

FROM - "CRITICAL REACTIONS TO THE  
WARREN REPORT"

Publishers' Note

(MURKIN & MURKIN)

Soon after the release of the Warren Report, I. F. Stone charged that we lacked a "sense of public responsibility" for issuing *Oswald: Assassin or Fall Guy?* by Joachim Joesten. Mr. Murray Kempton assessed the blame more properly when he wrote that "government was irresponsible," referring to the spate of falsehoods and discrepancies in early official statements which, the Warren Report concedes, were irresponsible.

*Oswald: Assassin or Fall Guy?* is still the best compilation of doubts by competent individuals prior to the Report. It was used by the Commission to frame its answers and is useful to compare with the Report. It has been revised with a fifty-page critique of the Report, and Mr. Joesten quotes a number of important articles bearing on the case. His quotations are brief, to develop his thesis, and do not give the full import, pro and con, of the articles. Mr. Kempton, for example, although critical of the presentation of the Report, accepts its findings. Likewise Professor Packer's essay is chiefly a spirited and reasoned defense of the findings. Even he, however, has certain far from negligible reservations on the methods of the Commission. We felt a "sense of public responsibility" to make these writings readily available, as they help the reader examine the voluminous Report more intelligently—both its strong and its weak points.

The strongest argument for the integrity of the Report is the integrity of Chief Justice Warren, witness Mr. James Wechsler's remark that what skeptics "are implicitly saying or suggesting is that this man was an accomplice in one of the most sinister frauds of all time."

This strikes us as a simple-minded approach to a serious political question. We have full respect for the personal integrity of the Chief Justice, and have first-hand knowledge of his liberalism and decency. But other decent men have bowed to reasons of state: Adlai Stevenson in the UN during the Bay of Pigs invasion, or Dwight Eisenhower on the U-2 incident, remind us that men of comparable integrity to Earl Warren were less than candid. We are troubled by the Chief Justice's interview with Ruby which Mr. Lane deals with. In any case, the personal integrity of the Chief Justice is largely irrelevant. What skeptics have questioned, and still do, is the integrity of the investigative agencies. The Commission relied on the Dallas police, the Secret Service, the CIA and the FBI for its facts and witnesses. As Richard Starnes wrote in the *N. Y. World-Telegram*, "it is manifestly naive to expect these cops to bear witness against themselves, or indeed, each other."

Mr. Warren appears convinced by the FBI case, but he is human, and he may be mistaken. The Report is out: let the people read it, as well as the critiques of it, and judge for themselves.

(OVER DOOR)  
(CRAWFORD)

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## 20 Questions for the Warren Report

### Curtis Crawford

*Mr. Curtis Crawford is a Unitarian minister and instructor in philosophy at New York University, Division of General Education. He has followed closely the Oswald Case from its inception, was familiar with criticisms and doubts expressed prior to the Warren Report and was the first to make an extensive critique of the Report.*

Nine months ago, shortly after the Warren Commission was established, the following challenge was put to it by an editorial in *Commentary* magazine, Jan. 1964: "The suspicions [concerning responsibility for the assassination of President Kennedy] . . . may never be settled, but . . . it is absolutely necessary that they at least be confronted. And the way to confront them is not by a simple review of what the FBI has to say about the case; it is by an independent investigation of the most scrupulous and painstaking kind that culminates in a lengthy report in which every question involved in the assassination is examined with microscopic thoroughness and according to the highest standards of judicial impartiality."

The Warren Commission Report is now at your disposal. You are the judge. Did the Commission simply review what the FBI had to say about the case, or was there an independent investigation of the most scrupulous and painstaking kind? Was every question examined with microscopic thoroughness? Was the inquiry conducted according to the highest standards of judicial impartiality?

After my first reading of the Report, I find it immensely impressive: more lucid, more interesting, more detailed, and more thorough than one may have expected in an official treatise. There must be hundreds of criminals charged with capital crimes and convicted on far less evidence than has been accumulated against Lee Harvey Oswald. I am immensely impressed. Am I convinced? Do I now feel that beyond a reasonable doubt Lee Harvey Oswald was the assassin, and the only assassin, of President Kennedy? I am not convinced.

I hope that I'm not carping. I don't wish to appear to assume that human affairs are subject to some kind of perfection in description, and that any attempt to reconstruct historical events fails if it is im-

perfect. In order to test my own reactions as well as to test the Warren Report, before publication I jotted down what I thought were the main conclusions which the Report had to prove if it were to maintain the official thesis that Oswald was the sole assassin. Then I evaluated how well these conclusions had been proved by evidence available to me in advance of the Report. I found important gaps and contradictions in this evidence. From these gaps and contradictions I formulated some questions which I meant to ask the Report as I read it, to test how thoroughly and impartially it had answered or resolved the doubts which had arisen prior to its publication.

#### **Questions before the Report**

Some major assertions which the Warren Commission had to prove were as follows:

- A. That three shots were fired.
- B. That all these shots came from the southeast corner of the sixth floor of the Texas School Book Depository.
- C. That the shots were fired by a 6.50 millimeter Mannlicher-Carcano rifle serial #C2766.
- D. That this rifle was at the alleged scene of the crime at 12:30 p.m.
- E. That Oswald was there at the same time.
- F. That the Carcano C2766 belonged to Oswald.
- G. That Oswald had a rifle with him that morning on his way to work.
- H. That Oswald was capable of the marksmanship involved.

Before reading the Report I wrote down how well I thought these assertions had been proved. My notes read as follows:

*Assertion A* — significant evidence against, evidence suggesting that there may have been four or more shots.

*Assertion B* — very strong evidence against, evidence suggesting that some shots came from in front of the car rather than from behind the car from the Depository.

*Assertion C* — lack of evidence for, no evidence that the third and fourth bullets, if there was a fourth, came from the Carcano.

*Assertion D* — significant evidence against, evidence that the rifle found was not a Carcano, but a German Mauser.

*Assertion E* — lack of evidence for, no evidence that Oswald was in that sixth floor at 12:30 p.m., or during the lunch hour.

*Assertion F* — some evidence against, evidence that the rifle mailed to Hidell might not have been the Carcano C2766.

*Assertion G* — lack of evidence for, no proof that the package Oswald was carrying contained a rifle, and some evidence against, testimony that the package was two feet long, too short for the rifle which was three and one-third feet long.

*Assertion H* — significant evidence against, Oswald's mediocre marksmanship as a Marine. From this evaluation I derived some questions which I meant to put to the Warren Report. My talk this evening will discuss 20 of these questions, and will indicate which questions I think are well answered by the Report, which are treated inadequately, and which are not answered at all.

In regard to *Assertion A*, a problem had arisen because there was some evidence that four bullets had been found: one in the President's stretcher, one supposedly extracted from his body, one in pieces on the floor of the limousine, and one perhaps hitting the curb. Therefore, QUESTION #1: How many bullets were actually found? Where were they found? How did they get there?

#### **Answers of the Report**

The Commission answers that two or three bullets were found, probably two. One almost whole bullet was found in Governor Connally's stretcher (not President Kennedy's). Two fairly small fragments were found in the limousine, which could have come from one bullet or two; the Commission supposes one. How did they get there? The bullet in Connally's stretcher dropped from his thigh; the fragments on the floor were splinters from the bullet which crashed through the President's skull.

But the Commission is frankly uncertain as to whether there were two bullets or three. The reconstruction the Commission prefers as to the cause of the wounds is that one bullet hit both Kennedy and Connally, and that a second bullet hit Kennedy. If two bullets caused all the wounds, and no other bullets were found, perhaps only two shots were fired. However, although there is considerable disagreement among witnesses on the number of shots, the preponderant testimony is that there were at least three. A possible bullet mark was found on the curb; spectroscopic examination indicates some lead, but doesn't indicate the traces of copper that an un mutilated bullet should have left. A man was struck in the face by something, but it is apparently not clear that it was a bullet. Important evidence that there were three shots is the three empty shells found in that sixth floor room, which expert testimony identifies as from the Carcano C2766 "to the exclusion of all other weapons." So *Assertion A*, that three shots were fired, remains unproved.

*Assertion B* was that all the shots came from the southeast corner of the sixth floor of the Texas School Book Depository, a location north and east of the President's car at the time of the shooting. My evaluation prior to the Warren Report was this: very strong evidence against, evidence suggesting that some of the shots were fired from in front of the car. Let me see if I can put the conflicting evidence as it stood before the Report clearly and sharply.

The problem is best described bullet by bullet. According to the Parkland Hospital doctors, Bullet 1 entered the front of the throat, immediately under the Adam's apple. Two weeks later the FBI delivered a summary report to the Warren Commission. That report was not published, but there was an apparently authoritative leak in the *New York Times*, Dec. 17th. According to the leak, Bullet 1 had entered at the right side of the neck, where the right shoulder joins the neck. The next day there was another apparently authoritative leak, this one from the report of the autopsy on the President's body, which had been conducted on the night of the assassination, Nov. 22nd. According to this leak, Bullet 1 made "a small, neat wound in the back and penetrated two or three inches." Thus, in advance of the Warren Commission Report there had been flat contradictions in testimony concerning where the first bullet had hit, contradictions which were terribly important in calculating the direction of that bullet. The Parkland Hospital doctors had said, the front of the neck. The FBI report leak had said, the right side of the neck. The autopsy report leak had said, the back.

Concerning Bullet 2, the Parkland doctors stated that it had caused a severe wound in the back and in the side of the President's head, but they didn't say whether it had entered the back of the head and gone out the side, or had entered the side of the head and gone out the back. The FBI report leak stated that Bullet 2 had entered the right temple, and had gone out the back of the head. The autopsy leak stated almost the exact contrary, that Bullet 2 had entered the back of the skull, and exited through the forehead.

On Bullet 3, the evidence was secure as to the point of entrance in Governor Connally's body. Dr. Shaw, who operated on Connally, stated that the bullet had entered in the back, right under the right shoulder blade, had exited by the left nipple, continued through the right wrist, and jabbed the left thigh. The problem was, what was Governor Connally's position when the bullet struck him? If he was facing forward, this would be evidence that the bullet came from behind the limousine. If he had turned around, as he thought he had, then this would be evidence that the bullet had come from in front.

There should be evidence which could solve the direction of Bullet 2. Since the bullet knocked off a section of the President's skull, the direction of the trajectory of that section, in the motion picture films of the assassination, ought to give some indication as to the direction of the bullet. Thus, QUESTION 2: What do the films show concerning the trajectory of the severed portion of the President's skull? To try to clear up the problem on Bullet 3, I added in QUESTION 2: What do the films show concerning the position of the Governor when he was hit?

So far as I've read the Commission Report, there is no answer to the first part of QUESTION 2. On the second part, the Commission was unable to decide on the basis of the films when or in what position the Governor was struck.

The conflicting testimony concerning the location of the President's wounds led to QUESTION 3: According to the text of the autopsy, what was the course of the bullets which struck the President?

The Report answers in detail. According to the autopsy, Bullet 1 hit the President  $5\frac{1}{2}$  inches below the tip of the right mastoid process,  $5\frac{1}{2}$  inches in from the right shoulder joint. Now, if you reach your finger to the bony structure directly behind your right ear, you will be touching the right mastoid process. Measure  $5\frac{1}{2}$  inches down from the lower tip of your right mastoid process. Then from the tip of the right shoulder joint measure  $5\frac{1}{2}$  inches toward the center of the back. Where these two lines intersect is approximately where the autopsy says the first bullet hit the President. The autopsy says the bullet then went through the upper part of the back, through the neck, and exited at about the Adam's apple. The wound which the Parkland doctors saw and thought to be an entrance wound, the autopsy calls an exit wound. Bullet 2 entered the rear of the skull, near the base on the right. Most of its explosive force was spent in the skull, blowing part of the skull upward and out. The report is quite specific about the course of both bullets, and would be terribly strong evidence that the bullets came from behind.

#### **A key discrepancy**

Now I come to that which more than anything else has made me question the adequacy of the Report. First, there are important contradictions in the evidence as presented by the Warren Commission concerning the entrance point of Bullet 1. According to the autopsy, as I have stated, the entrance is  $5\frac{1}{2}$  inches below the tip of the right mastoid process. But according to FBI evidence from the President's coat and shirt, also cited by the Report, the bullet hole is  $5\frac{3}{8}$  inches below the top of the coat, and  $5\frac{3}{4}$  inches below the top of the shirt. Let's take the shirt. If you will measure the distance from the top of an ordinary business or dress shirt to the tip of the right mastoid process, you will get a distance of two to three inches, depending upon how long that part of your neck is. The autopsy says that the wound is  $5\frac{1}{2}$  inches below the tip of the right mastoid process, and the evidence from the shirt says that the hole is  $5\frac{3}{4}$  inches below the top of the shirt. Those are two different and contradictory places for that bullet hole to be. Try it out: sit up in your chair; can you bunch your shirt so that the top of the shirt is even with that mastoid process? Only if you can get

the top of the shirt a quarter inch above the mastoid tip can you make the evidence of the shirt and the autopsy consistent. I can't do it, except by sending the suit coat even higher, which would spoil the Report's testimony that the top of the shirt was a tidy  $\frac{3}{8}$  of an inch above the top of the coat.

The Report prints the text of the autopsy, but not the exhibit on which the clothing evidence is based. It may turn out that the figures given for the holes in the coat and shirt are typographical errors. But if these figures are correct, how could the contradiction be explained, except by the (sloppy) fabrication of evidence, concerning either the clothing or the autopsy?

Another contradiction in the evidence as presented by the Report concerns the angle of fire. On May 24, 1964, the Commission was in Dallas reconstructing the shooting. The reconstructions were carefully based on films of the assassination and the testimony of eyewitnesses. An important part of the reconstruction was a calculation of the angle at which the first shot would have struck the President from the distance and height of that sixth-floor room. The angle was concluded to have been somewhere between 17 and 20 degrees. Let's take 17 degrees, which is the most favorable to the Commission's rationale. An angle of zero degrees would mean no angle at all, but a horizontal line. An angle of 17 degrees means that the point of entrance must still be slightly higher than the point of exit. Now take the shirt evidence. Mark your shirt  $5\frac{3}{4}$  inches down from the top of the collar. Mark your back right there. Then mark your neck at the Adam's apple even with your collar button. I think you will find that if you sit up straight, the angle is minus a few degrees rather than plus 17 degrees. The bullet would have had to travel at a slight upward angle to get from a point on the back  $5\frac{3}{4}$  inches below the top of the shirt to a point on the neck even with the collar button. The FBI evidence taken from the clothing as to where the bullet hit contradicts the finding of the Commission as to the angle of firing.

The next contradiction still concerns the location of the President's entrance wounds. It is a contradiction concerning what the FBI knew about the entrance wounds during the first week of Dec. 1963. This contradiction is not between one portion of the Report and another, but between the Report and the apparently authoritative press accounts in December.

Let me read to you some sentences taken from the leak on the FBI report which appeared in the *New York Times*, Dec. 19th, page 31. (This is the FBI report which had been completed in the first two weeks following the assassination and had been delivered to the Commission by Dec. 9th.) "The FBI . . . stated flatly that both bullets had come from the window where Oswald assertedly was. But the

report did not mention the autopsy." Let me repeat that: "But the report did not mention the autopsy."

Now the autopsy was not only taken, but completed, according to the Warren Commission, on the night of Nov. 22nd. The FBI report was not turned over to the Warren Commission until 15-17 days later; it was first announced as being in the hands of the Commission on Dec. 9th. Why didn't the FBI report include the autopsy?

There is further evidence that the autopsy evidence was not included, at least the evidence as it now stands. Let me remind you that on Dec. 16th an earlier leak on the FBI report stated that the first bullet entered the right side of the neck (not the back), and that the second bullet entered the right temple (not the back of the skull). If the FBI had seen the autopsy evidence as it now stands, and reported it accordingly, what was the basis for this detailed leak stating that the FBI had located the first bullet in the right side of the neck, and the second bullet in the right temple? Were the leaks all mistaken? Certainly they could have been; the press can do that. But these leaks sounded authoritative.

Let me recapitulate the sequence. On the 16th, the *New York Times* in Washington was told, apparently by a representative of the Warren Commission that the FBI report would not be released, because it left too many questions unanswered. One of the unanswered questions concerned the basis for calculations that all the shots came from the Depository, inasmuch as the FBI report located the entrance wounds in the right side of the neck and in the right temple. The next day "a source familiar with the [autopsy] results" gave the Associated Press a conflicting location of the entrance wounds: in the back, penetrating a few inches, and in the rear of the skull. In an effort to explain this conflict, there was a leak on the third day to the *New York Times* stating that the FBI report did not include the autopsy results, which were still in the hands of the Secret Service, and would be included in a Treasury Department report to be submitted to the Warren Commission.

Other evidence exists that the FBI report had not used the autopsy results, at least in the form in which the Warren Commission makes them available. On Dec. 6th the following account appeared in the *New York Times* of an incident in Dallas on Dec. 5th. The story, by Joseph Loftus, is on page 18. "Federal investigators were still reconstructing the crime on film today. An open car with a man and a woman in the back seat simulated again and again today the ride which had been taken on Nov. 22. One question was how the President could have received a bullet in the front of the throat from the rifle in the Texas School Book Depository Building after his car had passed the building, and was turning a gentle curve away



from it. One explanation from a competent source was that the President had turned to his right to wave and was struck at that moment."

Here are federal investigators, which means the FBI, 13 days after the assassination and autopsy, conducting a series of experiments which depend upon the assumption that the President was struck in the front of the neck. If the FBI at that time had the autopsy results confirming all the other evidence that the shots came from the Depository and struck the President from behind, the experiments would not have been conducted on the assumption that the President was struck in the front of the neck. And the hypothesis which emerged from the experiments, that the President had turned to his right and been struck at that moment, would have been unnecessary. Clearly two weeks after the autopsy the FBI did not have the autopsy results, at least not in their present form.

Let me suggest to you that the FBI's motivation for getting hold of the autopsy report and using it was overwhelming. Take two possibilities. Either the FBI was conducting an impartial inquiry, genuinely attempting to discover the true direction of those shots, recognizing that it was unsure, and looking for the clearest evidence possible. Or the FBI was conducting a partisan inquiry, already persuaded where the shots had come from, and emphasizing only that evidence which confirmed its prejudgment. Under either possibility, the autopsy evidence would have been indispensable to the FBI's research in the first few days after the assassination.

Thus, QUESTION 4: Was the Nov. 22 autopsy evidence incorporated in the Dec. 9 FBI report? If not, why not? The Warren Report as released does not answer this question. Perhaps the answer will appear somewhere in the supplementary volumes of hearings.

Like my other test questions, QUESTION 4 was formulated before reading the Commission Report. After a first reading, I should raise a closely related issue. You may recall that I stated earlier that the FBI had developed evidence concerning the first bullet from the position of bullet holes in the President's clothing: one hole in the back of the coat 5 $\frac{3}{8}$  inches down from the top, and a hole in the shirt 5 $\frac{3}{4}$  inches down from the top. These bullet holes had the fabric clearly pressed in, indicating entry rather than exit. They would be strong evidence that the wound was in the back, not in the front or side of the neck. ~~If the FBI had this evidence during those first two weeks, why was it conducting experiments on Dec. 5 trying out how the President could have been hit in front from behind?~~

To conclude the discussion of *Assertion B*: The Report contains strong evidence concerning the location of the President's wounds which would refute the objection that the shots may have been fired

from in front of the limousine, and would support much other evidence that the shots were fired from the Depository. However, there are important contradictions in the Report's evidence. The contradictions could be explained in two ways: either the Commission's clothing figures and the press are mistaken, or evidence has been fabricated.

#### The rifle

*Assertion C* was that all the shots were fired by a 6.50 millimeter Carcano, #C2766. My pre-report note on *Assertion C* was: lack of evidence for, no evidence that the third and fourth bullets, if there was a fourth, came from the Carcano C2766. The main evidence for *Assertion C* had come from microscopic examination of markings on the bullets, and markings on the cartridges, the results of which had been unclear in press accounts.

Thus my QUESTION 5: How many bullets were identifiable by ballistics tests? If any were not, what is the evidence that they were fired by the Carcano C2766? The Report's answers: two bullets were identifiable by ballistics tests as having been fired by the C2766 to the exclusion of all other weapons; the evidence that a third bullet was fired by the same rifle rests on the existence of the three spent cartridges, all from the C2766. This evidence would be conclusive if we could assume: (a) that only three shots were fired, and (b) that no other plausible explanation exists for the third empty shell.

*Assertion D*—That the Carcano #C2766 was at the scene of the crime at 12:30 p.m. The difficulty which had developed concerning this assertion originates in part from the testimony of Officer Seymour Weitzman. As the Commission states, he was one of the two policemen who found the rifle at 1:22 p.m. on the sixth floor. Officer Weitzman swears in his affidavit taken the next day, Nov. 23, that the rifle was a German Mauser, calibre 7.65 millimeters.

The Commission hasn't published this affidavit. I had seen a photostat of it in the possession of Mr. Mark Lane's Committee of Inquiry. A Dallas resident not connected with the Committee, whom it does not otherwise identify, stole some affidavits from police files in Dallas, and gave copies to Mr. Lane.

Thus QUESTION 6: How is it that Officer Weitzman described as a German Mauser 7.65 a rifle clearly labelled Made Italy Cal. 6.5? The Commission agrees that Weitzman thought it was a Mauser. But Weitzman never actually picked it up. He and Deputy Boone found the rifle, and reported its location to Lt. Day, who photographed it in the position it was lying. Then Capt. Fritz picked it up, and ejected a live shell. Officer Weitzman never got a good look at the top of the rifle, where the origin and calibre are printed.

This seems to me a plausible answer. But it raises further questions. Did Boone, Day and Fritz agree with Weitzman that the rifle

was a Mauser? If not, how was it that news reports that first day, and even some the second day, referred to the rifle as a Mauser?

*Assertion E*—That Oswald was in that room at the southeast corner of the sixth floor at 12:30 p.m. Before the Report, I had not been able to find any proof that he was there at 12:30, or at any time during the lunch hour. Nor any proof that he wasn't. The Commission cites Oswald's fingerprints and palm prints on cartons near the window. It is impossible to say when those prints were placed there. Since Oswald sometimes moved cartons, it is not conclusive that they were placed there Friday noon in connection with the shooting, but it is surely plausible that they were placed there Friday noon in connection with the shooting. The earlier story that Oswald had been eating lunch in the alleged assassination room has been withdrawn. The Commission calculated (reasonably I thought) that there was time for Oswald to hide his rifle and get down to the second floor where Officer Wade and Roy Truly found him, minutes after the shooting, apparently unruffled and not out of breath. The Report thus strengthens the evidence for *Assertion E*, and rebuts the main objection which had arisen against it. None of my 20 questions had dealt with this Assertion.

*Assertion F*—That the Carcano C2766 belonged to Oswald. Here the Commission's chain of proof is simple and compelling. The FBI sees the serial number C2766 on the rifle found at the Depository. They trace the serial number to the rifle's distributor in the United States, and from the distributor to a mail order house in Chicago, Klein's Sporting Goods. From Klein's the rifle is traced via mail order to an A. Hidell, Post Office Box 2915, Dallas. The handwriting on the envelope of the mail order, the handwriting on the money order, and the printing on the coupon on which the rifle was ordered, correspond to Oswald's handwriting and printing. Moreover, the name Hidell is an alias Oswald frequently used to receive mail in Dallas and in New Orleans, and was indeed the name on a Selective Service card found in Oswald's wallet.

The chain of proof which the Commission uses is similar to the one which earlier public evidence had led me to expect. There is a weak point in the chain. I doubt that it will turn out to be crucial, but it should be investigated and explained. According to the Commission, A. Hidell ordered the rifle on a coupon clipped from an advertisement in the Feb. 1963 issue of the *American Rifleman*, a magazine published by the National Rifle Association. This confirmed what Klein had stated to reporters shortly after the assassination. A few weeks before the Report it was brought to my attention that the advertisement describes a different rifle, 36 inches rather than 40 inches long, 5½ pounds rather than 7. The price with telescopic

sight is the same, \$19.95. The catalogue number is almost the same, C20T-750 rather than C20-750.

It is quite possible that someone at Klein's made a mistake in filling the order. Instead of sending Catalogue #C20T-750, a 36-inch rifle, he sent Catalogue #C20-750, a 40-inch Carcano. And perhaps Hidell-Oswald never noticed the difference. My QUESTION 7 to the Commission was: Does Klein's Sporting Goods' copy of the bill of sale show the same serial number and specifications as the Commission's Carcano? Answer: the bill of sale does show the same serial number, but lists no specifications. There is no evidence in the Report that the Commission noticed the discrepancy between the rifle as ordered and the rifle as shipped.

Another important part of the pre-Report evidence that *some* rifle belonged to Oswald was the photograph of Oswald holding a rifle which appeared in *Life*, *Newsweek*, and elsewhere. Inspection of the photograph as reproduced showed significant differences between the Associated Press version and the *Life* version. The most important difference was that in the *Life* photo there was a telescopic sight mounted on the rifle, and in the AP photo there wasn't. The question arises, did the AP paint out the scope, or did *Life* paint it in? Thus QUESTION 8: Does the Report examine and explain the differences between published versions of the snapshot showing Oswald with a rifle and a pistol?

The Commission Report alludes to differences, but does not provide details. It explains the unspecified differences as touching up to make the picture clearer. No information as to what was touched up; no criticism of such tampering with important evidence. And now my question is: why didn't the Report state frankly what had happened, and that the "retouching" demonstrated the kind of attitude toward the evidence in this case which has made a great many of us suspicious from the beginning. Nowhere does the Report recognize the early and overwhelming bias to find Oswald guilty which has infected public consideration of this case almost from the moment the man was arrested, which influenced the presentation and selection of evidence by officials and the press, and which must have been a major obstacle to any impartial investigation. Did the Commissioners and their staff share this bias? Did they find it necessary to build into their procedures certain safeguards against it? They do not say.

On the authenticity of the snapshot itself, the Commission offers persuasive evidence. Additional evidence that the rifle had been in Oswald's possession comes not only from Marina, but from blanket fibers and clothing fibers found on the rifle or in the paper bag in which Oswald is alleged to have carried it.

*Assertion G*—That Oswald had a rifle with him that morning

on his way to work. The evidence against had been that the only people who saw Oswald with a package both testified it was about two feet long, too short for a 40-inch rifle. The two people are Wesley Frazier, the teenager who drove Oswald to work, and his sister, Mrs. Randle. The Report details this testimony, but counters with the discovery in the sixth-floor room of a paper bag 38 inches long which would fit the Carcano when disassembled, Oswald's palm print on the bag, fibers from the rifle blanket in the bag, and Oswald's denial under interrogation that he was carrying anything but lunch. I agree with the Commission that this evidence outweighs the Frazier-Randle testimony.

*Assertion H*—That Oswald was capable of the marksmanship involved. In public discussion, after the assassination, it had been generally agreed that the marksmanship was exceptional, whereas Oswald's Marine Corps record was mediocre. Spurred by denials that Oswald could have done it, the *New York Times* and *Life* conducted experiments. But the experiments did not really duplicate the circumstances. The assassin was supposed to have scored three hits at a moving target in 5-6 seconds. The *Times* (reported Nov. 27) used a top rifleman, firing at a stationary target, who scored three hits in 11 seconds, then in 8 seconds, then ran out of ammunition. *Life* (reported Dec. 6) also used a top rifleman. He scored three hits in 6.2 seconds; the account does not say at what kind of target.

Therefore QUESTION 9: Did the Warren Commission conduct precise experiments duplicating the circumstances of the assassination to determine whether a moderately skilled rifleman is capable of the speed and accuracy required if all the shots came from the Depository? The answer is yes, they conducted experiments; but no, the experiments do not duplicate the circumstances of the assassination. Instead of mediocre riflemen, apparently experts were used. Instead of moving targets, stationary targets were used.

#### **Reliability of procedures**

I have time in the rest of the hour only to state the remaining test questions with the briefest indication of why I selected them. What about the slaying of Patrolman Tippit? The Report states that two witnesses saw the shooting, and seven witnesses saw a gunman in the vicinity immediately after the shooting. All nine identified Oswald as the man. This is very strong eyewitness evidence, and renders especially important the next three questions I had prepared for the Report. They deal with the Report's methods and standards for determining the reliability of witnesses.

QUESTION 10: How rigorously were witnesses before the Commission cross-examined? Does the Report point up impartially contradictions in the testimony of witnesses? The answer to the first part

of the question must await the supplementary volumes with their transcripts of the examination of witnesses. Concerning the second part, the Report often calls attention to contradictory statements, in testimony favorable to its thesis as well as in testimony opposed.

The next question bears on the circumstances in which the witnesses identified Oswald as Tippit's killer, or as a gunman leaving the scene of Tippit's murder. Two or three of them had mentioned in their affidavits what the circumstances were. There was a line-up of four individuals, one of whom they identified as Oswald. Therefore QUESTION 11: How radically did the other three men in the line-up differ in appearance from Oswald? Does the Commission consider that the number and resemblance of the men in the line-up were sufficient adequately to test witness reliability? The Report provides no detailed descriptions and no photographs of the other men in the line-up. It states in a brief paragraph that the line-up was consistent with Dallas police practice which, in this respect, it does not criticize. I find the Report's answer to both parts of QUESTION 11 cryptic and unsatisfactory.

Much of the evidence as to how Oswald got to the Texas Theater, how he got in, and where inside he was found, is provided by a John Brewer, who runs a shoe store about half a block from the Texas Theater. Mr. Brewer's evidence is important, as was his role in finding Oswald. He is the man who saw Oswald go into the theater; he's the man who had the policemen alerted; he's the man who, according to his testimony, pointed out Oswald when the policemen arrived. He's the man who perhaps ought to be the main hero in the case. But not only has he not been made a hero (and there were other heroes here, the officers who subdued Oswald in the theater), his affidavit was not sworn until Dec. 6, which was two weeks after the assassination.

Other witnesses known to the police were sworn immediately, on Nov. 22 and Nov. 23. Brewer's testimony is the only comprehensive, non-official account as to what happened when Oswald was captured: whether he was carrying a gun, whether he tried to shoot his way out, and so on. The other comprehensive versions of that capture are police versions. This independent confirmation of the official story is not sworn until two weeks after the event. Well, they may simply have neglected it; history is untidy. But it led me to raise QUESTION 12: Why was Brewer's testimony not sworn until two weeks after the assassination? The Report does not ask or answer this question.

The next three questions relate to three assertions which had been widely accepted prior to the release of the Warren Report, and which, taken together, had suggested the possibility that Oswald had some relationship to an agency of the federal government.

- a. Though known as a leftist and a former defector, in June 1963 Oswald was granted a passport within 24 hours of application.
- b. When Oswald defected to the USSR, he possessed classified information concerning U.S. radio codes and radar frequencies; yet when he returned to the U.S. he was not prosecuted for espionage.
- c. Though known to the FBI as pro-Castro, an agitator, and a former defector, Oswald was not under surveillance during the President's visit to Dallas.

QUESTION 13: Was the passport granted within 24 hours? The Report says, Yes, along with those of 24 other persons whose applications were sent from New Orleans at the same time. The "24 others" seems to me good evidence against official intervention to speed Oswald's passport.

QUESTION 14: In Nov. 1959 when Oswald defected to the Soviet Union, was he acquainted with secret radio frequencies, authentication codes, and radar capabilities, through his work as a Marine technician? If so, was the possibility of espionage thoroughly investigated when he returned to the United States? The Commission accepts the contention that Oswald, as a Marine, knew secret data, but is unclear about its importance. The Commission implies that no investigation took place as to whether Oswald might have given information to the Soviet government, and gives no explanation why the possibility of espionage was treated so lightly. I suggest this answer to QUESTION 14 is most inadequate.

QUESTION 15: What does Oswald's FBI dossier show as the FBI evaluation of him immediately previous to the assassination? Why was he not under surveillance during the President's visit? The Report answers this question in detail, which we haven't time to analyse in this broadcast. In general, I find the answer quite reasonable.

QUESTION 16 concerns the measures taken directly after the assassination to prevent the assassins from escaping. In the accounts available to me before the Warren Report, I had been unable to find any evidence that the Depository, its immediate vicinity, or the city of Dallas, was sealed off, a procedure I had assumed would be mandatory in a crime of this importance. Thus QUESTION 16: Why was not the assassination area completely sealed off, requiring those who attempted to leave to account for themselves? The Commission answers that the Depository was sealed off, but too late to stop the assassin. The Report does not discuss whether a larger area should have been sealed off.

QUESTION 17 concerns possible violations of due process and civil rights in the treatment of Oswald, and later, of his wife. On Dec. 16 the *New York Times* published a statement by the American Civil Liberties Union that "Greg Olds, president of the Dallas Civil

Liberties Union, and three volunteer lawyers went to the city jail late in the evening of Nov. 22 . . . They were told by police officials, including Capt. Will Fritz, . . . and by Justice of the Peace David Johnston . . . that Oswald had been advised of his right to counsel but that he had declined to request counsel." On Dec. 20, a *Times* reporter, Donald Janson, wrote that Oswald's wife had been held by the Secret Service since the assassination, had been forbidden to see friends, and had been frequently questioned by the FBI. The only lawyer representing her had been appointed by her business manager, who had himself been appointed by the Secret Service. Therefore

QUESTION 17: Does the Commission examine whether civil rights were denied, (a) to Oswald, by public accusation and denial of counsel, and (b) to Oswald's wife, by prolonged official custody and interrogation?

The Commission answers that the right to a fair trial was violated by public discussion of the evidence. It denies any official attempt to hinder Oswald from obtaining a lawyer, and cites some official assistance. It states that the visiting ACLU lawyers were told that Oswald had been informed of his rights and was being allowed to seek a lawyer. Concerning Secret Service custody of Oswald's wife, the only answer I have been able to find consists of two sentences in Appendix XII which deny any coercion without presenting grounds for the denial.

Within 24 hours of the shooting, the stream of official claims that Oswald was the sole assassin had begun to flow. Some of us feared that this early bias would prevent not only a fair trial for Oswald but an adequate search for possible assassins still at large. Ten months after the assassination the Commission is sure, on the basis of the evidence it now possesses, that Oswald alone was guilty. But the Dallas police were sure on Nov. 24, and the FBI was sure on Dec. 9. Would the Commission claim that the evidence which had been gathered and evaluated by Nov. 24, or Dec. 9, justified such assurance? This leads to my last three questions.

QUESTION 18: At what point did the United States government decide that the evidence conclusively demonstrated Oswald's sole guilt?

QUESTION 19: Up until that time, was the Justice Department conducting an extensive manhunt on the possibility that the assassin or assassins were still at large?

QUESTION 20: If such a manhunt was underway at any time after the arrest of Oswald, why was the assistance of the communication media and of the general public not requested?

The Report does not raise or answer QUESTION 18. Concerning QUESTION 19, the government investigated extensively the possibility that Oswald had received instructions, assistance, or payment,



ut apparently never proceeded on the assumption that the assassin  
r an assassin might still be at large. The Report does not raise or  
nswer QUESTION 20.

#### Conclusions

What are my own conclusions after a first reading of the Warren  
Report? The box score on the 20 questions is as follows:

Seven test questions answered well—1, 3, 5, 6, 7, 13, 15.

Seven test questions answered inadequately—8, 9, 10, 11, 14, 17, 19.

Six test questions were not answered at all—2, 4, 12, 16, 18, 20.

The boxscore on the eight assertions:

- A—That there were three shots. The Commission is frankly un-  
certain.
- B—That they all came from the Depository. Considerable evidence  
for, but important contradictions in the evidence.
- C—That all the shots were fired by the Carcano C2766. Strong  
evidence for, but not conclusive.
- D—That the Carcano was at the scene of the crime at 12:30.  
Good evidence for, but previous evidence against still partly  
unexplained.
- E—That Oswald was there at the same time. Some evidence for,  
previous evidence against rebutted.
- F—That the Carcano C2766 belonged to Oswald. Overwhelming  
evidence for, one probably minor point unexplained.
- G—That Oswald had a rifle with him that morning on his way  
to work. Preponderance of evidence for.
- H—That Oswald was capable of the marksmanship involved. No  
evidence for, good evidence against.

If the 20 questions are a fair test, the Report has not been as  
sceptical in its approach, as daring in its hypotheses, and as thorough  
in its analysis as an impartial observer has the right to demand.  
If my balancing of the evidence is correct, the probability of Oswald's  
guilt is strong, but it has not I think been established beyond a  
reasonable doubt.

What do you think?

END

By Robert C. Ruark

10/9/64 N.Y. WORLD TELEU

# Puzzled by Warren Report



LONDON—I am sitting in my flat here with a professional hunter, Walter Johnson of Mozambique. We have just finished a safari—the fourth in Mozambique in two years, my 20th over 14 years in countries ranging from Tanganyika to the Central Provinces of India.

We are talking about the shooting of President Kennedy, in terms of what we both know about rifles. Walter shot his first elephant when he was nine years old. I have been shooting high-powered rifles, with and without scopes, for most of my life.

On this last month's trip to Mozambique I had three guests, who burnt up a power of ammunition on big game. I would reckon that I personally, over 14 years, have fired at least two thousand rounds of ammunition at live targets, from elephant to lion to tiger to buffalo to rhino to dik-dik, the littlest of them all. God knows how many times Walter has fired a rifle. He was champion of the Rhodesian army when he was called up for national service, and I have seen him kill a bird with a rifle, with open sights, at 700 yards.

This being established, I wish to make a point.

\* \* \*

It is a rule of shooting thumb that a hard-nosed bullet goes all the way through. A soft-nosed bullet goes in little and comes out big. A dum-dum, or doctored bullet, might conceivably break up on entry, but on anything as soft as a human skull its chances of breaking up on entry are very small indeed.

What Walter and I cannot understand, among other findings of the Warren Report, is how a bullet fired from behind could tear the back of President Kennedy's head off.

I am speaking only as a semi-professional white hunter, but Walter is all pro, and he agrees with me.

The other day we had a sick buffalo on our

hands, and we were shooting as fast as we could work the bolt. Neither one of us was able to fire three shots in under eight seconds.

Walter was shooting faster than I was, but he was using open sights, which raises another point. Somebody in the Warren Report mentioned that "the scope made fast shooting possible."

This is utter nonsense. Every time you fire a scoped rifle the blast knocks your eye out of the scope, and you have to rediscover the target. There is also something called "parallax" which blurs a scope, making the target disappear if your eye isn't rightly adjusted to the lenses.

\* \* \*

There was some comment that the scope had a slight error in sighting which made a leadoff angle unnecessary. You would have to know the exact span of right-or-left-throwing in order to compensate, and the same would apply to high or low. I doubt very much if Lee Oswald bore-sighted his rifle and then adjusted the scope in order to eliminate the basic necessity of shooting at moving targets—the leadoff angle.

According to reports, Mr. Kennedy was hit in the back, a heart shot, as well as being hit in the neck, the bullet passing through and coming out of the throat. Another bullet blew off the back of his head.

As a rifleman I do not understand the combination of angles. A shot fired on high goes down. A shot fired on the level goes straight in. A shot fired from below travels up. Oswald, shooting from his lofty vantage, would have had to hit Kennedy high in the head to shove the bullet through his throat. To hit him in the back, at that range and elevation, is impossible.

A bullet going in the back of the neck and coming out of the throat would almost have to be fired on a dead level, or from a very slight slant.

Walter Johnson and I have read the report scrupulously, several times, and the ballistic end of it makes no sense.

EMD