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Title: Notes For A New Investigation

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1 CALL THE IMPORTANT WITNESSES NOT HEARD BY THE COMMISSION

Oswald's Activities

5 Pierce Allman, television newsman: Oswald had said that someone had approached him outside the Depository after the shooting and had asked to be directed to the nearest phone. Oswald's account corresponds with the actual experience of Pierce Allman, and this conflicts with the Commission's reconstruction of Oswald's "escape."

l.c.?

10 Mary Dowling, waitress at Dobbs House: She told the F.B.I. that Oswald and Tippit were in the restaurant at the same time, two days before the assassination, and that Tippit especially noticed Oswald when he complained about his food. The Warren Report says that the two men were not acquainted and had never even seen one another.

15 John Rene Heindel, ex-Marine acquaintance of Oswald's: Heindel was known by the nickname "Hindell," to Oswald and to other Marines. The Warren Report says that there is no real "Hindell" and that it was only an alias invented by Oswald for his own purposes.

20 Alonzo Hudkins, reporter for The Houston Post: He gave the Secret Service information suggesting that Oswald was being paid \$200 a month by the F.B.I. as an informant holding assigned number "S172."

Milton Jones, bus passenger: He told the F.B.I. that Dallas policemen had boarded the bus and searched the passengers just after Oswald had debarked, which was before anyone noticed Oswald's absence from the Depository.

25 Sandra Styles, Depository office employee: With Victoria Adams, she

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1 ran down the back stairs of the Depository immediately after shots
were fired but did not encounter Oswald -- supposedly running down at that
time -- nor Roy Truly and policeman M.L. Baker, supposedly running up.

5 The Shots and Related Circumstances

James Chaney, motorcycle policeman: He rode in the motorcade and
reportedly saw Governor Connally hit by a separate bullet after the
President was first shot. This conflicts with the ~~C~~ommission's single-
bullet theory.

10 Julia Mercer: About 75 minutes before the assassination, while
driving toward the triple underpass, she saw a man walk up the grassy
knoll carrying what appeared to be a rifle case.

Approximately 196 people known to have witnessed the assassination
at the scene who were never questioned by the ~~C~~ommission. (Named in
15 ~~A~~ppendix to Mark Lane's Rush to Judgment.)

The Tippit Shooting

20 There is considerable confusion and contradiction about the time
that Tippit was shot, the description of the killer, the movements of
the suspect, and the actions of the eyewitnesses. The following
people could have given important information.

T.F. Bowley, the only witness at the Tippit scene who looked at
his watch to check the time when he saw Tippit's body. Bowley said in
an affidavit taken by the Dallas police that Tippit was already dead at
25 1:10 p.m., while the ~~C~~ommission says that he was shot at 1:15 p.m. If

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1 Bowley was correct about the time, Oswald could not have walked from his
rooming house to East 10th Street in time to kill Tippit.

Radio-car patrolman R.C. Nelson: Tippit drove to central Oak Cliff,
supposedly on a simultaneous instruction to him and Nelson. But Nelson
5 went to the Depository, casting doubt on whether either of them was
really ordered to Oak Cliff.

Radio-car patrolman H.W. Summers: He obtained a description of the
Tippit suspect from an unknown bystander -- who said that the suspect
had "black wavy hair," was 5' 11" tall, and carried a .32 automatic pistol.

10 Marie Tippit, widow of J.D. Tippit: She probably saw her husband
about an hour before he was killed, when he came home for lunch. Also,
she could have given information on such things as their unlisted phone
and Tippit's "work at home" in the evenings.

Frank Wright and his wife: They lived across the street half a block
15 from the spot where Tippit was killed. Mr. Wright heard the shots, saw
a man standing right at Tippit's car who "ran as fast as he could go,"
got into a small old grey 1950-1951 coupe, and "drove away as quick as
you could see." Mrs. Wright phoned the police to report the shooting;
it was her call that resulted in the dispatch of the ambulance.

20 Ambulance drivers Clayton Butler and Eddie Kinsley were never
questioned either.

Oswald's Arrest

25 There are many unanswered questions as to who pointed Oswald out to
the police, who drew a gun, whether Oswald tried to shoot an officer, and

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1 what was said by whom^e. The following witnesses present at the theatre might have thrown light on those matters:

Bob Apple, insurance investigator. ↩

↪ Detective Paul Bentley: He found a forged "Hidell" card on Oswald.

5 Bob Barrett, F.B.I. agent. Jim Ewell, reporter.

Detective E.E. Taylor: He stayed behind at the theatre after the arrest to make a list of the names and addresses of the patrons. The list is not among the Commission's exhibits.

Police officers Baggett, Buhk, Cunningham, Lyon, Stringer, and Toney.

10 Oswald's Interrogation

Although Dallas Police Captin^a Fritz "kept no notes" or transcript of the interrogation of Oswald, and the reports submitted by Fritz and Federal agents (primarily from memory) were incomplete and in some vital respects contradictory -- e.g., Oswald's trip to Mexico, where he was at the time of the shooting, and his "Hidell" alias -- the following persons present were not asked to submit reports or to testify: Jim Allen, former Assistant District Attorney; Secret Service agents Grant, Howard, Kunkel, Patterson, and Warner; F.B.I. agent Joe Myers; U.S. Marshall Robert Nash; Chuck Webster, Professor of Law.

20 The Walker Shooting

In addition to the Kennedy-Tippit killings, the Warren Commission also "convicted" Oswald of attempting to murder General Edwin A. Walker in April^e 1963. But they neglected to take testimony from:

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1 Walter Kirk Coleman, a teen-age neighbor of General Walker, who saw two men flee the scene by car after the shot was heard. Oswald could not drive, and the ~~X~~report said he was alone.

5 Detective Ira Van Cleave, who participated in the original investigation of the Walker shooting and who told the press at that time that the bullet had been "identified as a 30.06," which rules out Oswald's Carcano rifle.

The Autopsy

10 In view of the conflicting descriptions of the wound in the President's back by the F.B.I. and the autopsy surgeons, witnesses who saw the body could have given crucial information.

15 Admiral George Burkley, ~~X~~Presidential physician: He was in the motorcade, then at Parkland Hospital, and later at the autopsy, and he received the autopsy report submitted by the pathologists.

Francis X. O'Neill, Jr., F.B.I. agent: He was present throughout the autopsy and his description of the wound in the President's back conflicts with the official autopsy report.

James W. Sibert, F.B.I. agent: Same as O'Neill above.

20 John T. Stringer, Jr., medical photographer: He photographed the President's body.

Fourteen other ~~X~~Armed ~~X~~Forces or ~~X~~Federal officials named in the F.B.I. ~~X~~Report, and four funeral-home workers who prepared the body for burial.

25 The Stretcher-~~C~~Bullet

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1 March, 1964.

Ray Rushing, evangelist: He attempted to see Oswald on Sunday morning and says that he rode up in the police elevator with Jack Ruby at ^{4:30} ~~nine-thirty~~ a.m. when, according to the ~~Commission~~, Ruby was at home.

5 Names Unknown

About ten or more witnesses present at the Texas Theatre when Oswald was arrested, named on a list compiled by detective E.E. Taylor.

10 Caterer at the Depository, who sold lunches to employees and might have sold lunch to Oswald on the day of the assassination or on other occasions.

"No. 279 (Unknown)" who, according to the Dallas Police radio log, actually found the jacket discarded near the Tippit scene, although ~~the~~ Warren Report credits Captain Westbrook with the discovery.

15 Post-office employees at the main office, where Oswald maintained P.O. Box 2915, who were not questioned about specific records or recollections of the delivery of packages addressed to "A. Hidell" containing the rifle and the revolver.

20 Inmates, County Jail, who were permitted to watch the motorcade from a window and may have observed significant happenings at the sixth-floor or other ~~Depository~~ windows.

25 Gunsmiths, Aberdeen Proving Grounds and Klein's Sporting Goods, Inc., concerning the opinion by the Aberdeen gunsmith that the scope on the assassination rifle "was installed as if for a left-handed man" (Oswald was right-handed).

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Witnesses We Could Have Done Without

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Mrs. Anne Boudreaux knew a woman who had been Oswald's baby-sitter for two weeks when he was two-and-a-half years old, but never knew Oswald or his mother (four pages of testimony).

Mrs. Viola Peterman was a neighbor of Marguerite Oswald in 1941, when Lee was "a good little child" of two years, but she hadn't seen or heard from the Oswalds for ²³~~twenty-three~~ ⁷ years (seven pages).

10

Professor Revilo Pendleton Oliver called to discuss his article ³⁵~~thirty-five~~ "Marx-manship in Dallas," spent ~~thirty-five~~ pages proving he had no information to contribute to any aspect of the investigation.

RESTUDY THE EVIDENCE, STAGE NEW TESTS

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The Commission's failure to follow up leads, its dependence on unrealistic tests and its omission of vital evidence necessitate further research, such as:

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1. Tracing and examination of the unseen autopsy photographs and X-rays.

2. Rifle and marksmanship tests on the basis of a reenactment of the shots from the Depository, using dragged car and dummies, and riflemen whose capabilities correspond with Oswald's level of skill.

(The Warren Commission used experts.)

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3. Tracing of the rifle obtained by Robert Adrian Taylor (see above) to determine whether the weapon was ever in the possession of Oswald or persons associated with him.

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1 4. Tracing of laundry tag on the jacket discarded near the Tippit scene (number "B 9738") to determine whether Oswald or someone else had it cleaned.

5 5. Reenactment of Oswald's taxi ride, in a metered vehicle, to determine the actual time. In reenactments performed for the Warren Commission the estimate was progressively reduced from eleven to nine to six minutes.

10 6. Re-auditing of the police radio log to make an authoritative transcript which would resolve the conflicts among the three transcripts made for the Warren Commission.

 7. Auditing of tapes of statements to the press by Parkland Hospital doctors describing the President's wounds (tape of the first press conference is said to be "lost").

15 8. Tracing of Tippit's clipboard, never requested by the Warren Commission although it is visible in a photograph of his car before it was removed from the scene of the shooting.

20 9. Scrutiny of all test bullets fired in the wound-ballistics experiments with human cadavers, goats, and gelatin blocks (260 rounds of ammunition were obtained for use in those tests but only two of the test bullets are shown by the Warren Commission for comparison with the stretcher bullet).

25 10. Examination of all unpublished films and photographs of the assassination (i.e., the missing Zapruder frames; the Moorman photograph encompassing the Depository; the Betzner photos showing the fence area on the grassy knoll; the Robert Hughes film showing the sixth-

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1 floor window; the Ralph Simpson film).

11. Investigation of the repositioning and ultimate disappearance
of the Stemmons Freeway sign which obscured the President from Zapruder's
camera for some fifteen frames of the film -- of vital importance to the
5 "Traffic-Sign Theory."

12. Tests of authenticity of the palm print lifted from the rifle
barrel.

13. Examination of all withheld F.B.I. and Secret Service reports
of interviews with witnesses, including Parkland Hospital personnel
10 (some ³⁰ ~~thirty~~ interviews with the doctors and others, none of which is
published in the Exhibits).

14. Examination of all transcripts of off-the-record passages of
testimony.

15. Neutron activation analysis of the bullet fragment removed
15 from Governor Connally's wrist and also of the bullet found on the
stretcher (exhibit No. 399). This will determine once and for all
whether the stretcher bullet actually caused Connally's wounds (as the
Warren Reports says), and thus whether the single-bullet, lone-assassin
thesis ^{is} ~~is~~ tenable.
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Epilogue

A New Investigation

No attempt has been made in this study to deal comprehensively with every aspect of the Oswald case. Such a comprehensive, all-inclusive study would involve perhaps a second set of 26 volumes, which like the Hearings and Exhibits would be read only by a minute segment of the public. The author's purpose has been to reach as many people as possible with a message that has lost none of its urgency or importance during the years which have elapsed since the publication of the Warren Report. It is hoped that message has been made apparent by means of the comparisons presented in this study between the raw evidence and the misleading and sometimes spurious presentation of that evidence by the Warren Commission.

The discrepancies, distortions, and misrepresentations of crucial points of evidence are sufficient, even on a selective rather than a comprehensive basis, to condemn the Warren Report. The Commission has issued a false indictment. It has accused Lee Harvey Oswald, after first denying posthumous defense and then systematically manipulating the evidence to build the case against him. Even so, the Warren Commission's Report leaves the case against Oswald wide open.

I have pointed to Oswald's lack of motive for the crime of assassination. Indeed, the Commission was unable to suggest a motive and resorted to insinuation and assumptions of an arbitrary nature about the emotional and ideological tendencies of the accused. Those pronouncements have no verifiable foundations, issuing as they do from a Commission committed to a specific set of conclusions. Indeed, although the evidence showed that Oswald had no motive, no means (marksmanship of the highest order), and no opportunity (his presence on the second floor of the Book Depository little more than a minute after the

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shooting, which to the men who encountered him at that time eliminated him from suspicion, constitutes an alibi), there is no indication in the vast collection of documentation that the Commission at any time seriously considered the possibility that Oswald was not guilty, or that he had not acted alone.

Because of the nature of the investigation, it is probable that the assassins who shot down President John F. Kennedy have gone free, undetected. The Warren Report has served merely to delay their identification and the process of justice.

No more time need be devoted to denouncing those who are responsible for this frustration of justice. They have destroyed their own case, and conceivably their reputations. What must now be done is to set about finding the assassins. Such a new investigation, if it is undertaken, must be performed by a competent and impartial body, and in the light of the bitter lesson learned from the Warren Report, the new investigation must be in the framework of an adversary proceeding.

The new investigative body should first attack the evidence against Oswald presented in the Warren Report and the Hearings and Exhibits, and present an objective and scientific evaluation of that evidence so that the ambiguity about his role in the assassination will, if possible, be dispelled. The new body must also be given access to the suppressed documents of the Warren Commission. The 75-year time vault must be opened and its contents must be put before the new body—and, at the appropriate moment, before the public, *within* our lifetime. The leads and clues which were not followed up by the Warren Commission, or which were incompletely investigated, now must be pursued with vigor, by *independent investigators* and not by the governmental agencies compromised by their role in the protection of the murdered President.

A scrupulous and disinterested investigation—even now at this late stage and despite the death of several key witnesses during the past three years—must once and for all resolve the question of Oswald's guilt or innocence and establish whether or not he was even implicated in the crimes of which he stands accused and, for all purposes, convicted and punished. It must almost inevitably point also to the identity of those who are guilty of the assassination and the collateral murders.

In advocating a new investigation, I do not have in mind the inquiry in progress in New Orleans—even though it will not have escaped notice that District Attorney Jim Garrison of the Parish of Orleans, in accusing anti-Castro Cuban exiles and CIA agents of complicity in the assassination, has postulated a theory which has much in common with the hypothetical construct elaborated in Chapter 21 (pages 384-386).

Since February 1967, when it was first revealed that Mr. Garrison was conducting his own investigation of the assassination and that he considered the Warren Report to be mistaken, his activities and pronouncements have been much in the headlines. I must admit that at the beginning, Mr. Garrison's rhetoric was disarming—"Let justice be done, though the heavens fall,"¹ for

¹ CBS Television Network newscast, Channel 2, New York, February 18, 1967.

example, and "I have no reason to believe at this point that Lee Harvey Oswald killed anybody in Dallas that day."² For the first time, a public official armed with subpoena power and ready to use it had openly repudiated the conclusions of the Warren Commission and had pledged to expose the guilty parties and bring them to justice. At a preliminary court hearing in the arrest by District Attorney Garrison of an individual whom he charged with conspiring to assassinate President Kennedy, three presiding judges rejected a motion to admit the Warren Report into evidence, on the ground that it was a compound of hearsay and error.³

But as the Garrison investigation continued to unfold, it gave cause for increasingly serious misgivings about the validity of his evidence, the credibility of his witnesses, and the scrupulousness of his methods. The fact that many critics of the Warren Report have remained passionate advocates of the Garrison investigation, even condoning tactics which they might not condone on the part of others, is a matter for regret and disappointment. Nothing less than strict factual accuracy and absolute moral integrity must be deemed permissible, if justice is, indeed, to be served.

June 1967

² "Figure in Oswald Inquiry Is Dead in New Orleans," *The New York Times*, February 23, 1967, page 22, col. 5.

³ *The New York Times*, March 16, 1967, page 39, col. 2.

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