

In the Matter of Charles Douglas Givens

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Charles Douglas Givens was a fellow-employee of Lee Harvey Oswald at the Texas School Book Depository in Dallas on the day of the assassination of President John F. Kennedy. Givens was a witness who incriminated Oswald in testimony before the Warren Commission, with a story that he had seen and spoken to Oswald about a half-hour before the shooting and that Oswald was then in the vicinity of the sixth-floor corner window from which the shots supposedly were fired. In Accessories After the Fact (Bobbs-Merrill, New York, 1967), I suggested that Givens' testimony as set forth in the Warren Report (pages 143, 250 and 644) had logical and logistical defects which smacked of perjury and collusion.

Recently, in documents obtained from the National Archives, the grounds for concluding that Givens' testimony was characterized by perjury, and by collusion on the part of two or more lawyers on the staff of the Warren Commission as well as by others, have been amplified and strengthened. These documents reveal that Charles Douglas Givens said repeatedly, on the day of the assassination and in subsequent interviews up to and including February 13, 1964, that he had left the sixth floor together with other members of the crew between 11:30 and 11:50 a.m. on the day of the assassination, at which time Oswald had "yelled to him to close the gates on the elevator so Lee (Oswald) could have the elevator return to the sixth floor" (Commission Document 735, page 297). In none of these interviews did Givens make any mention of forgetting his cigarettes, returning to the sixth floor, or seeing Oswald there near the southeast corner window--the version that appears in the Warren Report and which is cited therein as incriminatory of Oswald. On the contrary, Givens told the FBI on the day of the assassination that he had observed Oswald reading a newspaper in the domino room on the first floor of the Book Depository at about 11:50 a.m. (CD 5, page 329). Both Eddie Piper and William Shelley, employees of the Book Depository, also testified that Oswald was present on the first floor at 11:50 a.m. and at noon.

Although Givens had told FBI special agents W. H. Griffen and B. D. Odum on November 22, 1963, that he had seen Oswald on the first floor reading a newspaper at 11:50 a.m. (CD 5 page 329), the FBI Summary Report of December 9, 1963 said merely: "Between 11:30 and 12:00 noon, Oswald was observed on the fifth floor

by three employees. During this period, he requested one of the employees, Charles D. Givens, who was descending in the elevator, to close the elevator gates when he got off so he, Oswald, could summon the elevator to the sixth floor" (CD 1 page 6). (Note the ambiguous reference to summoning the elevator to the sixth floor. The aggregate testimony on this point makes it clear that Oswald wished to enter the elevator and to descend with the others to the first floor; when they refused to stop for him, he asked to have the door shut so that he could summon the elevator back and descend.)

The FBI Summary Report omitted any mention of the fact that Givens and two other employees had seen Oswald on the first floor at 11:50 a.m. and at 12:00 noon.

In his several interviews between November 22, 1963 and February 1964, Givens had made contradictory statements about the time at which he and other employees had left the sixth floor (where they were laying new floorboards) in two elevators, racing each other to the first floor. At times he gave the hour as 11:35 a.m. and at other times as about 11:45 a.m. This occasioned an expression of concern by assistant counsel Joseph Ball and David Belin in their "Report # 1" dated February 25, 1964 (pages 101, 105-107, and 110) summarizing for the benefit of J. Lee Rankin, chief counsel of the Warren Commission, the known evidence. But Ball and Belin reflected clearly in this report that Givens saw Oswald on the upper floor before the two elevators raced each other to the first floor, that it was then that Oswald yelled to Givens to close the gates on the elevator, and that Givens later saw Oswald returning a newspaper to the domino room on the first floor at 11:50 a.m. There is no hint in the Ball/Belin report of Givens' having forgotten his cigarettes or returned to the sixth floor for them or having seen Oswald on that floor, as the Warren Report months later was to allege. The Ball/Belin report, like Givens' affidavit on the day of the assassination (CE 2003, page 27), says that Givens "took an elevator from the sixth floor to the first floor where he used the restroom at about 11:35-11:40 a.m. and that he then walked around on the first floor until noon, at which time he walked on to the sidewalk and then to the parking lot at Elm and Record" (Ball/Belin Report # 1, pages 105-107).

In a further interview with the FBI on March 18, 1964, Givens in describing his whereabouts at the time of the shooting again made no mention of forgotten cigarettes, a return to the sixth floor, or an encounter there with Oswald (CE 1381, page 36).

Only on April 8, 1964, when his deposition was taken by David W. Belin at Dallas, did Givens for the first time present the story of the forgotten cigarettes and the encounter with Oswald on the sixth floor at 11:55 a.m. (6H 345-356).

Belin, as co-author of the report of February 25, 1964, knew very well that the testimony he heard from Givens on April 8, 1964 was fundamentally different from Givens' earlier affidavit and FBI interviews. Givens' original story in no way incriminated Oswald but, on the contrary, placed him on the first floor--as did two other witnesses--30 to 40 minutes before the shooting. Givens' April 1964 testimony placed Oswald on the sixth floor, in the vicinity of the guilty window, and was the only eyewitness testimony which placed Oswald there on the basis of unassailable identification at any time after 11:45-11:50 a.m.

David Belin elicited this suspect story from Givens without once challenging him with his original, wholly different account of his movements. Yet he did betray his full recollection and full understanding of the original story, and his appreciation of the significance of the new version, by asking Givens, "Did you ever tell anyone that you saw Lee Oswald reading a newspaper in the domino room around 11:50, 10 minutes to 12 on that morning...?" to which Givens replied blandly, "No, sir." (6H 354).

I maintain that Belin thereby betrayed his collusion in the authentication of a perjured testimony, in which he knowingly conspired with Givens and others to write a false record which would deprive the so-called lone assassin of helpful evidence and tend to incriminate him. The others must include Belin's co-author of the "Report #1", Joseph Ball, and the man to whom that report was directed, J. Lee Rankin.

The Warren Commission, which must take responsibility for its Report and for the conduct of its legal staff, is also culpable in this clear case of perjury and subornation of perjury and collusion to incriminate the murdered Oswald.

Why did Charles Givens suddenly in April 1964 produce a wholly new story which is absolutely irreconcilable with his affidavit and interview of November 22, 1963 and subsequent statements in December 1963 and March 1964? The answer may lie in an interview of Dallas Police Lieutenant Jack Revill by FBI special agent Robert P. Gemberling on February 13, 1964 (CD 735, page 296). The report of that interview contains the following sentence:

"Lieutenant Revill stated that Givens had been previously handled by the Special Service Bureau on a marijuana charge and he believes that Givens would change his story for money."

Messrs. Belin, Ball, Rankin and Givens are hereby invited and urged to file immediate suit for libel and defamation of character, so that they will refute--if refute they can--the charges made against them in these pages.