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# studies

\$1 vol. 4 number 2 1964

# on the left

Studies on the Left  
Vol. 4 #2 1964  
(SUMMER)

## NOTES AND COMMUNICATIONS

# Waiting for Righty: The Lessons of the Oswald Case

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I GUESS I AM STILL INNOCENT. Nothing in the whole tawdry affair which history will call the Oswald Case has shocked me so much as the Warren Commission's leak on Easter Sunday.

After all, the Commission was set up to stop the string of leaks-without-evidence which has thus far constituted the Federal government's presentation of the Oswald Case. First, the F.B.I. leaked the conclusion of its report to the Warren Commission (the conclusion, of course, was that Oswald, acting alone, fired all three shots). When Jack Minnis and I wrote the Assistant Attorney General asking to see the F.B.I. report, Mr. Katzenbach answered that "as we well knew" that was impossible. Then, on the day that *The New Republic* with our article and Richard Dudman's supporting comment appeared on the Washington newsstands, reporters were given a leaked version of the Bethesda autopsy report. Neither the F.B.I. report nor the autopsy has been made public.

But from about mid-February to the end of March, there was reason to suppose that the Warren Commission was honestly confronting the accumulating evidence against the theory that Oswald and only Oswald was guilty. On January 11, the Commission's chief counsel had listed the six areas which the Commission proposed to investigate; the murder of the President was not included, and one could only suppose that the Commission intended to accept the F.B.I. report on the murder without question. Surprisingly, however, in late February and early March the Commission began to check out the principal objections raised by Minnis, Mark Lane, Leo Sauvage, Richard Dudman and myself. Lane, at that time attorney for Lee Oswald's mother, was given a hearing. The

windshield of the President's limousine was carried in wrapped in a blanket to be examined for the bullet-hole which Dudman and others saw. A witness who proclaimed that, regardless of what anyone said, he had heard four shots, was flown to Washington from Dallas. The doctors who conducted the autopsy at Bethesda Naval Hospital were questioned.

During this same period the head of the American Bar Association was asked to represent Oswald's interests before the Commission, although when Mark Lane requested this status earlier he had been told it was unnecessary. During the same period Marina Oswald finally managed to shake loose from the sinister "lawyer" and "business agent" who had fastened themselves on her after the assassination. One began to hope.

Then for about two weeks silence descended over the work of the Warren Commission. All through Passion Week the Commission's silence continued. The Passover festival of liberation went by without response from the Commission. Then on Easter Sunday reporters were told that the Commission had found no evidence to disprove the belief that Oswald and Oswald alone was guilty, but that the report would take months to write. The big lie, it turned out, was not dead. It had risen.

Now there are three leaks, and still no solid evidence to back up any of them. The evidence, such as it is, was brought forth by Dallas District Attorney Henry Wade and by F.B.I. local agent Gordon Shanklin in press conferences on Sunday, November 24. Since then the F.B.I. has said nothing and has commanded all those whom it interviewed to say nothing, too. Meantime the government case as presented by Wade and Shanklin on November 24 has been riddled by the critics aforementioned, and by Thomas Buchanan abroad. In rebuttal, exactly two pieces of additional evidence have thus far been forthcoming to sustain the government's charge.

One is the autopsy leak. Newspaper versions of this leak have the same confused, contradictory aspect as newspaper accounts about every other facet of this case. Some stories (e.g., *New York Times*, Dec. 17) said that the first bullet did not hit the President's throat but entered his back "where the right shoulder joins the neck." Others (e.g., *Washington Post*, Dec. 18) placed the bullet's entry five to seven inches below the collar line.

Moreover, the alleged back wound — which no one at Parkland Hospital noticed as the President's coat, shirt, undershirt and braces were being removed — is said to have been only two or three inches deep, with no injury to vital organs. This raises other questions. If the first bullet was not fatal, why did the President make no sound in the five seconds before another, fatal bullet struck him? If the first bullet entered the President's back, why did his hand move convulsively to his throat? And if no vital organ was injured, how is it that the Dallas surgeons were convinced that the first bullet to hit the President entered his lung? On November 30, the *New York Times* described the scene in the emergency room, stating: "Then one of the doctors noticed a frothing of blood at the neck wound. 'He's bubbling air' the doctor said. This means a hole in the lung." That description was consistent with Dr. Kemp Clark's

statement (*New York Times*, Nov. 27) that the first bullet struck the President at the Adam's apple, ranged downward into his body and did not exit. Another of the Dallas surgeons, Dr. Robert Shaw, went so far as to specify that the first bullet had entered the throat and coursed downward to puncture the right lung. (*New York Herald Tribune*, Dec. 1). Thus, if one believes the leak about the alleged autopsy, one is required to reject not only the testimony of the Dallas surgeons as to the nature of the wound in the President's throat. One must also disqualify their repeated, explicit statements that the bullet which entered the throat coursed downward, puncturing a lung.

The most serious contradiction in press reports of the autopsy involves the bullets. As Minnis and I stated in "Seeds of Doubt," the identification of the gun allegedly belonging to Oswald with the President's death was made on the basis of a bullet supposedly found on a stretcher by a Secret Service man. Now, if we accept the autopsy leak, that bullet must have been the bullet which entered the President's back, for, according to the leak, both bullets two and three fragmented. Bullet two, the bullet which struck Governor Connally, is said to have fragmented in such a way that a splinter passed out through the windshield of the limousine. Bullet three, which struck President Kennedy's head, is said to have fragmented in such a way that a splinter passed down through his neck and out at the Adam's apple. By this explanation the hole in the windshield and wound in the throat are accounted for after a fashion.

But what thereby becomes impossible is the story of the bullet on the stretcher. Since bullets two, and three fragmented — bullet three, according to *Time* magazine (Dec. 30), "literally exploded in Kennedy's head" — then the only bullet which could have remained intact to be found on the stretcher was bullet one. This was the bullet which, according to the autopsy, entered the President's back. But, also according to the autopsy, that bullet "was found deep in his [the President's] shoulder" (*Washington Post*, Dec. 18). *U.S. News and World Report* (Dec. 30) likewise affirmed that the first bullet "struck President Kennedy in the back . . . and lodged in his body." Seemingly, after the first report of the autopsy leak somebody noticed that this new version of the assassination made the earlier story about the bullet found on a stretcher impossible. For on Dec. 30 *Newsweek* had this to say of the bullet which, according to the *Washington Post*, had been found deep in the President's shoulder: "This bullet, the Navy doctors believe, probably dropped out of the President's body and was the one reported found on his stretcher at Parkland Hospital in Dallas."

Thus the autopsy leak, far from settling all problems as to how the President was killed, only adds further complications. Consider how much more economical an hypothesis results if one supposes that the first bullet came from in front. It travels from the viaduct at a slight downward angle; it passes through the windshield at a point (as Mr. Dudman has described the hole to me) about mid-way between the two sides of the windshield and mid-way between bottom and top; still traveling at a slight downward angle, it enters President Kennedy's throat at the

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Adam's apple. If one chooses to believe that there was a back wound, one can go on to suggest that the bullet, after entering the throat, traveled through the body at a slight downward angle and exited — not entered — about six inches below the collar line. The hypothesis of a shot from in front restores credibility to a number of witnesses. It would even make believable, for the first time, the story of the bullet found on the stretcher. But of course it also requires giving up the idea that the bullet found on the stretcher was fired by Lee Oswald.

In conclusion with regard to the alleged autopsy: I think the public is justified in saying flatly to the Warren Commission that any report from the Commission which does not include the full text of the F.B.I. report, the full text of the Bethesda autopsy, and the Commission's evaluation of these documents, is thereby disqualified as an adequate answer to the questions which the nation is asking.

THE SECOND PIECE of new evidence for the government case, the picture of Oswald holding the alleged murder weapon and a copy of *The Militant*, is not new: it was mentioned soon after the assassination. But by a curious coincidence, *Life* magazine printed this picture on its cover just at the time when Mark Lane obtained photostats of affidavits in Wade's office indicating, among other things, that paraffin tests showed no powder burns on Oswald's cheeks, and that a witness to Patrolman Tippit's murder described the killer as short, stocky and bushy-haired. Thus the *Life* picture was a "cover" in more senses than one: it was picked up by newspapers and in many cases (e.g., the *New York Times*) run side-by-side with garbled versions of Lane's revelations. (I believe, incidentally, that the story of Oswald's alleged involvement in the spring 1963 assassination attempt on General Walker was cooked up to "cover" the news, which also appeared on November 28, that Mrs. Paine had told the F.B.I. in October where Lee Oswald worked.)

This photograph was *Life* magazine's third contribution to the search for truth in the Oswald Case. The first was Marina Oswald's seclusion by *Life* correspondents, which passed without transition into her semi-official confinement, under constant interrogation, by government agents. The second *Life* contribution was its publication of frames from a movie sequence of the assassination taken by Mr. Zapruder, an amateur photographer. As first published in the issue of November 29 these frames showed President Kennedy looking straight ahead as the first bullet struck him. A few days later *Life* published a memorial issue, using much of the same material. Meantime, however, the official theory of the first shot had changed. Now it was leaked to reporters that the Presidential limousine had passed the Depository but that the President was turning "far to the right" when a bullet entered his throat at the Adam's apple. No problem for *Life*: the memorial issue simply presented a different set of frames, one of which showed the President turning, not far to the right, but sufficiently rightward to lend credence to the official line. (Later still, of course, "our line changed again." It was realized that the President would have had to be facing backward for a shot to enter

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his throat from in front. At that point it was asserted that there was no entry wound in the throat.)

In view of its earlier contributions, I for one am prepared to believe Mark Lane when he says that *Life* "obviously doctored" the cover photo of its February 21 issue. Lane asserts that there are three versions of this photograph: one showing the rifle without telescopic sight, two showing the sight but differing in other details. This would make sense because the question of the sight is a notorious weak link in the official case. The first version of A. Hidell's money order allegedly purchasing the Mannlicher-Carcano allegedly found in the Depository said that the order was for \$12.78, the cost of the rifle without sight, yet the president of Klein's Sporting Goods in Chicago affirmed that the weapon was shipped with sight attached. The money order was then said to have been for \$19.95, the cost of the carbine with sight attached; and the picture, of course, would have to show the sight too!

WHILE THE GOVERNMENT and its allies among the media have produced no evidence worth the name either on November 24 or thereafter, Lane, Sauvage and Buchanan have produced a substantial body of testimony making the government case seem even weaker than it did in mid-December, when "Seeds of Doubt" and Lane's "Defense Brief" were published.

Among the more spectacular items uncovered are the affidavits already mentioned, to the effect that the paraffin test on Oswald's cheeks was negative (conclusive evidence that he had not fired a rifle), and that at least one onlooker saw a man kill Patrolman Tippit who in no way resembled Lee Oswald.

Equally impressive is the sheaf of affidavits by witnesses who thought the shots came from the railroad viaduct or ornamental wall in front of the motorcade, rather than from the Depository behind it. These witnesses include Roy Truly, manager of the Depository; four employees of the *Dallas Morning News*, who had their names and addresses printed in that paper but were never visited by the F.B.I.; and Mrs. Billy Hill, a Dallas school teacher closer to the limousine than any other spectator when the first shot hit. Mrs. Hill stated not only that the shots appeared to come from in front of the limousine, but also that she heard four to six shots. She says the F.B.I. assured her these extra reports were firecrackers or echoes. Also, Lane has an affidavit from a reporter who heard the first broadcast about the crime over Dallas police radio. The broadcast said that all the shots appeared to come from the viaduct. (Television viewers will recall frequent references to "the grassy knoll" and the viaduct during the first few hours after the assassination.)

I thought the most significant new thing in Sauvage's *Commentary* article was the fact (which he picked up from Gene Roberts of the *Detroit Free Press*, and confirmed with Roy Truly) that five workmen were laying a plywood floor until noon November 22 in the room from which Oswald is supposed to have shot. Much has been made of the cigarette package, empty pop bottle and partly-eaten chicken found in

the room: they conjured up an image of a cold-blooded killer, calmly eating a chicken leg as he waited for his man. Now it appears, Sauvage states, that it was not Oswald (a non-smoker) who left these remains, but one of the five workmen, Mr. Bonnie Ray Williams, who downed a bottle of pop and chewed on a piece of chicken at the 10 o'clock smoking break.

I assume that readers of this journal have read at least one of the articles by Minnis and myself, by Lane, by Sauvage, and by Buchanan (*The New Republic*, Dec. 21, 1963; *The National Guardian*, Dec. 19, 1963; *Commentary*, March 1964; *L'Express*, Feb. 20 and 27, Mar. 5 and 12, 1964). Accordingly, I will not rehearse once more such questions as: 1. How did Oswald get so quickly from the sixth floor of the Depository to the second-floor lunchroom where he was seen by Mr. Truly and a policeman minutes after the assassination?; 2. How was it that Oswald was permitted to leave the building but then precisely identified over police radio as a probable suspect at 12:36 (the assassination was at 12:31); 3. How did Oswald reach his apartment on the other side of Dallas so quickly, traveling as he is alleged to have done by bus, taxi and foot through the congested downtown area?; 4. What concrete evidence exists as to when, how and by whom Patrolman Tippit was murdered?

Other questions, less frequently raised, are: 1. When and by whom was President Kennedy's route through Dallas, with its strange and unnecessary detour past the Depository, determined?; 2. If, as is commonly supposed, Oswald fired at least the bullet which struck Governor Connally in the right shoulder and lodged in his left thigh, how is it that Governor Connally clearly stated that he was turning left, not right, when the bullet struck him?

All these questions tend to undermine the official case rather than to offer an alternative explanation. The value of Thomas Buchanan's presentation lies particularly in providing a plausible scenario for a conspiracy. In addition, Mark Lane affirms that he has it on good authority that about ten days before November 22 there took place a meeting at Ruby's Carousel between Tippit, Bernard Weissman, who placed an advertisement accusing Kennedy of treason in the Dallas press on the day of the killing; and a third person whom Lane named in confidence to the Warren Commission. Ruby, having been on trial when Lane appeared before the Commission, it is not difficult to guess who that third person was. As yet, however, full documentation for an alternative theory has not been discovered. What in my judgment seems almost certain is that Oswald did not fire all of the shots.

IF SO, WHAT LESSONS follow? As far as I am concerned, the partiality of the F.B.I., the unforgiveable sloppiness of the Warren Commission, the strange inactivity of Robert Kennedy, all add up to one general conclusion about the Federal government in the Oswald Case: Nobody in a position of power cares enough about the simple truth to risk his political life for it. It was this kind of cover-up by persons not originally in the

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conspiracy which kept Dreyfus on Devil's Island ten long years after insiders knew that he was innocent. Here, too, the nation looked to the Federal government for justice and thus far, at least, it has looked and waited in vain.

Some time ago my friend Arthur Waskow wrote in *Liberation* that those who expected a reign of terror after the assassination need to explain why it didn't happen. The Establishment, Waskow concluded, is more humane and amenable to reason than we had supposed.

I don't know why there wasn't a reign of terror after Dallas. And yet the lesson I draw from November 22nd and what has happened since is the opposite of Arthur Waskow's. I have been saying for some time that fascism in America was a real and present danger. One said these words, and yet one hardly acted on them: they did not seem quite real. Well, they are becoming more real to me. There had been moments — the U-2 crisis, for instance — when I felt, not just helpless, but suffocated and threatened by an atmosphere which was one great lie. Since last November I have been feeling that way a good deal. I think we have seen the face of American fascism; and that henceforth no one can say they weren't warned.

Put it another way: Many will remember Clifford Odets' Depression play, "Waiting For Lefty." All during the play the striking cab-drivers wait for their leader, Lefty. I think that from here on out in this country, in our lifetimes, we shall be waiting for Righty. The lesson of the Oswald Case is that, to use a quaint expression, the perspective for the coming period is fascism.