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BRODSKY IN ARKHANGELSK
AN EDITORIAL

THE WARREN REPORT—TWO ARTICLES
KARL E. MEYER GEORGE AND PATRICIA NASH

EUGENE O'NEILL: A TOUCH OF THE ADOLESCENT
ERIC BENTLEY



The Other Witnesses

By George and Patricia Nash

THE WARREN Commission Report already has won the respect of almost all who have read it, and deservedly so. It is a clearly written, remarkably comprehensive document that is cautious in reaching conclusions. It dispels rumors, wrecks theories, dismisses items of "evidence" used to convict Lee Harvey Oswald in the public mind, and draws some order from the confusion surrounding the assassination of President Kennedy over these past 10 months.

In the process, it also takes the trouble to dispense justice where injustices have been done. The Dallas police, for example, had issued an extremely damaging story about Joe Molina, for 17 years credit manager at the Texas School Book Depository, as a "possible Number 2 man" in the murder. Their suspicions had been aroused by the fact that Molina belonged to a veterans' organization called

the American GI Forum, which the Dallas police alone considered subversive, and the publicity cost him his job. The Commission delves into the details of Molina's case and clears him.

But what of the future historians or political scientists attempting to reconstruct the events of last November 22? Will they find all the pertinent facts in the voluminous Report? In the light of an intensive two-week investigation that we conducted ourselves in Dallas, we would have to answer: No. Particularly where the slaying of Patrolman J. D. Tippit and the events at the Depository are concerned, the Report is less than complete.

The most convincing aspect of the case against Oswald involves the testimony of three witnesses to the Tippit shooting at 10th Street and Patton Avenue, in Oak Cliff. Here the evidence is not merely circumstantial, as with the assassi-

nation. The Commission quotes extensively the accounts given by three persons who were near the scene of the crime: William Scoggins, Domingo Benavides and Mrs. Helen Louise Markham.

Taxi-driver Scoggins—eating lunch in his parked taxi—noticed a man and the approaching police car, heard shots, saw Tippit fall, then saw the man run south on Patton. At the moment of the actual shooting his view was partially obstructed by shrubbery, and he did not emerge from the cab until he heard the firing. The next day he picked Oswald out of a lineup, not as the killer but simply as the man he had seen running past him.

Domingo Benavides was driving a pickup truck west on 10th Street. As he crossed the intersection a block east of 10th and Patton, he saw a policeman standing by the left door of the patrol car and a

man standing on the right side. He then heard three shots. He saw the policeman fall. He waited in the truck until the gunman ran to the corner, and saw him empty the shells into some bushes. "It was Benavides, using Tippit's car radio, who first reported the killing of Patrolman Tippit at about 1:16 P.M.," the Report declares, although the ambulance records show a different source of the shooting report. The Report goes on to note that Benavides told police "he did not think that he could identify the man who fired the shots."

Mrs. Markham gave the only detailed account of what occurred between the gunman and Tippit from the moment the patrolman stopped on 10th Street. According to the Report: "Her description and that of other eyewitnesses led to the police broadcast at 1:22 P.M. describing [Tippit's] slayer as 'about 30, 5'8", black hair, slender.'" But Mrs. Markham also told attorney Mark Lane that the gunman was "short, a little on the heavy side," with "somewhat bushy" hair. In testifying before the Commission, she first denied that she had ever said this and changed her story only when confronted with a tape recording of the conversation. The Commission observes that "in her various statements and in her testimony, Mrs. Markham was uncertain and inconsistent in her recollection of the exact time of the slaying." Nevertheless, the Report declares: "Addressing itself solely to the probative value of Mrs. Markham's contemporaneous description of the gunman and her positive identification of Oswald at a police lineup, the Commission considers her testimony reliable."

Contrary to what some have maintained, we did not find Mrs. Markham inaccessible. Our interview with her, though, did lead us to feel that any testimony she might give was of dubious value. Since

she is a critical witness, we put part of the interview with her in verbatim:

"Q. Has the assassination of the President and what happened afterwards affected you personally?"

"A. It sure has. I lost my job . . . having to go to Washington. I've had a nervous breakdown. I'm the witness. I'm the one he was talking to when he died. I know what it's like when someone dies. I was with my father when he died. He [my father] said 'Well, I don't know.' And then he was dead. I couldn't understand what Tippit said. I guess he wanted me to call on the car radio and get some help. I was there with Tippit when they put him on the stretcher. He was dying."

"Q. Was it long until the ambulance came?"

"A. No."

"Q. About how long?"

"A. I was there hollering and screaming, trying to get help. Would'n't nobody come help me. I would guess that it was about 20 minutes before the ambulance came--20, 25 minutes I was there alone until the ambulance came and then another five minutes until the police came . . . The police treated me like a queen. Me and the cab driver, I guess we're the only witnesses. When the police got there, I fainted. I fainted three or four times."

Thus Mrs. Markham stated that Tippit talked to her after being shot (although the Commission says he was killed instantly), and that she was alone on the scene for 20 minutes (although the ambulance arrived within minutes of the shooting). And nowhere does she mention Benavides, who used the car radio to call the police.

WE WERE able to locate at least two witnesses at the Tippit murder scene who were not questioned or even contacted by the Commission. We had little difficulty in tracking them down and

we could find no reason to doubt their veracity. Because their statements are important in relation to Mrs. Markham's testimony, and because they have not appeared elsewhere, we shall also quote them in verbatim. First, Frank Wright, who lived in a ground floor apartment on 10th Street, about half a block east of the murder site:

"I was sitting watching television with my wife. I was sitting in chair next to the door. I wasn't but two steps from the door. I hear shots. I knew it wasn't backfire. I knew it was shots. As soon as I heard them, I went out the door. I could see a police car in the next block. It was toward the end of the next block. I could see it clearly. The police car was headed toward me. It was parked on the south side of the street. In other words, it was parked across the street from our apartment house. I saw a person right by the car. He had fallen down. It seems as if he had just fallen down. Maybe I saw him as he had just finished falling. He was on the ground and then he turned over face down. Part of him was under the left front fender of the car. It seems to me that I saw him just as he fell on the ground. I saw him turn over and he didn't move any more."

"I looked around to see what had happened. I knew there had been a shooting. I saw a man standing right in front of the car. I was looking toward the man on the ground. He stood there for a while and looked at the man. I couldn't tell who the man was on the ground. The man who was standing in front of him was about medium height. He had on a light coat. It ended just above his hands. I didn't see any gun. He ran around on the passenger side of the police car. He ran as fast as he could go and he got into the car. His car was a grey, little coupe. It was about a 1950-1955 maybe a Plymouth. It was a ground car, parked on the same side . . ."

the street as the police but beyond it from me. It was away from me. He got in that car and he drove away as quick as you could see. He drove down 10th Street, away from me. I don't know how far he drove. After he got into the middle of the next block between Patton and Crawford, I didn't look at him any more.

"I looked at the car where the man was. I looked to see what had happened there. About the same time as I came out, or maybe a little while after, a woman came down from her porch. She was at the house about three or four doors from the intersection of 10th and Patton. The house was on the same side of the street as the police car. Just as the man in the car pulled away she came toward the police car and then she stepped back. I heard her shout, 'Oh, he's been shot!' throwing up her hands. Then she went back up toward the house. There was no one out there except me and that woman when I got there, except for the man I described earlier. I couldn't figure out who did the shooting. I didn't see a gun on the man who was standing in front of the car. There wasn't anyone else but the man who drove away and the woman who came down from her porch. I was the first person out. I knew there wasn't anyone else there at all. It wasn't any time at all until the ambulance got there. By the time the ambulance got there, there were maybe 25 more people outside. Then after a while, the police came up. After that, a whole lot of police came up. I tried to tell two or three people what I saw. They didn't pay any attention. I've seen what came out on television and in the papers but I know that's not what happened. I knew a man drove off in a grey car. Nothing in the world's going to change my opinion. I saw that man drive off in a grey coupe just as clear as I was born. I know what I saw. They can say all they want about a fel-

low running away, but I can't accept this because I saw a car get in a car and drive away."

We have no way of knowing how the investigation could have ignored Wright, whether his memory is accurate, or whether a plausible explanation for the mysterious man in the car might be a passerby unwilling to be a witness. For our purposes here, such speculation is beside the point, which is simply: Why didn't this account come to the Commission's attention?

The question becomes all the more relevant when it is realized that it was a call from Mrs. Wright which was responsible for the ambulance being dispatched, and the police had her address:

"I was sitting in my apartment watching television with my husband. We had just learned that the President was shot. I was sitting in a chair with my back to the intersection of 10th and Denver. My husband was sitting across from me. I heard shots fired and I immediately ran to the window.

"I heard three shots. From my window I got a clear view of a man lying there on the street. He was there in the next block. I could see there was a man lying in the street. I didn't wait a minute. I ran to the telephone. I didn't look in the book or anything. I ran to the telephone, picked it up and dialed 'O.' I said, 'Call the police, a man's been shot!' After that I went outside to join my husband. It wasn't but a minute till the ambulance got there."

The operator took Mrs. Wright's address, 501 East 10th, and called the police. The police noted there was a shooting at 501 East 10th and pushed a buzzer connecting them by a direct line to the Dudley M. Hughes Funeral Home.

THE DUDLEY M. Hughes Funeral Home is the central ambulance dispatching point for southern Dallas. It either handles calls directly or calls other funeral

homes in the system that cover other areas. Dudley M. Hughes Jr., the dispatcher, took the call from the police. He filled out an ambulance call slip with the code "3-19" (which means emergency shooting) and the address, "501 East 10th Street." He put the slip into the time clock and stamped it 1:18 p.m., November 22, in the space marked "Time Called." Since the location was just two short blocks away he told one of his own drivers, Clayton Butler, to respond. Butler and Eddie Kinsley ran down the steps, got into the ambulance and took off, siren screaming.

Butler radioed his arrival at the scene at 1:18 p.m., within 60 seconds of leaving the funeral home. He remembers that there were at least 10 people standing around the man lying on the ground. It was not until he and his assistant pulled back a blanket covering Tippit that they realized the victim was a policeman.

Butler ran back to his radio to inform headquarters. The radio was busy and he could not cut in. He yelled "Mayday" to no avail, and went back to Tippit. The officer lay on his side, face down with part of his body under the left front fender of the police car. Butler and Kinsley rolled him over and saw the bullet wound through Tippit's temple. Butler told us, "I thought he was dead then. It's not my position to say so. We got him into the ambulance and we got going as quick as possible. On the way to the hospital I finally let them know it was a policeman." The record shows that Butler called in to the funeral home at 1:26 p.m. to say he had reached the hospital.

Despite the fact that the ambulance was dispatched to 501 East 10th, no statement was ever taken from either of the Wrights. Mrs. Wright remembers that a man who did not identify himself came around two months after the President's assassination and talked with her for a few minutes. He took no

...did not ask her to sign anything, did not speak to her husband and did not ask if he had seen anything unusual. Clayton Butler, the ambulance driver, says he was questioned by the Dallas police when he arrived at the hospital, but not since then.

Others never questioned included Butler's assistant, Eddie Kinsley; Dudley M. Hughes Jr., who dispatched the ambulance; and the managers of the apartment house facing the murder site. All of these potential witnesses were in agreement on the lapse of time between the shots and the arrival of the ambulance—in direct contradiction to Mrs. Markham's statement. It is worth noting, in connection with Mrs. Markham's reliability, that the lineup (which satisfied the Commission as fair in its procedure) included only three persons besides Oswald for Mrs. Markham to choose from: two 18-year-olds and a 26-year-old man of Mexican descent. Oswald (who had appeared on television before this lineup) was the only one whose face was cut and bruised. In the light of our own findings in the Tippit slaying, it appears quite possible that Mrs. Markham came on the scene only after hearing the shots; and without Mrs. Markham, there is no one to say precisely what happened between Tippit and Oswald.

THERE ARE also a number of other points which the Report leaves unresolved or untouched:

1. The Report cites as one "speculation" the rumor that "another witness to the slaying of Patrolman Tippit, an unidentified woman, was interviewed by the FBI but was never called as a witness" by the Commission. In reply, the Report declares: "The only woman among the witnesses to the slaying of Tippit known to the Commission is Helen Markham. The FBI never interviewed any other woman who claimed to have seen the shooting and never received

any information concerning the existence of such a witness."

We interviewed this "other witness," whose name is Aquilla Clemmons. She claims to have seen two men near the police car, in addition to Tippit, just before the shooting. The woman said the FBI did question her briefly but decided not to take a statement because of her poor physical condition (she is a diabetic). Her version of the slaying was rather vague, and she may have based her story on second-hand accounts of others at the scene. It seems probable, however, that she is known to some investigative agency if not to the Commission itself.

2. The Report dismisses the rumor that Oswald lived near Jack Ruby, pointing out that their residences were a mile apart. But the Tippit shooting took place only two blocks from Ruby's home on Marsalis St., a fact not mentioned by the Commission.

3. The Report gives the impression that Oswald was the only Depository worker found to be absent after the assassination. But Bill Shelley, Oswald's foreman, and others who worked in the building told us that Charles Givens was missing from the sixth floor work crew. Shelley said he was sent outside in an unsuccessful attempt to locate Givens, and there was talk of sending out an "all-points bulletin" on the missing man. This proved unnecessary because Givens heard he was being sought and made his way to police headquarters.

4. The Report accepts the version of the assassination aftermath in which Roy Truly, the Depository supervisor, and Patrolman M. L. Baker are supposed to have entered the building and met Oswald on the second floor less than two minutes after the attack. But Molina, the unjustly accused worker, told us he testified that he was standing by the Depository door and saw Truly run past him into the

building—alone. Further, Bill Shelley told us that Truly and Baker entered five or six minutes after the shooting.

Obviously, the question of the precise timing has important implications: If Oswald was not encountered for five or six minutes after the shooting, this would have allowed him time to reach the second floor easily from either the sixth floor or from the front of the building, as he himself claimed; if the time was just two minutes, the argument is sure to continue that Oswald could not have made it from the sixth floor to the second—despite the FBI re-enactment showing this was possible.

5. The Report mentions that "the front door" and "the rear door" of the Depository were guarded from about six minutes after the shooting. What it omits, however, is that there were four separate "rear doors," all of which were open and only one of which was guarded. There are two loading platforms, a customer's door and a rail entry. No one guarding any one of these doors could see any of the others. This conceivably might be relevant to a question of whether Oswald acted alone. As Shelley told us, "Any one of a thousand different people could have entered or left the building and nobody would have known it."

Again, our purpose in discussing the items we found untouched or unresolved by the Report has not been to determine whose version of the events is correct, or to establish any one person's guilt or innocence. Our object has simply been to demonstrate that future historians and social scientists will not be able to reconstruct what occurred last November 22 from the Commission's report alone. Moreover, as the years go by, witnesses vanish, inconsistencies are forgotten and memories fade, the questions they will undoubtedly raise will become increasingly difficult to answer with any degree of accuracy.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE NEW ORLEANS	OFFICE OF ORIGIN DALLAS	DATE 10/7/64	INVESTIGATIVE PERIOD 9/23 - 28/64
TITLE OF CASE LEE HARVEY OSWALD, Aka.		REPORT MADE BY SA STEPHEN M. CALLENDER	TYPED BY CV
		CHARACTER OF CASE IS - R - CUBA	

REFERENCE: Bureau airtel to WFO, 9/14/64, and WFO airtel to Bureau, 9/17/64, both captioned "LEE HARVEY OSWALD, Aka., IS - R - CUBA, Attn: Criminal Section" and "JACK L. RUBY; LEE HARVEY OSWALD - VICTIM, CR"

New Orleans airtel to Bureau, 9/29/64

RUC

ADMINISTRATIVE

Information set forth in the details of this report has previously been furnished to the Bureau by letterhead memorandum as an enclosure to referenced New Orleans airtel.

At the time that LEON D. HUBERT, JR. was interviewed at New Orleans, the details of which appear in this report, regarding captioned matter he was also interviewed regarding the case entitled, "JACK L. RUBY; LEE HARVEY OSWALD - VICTIM, CR", Bureau File 44-24016, New Orleans File 44-2064. The details of the interview with HUBERT regarding the RUBY matter

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW		
COPIES MADE: (10) - Bureau (105-82555) (RM) 3 - Dallas (100-10461) (RM) 1 - New Orleans (100-16601) <i>NO DISSEMINATION TO THE PRESS SAME INFO FURNISHED IN LHM BY LET 10/20/64 - G-Mul</i>		105-82555-	5089	REC-47
		OCT 9 1964		
DISSEMINATION RECORD OF ATTACHED REPORT		NOTATIONS		
AGENCY.....		SOVIET SECTION <i>[Handwritten initials]</i> 6-15-64		
REQUEST RECD.....	21			
DATE FWD.....				
HOW FWD.....				
7-9-64 10-16-1964				

30 100 10 100

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have previously been furnished to the Bureau by separate letterhead memoranda and have also been included in a separate report.

COVER PAGE B*

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA STEPHEN M. CALLENDER Office: New Orleans
Date: 10/7/64
Field Office File No.: NO 100-15601 Bureau File No.: 105-82555
Title: LEE HARVEY OSWALD

Character: INTERNAL SECURITY - R - CUBA

Synopsis:

LEON D. HUBERT, JR., Attorney, New Orleans, La., former legal consultant to the President's Commission on the Assassination of President KENNEDY, states he could provide no information which could be of possible assistance in determining how "The Dallas Morning News" newspaper or "Life" magazine came into the possession of a copy of the diary of LEE HARVEY OSWALD.

RUC

DETAILS:

The President's Commission on the Assassination of President KENNEDY has requested investigation of the publication of LEE HARVEY OSWALD's diary by "The Dallas Morning News" and "Life" magazine.

On September 23, 1964, inquiry at the law firm of LEON D. HUBERT, JR., located at Room 300, Oil and Gas Building, and at HUBERT's residence, 1915 South Dupree, New Orleans, Louisiana, determined that Mr. HUBERT was on vacation in Mexico and would be returning to New Orleans, Louisiana, on September 28, 1964.

1

LEON D. HUBERT, JR., attorney, Room 300 Oil and Gas Building, 1100 Tulane Avenue, advised that he was employed as a legal consultant by the President's Commission on the Assassination of President Kennedy, commonly known as the Warren Commission, on a full-time basis from January 10, 1964 until June 4, 1964.

Mr. HUBERT stated that a great majority of his work for the commission involved the matter pertaining to the assassination of LEE HARVEY OSWALD by JACK L. RUBY and that the majority of his time was spent at the commission headquarters located in the Veterans of Foreign Wars Building in Washington, D. C. He stated, however, that on occasions he traveled to Dallas, Texas, where he interviewed and obtained depositions from various individuals regarding the RUBY matter.

Mr. HUBERT stated he could provide no information which could be of possible assistance in determining how "The Dallas Morning News" or "Life" magazine came into the possession of a copy of the diary of LEE HARVEY OSWALD. He said that he could not suggest the identities of any individual or individuals who may have been responsible for making available a copy of this diary to the newspaper or to "Life" magazine.

Mr. HUBERT advised that since June 4, 1964, he has been in Dallas on two or three occasions for anywhere from one to three days handling additional details in connection with the RUBY case.

On 9/28/64 at New Orleans, Louisiana File # NO 100-16601
by SA STEPHEN M. CALLENDER /lyc Date dictated 9/29/64

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Memorandum

Tolson	
Belmont	
Mohr	
DeLoach	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

TO : MR. TROTTER

DATE: 10-12-64

FROM : S. F. Latona

SUBJECT: LEE HARVEY OSWALD, AKA;
IS - R - CUBA

The palm prints of the following listed Bureau employees were submitted by the Dallas Division for comparison with the remaining latent palm print from the cardboard cartons recovered in this case:

- SA Joe B. Abernathy
- SA John V. Almon
- SA Robert J. Anderson
- SA James W. Anderton
- SA James W. Bookhout
- ASAC Kyle G. Clark
- SA Jack A. French
- SA Will Hayden Griffin
- SA Robert C. Lish
- SA Joseph H. Myers
- SA Alfred D. Neeley
- SA Bardwell D. Odum
- SA Curtis L. Perryman
- SA Richard T. Rabideau
- Marian F. Roberts
- SAC J. Gordon Shanklin
- SA James W. Swinford
- SA Gaston C. Thompson
- SA Carl E. Underhill
- SA Paul E. Wulff

The latent palm print is not identical with these submitted palm prints.

The submitted prints are being retained. Dallas and Investigative Division being advised.

ACTION: For information.

105-82555-5090
REC-47

- 105-82555
- 1 - Mr. Belmont
- 1 - Mr. Conrad
- 1 - Mr. DeLoach
- 1 - Mr. Rosen (Attention: Mr. James R. Malley)
- 1 - Mr. Sullivan (Attention: Mr. R. E. Lenihan)
- 1 - 62-109960 (Assassination)
- 1 - 62-109990 (President's Commission)

14 OCT 14 1964

SOVIET SECTION
SLY

56 OCT 19 1964

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