

The

Realist

co-existing

by Saul Heller

How We Know Oswald Killed Kennedy

We know Oswald killed President Kennedy because Oswald was seen with a gun in his hand at a window of the bookstore building. A number of witnesses saw him (original statement of Dallas District Attorney Wade). Well, one witness anyway (subsequent official statement). The identification made by the witness would stand up in any court—any Dallas court: "I can't identify him, but if I see a man who looks like him, I'll point him out."

Besides, Oswald's palm print appeared on the murder weapon, according to District Attorney Wade. The F.B.I. stated that no readable palm print had been found on the rifle, but this is a minor inconsistency.

Another damning bit of evidence against Oswald was a paraffin test indicating that Oswald had fired a gun some time before the test. Percy Foreman, prominent Texas defense attorney, says that there isn't a competent person in America who will give any credence to the paraffin test, but this is beside the point. Subsequent tests revealed no traces of gunpowder on Oswald's face, just about eliminating the possibility that the weapon Oswald had presumably fired was a rifle. The evidence against Oswald was flexible enough, it seems, to prove him innocent as well as guilty.

We know Oswald's gun was the murder weapon because District Attorney Wade identified it as a German Mauser that Oswald had bought from a mail-order house. Wade, no stranger to guns, named the rifle after he and his associates had studied it carefully. The next day an F.B.I. report came through that the weapon Oswald had purchased was an Italian carbine. For a while it looked as though the Italian carbine Oswald bought was the German Mauser Oswald used to kill Kennedy. Matters were cleared up, however, when Wade changed his identification to agree with the F.B.I.'s.

Wade changed his stories quite a few times, but his credibility remained unimpeached. Each new story was considered perfectly true, until it was replaced by a still truer story.

Another link between Oswald and the Kennedy assassination, definitely establishing Oswald as the assassin type, was leaked by the Secret Service and the F.B.I. through one of the many holes reserved for such purposes. This was the report, attributed to Marina Oswald, that her husband had attempted to shoot Gen. Walker with the same rifle he had used to kill Kennedy. Mrs. Oswald's own statement, that she never knew her husband had owned a rifle, was obviously not as

credible as the statement attributed to her, accounting for the burial of the story by the *New York Times* in the 14th paragraph of an article on page 63.

Oswald was a killer, we know, because he shot and killed police officer Tippit. There was no witness to the shooting, according to press reports, unless you credit other reports that there was. Tippit was first officially reported shot in a movie theatre, then on a street, and later, on another street. His death is hardly to be wondered at, considering how many different places he was shot in.

The general drift is clear. We know Oswald killed Kennedy by intuitive processes superior to reason, logic and common sense. We know he killed him because the political facts of life make it necessary to know it. The nightmarish possibilities that would have to be explored if it were demonstrated that Oswald did *not* kill President Kennedy can't bear thinking about for an instant.

This explains why no serious consideration is being given to the plausible hypothesis that Kennedy's assassin fired at him from in front of his car. The report of several Parkland Memorial Hospital doctors, *identified by name*—Dr. Robert McClelland, for instance—later contradicted by "sources close to the autopsy" who *refused to be identified*—was that the bullet that first struck Kennedy entered at his throat. Taking this in conjunction with the fact (indicated by the photos in *Life*) that the Kennedy car was moving *away* from the bookstore building at the time the shots were fired, then the conclusion is natural that the bullet came from *in front of* the President's car. The hypothesis is given considerable weight by the statement of *St. Louis Post-Dispatch* reporter Richard Dudman that he saw a bullet hole in the window shield of the President's car just after the shooting.

Very little if any space has been given to discussing the hypothesis by our important newspapers. Plenty of room has been available for contradictory stories and fabrications "documenting" Oswald's guilt. Space becomes very tight, however, and editorial standards soar to lofty heights, when speculations pointing to his innocence are up for consideration.

Patriotism, to say nothing of self-preservation, seems to demand that we accept Oswald's guilt, regardless of whether or not he was really guilty. It may not be long before people who refuse to do so will be told to go back to Russia.

Civil Rights for Bookies

Among the less favored sons of Uncle Sam, when income tax time rolls around, are our bookmakers. Wall Street speculators can and do take all sorts of deductions, but bookmakers can't even deduct wages paid to employees—a United States Tax Court ruling prevents them from doing so. They are, of course, required to pay taxes on their illegal earnings.

Now, this is obviously unfair. Bookies appreciate the liberality of a government that permits illegal bookmaking to go on under its nose, and asks only for a cut of the take. It isn't reasonable, however, for the government to consider bookmaking a business when it comes to paying taxes, and a racket when it comes to figuring deductions.

Perhaps this too shall pass, and an enlightened government, fully appreciative of the benefits of being an accessory to crime, rather than its unsuccessful opponent, will adopt a more just policy. We may even see the day when a racketeer itemizes legitimate deductions

Commentary

THE OSWALD AFFAIR

MARCH 64

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."

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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-

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-

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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?

END