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

BETWEEN ISSUES

SINCE, as the legend beneath our masthead declares, "Signed contributions do not necessarily represent the views of THE NEW LEADER," we would like to make clear at the outset that our own reactions to the Warren Commission Report correspond to those of Karl E. Meyer in his article beginning on page 4 of this issue. Indeed, no one who has followed the spate of outrageously irresponsible magazine pieces and books concerning President Kennedy's assassination (*e.g.*, Thomas Buchanan's *Who Killed Kennedy?*, demolished in the September 28 NL by Leo Sauvage) can help but join in the widespread praise with which the efforts of Chief Justice Earl Warren and his seven associates on the Commission have been greeted.

This is not to suggest that the Report has removed every shred of doubt about what occurred in Dallas last November 22. The measured language of the document itself is clearly designed to discourage any such claim. Nor is it intended to imply that those who remain understandably disturbed by the murder of a young and popular President must now halt their own searching inquiries. Questions will and should be raised where they are valid and honestly motivated.

Which brings us to our second article on the Warren Report, "The Other Witnesses," starting on page 6. George and Patricia Nash, the authors, are a young couple who work as research assistants at Columbia University's Bureau of Applied Social Research. George is working toward his PhD in sociology, his wife Patricia toward her Master's. Struck by the myriad contradictions that were emerging from Dallas following the assassination, they wondered what the results would be if the methods of their particular science were employed in seeking out the facts. Then they decided to go to the scene of the crime to find out. In the process, they uncovered some information that was apparently missed by the Commission, and other information that it treats in limited detail. Their article, we think, not only serves to illuminate several aspects of the Report but points up the immensity of the task of putting it together.

OUR COVER drawing is by William Berry.

4/20

...ing to learn that the Dallas police (who had complete jurisdiction because killing a President is not—*mirabile dictu*—a Federal crime) failed even to take stenographic notes of the initial interrogation of Oswald. The Secret Service, whose job it is to protect the President, failed to check the buildings along the motorcade route for possible snipers, because this was not part of established routine. No extraordinary precautions were taken during the Dallas trip, even though Adlai Stevenson had been assaulted by pickets only a few weeks before. The FBI, a corps of supermen in popular myth, are shown to be no less fallible. Although FBI agents were aware of Oswald's presence in Dallas, his name was not forwarded to the Secret Service. This seems like familiar bureaucratic jealousy of rival agencies, though the Commission ascribes the FBI behavior to an "unduly restrictive view of its role."

Another theory has been advanced concerning the FBI's behavior, namely, that Oswald himself had become an informant for U.S. intelligence agencies and hence was not regarded as a likely assassin. Oswald's mother has spoken ambiguously about his working for U.S. intelligence but she has not supported her contention with a scrap of evidence. The Commission flatly denies that Oswald was in any way an informer for the FBI or CIA; the detailed records of Oswald's finances printed in the Report's appendix do not disclose any abnormal source of funds. Still, doubts will persist. One price America is paying for maintaining a vast espionage and intelligence network is lack of credence in any official denials concerning activities of the CIA or FBI.

The detailed criticisms of the Federal police made in the Report can and no doubt will be corrected in the future. Far more difficult to remedy is the essential moral problem presented by Oswald's presumed motive for slaying President

Kennedy. Nothing is more absorbing in the Commission document than the life history of Lee Harvey Oswald; it would be difficult to contrive a figure more totally unlike John F. Kennedy than this pathetic creature whose name will be forever linked with the President. Yet both were products of a society which is often sick and compulsive in its pursuit, at all costs, of celebrity, wealth and power.

OSWALD WAS BORN in 1939 in New Orleans. His father, an insurance premium collector, had died two months before, and Oswald was raised by a mother whose



virtues did not include an excessive sense of parental responsibility. Oswald's early life involved moves to Fort Worth, Texas, and New York City; although he was not stupid, he did poorly at school, was a chronic truant, and is remembered as a moody and withdrawn child from a highly unsettled home.

If there is a consistent pattern in Oswald's life, it is his repeated attempt to identify himself with power and thereby validate his own sense of importance. On his 17th birthday, he joined the Marines, the he-man's branch of the U.S.

services. But he was an odd Marine, known for his Russophilia; when he played chess, according to one friend, he chose the red pieces, expressing a preference for the "Red Army." In 1959, he was discharged from the Marines and the next year wound up in the Soviet Union as a defector.

That Oswald saw his gesture in grandiose terms is suggested by the title he gave his diary, "Historic Diary." Kerry Thornley, a Marine associate, gave the Commission this interpretation of Oswald's Marxist beliefs:

"He looked upon the eyes of future people as some kind of tribunal, and he wanted to be on the winning side so that 10,000 years from now people would look in the history books and say, 'Well, this man was ahead of his time.' . . . The eyes of the future became . . . the eyes of God. . . . He was concerned with his image in history and I do think that is why he chose the particular method [of defecting] he chose and did it in the way he did. It got him in the newspapers."

But it got him no happiness. The rest of the story is now broadly familiar: the marriage to Marina, the humiliating decision to return to the U.S., his troubles in job-hunting, his increasing difficulties with Marina, his purchase (under an assumed name) of an Italian rifle for \$19.95. The Commission Report gives the details of the last trained weeks in Dallas. The weekend before November 22 he did not visit Marina, who was living in the suburb of Irving while Oswald lived in a downtown rooming house. On Thursday, November 21, he did go to Irving. He asked Marina to rejoin him; she refused. The next morning he left his wedding ring and \$170 in the Irving residence, and he took with him a Mannlicher-Carcano rifle that he had hidden in the garage. The Warren Report asserts:

"The Commission does not believe that the relations between Os-

(OVER)

wald, and his wife caused him to assassinate the President. It is unlikely that the motivation was that simple. The feeling of hostility and aggression which seemed to have played such an important part in Oswald's life were part of his character long before he met his wife and such a favorable opportunity to strike at a figure as great as the President would probably never have come to him again."

So Oswald, who had failed at everything, carried to the warehouse the great equalizer between nobodies and somebodies—a lethal rifle, equipped with a sniper's scope. Caliban was able to strike at a man who was so like a god. American society had given Oswald no legitimate way of satisfying his thirst for distinction; history was his last chance for a reprieve.

I find this terrifyingly plausible,

and far more chilling than any hyperrational thesis about a plot which, if it is to be believed, must now include as an accessory the Chief Justice of the United States. Oswald, the true 20th-century man, shot his way into history. America's tragedy became Oswald's bitter triumph, for the world is now compelled to acknowledge his existence. God save us from an Oswald with access to that nuclear trigger.

The Other Witnesses

By George and Patricia Nash

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

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

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

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

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

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

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

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

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

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

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

she is a critical witness, we think part of the interview worth quoting verbatim:

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

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

"Q. Was it long until the ambulance came?

"A. No.

"Q. About how long?

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

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

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

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

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

"I looked around to see what had happened. I knew there had been a shooting. I saw a man standing right in front of the car. He was looking toward the man on the ground. He stood there for a while and looked at the man. I couldn't tell who the man was on the ground. The man who was standing in front of him was about medium height. He had on a long coat. It ended just above his hands. I didn't see any gun. He ran around on the passenger side of the police car. He ran as fast as he could go and he got into his car. His car was a grey, little old coupe. It was about a 1950-1951, maybe a Plymouth. It was a grey car, parked on the same side of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

any information concerning the existence of such a witness."

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

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

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

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

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

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

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

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