

I am. How can I help?

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Case for
Oswald - not
on 6th floor

From: Billkelly [mailto:billkelly3@gmail.com]

Sent: Tuesday, December 24, 2013 5:58 PM

To: <patrick@mccarthylaw.us>

Cc: Jerry Policoff; David Kaiser; Barb J; Mark Zaid; Larry Haapanen; Paul Hoch; Blackburst@aol.com; David Lifton; jerry shinley; David Talbot; Lamar Waldron; Robert Blakey; Peter Scott; Charlie Sanders; Jim Lesar; Rex Bradford; Josiah Thompson; <donald.thomas49@hotmail.com>; Traruh Synred; swmoney .; Stuart Wexler; Paul Seaton; Rick Anderson; Fred Litwin; Ken Searce; Bill Simpich; John Simkin; Jerry McKnight; Debra Conway; Ben Rogers; Alan Rogers; bbrody; <radrobertson@yahoo.com>; 1000GaryA .; Jeff Morley

Subject: Re: Oswald's Interrogation

Besides an updated index I have been working on a combined chronology and a new bibliography of books, mag art, films, videos, manuscripts and dissertations but to be complete it must be a group effort.

I don't know that people are up for it.

Bk

Sent from my iPhone

On Dec 19, 2013, at 6:04 PM, "Patrick McCarthy" <patrick@mccarthylaw.us> wrote:

[Note: this does not go out to the full group.]

Thanks, Jerry, for the link to the Sylvia Meagher article. I re-read *Accessories After the Fact* last month. It held up better than I expected. It was the re-issued 1975 edition, I believe (i.e., I did not particularly notice substantive changes from the 1975 edition, though this edition was printed this year). The remarkable detail with which she dismantles the Report is no doubt based in part on her meticulous preparation of her index previously.

Two points about the 50th anniversary:

1) I believe the field of study could be advanced by a new index, which I am assuming does not exist. Specifically, a chronological index of the documents that have been released after 1964. For example, with regard to the destruction of the note left at the Dallas FBI office by Oswald, my understanding is that in about 1975 the story came out. Eventually it was fully detailed in testimony before the HSCA (and prior testimony?), except, of course, for the exact language of the note. In view of the vast number of documents declassified after about 1991-1993, some documents would have to be characterized as groups, e.g., ARRB + subcategory by topic. From my perspective, there clearly has been an evolution of knowledge based on the release of information after the period of about 1966-1969. Sometimes new disclosures allow additional

analysis of previously known information, such as in the unfolding of the NAA analysis. And sometimes new disclosures create new avenues of inquiry, such as the audio analysis. The works of John Newman, Jeff, David Kaiser, David Talbot, in addition to the continued work of Peter since *Crime & Cover-up*, are all evidence of a progressive knowledge.

As a key example of the evolution of the state of the knowledge and analysis, I would put the Mexico City situation near the top. The Lopez report, the LBJ-Hoover telephone conference transcript, Rex Bradford's experience with the erased tape, Newman and Morley's interviews, Jeff's book, Bill Simpich's work: this an important progression. While it is still premature to draw any definitive conclusions about all of the aspects of the Mexico City scenario, this has all inexorably led to the unequivocal conclusion that the thesis of the HSCA that "the mob did it" could not hold up. Now we see the FOIA suit by Jeff starting to bear fruit (let's hope) and national coverage for the Joannides issue.

So "the next Sylvia Meagher" putting together a chronology of the disclosures, while a massive task, could also inherently lead to a clearer understanding for the general public of the peeling away of the layers. I do understand that the MFF and Rex Bradford's work stands as a sort of index of the documents *per se*, in a way. But a concise, boiled down index as a graduate thesis or mentored by one of the Rational Caucus members, maybe using the MFF as the foundation, might spawn some insights.

2) My view of the coverage of the anniversary showed several related aspects. There is definitely the same encrusted stratification of "accepted wisdom" evident in the main stream media. The NY Times coverage, for example, never showed any substantive acknowledgment of the failures of the Fourth Estate. The same propagandistic elements re-emerged about the Castro-did-it red herring. The Obama administration, as far as I'm aware, never offered any assistance in freeing-up documents. The same old "Where Were You When JFK Died" human interest angle was exploited repeatedly. However, amidst all this, there did appear some cracks. The Shenon book offered a MSM look at the defects of the Warren Commission's investigation, albeit without much insight into the great deal that has been learned since. Fox news broadcast its own special, during which they interviewed Bill O'Reilly for his opinions, and concluded that there were two gunmen, the other being on the roof of the Dallas Records building (if I recall correctly).

From my view, there appeared to be a slightly greater willingness to acknowledge that LHO may not have acted alone. This was usually quickly followed by assertions that Oswald surely killed JFK and exclamations that "we may never know the whole truth" and "maybe it was better the way it was handled." I don't subscribe to either of the latter two points. Perhaps the next fallback cover-up will be that the wisdom of the gray haired men helped avert a nuclear holocaust in the face of ambiguous evidence of Castro-Moscow involvement. I'm wondering if Caro's next volume will take that approach, that is, if he isn't completely consumed by the Vietnam War issue.

Patrick

From: Jerry Policoff [mailto:jpolicoff@comcast.net]
Sent: Wednesday, December 18, 2013 9:54 PM
To: patrick@mccarthy.com; 'David Kaiser'
Cc: ...
Subject: RE: Oswald's Interrogation

I would also recommend Sylvia Meagher's 1971 article in the Texas Observer: "The Curious Testimony of Mr. Givens."

<http://22november1963.org.uk/meagher-the-curious-testimony-of-mr-givens>

The evidence is pretty overwhelming that Oswald was downstairs where several people saw him. Jack Reville and David Belin had to resort to suborning the perjury of Charles Givens in order to put Oswald on the sixth floor. Even if you buy the lone assassin on the sixth floor scenario (which I do not) it would have to be a different lone assassin if Oswald was not on the sixth floor. I admit I have not yet read "The Girl on the Staircase," but people I respect tell me it strongly cements the case Sylvia Meagher made in that article 42 years ago. Earl Golz's discovery of inmates across the plaza in the county jail who observed two people in that window when Oswald was downstairs is also problematic for the "Oswald did it alone" theorists. I know there are those on this list who claim the Bronson film does not show the same thing, and that the HSCA photo panel was simply wrong when they suggested it did, but Earl Golz screened that film for me in my Manhattan apartment the night before revealing it to the world in a Washington, D.C. press conference, and it sure looked like people moving around up there to me. ✓

And then there is this. I don't know for sure what is those boxes, but I am guessing it is books, and books are usually pretty heavy. It looks to me like there are at least 40 cartons in this photo of the "sniper's nest, almost all neatly and symmetrically stacked. Are we really supposed to believe Oswald or any one person was able to do all that stacking of full book cartons in 10 to 15 minutes all by himself? 7

[photo omitted]

Sorry, but if I have to choose between Charles Givens' perjured testimony and the mountain of evidence that suggests otherwise I think I'll go with Oswald as a "patsy" who was not where he would have had to have been if he had fired a shot.

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From: Patrick McCarthy [mailto:patrick@mccarthylaw.us]
Sent: Wednesday, December 18, 2013 2:17 PM
To: 'David Kaiser'
Cc: ...
Subject: Oswald's Interrogation

Yes, the use of a rifle from a distance immediately changes the scenario. Booth, Charles Guiteau, Leon Czolgosz, Bremmer, Sirhan – except Dallas, all point blank. Hence the importance of marshaling appropriate admissible evidence in the case against Oswald, evaluating it as objectively as reasonable possible, and limiting opinions and conclusions to what is more likely or probable (as opposed to "possible"). This is a task that has been miserably failed. The case against Oswald is drastically flawed. I saw a

video of Tannenbaum in Pittsburgh on BOOK TV where he said essentially the same thing. I agree with him, and he was a NY City homicide prosecutor.

I am not one who accepts the generalization that since all criminal prosecutions have anomalies and unexplained idiosyncrasies, the case against Oswald is no exception, and that, therefore, inconsistencies in the evidence against Oswald can be dismissed as trivial loose ends.

The case against Oswald is riddled throughout with substantive, material problems at virtually every stage from the beginning of the shooting. For example:

- The configuration of the “sniper’s nest”;
- The brown paper bag that allegedly held the disassembled weapon when it was brought to the TSBD that day; the fact that it was not photographed *in situ*, the absence of oil traces from the Mannlicher-Carcano (M-C), or other evidence (e.g., crease marks) showing its association with the alleged murder weapon;
- The M-C shell casings (e.g., CE 543, the shell with the dent in its lip; notwithstanding the HSCA panel’s finding that it could have been caused during ejection, the testimony of Joseph Nicol, which ignores the dent, has its own difficulties with this exhibit.);
- The timing of the shots (disputed by official findings as well as by other responsible commentary);
- The ballistics and the medical forensic evidence in JFK’s autopsy and the wounding of Gov. Connally;
- The chain of evidence between the “stretcher bullet” and CE 399;
- The timing and conduct during the confrontation between Oswald and Officer Baker witnessed by Roy Truly inside the TSBD;
- The timing of the Tippit murder (e.g., in relation to Oswald’s presence at his rooming house);
- The ballistics of the Tippit murder (e.g., shell casings vs. recovered slugs); and
- The line-ups at Dallas Police headquarters (e.g., Brennan, Markham).

Rather than there being minor inconsistencies in the case against Oswald such as one might find in any typical criminal prosecution, the case is fraught with multiple problems on substantive issues. Even setting aside the difficulties with the palm print on the M-C barrel, we might add another example of a significant problem with the case against Oswald: the paraffin test (indicating negative findings as to whether Oswald fired the M-C that day; cheek residue).

The above list of issues does not include other major issues that complicate the resolution of the facts surrounding the JFK case, such as the supposed lack of official interest in Oswald after he returned from the Soviet Union (thoroughly debunked by Newman, Morley), and Jack Ruby’s organized crime associations (conclusively established by the HSCA report, and as described by Blakey & Billings’ book). I understand that you are of a mind that Oswald shot JFK with that rifle, etc., and that Prof. Blakey is of the same view. Generally, on the other issues covered in *American Tragedy* and *The Road to Dallas*, I am not only in agreement with you but have recommended your books many times. However, about the case against Oswald I differ.

There is a serious issue about the preservation of the records of the interrogations. The Warren Report essentially said something along the lines of “no records were kept.” Later, I believe, Fritz’s notes surfaced. This is a much more serious issue than has been generally acknowledged. Which has it been: destruction of evidence, obstruction of justice? Zero interest on the part of the authorities.

I say all of the above being well familiar with the contrary arguments. These are