

LIBERATION

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It is clear that the investigation of President Kennedy's assassination must go on. No close student of the subject can any longer believe that the Warren Commission's Report adequately disposed of the many conundrums that—even to the uninformed eye—still surround the ghastly events in Dallas of November 22-24, 1963. A spate of recently, or soon-to-be, published books proves this. One of these books has been written by the author of this article, Mr. Lawrence R. Brown, who is best known for his distinguished philosophy of history, The Might of the West. No article can compare in scope with the copiously detailed and documented study that will greet the readers of his book, but there is more than enough here to demonstrate why the assassination must, as Mr. Brown says, be designated a "mystery."

Where a renewed investigation might lead, the editors of TRIUMPH do not pretend to know. They do not endorse the construction Mr. Brown places on the evidence, or the

theories he advances to explain the incongruities that plainly emerge from that construction. They do, however, emphatically assert that no "solution" of the crime that fails to come to grips with Mr. Brown's argument will withstand the scrutiny of history.

Sensitive persons, of course, cannot regard a revival of the tragic memories of nearly three years ago with anything but distaste. Indeed, many doubtless share the sentiment Senator Edward Kennedy expressed several weeks ago: "I never read the Warren Commission Report. However, I am satisfied that it represents at least conclusively the results which I believe are accurate. I have not read it. And I do not intend to do so." But while such obscurantism may be understandable in the case of the late President's family, it is an intolerable view for other Americans burdened with the duty of bearing the truth in a great matter of state—however heavy the burden might become.

KENNEDY'S ASSASSINATION

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... Let's Solve It

LAWRENCE R. BROWN

The Warren Commission's Report on the assassination of President Kennedy and the Commission's twenty-six volume record of testimony and exhibits bear little factual relation to each other. The Report ignores essential parts of the record and the record contains evidence contradictory to every key conclusion in the Report. As a result, the student is confronted with the curious situation that material destroying the Commission's thesis—the thesis that Oswald was the lone, unaided, motiveless killer—is published by the Commission itself.

This situation is probably traceable to the existence of a minority group on the Commission that was barely induced to go along with the unanimous report.* If extensive parts of the record had been suppressed, there would almost certainly have been a minority report which, however tactfully the

dissent was phrased, would have kept Kennedy's death officially a mystery. It is, indeed, still a mystery, but not an official one.

Here are a few of the difficulties.

The record contains testimony asserting a) that Oswald was visible firing from the sixth floor window of the Texas School Book Depository Building, but b) that at the moment in question nothing could be seen in this window but a tube or pipe being waved by a person who kept himself carefully invisible—a quite impossible situation for a person firing a rifle.

* *Inquest*, by Edward Jay Epstein contains a useful account of the inner conflicts within the Commission. It should be read by everyone who cannot understand how a Presidential Commission of prominent men could unwittingly put their names on a false report concerning the identity of the assassin of a President.

Nor does the testimony that attempted to identify the source of the firing by sound resolve the contradiction. Almost immediately after the firing police received reports—curiously almost all anonymous—that the firing came from the sixth floor of the Depository Building. But the testimony of a majority of the witnesses whose names were recorded is that the firing came from a group of trees to the right and slightly to the front of the President's car. Still a third source was identified: a police captain, among the first ranking officers to arrive at the scene, reported that the firing originated from the Dal Tex Building, across Houston Street from the Depository Building.

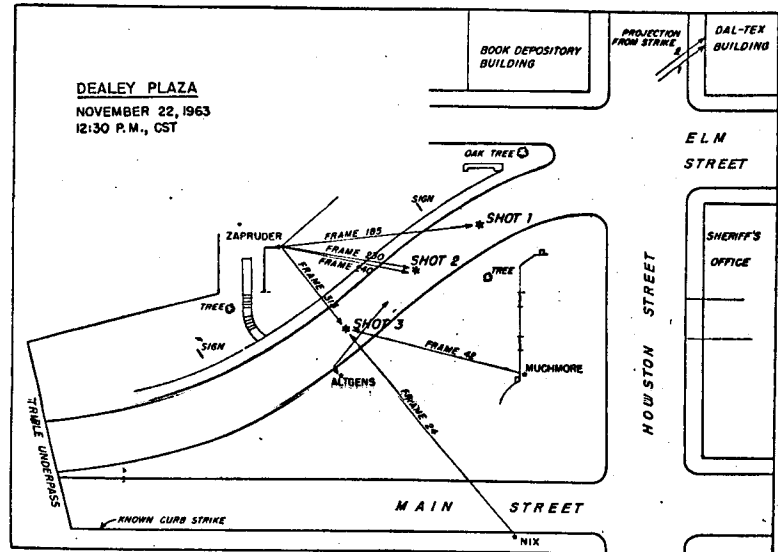
To further complicate the evidence, the reconstruction of the scene from

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still pictures and the Zapruder film shows that the Presidential car was concealed from the sixth floor window of the Depository Building by an oak tree at the moment the first shot was fired, a fact confirmed by witnesses in various windows of the building.

Now all this presents a very serious difficulty to the theory that Oswald fired from the sixth floor window of the Depository Building. It suggests at once the need to examine what other evidence there may be — less impressionistic if possible—that could shed light on whether this window was in fact the source of fire. Does the position agree with trajectories passing through the assassination car to a proven bullet strike on the Main Street curb? Does the height of the window accord with the angle of the bullet tracks through the President's and the Governor's bodies? But the Commission does not seriously explore such questions. To question the sixth floor window as the source of fire is to question whether Oswald was the assassin. For there was no other spot from which Oswald could have fired.

There are also a number of critical factual contradictions — as distinct from inconsistent testimony. One of them involves perhaps the most important evidential question in the entire case: the bullets. The record sets forth the certain identification of three bullet fragments fired from the C2766 Mannlicher-Carcano 6.5 mm. rifle which Oswald purchased the previous March. Two of these fragments, almost certainly parts of two bullets shot from the C2766, were found in the front seat of the Presidential car; the third, a nearly whole, un mutilated bullet was found on the floor of the main corridor of the Parkland Hospital. But the record also discloses the existence of a different set of fragments—pieces of metal removed by the autopsy surgeons from the President's head, and by the physicians at Parkland from Governor Connally's wrist; shavings of metal found on the floor of the rear seat of the Presidential car; and metal smeared on the Main Street curb by a bullet strike. Now, spectrographic analysis could not establish that any of this second group of metal fragments had ever formed a part of any of the bullets marked by Oswald's C2766 rifle. Contrariwise, no metal fragment spectrographically identified with any



of the C2766 bullets was ever recovered from the body of either man, was ever found in the rear seat, was ever identified as a bullet strike in the car or on the surrounding pavement.

Thus the facts suggest the existence of two separate, distinct sets of bullets: the three copper-jacketed 6.5 mm. bullets proved to have been fired from the C2766 rifle; and an undetermined number of other inadequately identified but apparently unjacketed, lead-antimony alloy cast, possibly copper-washed, bullets whose origin and caliber are either unknown or undisclosed.

There are further contradictions. On the sixth floor of the Depository Building the C2766 rifle was found carefully hidden under book cartons—indeed much too well hidden to tally with the probable conduct of a fleeing assassin, hurrying to get rid of a murder weapon, especially since the hiding place was a good 180 feet from the supposed firing point and adjacent to the stairway where the first searchers would most likely encounter the assassin. But while there is no question that the C2766 rifle was there, neither is there any question that the two affidavits of the police officers who found this rifle state unequivocally that the rifle they found was a 7.65 mm. Mauser. How does the Commission explain this almost incredible disparity of fact and report? The Report never mentions the two affidavits, never refers to the question of different calibers; and it dismisses all talk of a Mauser as uninformed speculation.

If the Commission had tried to pin down the origin of the idea of a 7.65 caliber rifle rather than concentrating on one of 6.5 caliber (Oswald's C2766) it would have had to develop yet another line of double-evidence. The record reveals the discovery of three spent 6.5 mm. cartridges lying near the wall by the sixth floor window. A police photograph showing the window, the street outside and three fired cartridges appears in the record, identified by the police photographer as having been taken before anything was picked up or moved. (Is it not curious that a killer who had taken such pains to hide an incriminating rifle should have left tell-tale cartridges in plain view?) Now there is no question that three fired cartridges, of whatever caliber, were actually found near this window at about 1 P.M.—some ten minutes before the C2766 rifle was found in the opposite corner of the building. Neither can there be any question that the three cartridges were picked up, examined, their caliber read (all cartridges have their identification and usually the caliber of the weapon from which they can be fired stamped into their base) and sent to police headquarters by 2 P.M. But it is equally certain that the police photograph just mentioned was taken no earlier than 3 P.M.—a fact proved by the angle of the shadows in the street visible in the photograph—at a time, that is, when three other cartridges were already at police headquarters. Thus the assassination record indicates the presence of six fired cartridges in the

building that afternoon, not three. The Commission does not acknowledge this difficulty, and so has no occasion to consider the possibility that the first set (examined before the rifle was found) was of a 7.65 caliber and thus set off the initial speculation about a Mauser.

A similar proliferation of evidence and contradictory testimony surrounds the murder of Patrolman Tippit and the arrest of Oswald at the Texas Theater. Of the two witnesses who saw the actual shooting of Tippit one said (at times) that the killer looked like Oswald, and the other described a man of considerably different appearance. This killer was seen to drop two cartridges, later proved to have been fired from Oswald's revolver.

What is needed is a theory of the assassination that will account not for just some of the evidence but for all of it.

Any theory purporting to explain the President's assassination must account for all of these disparate facts, each of which had a cause. Today, after nearly three years of silence, critics of the Warren Commission identified with the political Left have produced a flurry of books and articles that has again brought the official version of the assassination into the question. But the theories currently advanced (typically, that while Oswald was certainly guilty, he must have been aided in the crime by another gunman) suffer from the same difficulty as the Warren Report. These critics simply ignore evidence that is inconvenient to the thesis in question.* What is needed is a theory of the assassination that will account not just for some of the evidence, but for all of it—for two sets of bullets, two sets of cartridges, a hidden rifle, a waved pipe, and an oak tree that blocked the line of fire from the sixth floor of the Depository Building.

* The only study of the assassination yet published which digs extensively into the facts of the assassination is *Whitewash*, by Harold Weisberg. Some of the mechanical evidence is insufficiently studied and the book suffers from two serious handicaps: a strident animosity toward everyone—the Commission, the FBI, the Secret Service, the Dallas Police—and a pointed unwillingness to face the possible motives of the various persons and interests involved. It is, however, at this moment of writing far and away the best source of information about the actual facts set out in the Commission's record—short, that is, of the record itself.

But the first police on the scene discovered automatic cartridges, as well as revolver cartridges. Nor could the FBI experts establish that the bullets found in Tippit's body had been fired from Oswald's revolver. Of the witnesses who watched the killer's flight, some were sure it was Oswald and some were sure it was not.

The arrest scene at the Texas Theater extends this pattern. The theater cashier who telephoned the police, and the shoe store clerk who identified Oswald in the audience, gave entirely contradictory accounts of why this particular individual—whose conduct at the theater had attracted no one else's attention—had seemed so unusual as to merit the attention of the police.

Where to begin?

In this maze of contradiction and confusion, with its unavoidable suggestion of false evidence and perjury, one item has a grim genuineness that cannot be questioned—the metal fragment from the President's head. Whatever else happened at Dealey Plaza that afternoon, that piece of metal was surely fired from the killer's rifle. Starting with that piece of certain, untampered evidence, the rest of the evidence, item by item, can be weighed for consistency, and accepted or discarded. The fragment from the Governor's wrist and the smear from the Main Street bullet strike are two more indisputable items; and these three may now be joined by a fourth—the metal found in the rear seat.

Now this group of spectrographically consistent data raises a serious problem: How are the fragments that unquestionably bear the ballistic markings of the C2766 rifle to be accounted for?

Only two hypotheses seem capable of even an initial explanation. One is that there were two sources of fire, two gunmen using different weapons and different type bullets. The other is that there was only one source of fire and only one set of bullets actually used in the assassination; and that the second set of bullets was fired on some previous occasion from the C2766 and planted thereafter to lead the investigation away from the real assassin. Which possibility seems more probable?

The Commission's liberal critics prefer the first alternative. The single-killer thesis, they maintain, founders on the impossibility of a killer getting off the required number of shots from the Depository Building, within the time they calculate was available to him, with an unreliable weapon like the C2766.

One trouble with the thesis is that it does not account for the contradictions and duplications of evidence in other aspects of the case. But more important, it does not even account for the most conspicuous incongruity in the official version of the shooting—the presence in the front seat of the Presidential car of two large bullet fragments with the markings of Oswald's rifle. How did they get there?

The fragments could not have resulted from a strike on the car itself because no bullet strikes were found on the car. Nor could they have come from any of the victims' five wounds. They could not have come from the President's throat (1), or the Governor's chest (2), because the bullets that caused those wounds exited whole. They could not have come from the lethal wound in the President's head (3), or from the Governor's wrist (4), because according to the spectrographic evidence the metal particles actually found in these wounds were not part of either fragment found in the front seat. They could not have come from the Governor's thigh (5), because that wound was caused either by a far smaller particle than was found in the front seat, or, if by a larger particle, through an impact too slight to have fragmented it.

The two C2766 fragments therefore could not have belonged to bullets fired at Dealey Plaza on November 22, 1963 and must have been put in the front seat during the confusion of unloading the wounded and dying men at Parkland Hospital.

The hypothesis that the C2766 bullets are planted clues is equally fruitful in resolving other conflicting evidence. Since the bullets were false clues, obviously the rifle was a false clue; and the manner in which it was hidden—instead of defying rational conduct—becomes consistent with it: the rifle had to be well hidden to avert premature discovery. The apparent co-existence of both 6.5 and 7.65 caliber cartridges also might be explained by surmising that the 7.65's—

as unlikely as this may seem to persons accustomed to expect a "perfect crime"; but how else account for the evidence? — were dropped in error and probably at the same time and by the same person who waved a pipe out the window; and that the correct plants, the 6.5's, were later supplied in order to effect the correspondence that had been intended between the cartridges and the plainly marked C2766.

The hypothesis of planted evidence is also consistent with the otherwise inexplicable events surrounding the Tippett murder. The reasoning is easily adducible, and need not be elaborated here.

Most important of all, this hypothesis liberates the President's assassination from the two key assumptions that have bedeviled both the Warren Commission and its liberal critics. These assumptions are a) that the fatal bullets were fired from the Depository Building, and b) that the weapon used was Oswald's unreliable, bolt-action C2766. Placing these assumptions alongside the narrow time sequence apparently established by the Zapruder film, the Commission developed the theory that a single bullet, fired after the car had emerged from the screen of the oak tree, accounted for both the President's throat wound and the Governor's chest wound. The liberal critics, for their part, correctly insist that the "single-bullet" theory is decisively refuted by other evidence. But since the critics also embrace the two key assumptions, they are driven to the equally untenable "additional gunman" theory in order to account for the short time sequence established by the film.

The difficulty is overcome by removing the assumptions—a task that calculations based on the bullet trajectories, and a close study of the film, make not only possible, but imperative.

Trajectories calculated by range and elevation back from the Main Street bullet strike, passing through the positions of the car at the moments of both the first and second shots, terminate at a second story window in the Houston Street face of the Dal Tex Building, a window which appears, open and empty, in the version (usually cropped) of one of the key still photos. The firing was apparently done from deep within this room with an automatic rifle.

This position gave the real assassin—probably a hired professional — a long, almost straight range down the visible part of Elm Street, at no point obstructed by the oak tree, and permitted him to stay well back from the window out of sight from the street.

Though Oswald was not the assassin, the evidence was certainly arranged to make him appear to be a likely suspect; and vital elements in these arrangements were made by Oswald himself. Why? Who might have told him to do seemingly senseless things like carrying to the theater the false draft card that was to link him with the C2766? or amazingly coincidental things like taking a temporary job, just when he did, at the Depository Building?

The evidence bearing on the reasons for Oswald's actions is very slight indeed. The Commission invariably accepts his widow's unsupported word in matters that might shed light on this question, and thus does not pause to ask what influence Marina Nikolaevna may have had over him. She clearly must have possessed some power since she treated him with open contempt, deriding both his character and virility. Rather than accounting for Oswald's strange actions, Marina furnished a great deal of testimony which was invaluable for constructing

the image of Oswald as the lone assassin. Since this testimony is inconsistent with many of the objective facts, it would seem to require some serious thought concerning the exact role of this young Russian woman.

Another young woman whose role in the affair was inadequately explored is Ruth Paine. It was Ruth Paine who carried Marina Nikolaevna back and forth to New Orleans and who housed her and Oswald on weekends. Above all it was Ruth Paine who in the middle of October got Oswald a temporary job at the Depository Building—a job that was of course indispensable to the case against Oswald. There were other puzzling actions on her part — the most important of which resulted in Oswald refusing the aid of local attorneys. Oswald had requested Ruth Paine to obtain the Communist Party lawyer John Abt, but since she neither did this nor informed Oswald of her failure, Oswald was shot before he could confide to an attorney his version of the baffling story that appears in the Record. Paine's mother told the FBI that her daughter was a pacifist and a Quaker and so could not be a Communist: because of her long knowledge of Communist aims and purposes she would have known how inconsistent these were with her own.

Who gave the last minute order to remove professional cameramen and local police from the motorcade?

Many other questions need asking including the following two. The photographs of the assassination are among the key pieces of evidence that destroy the Commission's thesis. But these photographs are, without exception, amateur and accidental. Their evidential value emerges only from a painstaking piecing together of many different still photos and film sequences, no one of which is, or could be, decisive: only a professional cameraman could have been expected to record clearly the whole picture of the assassination with a full background of the street and building windows. Why are there no professional films? Where were the professional cameramen when the first shot was fired? A motorcade is above all a publicity operation; yet the chief modern instruments of publicity, the professional cameramen, had been removed. No professional camera—newsreel or television—had been in range of the President since the motorcade left the airport: and this re-

moval was deliberate. The fact of the removal is brought out in the record; but the reason for it, those responsible, and what the real motive was, are not disclosed or even discussed.

Second, a carload of city detectives, which the Dallas police had wanted to include in the motorcade for the specific purpose of having local officers on the spot to investigate any incident, was excluded from the parade—for a reason and by an authority also undisclosed. The result was that after the shooting the only trained investigative personnel on the scene, the Secret Service, rushed off to Parkland; and it was ten minutes before an organized police search could begin at Elm and Houston. In those ten minutes the actual gunman must have left the Dal Tex Building. The traffic patrolmen milling about the scene had their unorganized and unskilled efforts anonymously directed to the Depository Building where, to the undoubted satisfaction of the assassins, it has since remained. *LMD*