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**THE  
UNANSWERED  
QUESTIONS  
ABOUT  
PRESIDENT  
KENNEDY'S  
ASSASSINATION**

*Assassination of President Kennedy*

(Indicate page, name of newspaper, city and state.)

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By SYLVAN FOX

**P**UT THIS QUESTION to almost any casual reader of newspapers or viewer of television newscasts: Did the Warren Commission declare that there was no conspiracy involved in either the assassination of President Kennedy or the murder of Lee Oswald?

The answer almost invariably will be yes.

That answer, like many that are given about the Report by those who have received their information second-hand, is incorrect and betrays a dangerous misconception of the Commission's findings.

Precisely what did the Commission say about this question of conspiracy?

"The Commission has **FOUND NO EVIDENCE** that either Lee Harvey Oswald or Jack Ruby was part of any conspiracy, domestic or foreign, to assassinate President Kennedy. . . ."

The Commission then adds this important cautionary word:

#### *Freudian Slip?*

"Because of the difficulty of proving negatives to a certainty, the possibility of others being involved with either Oswald or Ruby cannot be established categorically, but if there is any such evidence, it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of this Commission."

This paragraph is worthy of closer scrutiny. The presumable intent of the sentence is: "Because of the difficulty of proving negatives to a certain-

ty, the possibility of others being involved with either Oswald or Ruby cannot be **DE-NIED** categorically. . . ."

As the sentence reads in the text, it suggests that the Commission was unable to establish to a certainty that others **WERE** involved in the assassination, implying thereby that the Commission may have believed in fact that others were involved but simply was

unable to prove these suspicions. Is this an error in sentence structure—or a Freudian slip?

In any case, just as the Commission confessed to its inability to discover *why* Oswald killed Mr. Kennedy, so too does it appear to admit that it cannot declare without qualification that the assassination of Mr. Kennedy or the slaying of Oswald—or both—were not the work of conspiratorial groups.

Remember, the Commission does not say there was no conspiracy, although it tries vigorously to appear to be saying precisely that. It says only that it could find no evidence of a conspiracy, which immediately raises the question: Did it look hard enough and go far enough?

#### *Shocking, Appalling*

In deciding it could find no conspiracy, the Commission appears to turn its back on a wealth of evidence suggesting that a plot—or even two separate plots—may have been operative in the deaths of John F. Kennedy and Lee Harvey Oswald. It appears to have rejected this evidence either because it was unable to corroborate it or because it was unwilling to pursue it. But in view of the vital importance involved, is this good enough reason? On close examination, much of this evidence is suggestive, and some is shocking.

Perhaps the most shocking bit of information in the entire report of the Warren Commission is the disclosure that no records exist of Oswald's interrogation by the police, the FBI and the Secret Service. Equally appalling is the Commission's apparently noncommittal acceptance of the absence of such records.

Between the time Oswald was arrested shortly before 2 p.m. on Nov. 22 and the time he was shot at 11:21 a.m. on Nov. 24, Oswald was questioned for a total of 12 hours by Capt. J. W. Fritz, the head of the Dallas Police Department's homicide and robbery bureau.

### No Records Kept

The Warren Report concedes that there are no stenographic records of these interrogations, nor are there any tape recordings and it declares that Fritz "kept no notes." The Report does not say Fritz "made no notes" or "took no notes," it says he "kept no notes." The report's wording suggests that Fritz disposed of his notes.

On checking further, we find that this appears to be what happened. Appended to the Report is a reproduction of a 13-page typewritten memorandum submitted to the Commission by Fritz. It contains considerable detail about questions Fritz asked, and answers Oswald gave. On the last page, in the last paragraph, Fritz says: "Inasmuch as this report was made from rough notes and memory, it is entirely possible that one of these questions could be in a separate interview from the one indicated in this report."

### Stolid Refusal

In other words, Fritz did make notes but apparently disposed of them after composing his 13-page report for the Commission.

The Warren Commission explains Fritz's actions by saying he "kept no notes." The Commission stolidly refuses to tell what really happened — that Fritz took notes and then disposed of them.

This is a truly remarkable situation. The police of a large city arrest a man suspected of having assassinated the President of the United States. They question him for a total of 12 hours. Yet not one verbatim record of that questioning survives.

The Commission's efforts to dispel suspicion of a conspiracy come under serious question on a number of scores.

Above all, there is the question of the number and direction of the shots that killed Mr. Kennedy and wounded Gov. John Connally. This question will be examined in more detail later. For now, it is enough to say that the Commission's determination that three bullets were fired and that all came from the book depository is far from conclusive, as are the Commission's findings that all of President Kennedy's wounds originated from behind and that Connally was hit by a bullet which had first hit the President.

### Spectre of Accomplice

Another development also raises the spectre of an accomplice. Some time after the assassination, a policeman, Deputy Constable Seymour Weitzman, found a rifle between some cartons near the back stairway of the sixth floor of the book depository. He identified the rifle as a 7.65 mm. Mauser, a German-made gun. For almost 24 hours, the rifle believed to be the assassination weapon was described by police officials and by District Attorney Henry Wade—a former FBI agent—as a German Mauser. Only the next day did the story change. At that time, police unveiled for the press a rifle which they described as the weapon used by Oswald to kill Mr. Kennedy. But this rifle was an Italian-made 6.5 mm. Mannlicher-Carcano.

Even a casual glance at the rifle the police showed that day revealed that it bore two legends on it: "Made Italy" and "Cal. 6.5." Although the commission says an erroneous identification was made, it is hard to understand how a gun bearing the words "Made Italy" and "Cal. 6.5" could be mistaken for a 7.65 German Mauser. Or were there two

### Curious Incident

Next we come to Oswald's departure from the book depository. The commission tells us that the building was sealed at about 12:37 p.m., although it is evident that many police had reached the building before that time in response to a radio call from Chief Jesse Curry moments after the shooting. Yet Oswald managed to run down four flights of stairs, meet Patrolman Marion Baker and depository superintendent Roy Truly on the second floor, talk to them, get a bottle of Coke, stroll across the lunchroom, and leave the building without being stopped.

The next episode is even more bizarre. Oswald went to his rooming house, got a gun, put on a jacket and left, according to the commission's

reconstruction of his movements. But before his departure, a curious incident occurred.

The story is told by Mrs. Earlene Roberts, the housekeeper at Oswald's rooming house at 1026 North Beckley Ave. She said that at about 1 p.m., while Oswald was still in his room, where he remained a total of only three or four minutes before leaving, a Dallas police car drove up to the rooming house.

"Right direct in front of that door, there was a police car stopped and honked," she told the commission. "I had worked for some policemen and sometimes they come by and tell me something their wives would want me to know, and I thought it was them, and I just glanced out and saw the number and I said, 'Oh, that's not their car,' for I knew their car."

Joseph A. Ball, the commission assistant counsel questioning Mrs. Roberts, asked her: "Where was it parked?"

"It was parked in front of the house," she answered. "And then they just eased on, the way it is, it was the third house off Zangs and they just went on around the corner that way."

"Did this police car stop directly in front of your house?" Ball persisted.

"Yes," Mrs. Roberts replied. "It stopped directly in front of my house and it just 'tit-tit' and that's the way Officer Alexander and Charles Burnley would do when they stopped, and I went to the door and looked and saw it wasn't their number."

#### **Doubt on Number**

"Where was Oswald when this happened?" Ball asked.

"In his room," Mrs. Roberts said.

A moment later, Ball took the testimony one step further.

"Were there two uniformed policemen in the car?" he asked.

"Oh, yes," Mrs. Roberts replied.

"And one of the officers sounded the horn?" Ball asked.

"Just kind of a 'tit-tit' twice," Mrs. Roberts replied.

Mrs. Roberts was uncertain about the number of the police car. The commission report says she testified at first that she thought the car was number 106, then said it was 107. She told the FBI it was car number 207.

The commission says that "investigation has not produced any evidence that there was a police vehicle in the area of 1026 North Beckley at about 1 p.m. on Nov. 22. Squad car 207 was at the Texas School Book Depository Building, as was car 106. Squad cars 170 and 107 were sold in April, 1963, and their numbers were not reassigned until February, 1964."

This is another of those strangely bland comments one finds throughout the report. Does the commission believe that if a police car had pulled up to Oswald's rooming house to blow its horn as a signal, its occupants would have informed the police dispatcher at headquarters of their actions? And why does the commission assume that simply because a police car is sold, it ceases to exist and is no longer available for use? Who bought the two police cars? We are not told.

#### **Part of Scheme?**

Perhaps the most dramatic example of what has since been blamed entirely on police carelessness was the shooting of Oswald by Ruby.

Once again, we can read this incident in two ways. Either it is another demonstration of monumental ineptitude, and this is the way the Warren Commission chooses to understand all of these incidents, or it was part of a scheme that reached its culmination with Oswald's death.

Oswald had been in custody just under 48 hours. On Sunday morning, the police undertook to move him from police headquarters to the county jail. Dallas police officials, cooperating fully with the press and especially with TV newsmen, announced in advance the approximate time of the transfer so that reporters and equipment could be installed on the scene.

On Saturday night, Police Chief Curry had told reporters: "If you are back here by 10 o'clock (the next morning), you will be back in time to observe anything you care to observe."

Sunday morning, between 2:30 and 3 a.m., the FBI and the Dallas sheriff's office received phone tips warning that a committee had been formed to kill Oswald. The tips were passed along to Chief Curry and other Dallas police officials and when Curry arrived at his office around 8:30 that morning, he discussed the plans to transfer Oswald with Sheriff Decker. Curry decided that the police would direct the transfer, rather than the sheriff's office, because "we had so much involved here, we were

the ones that were investigating the case and we had the officers set up downstairs to handle it."

### Promise to Press

The Report says that Curry decided Oswald would be taken out of the building through the basement. Two Dallas police officials suggested to Captain Fritz that Oswald be moved through another exit, leaving the press corps waiting vainly in the basement. "We could be to the county jail before anyone knew what was taking place," these police officials told Fritz. "But the captain said he did not think Curry would agree to the deception because he had promised the newsmen an opportunity to photograph Oswald."

Secret Service agent Forrest Sorrels also urged Fritz to intervene with Curry in an attempt to have Oswald moved at an unannounced time. Fritz again rejected the idea, saying Curry "wanted to go along with the press."

Despite the tips that Oswald's life was in danger, and despite the urgings of two police officials and a Secret Service agent, Curry and Captain Fritz took Oswald out of the building by the route which, as it turned out, exposed him to Ruby.

At about 9 a.m. Sunday, po-

lice cleared the basement of all but police personnel, the report says. Guards were posted at the entrances to two ramps leading into the basement, at each of five doorways into the garage, and at a hallway adjacent to the jail office. A thorough search was conducted of the entire area. Only after the search was completed were newsmen allowed to enter the basement. The police had firm orders from Capt. C. E. Talbert and Sgt. Patrick T. Dean to permit no one but newsmen showing authentic credentials to enter.

More than 70 policemen were present when Oswald, handcuffed to one detective on his right and flanked by another on his left, came into the basement.

Despite these precautions, Ruby managed to enter the basement and at precisely the right moment, step from the crowd with a .38 caliber revolver in his hand and fire a single fatal bullet into Oswald's abdomen.

### Ruby Unobserved

Not one of the more than 70 policemen or the 30 or 40 newsmen who witnessed the killing was able to tell the commission how Ruby got into the basement. Ruby himself said he entered simply by walking down one of the ramps.

The commission accepted this story and concluded that "Ruby entered the basement unaided, probably via the Main Street ramp, and no more than 3 minutes before the shooting of Oswald."

It reached this conclusion despite some testimony to the contrary. Patrolman R. E. Vaughan who was guarding the entrance to the Main Street ramp, swore that he checked the credentials of all unknown persons seeking to enter the basement through that access. Three occupants of a police car that drove up the ramp at exactly the moment Ruby must have entered it, if the Commission's version is correct, said they did not see Ruby.

### Summing Up

In summary, let us run down all the major elements of the case which suggest the possibility that conspiracy was involved in the assassination of President Kennedy or the shooting of Lee Oswald:

- 1—There is considerable doubt about the number of shots fired and the direction of at least one of the shots.
- 2—There is medical testimony that the bullet entered President Kennedy's neck from the front! This would have meant a second gunman.
- 3—There is an element of confusion about whether two

guns, rather than one, were found after the assassination.

4—Oswald managed to leave the book depository despite the presence of a large number of policemen in the area.

5—A police car apparently pulled up to Oswald's rooming house while he was there after the assassination and signaled with its horn.

6—Ruby managed to enter the tightly guarded Dallas Police Headquarters building un-

seen and to shoot Oswald in the presence of more than 70 policemen.

7—Despite tips that an attempt would be made to kill Oswald, and despite warnings from two police officials and a Secret Service agent, Police Chief Curry and Homicide Bureau Chief Fritz moved Oswald via an exposed and hazardous route.

Individually, almost any one of these items would warrant

an investigation of tenacious intensity before the suspicion of a conspiracy was abandoned. Collectively, they suggest a pattern that the commission did not recognize or acknowledge.

Laid in the context of Dallas, a city torn by hatred, and superimposed upon the background of intense political ferment surrounding President Kennedy's visit there, they raise grave doubt about the

commission's declaration that, despite an exhaustive investigation, it "found no evidence that either Lee Harvey Oswald or Jack Ruby was part of any conspiracy, domestic or foreign . . ."