. These witnesses are delayed until this date in order to permit their interrogation in Texas on the actual scene before their appearance before the Commission.

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Tues., April 7	Roy S. Truly Patrolman Baker Mrs. R. A. Reid Mrs. Earlene Roberts	Mr. Truly, superintendent of the building, can testify regarding Oswald's employment in the Depository and their encounter immediately after the assassination. Patrolman Baker and Mrs. Reid also can testify regarding their encounters with Oswald immediately after the firing of the shots. Mrs. Roberts is the housekeeper at 1026 North Beckley St. who observed Oswald returning to his room and his departure immediately thereafter.
Wed., April 8	W. W. Scoggins Helen Markham Jeanette Davis Ted Callaway Patrolman M. N. McDonald	Witnesses Scoggins and Markham were two eyewitnesses who saw Oswald kill Tippit. Witnesses Davis and Callaway will testify that a man they have identified as Oswald left the scene of the Tippit slaying with a pistol in his hands. Patrolman McDonald was one of the officers who apprehended Oswald in the theater.
Thurs., April 9 Fri., April 10	Deputy Sheriff Boone Deputy Sheriff Luke Mooney Lt. Carl Day Capt. J. W. Fritz	These four witnesses can testify regarding the investigative effort initiated by the Dallas Police Department after the shots, including the finding of the cartridge shells and the rifle on the sixth floor of the Depository. Capt. Fritz was in charge of the interrogation of Oswald.
Mon., April 13 and following days of the week to the extent necessary.	Ralph Paul George Senator Andrew Armstrong Curtis L. Crafard Karen B. Carlin L. J. McWillie Seth Kantor Patrolman R. E. Vaughn N. J. Daniels	Assuming that the Ruby trial is over by this time, these witnesses can supply information regarding the killing of Lee Harvey Oswald by Jack Ruby. Included are selected personnel from the Dallas Police Department, associates of Jack Ruby and others who may be in a position to inform the Commission on this subject. Several of the witnesses have given statements which are conflicting or leave important questions unanswered.

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Mon., April 20, and following days of the week to the extent necessary	Representatives of Secret Service, Federal Bureau of Investigation, other federal or state agencies and other witnesses with experience in the area of security precautions.	At this point in the work of the Commission, the area of security precautions should be examined with a view toward making recommendations regarding the future protection of the President. The members of the Commission will undoubtedly wish to hear personally from representatives of these agencies and perhaps other experts in the field who may be in a position to advise the Commission as to what improvements can be realisti- cally made in this field.

The above list does not include the following persons whose sworn testimony or deposition should be taken by members of the Commission: Mrs. John F. Kennedy, President Lyndon B. Johnson, Mrs. Lyndon B. Johnson, Governor John C. Connally, Mrs. John C. Connally, Senator Yarborough, Kenneth O'Donnell, David Powers and Cliff Carter. Specific questions to be asked of these witnesses are being prepared by the staff for review by the Commission and use at a time convenient to the witness.

II. Program of Depositions to be Taken by Members of the Staff

At this stage in the work of the Commission, it appears that depositions of the following witnesses should be taken. As will be noted, most of these witnesses will supply testimony pertaining to the actual events on the day of the assassination, the medical treatment of President Kennedy and Governor Connally, the identity of the assassin, the background of Lee Harvey Oswald, and the security precautions taken by the Dallas Police Department after Oswald's arrest. No witnesses are included in the following list who can contribute to the Commission's work in the area of Oswald's foreign activities or the area of security precautions. As the investigation continues, of course, it is likely that the depositions of a few witnesses in each of these areas may be recommended. The beginning dates of these depositions are dependent upon the conclusion of the Ruby trial or any alternative arrangements which can be made and are satisfactory to the Texas authorities.

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Mon., March 16 through approxi- mately Fri., March 20	Dr. Charles R. Baxter Dr. William Kemp Clark Dr. Frank A. Bashour Dr. Robert N. McClelland Dr. Ronald C. Jones Dr. M. T. Jenkins Dr. A. H. Giesecke, Jr. Dr. Jackie H. Hunt Dr. Gene Akin Dr. Paul Peters Dr. Don Curtis Dr. Robert Shaw Dr. Charles Gregory Dr. George Thomas Shires Custodian of Records, Parkland Hospital Lt. Col. Finck Cdr. J. Thornton Boswell Janette Standridge Jane Webster • R. J. Jimison Darrell C. Tomlinson Henrietta Ross	These witnesses have information to supply regarding the treatment and examination of President Kennedy and Governor Connally, including such matters as the bullet discovered on the stretcher. Depositions of these doctors will be taken prior to the appearance before the Commission on March 25-26 of the three principal doctors involved in the treatment and autopsy of President Kennedy.

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Mon., March 23 through approxi- mately Fri., April 3	Thomas C. Dillard James R. Underwood Malcolm Couch Robert E. Edwards Ronald B. Fischer James R. Crawford Barbara Rowland Dep. Constable Seymour Weitzman Det. R. L. Studebaker Det. Johnny Hicks Det. Pete Barnes Det. Marvin Johnson Det. L. D. Montgomery Det. C. N. Dhority Det. C. W. Brown R. W. Simms E. L. Boyd C. F. Rose R. S. Stovall H. M. Moore J. P. Adamcik O. P. Wright William H. Shelley Frankie Kaiser Robert McNeil Deputy Sheriff Roger Craig Marvin C. Robinson A. C. Johnson Gladys Johnson Virginia Davis Sam Guinyard William Arthur Smith John Brewer Julia Postal C. T. Walker, Dallas PD K. E. Lyon, Dallas PD T. A. Hutson, Dallas PD Gerald L. Hill, Dallas PD Ray Hawkins, Dallas PD Bob K. Carroll, Dallas PD Dr. Liguore	Witnesses Dillard, Underwood, and Couch were in the car with witness Jackson who will be called before the Commission to testify regarding the place from which the shots were fired. Witnesses Edwards, Fischer and Crawford are additional eyewitnesses to the assassination. Witness Barbara Rowland can corroborate certain aspects of the testimony of her husband who will be called before the Commission. Witness Weitzman can supply additional testimony regarding the identification of the assassination weapon. Witnesses Studebaker through Adamcik are Dallas Police Department witnesses whose testimony should be taken regarding various aspects of the criminal investigation conducted by the Police Department after the assassination. Witness Wright is the Security Officer at Parkland Hospital, and can supply testimony regarding the events at Parkland Hospital after the arrival of the President. Witnesses Shelley, Kaiser, and McNeil can supply additional testimony regarding the events in the Depository immediately after the assassination. Witnesses Craig and Robinson have testimony regarding the departure from the Depository of a man in a station wagon they identify as Oswald. Witnesses A. C. Johnson and Gladys Johnson can supply testimony regarding Oswald's taking a room at 1026 North Beckley Street. They may supply additional testimony regarding his entry and departure after the assassination. Witnesses Davis, Guinyard and Smith can supply additional testimony regarding the murder of Patrolman Tippit. Witnesses Brewer, Postal and the named patrolmen from the Dallas Police Department can supply additional evidence regarding the apprehension of Oswald. Witness Liguore is the doctor at Parkland Hospital who can supply medical testimony regarding the wounds suffered by Tippit.

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Thurs., April 2 through approxi- mately Fri., April 10	Paul Gregory George Bouhe Elena Hall Mrs. Frank Ray Mr. Teofil Meller Gary Taylor Alexander Kleinlerer Mr. Charles Murrett Mrs. Charles Murrett	These witnesses, supplemented by others which will come to mind as the review of the investigative materials in this area continues, can supply testimony regarding Oswald's background which should be taken in the form of sworn depositions. Paul Gregory is Peter Gregory's son and took Russian lessons from Marina Oswald shortly after the Oswald's return from the Soviet Union. Witness Bouhe saw Lee Harvey Oswald and Marina Oswald fairly often during the fall of 1962 and contacted the various individuals in the Dallas and Fort Worth areas who helped the Oswalds after their return from the Soviet Union. Marina Oswald lived with Elena Hall for most of the month of October 1962, which was the first separation from her husband while they resided in this country and also occurred at a time when we are unable to account for the whereabouts of Lee Harvey Oswald. Marina Oswald stayed in Witness Ray's home briefly in November of 1962. Witness Meller had Marina staying in her house on Elsbeth Street immediately after an important argument with her husband. Witness Taylor is DeMohrenschildt's former son-in-law and appears to be the best source of information regarding Lee Harvey Oswald's whereabouts during the period October 19-November 2, 1962. Witness Kleinlerer dated Witness Hall at the time when Marina was living with Witness Hall and claims to have been present when Lee Harvey Oswald struck Marina Oswald. Mrs. Murrett is Marguerite C. Oswald's sister and Lee Harvey Oswald stayed with Mr. and Mrs. Murrett for a few days before he found an apartment in New Orleans. This couple had more contact with Lee Harvey Oswald and his wife than any other persons in New Orleans.

<u>Date</u>	<u>Witness</u>	<u>Comments</u>
Monday, April 6 or as soon as possible	Chief J. E. Curry Capt. W. F. Frazier Capt. J. W. Fritz Capt. O. A. Jones Lt. Jack Revill Det. D. R. Archer Det. B. S. Clardy Det. W. T. Harrison Det. T. D. McMillan	These witnesses are the key men in regard to the handling and security of Oswald on November 24, 1963.

The above schedule is necessarily tentative and will be subject to modifications as the investigative work of the staff continues. I believe that a schedule of testimony such as that set forth above, supplemented by the investigative reports supplied and to be supplied by the various agencies, will supply the Commission with a solid and extensive foundation of fact upon which to base its final report.

April 8, 1964

355-64

The Director, Federal Bureau of Investigation

HJM:WEF:am
129-II

Herbert J. Miller, Jr., Assistant Attorney General,
Criminal Division

REC-9
COMM

Letter from [redacted]

Forwarded for your information is a communication
from subject individual.

[Handwritten signature]

Enclosure

cc: Records ✓
Chrono
Mr. Foley

[Handwritten initials]

SENT BY MESSENGER
COMMUNICATIONS SEC
APR 8 1964
UHF

Check the following names in the FBI files, and find the ring behind Ruby and Oswald; find the real assassins.

RECEIVED

MAR 27 1964

CRIMINAL DIVISION

[REDACTED]

The above names belong to Christian Conventions established in Ireland 1899 and registered in Washington D.C. 1942. They have no membership representation. I am personally acquainted with them and am able to lead you to their headquarters. They have persecuted me unmercifully. They murdered my only brother, [REDACTED] down in Old Mexico, Nov. 22, 1959.

For further information phone [REDACTED]

[REDACTED] and request newspaper "A Spiritual Fraud Exposed" which he has compiled from documentary evidence in many nations, concerning their evil activity and crime record.

My phone number is [REDACTED] in the event you wish to contact me in regard to this.

[REDACTED]

MAR 25 1964

DIVISION OF RECORDS

CRIM.-GEN. CRIME SEC.

O. M. B.

The Director, Federal Bureau of Investigation

March 3, 1964

Herbert J. Miller, Jr., Assistant Attorney General,
Criminal Division

HJM:WEF:am
129-II

Jack L. Ruby

RECORDED

H
J

This will confirm the telephone conversation between Mr. Hines of the Bureau and Mr. Foley of this Division in which it was agreed that the report of Special Agent M. C. Clements made at Dallas February 18, 1964, may be turned over to United States Attorney H. B. Sanders at Dallas for examination by District Attorney Wade in accordance with previously established procedures. It was requested that the bank records to which reference is made on page 38 of the report be deleted.

I am enclosing copies of the material sent to Mr. Tonahill based upon interviews contained in this report.

Enclosure

Records ✓
cc: ~~XXXXXX~~
Chrono
Mr. Foley
Mr. Miller

HJM

HJM:WEF:am
129-11

O. M. E.]

March 3, 1964

AIR MAIL
REGISTERED-return receipt requested

Mr. Joe H. Tonahill
Tonahill Building
Jasper, Texas

Dear Mr. Tonahill:

The attached are submitted in further supplement to the material furnished by my letter of February 3 and are based on reports of interviews just received in the Criminal Division.

Sincerely,

Herbert J. Miller, Jr.
Assistant Attorney General

Enclosure

HJM
cc: Records ✓
Chrono
Mr. Foley
Mr. Miller

INSTRUCTIONS TO DELIVERING EMPLOYEE	
<input type="checkbox"/> Deliver ONLY to addressee.	<input type="checkbox"/> Show address where delivered.
(Additional charges required for these services)	
RECEIPT	
Received the numbered article described on other side.	
SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)	
<i>Joe H. Tonahill</i>	
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY	
<i>Frances Dean</i>	
DATE DELIVERED	SHOW WHERE DELIVERED (City)
<i>3-5-64</i>	

March 3, 1964

Honorable J. Lee Martin
Counsel to the Special Commission
200 Maryland Avenue, N. E.
Washington, D. C.

Dear Mr. Rankin:

Enclosed for your information are summaries
of interviews, the originals of which have been fur-
nished to Mr. Tomhill. They are based on inter-
views contained in the report of Special Agent M. C.
Clements, made at Dallas on February 18, 1964,
concerning Jack L. Ruby.

Sincerely,

Herbert J. Miller, Jr.
Assistant Attorney General

Enclosure
cc: Records
Chrono
Mr. Foley
Mr. Miller

[Handwritten initials]

~~Commentary~~

~~NEW YORK NEW YORK 10001~~

2 March 1964

The Honorable Robert Kennedy
The Attorney General
Department of Justice
Constitution Avenue and Tenth St., N.W.
Washington, D.C.

Dear Mr. Attorney General:

May I call your attention to the
enclosed article which is to appear
in the March issue of Commentary?

Respectfully,

Norman Podhoretz
Norman Podhoretz
Editor

NP/jm

~~enclosure-advance copy~~

7/25
129-11
RECEIVED 25 MAR 5 1964
DEPARTMENT OF JUSTICE
RECORDS BRANCH
MAR 6 1964 ORIGINAL-GEN. CRIME SEC.
PRISON DIVISION

3-2-64

THE OSWALD AFFAIR

LÉO SAUVAGE

ON THE DAY after the murder of President Kennedy, a New York lawyer, commenting on the case against Lee Harvey Oswald as it had been revealed up to that point, was quoted in the *Journal American* as saying that "The District Attorney has a suspect, but not much more." As a Frenchman, I thought it a strange coincidence that this lawyer's name should have been Emile Zola Berman. Unlike the suspect whom the first Emile Zola brought back from Devil's Island, however, Lee Harvey Oswald—even were he to be proved innocent—can never be brought back from the place to which he has been sent. But *could* he be proved innocent? If we believe that a man must be considered innocent until he is proved guilty beyond a reasonable doubt, we can already assert that Lee Harvey Oswald *was* innocent. For to the unbiased, critical mind, the case against him is a tissue of improbabilities, contradictions, and outright falsifications.

Is this a hasty judgment? Instead of saying "already," which suggests that any further information we get will strengthen my own impression of Oswald's innocence, should I not at least have said "still," implying that new evidence may yet be brought forward to sustain the almost universal American conviction of Oswald's guilt? Such prudence would certainly be the only proper attitude to take in any other case. But not in this one. All the available evidence against Oswald has either been leaked or eagerly and even ruthlessly spelled out—whether true, half-true, or demonstrably false; whether pertinent, confused, or obviously irrelevant. So far as Dallas is concerned, the case was proclaimed "cinched" by Chief Will Fritz of the Homicide Bureau as early as November 23, one day after the assassination. The following day, only two hours after Jack Ruby had disposed of Oswald in the basement of Dallas Police Headquarters, the case against him was declared "closed" by Police Chief Jesse Curry and by District Attorney Henry Wade who boasted that he had "sent men to the electric chair with

less evidence." That same evening, in a televised press conference whose transcript will stand forever in the international annals of justice as an example of fantastic irresponsibility, Wade spoke the final word for the Dallas authorities: "I would say that without any doubt he [Oswald] is the killer . . . there is no question that he [Oswald] was the killer of President Kennedy . . ."

Of course, there is still the as yet uncompleted investigation of the Presidential Commission headed by Chief Justice Earl Warren. May it not turn up new evidence? It is difficult to see how. The Warren Commission, though it has its own legal staff and the right to subpoena witnesses, will nevertheless depend for its technical information on the FBI investigation, and the results of that investigation, though officially still confidential, have already been revealed to the world—and revealed, apparently, before the Warren Commission even received the FBI report from the Justice Department. On December 3, while dutifully publishing a statement by a Justice Department spokesman announcing that the FBI report had not yet been sent to the Attorney General for submission to President Johnson, the evening papers nevertheless felt confident in coming out with enormous banner headlines like "OSWALD LONE KILLER. FBI REPORT TO PROVE IT" (*New York Journal American*). The stories quoted anonymous "government sources," but the identity of these sources was no mystery at all in Washington: the FBI itself had leaked the "probable conclusions" of its report even while the report was still being written. Six days later, on December 9, the Justice Department, acting on instructions from the White House, delivered the now completed report directly to the Warren Commission. Quite naturally, the Commission had asked that nothing be made public until it had reviewed the document and taken whatever action seemed appropriate. Yet the *New York Times* of December 10 was able to put the following headline over the very story in which (in passing) it mentioned the Commission's desire to keep the report confidential: "OSWALD ASSASSIN BEYOND A DOUBT, FBI CONCLUDES. HE ACTED ALONE AND DID NOT KNOW RUBY, SAYS REPORT TO WARREN INQUIRY PANEL."

LÉO SAUVAGE has for almost fifteen years been New York correspondent for *Le Figaro*, Paris' leading morning newspaper. A graduate both of the Sorbonne and of the Paris Law School, he is also the author of *Autopsie du Castrisme* (Paris, 1962). This is his first appearance in COMMENTARY.

Thus, after the "press and television conviction" of Lee Oswald in Dallas, a second press and television conviction took place in Washington. And just as the Dallas authorities had forced the hand of any jury that would have heard the Oswald case, so the FBI has forced the hand of the Warren Commission. With the help of all the mass media, Oswald's guilt has now twice been sold to the public—despite the fact that no one has even so much as ventured to explain why a psychopathic regicide, acting (as we shall see) under circumstances that would make his capture inevitable, should renounce the ultimate satisfaction of glorying in his deed before the eyes of the world. I really do not see, therefore, why only those of us who are skeptical about the case against Oswald should await further information.

Before going on to raise some of the specific questions that Oswald's accusers should be forced to answer, let me make one final remark. I am a reporter and not a detective. Thus far, however, it is only the reporters, those "amateur investigators into the Kennedy assassination" whom Max Lerner in a recent column sarcastically advised to take "a much needed rest," who have shown up what Mr. Lerner himself described as "the tissue of guesswork, ignorance and contradictions in which the law enforcement officials were caught." In the face of so systematically prejudiced an investigation as has so far been made into the President's assassination, how else will the truth ever be arrived at if "amateurs" fail to ask the questions that the professionals have obfuscated or left unanswered?

1. Did Oswald Have an Alibi?

Though there have been a number of interesting official variations concerning certain quite important details, it is now an undisputed fact that Lee Oswald was in the second-floor lunchroom of the Texas School Book Depository on Elm Street a very short time after three shots were fired at the Presidential motorcade from a window on the sixth floor of the building. He was seen in the lunchroom by two witnesses: the manager of the Texas School Book Depository, Mr. Roy S. Truly, and a motorcycle policeman who was the first officer to enter the building.

The fact of Oswald's presence on the second floor, it should be noted, was first presented to the public as evidence *against* him. In his unforgettable press conference of Sunday, November 24 ("to detail some of the evidence against Oswald for the assassination of the President"), District Attorney Wade put it this way: "A police officer, immediately after the assassination, ran into the building and saw this man [Oswald] in a corner and tried to arrest him. But the manager of the building said he was an employee and it was all right . . ." In emphasizing that Oswald had barely escaped arrest "*immediately after the assassina-*

tion," the District Attorney was obviously trying to convey the impression that Oswald had virtually been caught red-handed. He therefore neglected to mention that the place in which Oswald was (as it were) "cornered" was the second-floor lunchroom; nor did he indicate that the police officer and the manager of the building had described Oswald as holding a Coca-Cola bottle in his hand. These details, however, had been announced the day before by Police Chief Jesse Curry, whose Saturday afternoon statement remains very intriguing. Chief Curry started by saying that he could tell from the sound of the shots that they had come from the School Book Depository, and that "right away" he had radioed an order from his car to surround and search the building. Then he told of the first officer to reach it, of this officer climbing the stairs together with the building manager (Mr. Truly), and of the two men seeing Oswald in the lunchroom. There were, he added, "other persons" in the lunchroom as well.

I can see only one explanation for the emphasis both Mr. Wade and Chief Curry placed on how soon *after* the shots Oswald was seen inside the building, and for the singular statement by Chief Curry—never repeated, but never corrected as a mistake either—to the effect that there were other witnesses to Oswald's presence in the lunchroom besides the motorcycle policeman and Mr. Truly. According to the version of the story given out by the police on Friday evening, Oswald had been stopped when leaving the building after the assassination, but had been allowed to proceed when Mr. Truly identified him as an employee. This version collapsed when Mr. Truly told the real story to the press, revealing that he had identified Oswald as an employee in the lunchroom, and not at the street door or on the sidewalk. Thus, there were no witnesses to testify to the exact time Oswald left the Elm Street building—and since this raised the possibility that he might claim to have left it *before* the crime, it became important to stress his presence in the building after the shots had been fired.

Chief Curry's statement that Oswald was in the lunchroom "among others" has never been retracted. But unless we are to impute criminal negligence, we must assume that on this point Mr. Curry was simply ill informed: if there really were other persons in the lunchroom at the time Oswald entered it and nobody bothered to question them about the exact moment and about his behavior, we could stop and draw our conclusions right now. For the exact moment that Oswald entered the lunchroom is of the very first importance in determining whether it was physically possible for him to have been on the sixth floor when the shots were fired.

All the reports we have—including the statements by Wade and Curry on television and those given to individual reporters—place Oswald in

the lunchroom an extremely short time after the crime. Bob Considine of the Hearst Press, for example, was told that Oswald had been questioned inside the building "almost before the smoke from the assassin's gun had disappeared." As for me, I have the direct testimony of one of the two witnesses, Mr. Roy Truly. When I asked him whether it had taken a long time for him and the motorcycle policeman to reach the lunchroom, he answered (apparently not realizing what I was driving at): "Oh, no! It was as soon as the last shot was fired when I saw the officer come running. As a matter of fact, it was so soon afterwards that I don't believe he was riding in the motorcade. He must have been off his motorcycle, standing nearby. Anyhow, it was right away after the shots. I knew they were shots, but had no idea they were fired from the building. I thought the officer wanted to get to the roof for a better look and I immediately offered to show him how. We ran to the freight elevators in the back of the building because the front elevators do not go beyond the fourth floor, but the two freight cars had both been left somewhere up in the top floors and we took the stairs, the officer ahead of me. When I reached the second-floor landing, the officer was already at the open door of the lunchroom, some twenty or twenty-five feet away. No, I couldn't tell you exactly how much time it took, all this, but it wasn't long . . ."

The obvious question, then, is whether there was enough time for Lee Oswald—if he fired the shots from the front window on the sixth floor—to run to the staircase in the back (that is, on the opposite side of the building), hide the gun, and go down four flights of stairs to the lunchroom before the motorcycle policeman and Mr. Truly saw him there, not panting, not looking suspicious, and probably sipping a Coke (which means additional time for getting it out of the vending machine and opening it).

We "amateur investigators" obviously have no means of doing that type of checking. But did the professional investigators—the Dallas police, the FBI, the Secret Service—do it? During the week following the assassination of Oswald, the FBI spent a lot of time in and around the Texas School Book Depository. Since the press was not allowed inside the building while the FBI was there, we do not know whether and how Oswald's movements immediately after the shooting were checked. But in order to find out whether Oswald had an alibi or not, it was not only necessary to get as close an estimate as possible of the time he would have needed to make his way from the sixth to the second floor. It was also necessary to find out precisely how much time elapsed between the last shot and the moment the motorcycle policeman and Mr. Truly saw Oswald in the lunchroom.

"I told them, as I just told you, that it was a very short time," Roy Truly answered when I

asked him whether there had been any special tests to determine the number of seconds he and the motorcycle policeman lost in the lobby with the elevators before starting to climb the stairs. When I pressed the point, he said: "No, nothing else . . ." And none of the many reporters and photographers who for days kept a close watch on the Texas School Book Depository, writing and taking pictures of the various re-enactments of the assassination staged on Elm Street, ever saw a motorcycle policeman running into the building under the eyes of detectives with stopwatches in their hands.

2. The Elm Street Building

Whoever planned to assassinate President Kennedy from the sixth floor of the Texas School Book Depository must have known that he would have almost no chance to escape. Since no other building in the area had the right vantage on the motorcade, his position would be revealed as soon as the shots were fired. Furthermore, with so many policemen around, he could be sure that the building would be surrounded and sealed up before he could possibly reach an exit on the ground floor. Nor—since the School Book Depository occupies a whole block, with a parking lot in back and no contiguous construction—was there any way of escaping through the roof.

We know now, however—because Lee Oswald walked out several minutes after the murder without being stopped or even noticed—that the building which Chief Curry had "right away ordered to be surrounded and searched," was *not* immediately surrounded and sealed up. We even know that through the monstrous negligence of the three police services involved, anybody could leave—or enter—not only during the first few minutes, but later as well. Roy Truly told me that when he came back from the roof with the motorcycle policeman (after seeing Oswald in the lunchroom) there were "a whole lot of people with the officers on the second floor, at least fifteen or twenty persons." He described them as "reporters, photographers, office workers from the other floors, probably also outsiders, I guess." Even after the three doors of the building had finally been blocked off by the police, people who said they were employees returning from lunch were allowed to enter, and people who said they were reporters or showed a camera were allowed to leave. If the assassin was someone other than Oswald, and if, for some reason, he had not left the building during the long minutes when nobody was watching the doors, he could still have slipped away in the midst of all this traffic.

After such an incredible mess, it could not have been an easy job for the FBI to find out several days later who, among the ninety-one employees at least, had been in the building at the time of the murder. Witnesses had mentioned from the

beginning that there were several persons watching the motorcade from the windows of the fifth floor, and there may have been more watching from the other windows, as well as some who had remained in their offices. Who were these people and what light could they shed on the slaying?

"Carrying his Coke," said *Time* magazine, "Oswald ambled into a nearby office. A switchboard operator said, 'Wasn't that terrible—the President being shot?' Oswald mumbled something unintelligible, went out of the office, walked down the steps and slipped through the crowd outside . . ." Never having heard of any switchboard operator in a nearby office until I read this account, I asked Mr. Truly about her. Yes, he confirmed, that was the story told to the FBI when—on the following week—they finally began questioning everyone who works in the School Depository. But, he added, it wasn't the switchboard operator who spoke to Oswald. It was another woman working in the same office, and yes, that office is "right next to the lunchroom." Did either of the two women notice the noise Oswald must have made in the corridor rushing in from the sixth floor? Mr. Truly didn't know. Nor did he remember whether the FBI had asked them.

3. The Chicken Bones

Entering the storage room on the sixth floor of the Texas School Book Depository, the police found, near the window from which the shots had been fired, an empty cigarette pack and the remains of a meal: a piece of partly eaten fried chicken, some chicken bones in a paper bag, and an empty Coca-Cola bottle. Officially announced Friday afternoon on television by Captain Fritz, this discovery was published in every newspaper around the world and taken as an indication of the cold-bloodedness of the assassin who had calmly waited, eating chicken and smoking cigarettes (though there was no mention of cigarette butts), for the moment to shoot.

Nobody doubted that the person who had eaten the chicken was the assassin, and some expected the police to pump Oswald's stomach in order to prove that he was that person. Chief Curry, however, denied that there had ever been any such intention. He had enough evidence against Oswald, he said, to dispense with stomach pumps. But like Captain Fritz, Curry seemed perfectly convinced that the chicken was Oswald's, and on Sunday the FBI agent on the scene, Gordon Shanklin, made it final by informing Fred Powledge of the *New York Times* that a print of Oswald's left index finger had been found on the paper bag containing the chicken bones.

Meanwhile, in his eagerness to establish that Lee Oswald had been in the Elm Street building at the time of the murder, Captain Fritz had triumphantly announced to press and television that no fewer than six witnesses had seen Oswald there

shortly before the shooting. One of these witnesses, Captain Fritz said, had invited Oswald to come outside with him to watch the approaching motorcade from the street, and Fritz seemed to attach great importance to the fact that Oswald, after refusing the invitation, had asked that witness to send the freight elevator back up to him.

The chief of the Dallas Homicide Bureau did not explain how a hand-operated freight elevator could be sent anywhere without an operator in it, but in any event, side by side with the news of Oswald's chicken lunch, the papers printed the story of his having been seen by several witnesses only so short a time before the crime that the Presidential motorcade was already approaching. The contradiction was obvious, and significant, for if Oswald hadn't had enough time to have eaten that chicken between the departure of Captain Fritz's witnesses and the assassination, was someone else waiting—and eating chicken—near the sixth-floor window from which President Kennedy was shot? Was that second man Oswald's accomplice? Or was he perhaps the real assassin in whose place Lee Harvey Oswald had been arrested?

I do not know whether the Dallas investigators spent any time pondering these dramatic questions. Nor do I know what laboratory tests—if any—were made on the remaining piece of chicken and the bones, in order, for example, to find tooth marks (Captain Fritz could have learned about these possibilities in Söderman and O'Connell's handbook, *Modern Criminal Investigation* without waiting for Soviet criminologist I. Karpets to remind him of them). Nor, again, do I know whether anyone in the Dallas Police Department thought of making plaster casts, or at least taking photographs, of the chicken leftovers before throwing them away. What is certain is that from Monday the 25th on, the chicken bones were never mentioned again. When, the following Wednesday, I expressed my concern over the question to Assistant District Attorney James Bowie in Dallas, he seemed not to share it at all. According to Mr. Bowie, Oswald was not the person who ate the chicken. This I had already assumed from Captain Fritz's witnesses. Moreover, Mr. Bowie said—and this I had not previously heard—it had been discovered that the chicken was eaten and discarded near the window the day before the President was shot. Had the police found the man who had eaten it? Mr. Bowie didn't know.

This was on November 27. On December 8, the *New York Journal American* published a "step by stealthy step" account of the assassination in the form of a copyrighted story by Gene Roberts originally published in the *Detroit Free Press* and then syndicated to various other newspapers across the country. Somewhere in the middle of that story, the following lines appeared:

"The storage room seemed made to order for

an assassin. It was cluttered with rows of book cartons, some of them in stacks six feet high. Five depository employees had worked in the storage room until noon, covering its floor with plywood. One of them, Bonnie Ray Williams, walked near the window at the 10 o'clock smoking break, downed a bottle of pop, chewed on a piece of chicken. This killed the theory that the assassin had eaten while waiting in ambush."

This was the first I (or anyone else, I believe) had heard of Bonnie Ray Williams and the four other men who were working in the sixth-floor storage room until noon on the morning of the assassination. Neither Jack C. Cason, president of the Texas School Book Depository, nor Roy S. Truly, its manager, had ever mentioned them. On the day of the murder, indeed, Mr. Cason was quoted by the Dallas *Morning News* as saying that "President Kennedy's killer could have been holed up in that sixth story hideaway for as long as four days without anyone bothering him." Nevertheless, Mr. Truly has since confirmed Gene Roberts's modestly hidden scoop. "Maybe I left out a few things, talking to reporters," he remarked when I reminded him on the phone that he had never spoken of the workmen before. "Yes, I may have forgotten about it, there were so many things to think of, and everybody was so upset."

Well, maybe. But how is it that the police found Oswald's palm print, but no other, on a carton which, it now develops, must have been shifted back and forth during the morning by several different hands? And since it now also appears that Oswald could not, because of the exceptional activity going on there all morning, have used the convenient hiding places of the sixth floor, where did he keep his rifle from sight until noon? When did he take it out from where he had hidden it? How did he get it to the sixth-floor window in time for the murder without being seen?

Moreover, if Gene Roberts's story represents—as it seems to do—the present position of the Dallas authorities, one wonders how Bonnie Ray Williams convinced Assistant District Attorney Bowie that at the 10 o'clock smoking break on November 22, he was chewing chicken bones which, according to what Mr. Bowie himself told me, were already a day old.

4. The Italian Rifle

The rifle which killed President Kennedy, as all the world has been told, was a Mannlicher-Carcano 1938. As is well known by now, European experts—including technicians of the Beretta Company which manufactured it and Italian army instructors who used it during World War II—say that this type of rifle does not lend itself to three accurate shots within five or six seconds. Other experts—in Sweden and the United States

—disagree. But practically every expert who thinks it possible for such a rifle to achieve so high a degree of rapid-fire accuracy also says that it would require a crack shot, one who was intimate with the weapon and was practicing on it constantly.

The first reaction of the Dallas authorities in the face of the onslaught by the European experts was to argue that Oswald actually had had much more than five or six seconds to fire the three shots. That was what Jim Bowie told me personally, and what Dallas County Sheriff Bill Decker stated publicly: "Oswald had plenty of time, maybe twenty seconds . . ."

On November 27, Dr. Kemp Clark, one of the doctors who operated on the President at Portland Hospital, declared that the first bullet seemed to have hit Mr. Kennedy "just below the Adam's apple, at about the necktie knot." This information was immediately seized upon by the authorities as supporting Sheriff Decker's estimate of the time it must have taken to fire the three shots. The President, the press was now instructed, was hit the first time while his car was still on Houston Street, slowing down to make the sharp turn at Elm Street toward the underpass and Stemmons Freeway. The assassin then swung his rifle around in a ninety-degree arc, and following the car in his telescopic sight, caught up with it again from the back, well after the turn. Thus, according to this theory—which the wire services rushed to skeptical experts in Italy and Austria—the assassin had at least ten to fifteen seconds between the first and second shots.

The same evening, however, speaking for the first time from his hospital bed, Governor John Connally, who had been hit by the assassin's second bullet, told a very different story. Here are his exact words, as taken from the broadcast recorded by the *New York Times*: "We had just turned the corner. We heard a shot. I turned to my left. I was sitting in the jump seat. I turned to my left and looked in the back seat. The President had slumped. He had said nothing. Almost simultaneously as I turned, I was hit, and I knew I'd been hit badly, and I said—I knew the President had been hit—and I said, 'My God, they're going to kill us all.' And then there was a third shot, and the President was hit again . . ."

In other words, the first shot was fired *after* the corner had been turned, and the second followed "almost simultaneously." And if this were not enough to dispose of the twenty-second theory of the Dallas authorities, it collapsed completely when the motion picture film taken by a local amateur showed that the Presidential car was already on Elm Street, past the Texas School Book Depository, when the shooting started. Taking into account the speed of the film and the speed of the car (determined by several reconstructions of the fatal trip), the Dallas authorities finally arrived at what is today the official conclu-

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sion: the three shots were fired in five-and-a-half seconds.

But just as these same authorities, by trying too hard to place Oswald in the Elm Street building immediately after the assassination, came close to providing him with an alibi, so they now raised new difficulties for themselves.

On the day of the assassination, Dr. Kemp Clark and some of the other doctors who attended the President at Parkland Hospital had expressed a certain perplexity over the wound below the Adam's apple. They weren't sure, they said, whether this wound had been caused by the same bullet as the wound in the back of the President's head or by a different one. Dr. Clark personally explained to newsmen how the throat wound might be interpreted as the exit mark of the bullet which had penetrated the President's head from behind. Five days later, however, Dr. Clark decided that the throat wound was an entry mark. This interpretation supported the theory of the Dallas authorities that the first shot had hit Mr. Kennedy on Houston Street, and thus eased the problem of the Italian rifle. But it also left the Dallas authorities in an awkward predicament. "How," asked Richard Dudman in the *St. Louis Post-Dispatch* on December 1, "could the President have been shot in the front from the back?"

Once more the answer came in the form of one of those leaks which a foreign correspondent working in this country quickly learns from his American colleagues are to be regarded as practically official, though no authority will either confirm or deny them. This time the wire services identified the authority in question as "a source fully acquainted with results of a post-mortem examination conducted at the Bethesda, Maryland, Naval Hospital."

According to this unofficial-official report, the first bullet had actually struck the President in the back, penetrating two or three inches without damaging any vital organs. The reason this wound had not been discovered at Parkland Hospital was that the doctors there were busy trying to save the President's life and that meant attending first to the head and throat wounds. These two wounds, the unofficial-official report now stated, confirming Dr. Clark's initial hypothesis, had been caused by a single bullet which had entered through the back of the head and exited below the Adam's apple.

This took care of Richard Dudman's question. But the autopsy report provided yet another confirmation of the shortness of time in which the three shots were fired, and so the Dallas authorities still had to explain how a man like Oswald could have fired three so accurate shots in such record time with the Mannlicher-Carcano 1938 found near the sixth-floor window of the Elm Street building. Lee Oswald was considered a good shot during his service with the Marines, but far from a champion, and even a champion,

everybody agreed, would have to practice regularly to do as well as President Kennedy's assassin did. Consequently, since Oswald received the Italian rifle on March 20, if it could not be proved that he had been practicing assiduously from then until shortly before November 22, it would really be difficult to make the case against him convincing. For how could a man whose Marine training went back four years nevertheless hit a moving target three times in five-and-a-half seconds, shooting at an angle of 45 degrees with a second-hand bolt-action rifle, without intensive practice? Yet for two weeks after the murder that was precisely what we were asked to believe—until December 6, when the *Dallas Morning News* reported that the police had found witnesses who had seen Oswald practicing with the Italian rifle on a nearby gun range. The range was quickly identified as the Grand Prairie Sportsdrome. The owner, a Mr. Floyd Davis, told reporters that he himself had seen nothing, but that four of his customers had noticed, and mentioned to him, a strange fellow who during the two weekends preceding the assassination had attracted their attention both by his expert handling of a foreign-type gun equipped with a telescopic sight, and by his irritating lack of manners in shooting crossfire at other people's targets. They had recognized this fellow as Lee Oswald when they saw him on television, Mr. Davis said, but they hadn't reported the information earlier to the police or the FBI because it hadn't occurred to them that the investigators would be interested.

Now, apart from the fact that Oswald spent his weekends with his wife and children in Mrs. Paine's four-room house in Irving and would therefore have had difficulty in getting away to the rifle range unobserved and carrying a gun, the credibility of the witnesses who have declared that they saw him is called into question by their having also seen him arrive at the wheel of a car. Oswald did not own a car, and according to Mrs. Paine, who tried vainly to teach him, neither did he know how to drive.

5. Bullets, Ballistics, and the Irving Gunsmith

Very pertinent questions have been asked—and very dubious conclusions drawn—in the *St. Louis Post-Dispatch* and the *New Republic* about the number of bullets used by the assassin.

He is supposed to have fired three shots, yet anyone who looks carefully at all the statements made by various officials on the case will find that those three shots seem to have produced four bullets. The confusion is due to the mystery that for several weeks surrounded the bullet which struck Governor Connally. I have seen or heard four different reports on it, two of which say that the bullet "pierced" the Governor's thigh and two that it "lodged" in it. Choosing the latter version—and with good reason, since it was the one given

by Dr. Robert Shaw, Governor Connally's personal physician, on the day after the shooting—Richard Dudman in the *St. Louis Post-Dispatch*, followed by Jack Minnis and Staughton Lynd in the *New Republic*, counted four bullets: one in President Kennedy's back, one found on a stretcher, one in fragments on the floor of the car, and one in Governor Connally's thigh.

In order to find out for myself, I called the Executive Mansion in Austin and got Julian Read, one of the Governor's aides, on the phone. Had the bullet "pierced" Mr. Connally's thigh or "lodged" in it, I asked Mr. Read? Or was the answer to this question considered a state secret? "No, there is no secret," he replied. "Please hold on just a moment." I held on, and a minute later he came back with a straight answer: "The bullet had splintered, and a fragment embedded itself in the thigh where it was recovered."

This settled the mystery of the four bullets but did nothing to settle another equally perplexing one. Both Chief Curry and FBI Agent Shanklin had said that ballistics tests made in the FBI's Washington laboratories proved that *all three* bullets had been fired from "Oswald's gun." Yet how could this be when one of the bullets was splintered and when experts from all over the world—including Söderman and the late Chief Inspector of the New York Police Department John J. O'Connell—have made it clear that ballistic identification with the help of the comparison microscope is possible only "if the bullet has retained its shape or is only partly deformed"?

HERE too I tried to check at the source, but I was less lucky with the Justice Department and the FBI in Washington, D.C., than I had been with the Executive Mansion in Austin, Texas. A Public Information Officer at the Justice Department told me, after asking me to hold on, that all available information had been transmitted to the Warren Commission, that this included all reports on ballistics and other laboratory tests, and that nothing had been or could now be released by the Justice Department to the press. When I asked him whether I was to understand that all the statements which had been made in Dallas were without foundation, he quickly denied that this was what he had meant, and suggesting that I use my own judgment, he gave me the number of an FBI Public Information Officer who, he said, might be able to tell me something more.

The Public Information Officer at the FBI was expecting my call. He told me that all available information had been transmitted . . . etc. So far as the ballistics tests were concerned, they had been done at the request of the Dallas authorities and the results had therefore been communicated to them. What the Dallas authorities then did with the report or said about it was not the responsibility of the FBI. No, he could neither confirm or deny anything—that would be contrary

to FBI policy. Yes, I would have to use my own judgment.

Well, using my own judgment as twice suggested, I would say that the Dallas authorities could not have received positive ballistic identification of the fragmented bullet from the FBI, but that they gave the impression they had in order to make a better case against Oswald. Of course, if the FBI could identify only two out of three bullets as having been fired by the Mannlicher-Carcano found in the Elm Street building, it would not mean that the third one was necessarily fired by another gun, especially since this fragmented bullet was the one that hit Governor Connally. In contrast to the questions raised by Mr. Kennedy's throat wound, there has never been any controversy about the direction of the bullet that struck Mr. Connally. Indeed, the trajectory of the bullet through his body makes it the only one of the three which can be clearly traced back, if not to the rifle, at least to the sixth-floor window of the School Book Depository. Nevertheless, given the fact that part of what we were told about the ballistics tests was untrue, how can we be sure about the rest of it?

For that matter, how can we be sure about anything in this incredible investigation, when one of the strangest episodes in the story still remains to be cleared up? This episode involves an Irving gunsmith, Mr. Dial D. Ryder, who declared on November 28 that about a month earlier he had mounted a telescopic sight on a rifle for a customer named Oswald. Mr. Ryder remembered neither the man nor the weapon, but he had found a repair ticket—\$4.50 for drilling and \$1.50 for boresighting—with the name Oswald on it. The story made headlines, but soon someone remembered that the Italian rifle Oswald had received from a Chicago mail-order firm was supposed to have had a telescopic sight already mounted on it, and the Dallas officials who had given the big news to the reporters told them a few hours later to forget about it—it was just a mistake. Indeed it was a mistake, for once again the brilliant Dallas investigators had inadvertently stirred up inconvenient problems.

From the very beginning there had been some question about the rifle with the telescopic sight because of the price Oswald was said to have paid for it. Every newspaper in the world had already dozens of times mentioned the \$12.78 second-hand rifle used to kill John F. Kennedy, when a reproduction in the *New York Times* of the Klein's Sporting Goods ad showed that \$12.78 was the price of the "6.5 Italian Carbine" *without* telescopic sight, (item No. C20-1196). The same rifle "with brand new 4 Xscope" was listed as costing \$19.95 (item No. C-20-750). Besides, Oswald would also have had to buy item No. E20-751 ("6.5mm. Italian military ammo, 108 rds") which, together with a free 6-shot clip, amounted to another \$7.50. Captain Fritz, in answer to ques-

tions, said that the announcement of the price as \$12.78 had been an error, and that Oswald had received the gun "fully equipped, you bet." Mr. Milton P. Klein, President of Klein's Sporting Goods in Chicago, confirmed that the rifle sent to Oswald's P.O. Box in Dallas under the name of A. Hidell was the \$19.95 item with telescopic sight. Mr. Klein did not mention the ammo. Neither did Captain Fritz, and it may be noted here, as another curious detail of the case, that while the search conducted in Irving as well as in the North Beckley Avenue rooming house in Dallas produced a great number of letters, photographs, and other documents, not a single 6.5mm. bullet was ever announced as having turned up.

Under all these circumstances, the story of the Irving gunsmith was apt to reopen the whole question of the weapon, and there must have been a difficult moment that evening in Dallas Police Headquarters when this was realized. At first, some journalists were told that Oswald may have owned a second rifle, but this was not a very convenient way out either, because it meant that the police would have had to explain where he had kept it and where he had bought the other telescopic sight. And so the story of the Irving gunsmith was dismissed as a misunderstanding and he was never mentioned again.

There remains, however, something extremely disturbing about this episode which no serious investigation can ignore. Unlike other witnesses, Mr. Ryder did not say that he recognized or remembered Oswald, but only that he had come across a repair ticket with Oswald's name on it in his records. Now, Oswald is not Smith, Jones, or Brown. If Mr. Ryder's Oswald was not Lee Harvey, and if there was some other Oswald in Irving or nearby in October 1963, the police should find and produce him. If they cannot, and if it develops that someone who was neither Lee Harvey nor any real Oswald used the name of Oswald to get a telescopic sight mounted on a rifle by a gunsmith in Irving one month before the assassination of President Kennedy, a startling possibility would present itself—the possibility that clues leading to Lee Harvey Oswald were planted well in advance of the assassination.

But what if Mr. Ryder had misread the name on the repair ticket? This would have been a valid reason, the only valid one, for the police to have dropped the whole story. To check on this possibility, I called him and asked what exactly was the "mistake" or "misunderstanding" that had led Dallas officials to dismiss his story. "Well," he said, "you know that the gun Oswald received from Chicago already had a telescopic sight. So it couldn't be the murder gun he brought to me. It must've been another gun, or it was some other Oswald." But was he sure of the name on the repair ticket? Had he perhaps misread it? "No, no, the ticket is still here. It's Oswald. No first name or middle initial, but Oswald. Just Oswald."

6. Prints, Witnesses, and the Invisible .38

There is a fascinating passage—yet another—in the transcript of District Attorney Wade's Sunday night press conference. This one concerns the question of prints on Oswald's Italian rifle:

"Q. What other evidence is there? A. Let's see . . . His fingerprints were found on the gun, have I said that? Q. Which gun? A. On the rifle. Q. You didn't say that. (. . .) Q. The rifle fingerprints were his, were Oswald's? A. Yes. . . . Q. Were there any fingerprints . . .? A. Palm prints rather than fingerprints. Q. Were there any fingerprints at the window? Q. Palm prints on the what? A. Yes, on . . . Q. On the rifle? A. Yes, sir. Q. Where are they on the rifle? A. Under—on part of the metal—under the gun . . ."

In other words, there were no fingerprints. But why weren't there? If the Mannlicher-Carcano belonged to Oswald, one would expect his fingerprints to be on it, whether he killed the President or not. But if he *did* kill the President with this rifle, the absence of his fingerprints seems strange. Did he wear gloves? Not if we are to believe the District Attorney's statement that there was a palm print "on part of the metal—under the gun." Did he, then, before hiding the rifle behind some cartons and crates on the sixth floor, carefully wipe the weapon clean with his handkerchief, though forgetting to wipe the metal under the gun? This is possible, but it would be curious that Oswald should have taken just this one precaution while neglecting all others to the point of carrying an identification card with the name A. Hidell on it in his wallet. Besides, if we assume that Oswald wiped the weapon we have to add a number of seconds to the time it would have taken him to get down to the second-floor lunchroom—and this would enhance his alibi.

If someone else killed the President, of course, he would certainly have had the greatest interest in wiping the weapon clean, even if this meant destroying old fingerprints of Oswald's. In any case, the absence of Oswald's fingerprints on the rifle is by no means the only curious detail involving guns in this case. There is also the .38 revolver which, according to the Dallas authorities, Oswald used to kill Officer Tippit and with which he later tried to kill Officer MacDonald in the movie theater. While many things, true and false, have been said about the Italian rifle, no evidence whatever connected with the .38 has ever been given to the press. If the official investigators have tried to trace its origins, they have told us nothing about the results of their efforts. Nor have they ever established it as a fact that Oswald carried a revolver, or even owned one. It is true that on Tuesday evening, November 26, Captain Fritz suddenly "revealed" to newsmen waiting for him as usual on the third floor of Dallas Police Headquarters, that Oswald had confessed to ownership of the .38. This confession had never been

mentioned before, not even by District Attorney Wade (whose press conference was held on the evening of Oswald's death), and like several other "revelations" in the case, it was soon to drop out of mention again—presumably because the Dallas authorities realized that the world would be reluctant to accept Captain Fritz's belated word for a confession Oswald allegedly made during the two days of his interrogation by the police without benefit of counsel.

Given the combination of daze and ballyhoo that characterized the period immediately following the assassination, an atmosphere of credulity was created in which it was difficult for most people to be critical. Thus, for example, dozens of newspapermen reported, simply because Chief Curry or Captain Fritz had said so, that Oswald, after leaving the School Book Depository, rushed to his room on North Beckley to pick up a jacket and his revolver. The housekeeper, Mrs. Earlene Roberts, did indeed see him take the jacket, but she saw no revolver. (She had, by the way, never noticed a revolver or a holster in his room, though the police claim to have found an empty holster there when they first searched the premises on Friday afternoon.) Oswald is then supposed to have shot Officer Tippit when stopped by the latter—who was cruising alone in his car (and for unexplained reasons, outside his normal beat) some three miles from the place of President Kennedy's assassination. Could Tippit have recognized Oswald on the basis of a very vague description which, moreover, would not have mentioned the tan zipper jacket he had put on since leaving Elm Street? It seems unlikely, and yet when Donald Janson summed up "The Dallas Mystery" in the "News of the Week in Review" section of the *New York Times* on Sunday, December 1, he wrote without hesitation: "He [Oswald] killed the policeman, another mass of evidence shows . . ."

What mass of evidence? The police claimed they had three eyewitnesses to the shooting. Newsmen got hold of one of them, a Mrs. Markham, who described the man she saw shooting Tippit as "about 30, with bushy hair and a white coat." Oswald, we know, was not yet 24, had rather thin hair, and was wearing a tan zipper jacket. The police also named a Mrs. Davis, who said that she saw a man ejecting some shells from a gun while crossing her yard a short distance away from the murder, but she wasn't able to describe him. In his Sunday night press conference, District Attorney Wade had said: "Witnesses saw him [Oswald] eject the shells from a revolver and place—reload—the gun." Whoever told the police that he or she saw Oswald reload did them something of a disservice, for this testimony contradicts Captain Fritz, who, having thought at first that Officer Tippit had been killed by two bullets, took care to emphasize to newsmen on Friday afternoon that there had been

precisely two empty chambers in the .38 taken from Oswald at the Texas Theater.

BUT CAN WE at least consider it as an established fact that Oswald, whom neither Mrs. Markham nor Mrs. Davis could identify, had a revolver on him, with or without empty chambers, when he was arrested in the cinema? The policemen who made the arrest say that he did, though a jury might well be perplexed by the different accounts we have been given of how Oswald used the gun. Here again is Mr. Wade:

"Someone saw him [Oswald] go in the Texas Theater. A search was made of that later by a number of police officers. At the same time an officer of the Dallas police spotted him and asked him to come out. He struck at the officer, put the gun against his head and snapped it, but did not—the bullet did not—go off. We have the snapped bullet here. Officers apprehended him at this time. (. . .) Q. Do you know why the gun . . . Q. Which officer? A. MacDonald was his name. Q. Why didn't it go off? A. It snapped. It was a misfire. Then officers subdued him—some six officers subdued him there in the theater, and he was brought to the police station here. Q. Mr. Wade, why didn't the gun fire? A. It misfired, being on the—shell didn't explode. We have where it hit it, but it didn't explode. It didn't fire the shell. Q. There was one officer who said that he pulled the trigger, but he managed to put his thumb in the part before the firing pin. It didn't . . . A. Well . . . Q. Strike the—bullet didn't explode. Is that . . . A. I don't know whether it's that or not. I know he didn't snap the gun is all I know about it. Q. You would say it was a misfire? A. It didn't fire. Q. Let's get the story again . . ."

The tenacious reporter did not get the story again, which may be just as well because it is hard to imagine how such a story could have been made clearer by the District Attorney. What could bring clarity, however, is the testimony of other witnesses, not connected with the Dallas Police Department. According to the cashier of the Texas Theater, there were perhaps twenty people in the audience when the police entered, and—as we have also been told—they switched on the lights. Thus some twenty people, instead of watching a movie called *War Is Hell*, watched the arrest of a man whom they were later told was the assassin of President Kennedy. How is it that not a single one of these people has come forward, or been brought forward to give an impartial eyewitness account of the arrest? Since the arresting officers contradicted each other on what Oswald did with his gun, or on what they did with Oswald's gun, should not any serious investigation have made an effort to get the facts straight by questioning the witnesses who happened to be present?

Yet no witnesses have been brought forward to testify that Oswald was carrying a gun when he

was arrested. What is even more disturbing, no witnesses have come forward on their own to testify to the gun. For it is hard to imagine that some, at least, of the twenty moviegoers who had just had the adventure of their lives would not rush forward to tell the story of how Lee Harvey Oswald tried to shoot his way out of the theater. It is, however, possible to imagine that some of these twenty residents of the Oak Cliff section of Dallas, having seen no revolver in the hands of Oswald, might hesitate to stick their necks out by contradicting the police.

7. The Crosses on the Map

On Saturday evening, November 23, Chief Curry informed the world that on that very morning his men had discovered some "entirely new facts" which constituted "startling evidence" against Oswald. He refused to give any more details except to add in answer to a reporter's question that these new facts "did not pertain to the rifle." The next night, when District Attorney Wade (who had said he was "going through the evidence piece by piece") seemed to have reached the end of his press conference without mentioning Chief Curry's "startling" new discovery, a reporter asked him about it. "I don't know," Mr. Wade replied. "That wasn't me that said that, I don't think . . ."

A few hours later, the early city edition of the *Dallas Morning News* disclosed this "startling evidence," and on Monday morning, Mr. Wade, whom reporters had been unable to reach during the night, was ready to confirm its existence. Though he hadn't personally seen it, he said, the police had found in Oswald's room on North Beckley Avenue a Dallas city map with a line drawn on it tracing the trajectory of the bullets that hit the President on Elm Street. In addition to the Elm-Houston corner, two other locations of the parade route were marked by crosses, "apparently locations the assassin considered as possibilities."

My own first reaction to this disclosure was to wonder how even the maddest of assassins could leave such a document in his room—unless (unlike Oswald) he intended to boast about his act and did not mind dying for it. The second reaction was to wonder how even the most incompetent of policemen could have missed such a document when first searching the five-by-twelve foot room on Friday afternoon. It subsequently appeared, however, that the police hadn't missed the map (which Mrs. Paine later testified she had given to Oswald to help him when he was looking for a job) on their first search. According to the Friday evening edition of the *Dallas Morning News*, "FBI and Secret Service men grabbed up his [Oswald's] few belongings before the press arrived, but Mrs. Roberts [the housekeeper] said one thing she noticed was a map of Dallas."

Where was the map kept overnight? An interesting point, certainly, to be brought out by future official investigators. Meanwhile, we have Chief Curry's Saturday evening statement, from which we can conclude (in spite of the *Dallas Morning News* which mentions only "FBI and Secret Service men") that the map was kept at Dallas Police Headquarters.

Now, if the map was already marked when it was taken out of Oswald's room on Friday, why should this particular piece of news have been treated so uniquely as to have been kept secret until Saturday? In the second place, the possibility that someone got hold of the map between Friday evening and Saturday morning, shocking though it is, cannot be discounted when we consider the state of Dallas Police Headquarters on Friday and Saturday. Reporters—especially foreign correspondents—have told with retrospective amazement that they could go practically anywhere, sit on tables, use the phones, open drawers to look for a pencil or a piece of paper. No passes were checked, and all doors were opened at the mere sight of a camera, or even an extension cord wrapped around one's shoulder.

Furthermore, if the Dallas conception of legal decorum differs from that which prevails in most other places, so too is its conception of how evidence should be protected. Take, for example, the most important of all the exhibits in this case: the rifle. This precious piece of evidence was held up to the television cameras by a bare-handed Dallas detective in the third-floor corridor of Dallas Police Headquarters, *before* it was sent to Washington to be scientifically examined in the laboratories of the FBI. And then, in Saturday morning's newspapers, there was a photograph showing how this same piece of evidence—which was to be checked in Washington for marks, spots, prints, and traces—was carried outside, without any protective wrapping over it, by another Dallas detective who held it by its strap while the butt rubbed against his trousers.

Thus, there is nothing wildly improbable in the idea that someone might have got hold of the map, between Friday afternoon and Saturday morning (when, as Chief Curry announced, his men first discovered it). The idea, indeed, that *Oswald* made these marks seems rather more improbable. Why should he have done so? At first it was thought that Oswald had studied various possible locations for the assassination before choosing the Elm Street building—a theory to which credibility was lent by the fact that the President's visit to Dallas had already been announced (on September 26 in the *Dallas Morning News*) by the time Oswald took his job with the School Depository. This theory, however, collapsed when it was learned that Oswald got the job through no initiative of his own: an Irving neighbor mentioned to Mrs. Paine that there was an opening at the Texas School Book Depository,

and Mrs. Paine then informed Oswald and recommended him to Mr. Truly. Consequently, if Oswald was the assassin, he must have conceived the crime only after starting work on Elm Street (let us even say that the very location of the building offered a temptation to his unbalanced mind). If this is so, we can imagine him drawing a line on a map tracing the trajectory of the bullets he intended to fire from a window of the Depository. But what reason could he possibly have had to mark any other point on the map?

8. Questions And Questions

I have listed here some of the questions suggested by the manner in which President Kennedy's assassination has so far been investigated, and by the way Lee Harvey Oswald was convicted of the crime by the Dallas Police Department before being executed in the basement of its headquarters.

Many people, finding it hard to believe that the executioner, Jack Ruby, was acting out of an "irresistible patriotic impulse" when he shot Oswald, think that there must have been a link between the two men. Why? Why should Jack Ruby have needed to know Oswald in order to kill him? If he was acting on behalf of someone, all he needed to know was where to find his man and how to get him. Besides, the arguments that have been constructed to support the idea of an Oswald-Ruby team are rather childish. A mountain has been made, for instance, of the fact that the spot at which Oswald is supposed to have killed Officer Tippit was about halfway—almost a mile—between Oswald's room and Ruby's apartment. But this, of course, proves nothing: thousands of people live within a radius of a mile from that point. Nor can we attribute any significance to the night Oswald spent at the YMCA after his return from Mexico, just because a strip-teaser at Ruby's club has said that Ruby sometimes went to the gym there. Several reporters even thought they had made a startling discovery of their own when they noticed that windows of the advertising department of the *Dallas Morning*

News (where Ruby was busy Friday at noontime revising an ad for his strip-tease joint when he should have been in the street expressing his devotion to John and Jacqueline Kennedy) command a perfect view of the sixth floor of the Texas School Book Depository. But what is that supposed to mean? That Ruby was sending signals to Oswald?

I believe that the most important consequence of Oswald's death was not to close his mouth but to close his trial. For if Lee Harvey Oswald had ever had his day in court, with a good defense lawyer answering District Attorney Wade, cross-examining the Dallas police officers, and raking their witnesses over the coals, what might not have emerged?

Here is a last sample of Mr. Wade's press conference: "The next we hear of him is on a bus where he got on at Lamar Street, told the bus driver the President had been shot; the President. [He] told the lady—all this was verified by statements—told the lady on the bus that the President had been shot. He said, 'How did he know?' He said a man back there told him. The defendant said, 'Yes, he's been shot,' and laughed very loud. Q. This was a lady? A. A lady. He then . . . asked the bus driver to stop, got off at a stop, caught a taxicab driver, Darryl Click . . ."

Reporters have checked this story (only 21 lines in the transcript). The actual facts (which neither Mr. Wade nor the witnesses he quoted have contested) are these:

(1) Oswald took the bus at Griffin Street, not Lamar Street. (2) He said nothing to the bus driver, C. J. McWatters, nor to any lady on the bus. (3) The driver learned about the assassination from an unknown man in the street when the bus ran into a traffic jam. (4) Oswald did not laugh, "very loud" or otherwise. (5) He got off the bus at the traffic jam, as did another person, asking McWatters for a transfer. (6) The driver of the cab he then caught was Bill Whaley, not Darryl Click.

Indeed: if Lee Harvey Oswald had ever had his day in court with a good defense lawyer answering District Attorney Wade, what might not have emerged?

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Herewith omitted portion.

"About two days after beginning Ruby trail. Anxious know soonest name of official he will interview.

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February 12, 1964

MEMORANDUM TO THE DEPUTY ATTORNEY GENERAL

RE: President's Commission on the Assassination
of President Kennedy

Under the provisions of Executive Order No. 11130, dated November 29, 1963, the President's Commission has the responsibility of investigating and reporting upon all the facts and circumstances relating to the assassination of President Kennedy and the subsequent violent killing of the alleged assassin, Lee Harvey Oswald. Since the inception of the Commission, it has been assumed by everyone that the most critical issue before the Commission is the identity of the assassin or assassins of President Kennedy. At the very least, it has been generally understood by the members of the Commission, the Commission staff, and the public that the final report of the Commission will set forth all the items of evidence linking Oswald or anyone else to the assassination. Whether or not the final report concludes that Oswald or anyone else is the assassin, any discussion of the available evidence will probably come close to a responsible judgment that one or more persons were involved in the assassination. Since this determination is to be made by the President's Commission rather than by means of an adversary court proceeding with all the judicial safeguards, the question has been presented as to the need for procedures which might be adopted by the Commission to protect the rights and reputation of the alleged assassin.

129-11

Background of Problem

Since the beginning of the Commission most responsible people have recognized the existence of this problem. Many people, attorney Mark Lane of New York most vociferously, have urged that the Commission appoint a defense counsel to represent Oswald with full rights of participation in hearings, cross-examination of witnesses, and possibly some limited rights of access to investigative materials. However, the Commission over the past two months