

Endorsed with  
letter of 6/6/67

AN ANALYSIS OF THE PROBLEMS INVOLVED  
IN NOT ACCEPTING THE WARREN REPORT.

INTRODUCTION

The following arguments are intended as a critical look at the implications of not accepting the version of the assassination as proposed by the Warren Commission. If the Warren Report is wrong, then some other set of facts is the case, and by making assumptions, (which are stated as such) one can postulate a variety of alternate versions of the assassination. It will be seen that it is not easy to construct a plausible alternate hypothesis. Some of the Warren Commission critics, it should be said, are critical of this procedure. Sylvia Meagher writes: "Such a process is hardly possible, because the evidence in the WR is highly unreliable, incomplete and dubious; much of the testimony lacks credibility or was carelessly and inadequately elicited; and a large body of unknown testimony is suppressed entirely." This leads onto the question of the official evidence.

THE OFFICIAL EVIDENCE

It is necessary to decide, in attempting a reconstruction, how much and precisely what, of the official evidence one accepts, and what one rejects. In particular one has to make some kind of a decision about the really crucial evidence relating to Oswald's gun. Most of the evidence indicative of Oswald's guilt relates to his rifle. What is this evidence?

EVIDENCE OF OSWALD'S GUILT

1. The Dallas police claimed that the gun Oswald ordered from Klein's Sporting goods store in Chicago was found in the TSBD after the assassination.
2. The FBI claimed that CE 999 and the 2 larger bullet fragments recovered from the front seat of the limousine were fired from Oswald's Carcano. Also the 3 shells.
3. Oswald was in the TSBD at the time of the shooting, as he admitted. Also, he had no alibi, unless one accepts that he is the person in the doorway in the Altgens photo; however I think this unlikely because (a) he would probably have said he was in the doorway, and (b) someone would probably have seen him there and said so.
4. Oswald left the TSBD by bus and then by taxi. Considering Oswald told SS inspector Thomas Kelley that this was the first time he had ever ridden in a cab, this actually suggests a rendezvous.
5. Oswald returned home to Irving the night before the assassination, which was a departure from his regular schedule, and told Wesley Frazier that he did so to get curtain rods, whereas he did not need curtain rods at his Beckley Street rooming house, according to the testimony of Mrs A.C. Johnson.
6. Both Linnie Mae Randle and Wesley Frazier say that Oswald carried a paper bag to work on the morning of the assassination.
7. Eyewitness testimony of Howard Leslie Brennan.
8. Paper bag found on 6th floor of the TSBD.

TO WHAT EXTENT DOES ONE HAVE TO ACCEPT THIS EVIDENCE?

Considering each item in turn:

1. Oswald's Gun

Mark Lane has emphasised the testimony of Seymour Weitzman, who first found the gun on the 6th floor and described it as a Mauser. The implication of what he is saying is that Oswald's gun was at a later date substituted for this Mauser (presumably after the police had retrieved it from the Paine garage), and that therefore Oswald was framed - by the Dallas police. However, it must be remembered that there is a picture of Lieut. Day carrying what is recognisably a Carcano outside the TSBD within a half hour or so of the assassination. This is not necessarily Oswald's C2766 Carcano, but it is not a Mauser. This still leaves open the possibility that both a Mauser and a Carcano

were discovered in the TSBD. If this is the case, the fact that this was not reported is further evidence of conspiracy in the Dallas police Department. For the sake of further discussion I will assume at this point that Weitzman made an innocent mistake, and the gun he found really was Oswald's C2766 Carcano, ie. the gun Oswald ordered this gun. (I will consider later the question of whether he ever received it.)

#### CE 399; BULLET FRAGMENTS; 3 CARTRIDGE CASES

These items were all identified as having been fired from Oswald's gun, the identification being made by the FBI, as early as Nov 23 1963. (see vol 24 p.262-3). In the case of the cartridge cases and CE 399, I think we can assume they really were fired from Oswald's gun - though not necessarily at the time of the assassination. If we do not assume this, then they were fired from another gun, and what would be the point of planting evidence to incriminate Oswald which does not even incriminate him? In the case of the bullet fragments there is a further question: are they in sufficiently good condition to be identified as having been fired from any one gun to the exclusion of all others? These fragments are available for inspection at the Archives, and so I should imagine this question could be resolved by an independent ballistics expert. Sylvia Meagher objects to the validity of the bullet fragments on the grounds that they do not possess an authenticated chain of possession. This is tantamount to saying that they may not be genuine exhibits and one can discount them (a) if they are identifiable as having been fired from Oswald's gun, and (b) if one is prepared to accept a conspiracy within the FBI.

#### OSWALD'S PRESENCE IN THE TSBD AT THE TIME OF THE ASSASSINATION

Considering Oswald got his job at the TSBD before he could have known the President was going to be passing in front of it, he can hardly be incriminated on the grounds that he was in the building. This, on the other hand, cuts both ways because by the same token one can say that Oswald could not have been part of any conspiracy to assassinate the President before the motorcade route was announced. This difficulty can be got round, but only, it seems to me, by saying that there was a certain amount of luck involved, (Oswald didn't even have to leave his place of work to carry out his part of the plan.) Oswald said he was having lunch at the time of the assassination on the first floor of the TSBD (WR p.613) and I think this means it is unlikely he is the person in the doorway in the Altgens picture. Despite the contradiction inherent in the shirt in the picture, it seems very likely that Oswald would have said he was standing in the doorway at the time of the shots if he really had been. Admittedly this is not conclusive; we still don't know whether Billy Lovelady owned a shirt of the type shown in the Altgens picture. Clearly he is not wearing the shirt he said he was wearing, but maybe he had forgotten by the time his picture was taken by the FBI what shirt he was wearing. His picture was taken on Feb 29th 1964 by the FBI. (National Archives, CD 457).

#### OSWALD'S FLIGHT FROM THE TSBD

There does not seem to be anything in itself suspicious about this. Judging by the number of unidentified people in Dealey Plaza who apparently never came forward to give evidence, this would seem to be normal behaviour. Oswald was not the only one who left the TSBD, and Roy Truly's observation that he just happened to notice that Oswald was missing has always struck me as suspicious; nevertheless, what is odd is Oswald taking a taxi. This suggests more than that Oswald was the assassin: it suggests he was in a hurry to get somewhere, possibly for a rendezvous. Does one have to accept that Oswald left by taxi? He himself admitted it (WR p.621 and p.626) in the presence of members of the FBI, Secret Service, members of the Dallas police and U.S. Marshall Robert Nash. Also his story is corroborated by William Whaley.

#### OSWALD'S RETURN TO IRVING ON THURSDAY NIGHT

This departure from his normal routine definitely seems incriminating in view of the events the next day. To deny that he in fact returned that night one has to maintain that Wesley Frazier, Linnie Mae Randle, Ruth Paine and Marina all lied about it. If he also told Frazier that he did so to get curtain rods then this is even more incriminating

as it is difficult to see what Oswald wanted with curtain rods. Also if Oswald brought curtain rods into the TSBD they should have still been there after the assassination. Ruth Paine later testified that there were 2 spare curtain rods in her garage, but they were still there months later when Commission counsel took her testimony at her home. There is a possibility, however, that the curtain rod story was an invention of the Dallas police, which Frazier complied with. This is Frank Dugan's contention. (I have told Mark Lane about this.) One cannot deny that Oswald returned to Irving on the Thursday night. Why did he do so? To get the rifle? A part of the rifle, (the scope)? Just to see his wife? There is nothing conclusive here.

#### THE BROWN PAPER BAG OSWALD CARRIED

Both Randle and Frazier saw Oswald carrying a paper bag to work on the morning of the assassination. However both were positive that the bag they were later shown by the Warren Commission was longer than the one they saw Oswald carrying. Frazier was quite positive about this and said: "I told them [FBI] that was entirely too long." Nevertheless if we are to believe Frazier as to the length of the bag, then we must believe that Oswald carried a paper bag to work, which seems suggestive of some kind of complicity, even if the bag was not long enough to hold the rifle.

#### HOWARD LESLIE BRENNAN

Howard Brennan claims to have seen Oswald fire the last shot ~~and~~ at the motorcade and then "step back" from the window. However there are so many contradictions in his story (and I think the George Murray [NBC] incident is of particular interest) that I think Brennan's testimony can be reasonably rejected.

#### THE BROWN PAPER BAG FOUND ON 6th FLOOR OF TSBD

Unlike everything else found on the 6th floor, this bag was not photographed in position, or in any position in the TSBD. We have the testimony of Frazier and Randle mentioned above strongly suggesting the paper bag "found" on the 6th floor was not the same one Oswald carried. We know that Lt Day of the Dallas police obtained ~~the~~ sample paper from the 1st floor of the TSBD, (4H268) which is the paper CE 142 (the 6th floor bag) was made from; therefore if one wants to maintain that CE 142 was fabricated by the Dallas police, it is obvious how it could have been done. There is some fascinating testimony on this point which makes it seem quite possible this (CE 142) is not a genuine exhibit:

Belin: Was there any long sack laying in the floor there that you remember seeing..?  
Craig: No; I don't remember seeing any. [6H268]

Sergeant Hill: You were asking Officer Hicks if either ~~one~~ recalled seeing a sack, supposedly one that had been made by the suspect, in which he could have possibly carried the weapon into the Depository, and I at that time told you about the small sack that appeared to be a lunch sack, and that that was the only sack that I saw... [7H65]

I believe Sylvia Meagher has sent a chapter from her forthcoming book which covers this subject in detail. For the purposes of this argument, I think one can reject the paper bag found on the 6th floor as a piece of evidence incriminating Oswald.

#### CONCLUSIONS ABOUT THE EVIDENCE AGAINST OSWALD

That the gun Oswald ordered from Klein's and 3 cartridges fired from that gun (though not necessarily fired that day) were found on the 6th floor of the TSBD. That CE 399 and bullet fragments found in the limousine had been fired from the same gun. That Oswald returned to Irving on the night before the assassination, a departure from his normal routine, left the next day carrying a paper bag which was probably too small to hold even the disassembled rifle, was in the book Depository at the time of the assassination with no-one accompanying him at the time, and then left the building, travelling to Oak Cliff by taxi. (I am omitting here all references to the Tippit killing, which may have been done by Oswald, but doesn't necessarily link him to the assassination at all.)

#### IN HOW MANY WAYS CAN THIS EVIDENCE BE INTERPRETED?

The irreducible evidence pointing to Oswald as the assassin of President Kennedy can be interpreted in 3 broad ways:

1. Oswald assassinated Kennedy singlehanded. (Warren Commission conclusion.)
2. Oswald had accomplices who fired some or all of the shots.
3. Oswald did not assassinate Kennedy at all.

In this latter case, Oswald was framed, either:

(a) Without his knowledge or consent.

or (b) He co-operated in his own frame-up. [Popkin's theory]

3(b), that Oswald helped to frame himself amounts to the same thing as 2, that Oswald had accomplices, and therefore I will consider it at the same time as considering 2. The only difference is that it means his accomplices fired all the shots.

Summarising, if we reject the Warren Commission's interpretation of the evidence, one of these two must be the case: Oswald was part of a conspiracy which he knew about and co-operated in; or he was the "fall guy" of a conspiracy he did not know about. Let us consider this second option first:

#### WAS OSWALD FRAMED WITHOUT HIS KNOWLEDGE?

If Oswald was framed then one must accept that someone obtained Oswald's gun, at some stage took it into the TSBD, where he either fired it at the President, which would also explain the bullet fragments in the car, the cartridge cases on the floor; and, if one is prepared to accept the pristine bullet as a genuine exhibit, CE 399; or left it hidden on the 6th floor, and then fired with or without other assassins with other guns. In this case, both the bullet fragments and CE 399 become faked evidence, and also evidence which must have been faked by ~~members of the~~ Government employees, since they are the only ones who had access to the limousine where the fragments were found. This would mean that the whole frame-up of Oswald was done by Government agencies, including the removal of the gun from the Paine garage.

If Oswald's gun was fired at the limousine by those framing him then the conspiracy against Oswald does not necessarily assume Governmental proportions because all the evidence could be genuine except Oswald did not pull the trigger. If one objects to CE 399 one can still say it was planted at Parkland, having been previously obtained by firing his gun into a soft substance, by any ordinary citizen, eg. Jack Ruby.

What are the difficulties in accepting such a conspiracy? Both the above described variants, which have in common that Oswald was unwittingly the fall guy, have to explain why Oswald so conveniently: 1. Returned to Irving the night before. 2. Came to work carrying a paper bag. 3. Left the scene hurriedly in a taxi, and went to his room where he armed himself with a pistol. They also have to explain how they got hold of Oswald's gun. This raises the whole question of the whereabouts, and access to the Carcano rifle, which I will now discuss.

#### WHERE WAS THE CARCANO PRIOR TO THE ASSASSINATION?

It is not disputed by the Warren Commission critics that Oswald ordered a 6.5 Mannlicher Carcano. His handwritten order for it was located by the FBI on the night of Nov 22-23 (between 10pm and 4 am) in the records of Klein's Sporting Goods Co. in Chicago. As Liebler has pointed out [Capitol Records: 'The Controversy'], this order was located in the middle of a long strip of microfilm which it would have been impossible to fake in that short time. The rifle was shipped to A.Hidell, P.O.Box 2915, Dallas, Tex. on March 20th 1963, and that P.O.Box was rented to "Lee H. Oswald" from Oct '62 to May 14 '63.

Mark Lane questions whether Oswald ever received this gun on the grounds that a package being sent to A.Hidell would not be delivered to Oswald's box unless part 3 of Oswald's application form so authorised. Lane points out that part 3 has been destroyed, and destroyed contrary to Post Office regulations. There are many problems here, however. If the gun was not delivered for reasons of adherence to postal regulations, it would presumably have been returned as being wrongly addressed to Klein's. There is no record of this, at Klein's. Also, presumably Oswald wanted the gun he had ordered, and one

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imagines he would have sooner or later written to Klein's about it. If someone else took delivery of the Carcano, and Oswald knew about this, then we are discussing a conspiracy which Oswald is involved in, and not one in which he is framed.

Sylvia Meagher suggests that Oswald may not have received the gun on the grounds that no-one except Marina ever saw it. Jeanne DeMohrenschildt also saw it, when she came to see the Oswalds (Easter 1963) with her husband George. However the circumstances of that meeting as recalled by Marina are such that one might even be inclined to regard George DeMohrenschildt as an accomplice of Oswald. As Marina recalls it, George DeM said "How did you miss?" (referring to the Walker shooting) as soon as he came in the door, and before he could have even known Oswald had a gun. According to the DeMohrenschildts, he said it after Marina had shown Jeanne the apartment, in the course of which she says she saw the gun and commented on it to George. Marina does not remember this however: "I do not know about this. It is possible that I have shown the gun to them." [5H619]

The claim by Mark Lane and others that the Neely St photograph of Oswald holding rifle in one hand and the 'Militant' in the other was a fake added fuel to the contention that Oswald never had the rifle and was being framed. However Lawrence Schiller recently performed a reconstruction of this photo, by taking it at the same place at the same time of year, which I find convincing. The shadows fall exactly as they do on Oswald's face. Of course, this does not prove that the original photo was genuine, but it leaves us with no reason to suppose it is not.

Finally, Oswald's palm print discovered on a portion of the rifle only exposed when dis-assembled is fairly convincing evidence that Oswald did have possession of the gun. Mark Lane makes some convincing criticisms of the genuineness of this latent palm print, primarily on the grounds that (a) Lt. Day failed to photograph this print before he lifted which he did do in the case of the useless trigger guard smudges, and (b) the FBI expert, Labona, did not know of the existence of this lifted print until Nov 29th 1963. However Lane does not point out that the lifted print contained lines on it which corresponded to lines on the rifle barrel, which could probably have only been fraudulently obtained by getting Oswald to press his palm onto the rifle in the police station, a request with which he is unlikely to have complied.

At any rate, if the print is accepted as genuine (and if it is not then one has to accept that there was a conspiracy in the Dallas police), it only establishes that Oswald handled the rifle at some stage, not necessarily on Nov.22 1963, nor does it entail his having fired it.

Additional, though indirect evidence that Oswald had the rifle in his possession is provided by Michael Paine, who periodically moved the blanket containing it, in his garage. He described a heavy pipe-like object that he could feel inside the blanket. Ruth Paine remembers seeing the blanket, but did not handle it. He is not clear on the last occasion he saw this blanket and felt it, but at least remembers he did so in late September or early October 1963. Again, this is not clear, as it could be before Oswald returned from Mexico, or after.

It is not at all clear, incidentally, how the rifle ever got into the Paine garage. Oswald did not take it with him to Mexico as his luggage was too small for it. If the rifle really was in New Orleans, and Marina is the only person who saw it there, then Oswald must have taken it in one of his duffel bags, which were big enough to accommodate it. Presumably the rifle could have returned in the same duffel bag, and Oswald later transferred it to the blanket. This is contradicted by Marina who says [1H26] that the rifle was transported back in the blanket, which in turn is contradicted by her much earlier testimony to the FBI given on Dec 17th, in which she says "she does not know how the rifle was transported back to Dallas from New Orleans." [22H778]. This version is corroborated by Ruth Paine who says "I don't recall seeing the blanket either." [2H20] Other possibilities are: 1. That the rifle was never taken to N.O. at all. (Very unlikely, as there would be no motive for Marina inventing or being told to invent such a story. Also the very earliest interview with Marina, conducted by the Secret Service on Nov.24th 1963 [National Archives, CD 344], quotes her as saying that the rifle was in New Orleans, and that she last saw it about three weeks prior to the assassination in the Paine garage in the blanket.) 2. Another possibility is that someone else, - in a conspiracy with Oswald-

transported the rifle back to Dallas at some unknown date. On this hypothesis one could maintain that the rifle was never in the Paine garage at all. In order for this to be the case, one must assume that (a) Michael Paine either was lying, or what he felt inside the ~~rifle~~ was not the rifle; and (b) that Marina was lying.

Conclusions about the rifle:

It can be seen that the evidence as to the whereabouts of the rifle at any time between March 20th and Nov 22nd 1963 is meager and contradictory. We may conclude that Oswald had it in his possession in April, and most probably took it with him to New Orleans. During October it was allegedly seen by Marina in a blanket in the Paine garage, and in that period Michael Paine felt a hard object in the same blanket. However, the evidence as to how it got there is so contradictory, ~~that~~ and bearing in mind that Marina is the only one who claims to have seen it there, that I think one would be justified in claiming that no definite conclusions can be reached as to the whereabouts of the rifle prior to the assassination.

ACCESS TO THE PAINE GARAGE

Still postulating that Oswald was framed, the question of access to the Paine garage becomes important. It would have been necessary to have obtained his rifle, of course, in order to plant it and shell cases in the TSBD. Apparently the garage door was kept unlocked, but it might have been difficult to open the sliding door quietly enough not to have disturbed anyone.

IF OSWALD WAS FRAMED, HOW DID ANYONE KNOW WHERE HIS GUN WAS?

This is one of the most serious difficulties to any theory which maintains that Oswald was framed. Who knew that Oswald was living there? Ruth and Michael Paine. Marina Oswald, and FBI agent James P. Hosty. Some people working on this case, notably Vincent Salandria, view Michael Paine with considerable suspicion, and regard him as a likely CIA agent. I do not know that they have any evidence of this, other than the fact that he had a high security clearance at Bell Helicopter, which Salandria regards as surprising in view of the fact that Michael Paine's father, George Lyman Paine was an avowed Trotskyite, and took Michael to a "subversive meeting" when he was young. Michael, therefore, is a conceivable candidate for conspiracy, though I think unlikely. Wouldn't his background have precluded him from the CIA just as much as from security clearance at Bell Helicopter. Agent Hosty knew Oswald was there, but, in the record at any rate, there is no evidence that anyone in the FBI knew that Oswald owned a rifle at that stage. If they did know, then Oswald would probably have told them, in which case it begins to look more likely that he is wittingly a part of a conspiracy to frame him.

OSWALD PROBABLY WAS NOT UNKNOWINGLY FRAMED

The evidence presented so far makes it, to me, unlikely that Oswald was framed without his knowing about it. The evidence of the bullet fragments and CE 399 make it most likely that these items, if planted, must have been planted by Federal agents. If so, then presumably the gun was removed from Oswald's keeping also by Federal agents. In that case, it surely becomes more plausible to maintain that Oswald knew what was going on. This would explain his surprising sang-froid at the Dallas police station, and his exclaiming, "I was just the patsy." It would explain his departure from the scene of the crime by taxi.

OSWALD KNOWINGLY PART OF A CONSPIRACY

This is the only remaining alternative to the conclusion of the Warren Report, although it is an alternative which has many possible variants. The first question which emerges here is:

Was Oswald's gun fired at the motorcade?

If it was not, then the conspiracy of which Oswald was a part must have been one which included at least Federal agents, if not Federal agencies. If one is prepared to accept conspiracy at this kind of level, then all the facts unearthed by

such agencies are questionable, and one cannot pretend to know very much about what really happened, except to the extent that one has gone over the same ground again. Therefore, accepting such a conspiracy allows one to postulate almost anything; the difficulty is that with so little reliable evidence to go on, the truth becomes correspondingly harder to establish.

It is to be noted that no tests were conducted on Oswald's gun to establish whether it had been fired that day.

If it is ~~to~~ assumed that Oswald's gun was fired, then the conspiracy does not have to be nearly so large. The bullet fragments in the limousine really did come from Oswald's gun then, CE 399 remains mysterious which it does under any interpretation because of its condition, the cartridges on the 6th floor become genuine; the evidence given by the eyewitnesses who looked up at the TSBD becomes acceptable because if one accepts that Oswald's gun was fired, then one might as well accept that it was fired from the position in which the cartridge cases and gun were found.

#### IF OSWALD'S GUN WAS FIRED, DID OSWALD FIRE IT?

It is much more plausible to assume that Oswald fired his own gun at the motorcade than anyone else, given that Oswald was a part of a conspiracy. However this is not necessarily the case. It may be that the idea was to use Oswald's gun, with Oswald's compliance and co-operation in getting it into the building; this would immediately incriminate Oswald, who would presumably come up with an alibi at his trial, thus allowing the conspirators to escape. The only difficulty with this is that no alibi for Oswald is apparent. At his interrogation he said he was having lunch on the 1st floor, and did not seriously attempt to establish that anyone was with him. Even if we assume that he was withholding the truth until his trial, no-one subsequently came forward and said they were with him or saw him eating his lunch there. In the absence of any such alibi, it is difficult to see how Oswald could have imagined he would have been found innocent of the charge.

Sylvia Meagher maintains that Oswald's encounter with Truly and Baker on the 2nd floor "is tantamount to an alibi", because it would have been difficult for Oswald to get there in time if he had been on the 6th floor, but the problem with this is that we do not know exactly how long it took Baker to reach the front door of the TSBD after the last shot was fired.

With regard to the Altgens photo showing Oswald or Lovelady in the doorway, ~~that~~ Dick Sprague has now obtained 8x10 prints of 16 frames of film taken by NBC cameraman David Weigman, including two of the doorway, which, he says, "should prove one way or the other whether it is Oswald."

#### SUMMARISING SO FAR

Sofar I have argued that the most likely alternative to the conclusions of the Warren Commission is that Oswald was not framed but was part of a conspiracy, in which he played a conscious role. Also, unless one is prepared to accept a very high level conspiracy, it is most likely that Oswald's Carcano was fired at the motorcade and that Oswald fired it. The alternative is to say that the evidence which leads to this conclusion was planted, which in turn all but necessitates that it was planted by Federal agents.

#### AN OSWALD CONSPIRACY CONSIDERED IN RELATION TO HIS PAST

There are many difficulties inherent in postulating that Oswald was part of a conspiracy to assassinate the President. They may be considered under different headings:

##### 1. Oswald's character

This is perhaps the least serious of the difficulties, but nevertheless his attitude of arrogant superiority towards almost everyone he met, and his evident preference for acting and being alone, make it difficult to visualise him attending conspiratorial meetings. Also, apart from Dean Andrews' testimony, there is no evidence that Oswald was homosexual. He appears in fact to have been a considerable Puritan, not allowing Marina

to smoke in public. One can't help feeling people like Ferrie and Shaw would not have met with his approval. On the other hand Oswald evidently admired George DeMohrenschildt, a man of unconventional tastes, (though not apparently homosexual.) [The friendship between Oswald and DeMohrenschildt is, on the face of it, inexplicable. It has been suggested, by way of explanation, that DeMohrenschildt was working for the CIA and was Oswald's 'contact' in Dallas. According to Harold Weisberg, DeM has recently been admitting that he worked for the CIA. Another possibility which might be considered is that DeM. had taken a liking to Marina.]

## 2. Oswald's movements in New Orleans

~~OSWALD~~ Oswald arrived in New Orleans on April 25th 1963 and probably left on Sept. 25th 1963; thus he had 5 full months in the city. He was employed by William B. Reilly Co., from May 10 to July 19th 1963, which left him 2 months to engage full time in conspiratorial activity. Evidently he was working on the FPCC angle long before that however, as not only did he order leaflets on May 29th from the Jones printing Co., and "picket the fleet" at the Dumaine Street wharf in June, but also there is evidence that he was engaging in Cuban activity in Dallas before he came to New Orleans. [see CE 1409] (Query: what was the literature Oswald was passing out in Dallas? Where did he get it? See V.T. Lee exhibit No.1 [20H511], letter to V.T. Lee from Oswald dated April 19 1963.)

If a conspiracy to assassinate the President was developed in New Orleans - a conspiracy involving Oswald - where did the meetings occur. There is consistent evidence from Oswald's neighbours Eames, Garner and Rogers, that ~~very~~ few people visited 4907 Magazine Street. Mrs Garner, his landlady, remembers a middle aged couple visiting one weekend (the Murrets, presumably on the occasion of Oswald's visit to Mobile, July 27th, to address the Jesuit House of Studies on life in Russia), and a Cuban visiting once. She testifies that this man (Quiroga?) arrived with a stack of pamphlets similar to Oswald's FPCC literature. [10H269] Where did he get these pamphlets from?

Eric Rogers remembers the Cuban and also radio interviewers. [11H461]. Alexander Eames, then living at 4903 Magazine Street, said that Oswald "did not speak to him or to anyone else in the neighbourhood", and was "frequently reading on the porch". [National Archives, Commission Document 75, pp.95-96.]

Quite apart from the problems presented by Marina, then, it is apparent that Oswald's attentive neighbours would have noticed any meetings at his apartment. ~~W~~ Therefore it becomes reasonable to suppose that they were held elsewhere, and on this point, the Warren Report offers contrary evidence when it says that Oswald, after losing his job, "began to spend his days at home reading." [WR p.727]. The footnote in the Report is a reference to a Marina Oswald FBI interview (Nov.28th 1963) in which she states that "he sat around the house all day reading." [23H388]. As is always the case with Marina's statements, however, a contradictory statement can easily be found: "He was not at home during the day time, but he was at home most of the time in the evenings." [5H615].

There is, of course, no evidence in the material examined by the Warren Commission that Oswald attended meetings in New Orleans, but the evidence by no means precludes this possibility; on the other hand it makes it unlikely that any such meetings were held at Magazine Street.

## 3. Oswald on his return to Dallas

As exact details of Kennedy's visit to Dallas (eg. motorcade route) were not made public, nor in fact even decided upon by the Secret Service until long after Oswald left New Orleans, it is mandatory to argue that a New Orleans based conspiracy would have to have been in contact with Oswald some time between the announcement of the motorcade route, (speculative route published Nov 16th, definite route published Nov 19th, both in Dallas Times Herald) and the day of the assassination. Admittedly, very little is known of Oswald's activity outside working hours during the week prior to the assassination. He did not return home on the weekend before, though this was at the request of Marina.

~~Also~~

What is known of Oswald's movements while he was staying at 1026 N. Beckley does not suggest conspiratorial contacts. Mrs Johnson: "I just really never did see that man leave the room." [10H296] Also the housekeeper Earlene Roberts testified that on the weekend before the assassination "He didn't go nowhere." [6H437] Neither Mrs Roberts nor Mr and Mrs A.C. Johnson recall that he had any guests, and the only phone calls he made were local, and during the calls he spoke Russian. Against that it can be said that obviously Oswald could have slipped out without anyone seeing him go; Both Roberts and Johnson admitted that they did not know Oswald at all well, and finally Oswald did register in another name, O.H. Lee. [See Gladys Johnson exhibit A, 20H276]. Oswald later ~~disgr~~ denied this disguise and said that Mrs Johnson had written his name down wrong. Why would Oswald have wanted to use a disguised name?

One must conclude that if a second assassin was shooting with Oswald in Dealey Plaza a meeting of some kind involving Oswald took place in the week prior to the assassination. Also there does not appear to be any evidence presented before the Warren Commission that such a meeting occurred, although the available evidence does not preclude the possibility of such meeting.

#### A SECOND ASSASSIN IN DEALEY PLAZA

The most plausible alternative to the Warren Report is to say that a second assassin was firing at Kennedy at the same time as Oswald. What are the implications of this? It helps to clear up many of the difficulties such as: 1. The unlikelihood of Oswald being able to shoot so accurately. 2. The timing-of-the-shots-difficulty, as emphasised in 'Inquest', and in Gov. Connally's testimony. 3. Earwitness testimony as to the direction of the shots. 4. Kennedy's backward headmovement at frame 313 of the Zapruder film.

- However the hypothesis of a frontal assassin creates fresh problems, such as:
1. Where are the bullets or fragments identifiable as having come from another gun?
  2. The evidence of the wounds, assuming it is accurate, is not consistent with an assassin firing from the front. Admittedly, the large wound could have come from a bullet fired from the front, but if, as the autopsy claims, there is a small hole, (ie entry hole) in the back of JFK's head, this would indicate that the large wound in the forehead is an exit wound. Connally's wounds only seem to be consistent with a rear assassin. It is possible, as some claim, that Kennedy was hit twice in the head, from both front and rear, within a split second.
  3. If a second assassin was behind the picket fence on the grassy knoll, then it is surprising that no-one saw him. Admittedly the testimony of Lee Bowers and S.M. Holland does allude to activity in that area, but in view of the fact that a large crowd headed by policeman ran up the knoll within seconds of the shooting, one would expect there to have been ~~more~~ more conclusive evidence of a second assassin.

None of these objections to the presence of a second assassin seem to be fatal however, especially in view of the Government's refusal to reveal the autopsy photos and X-rays, and the general confusion surrounding the autopsy.

#### JACK RUBY

I would like to state again that I do not believe, on available evidence, that Ruby was a part of any conspiracy to eliminate Oswald. My reasons for thinking this are as follows: It is known that Ruby reached the basement a matter of seconds before Oswald appeared. This is known because of the time stamped on the Western Union money order he had just sent to Karen Bennett Carlin, the known time it takes to walk from there to the basement, and the fact that clocks were visible in film taken as Oswald was shot. One has to accept, therefore, an enormous coincidence in the timing of Ruby's arrival. The Warren Report, in its conclusions, implicitly accepts this coincidence. The only alternative seems to be conspiracy which involves not only Ruby but also the Dallas police.

According to press releases, Oswald was supposed to have been moved to the jail

at 10 A.M. The fact that Ruby didn't get there until 11.20 suggests that, if he was part of a conspiracy, he must have known that Oswald wouldn't be moved until he got there. Then, when Ruby finally arrived, according to this theory, a pre-arranged signal must have been sent (Ruby is here), and Oswald is then very speedily brought out. Sometimes the car horn heard just before the shot is cited as such a signal, but the trouble with that is that the horn is only seconds before the shot - much too late, as Oswald must have by then been well on his way.

Ruby can be seen as part of a conspiracy, but only by accepting the Dallas Police, or a few members of it, into the conspiracy. As 'Tink' Thompson pointed out, the Dallas Police Dept. is so "leaky" in its relations with the press that it is almost inconceivable that such a conspiracy could have so far escaped publicity. On the basis of evidence I have seen so far about the case, I am inclined to agree with that estimate.

I find the characterisation of Ruby in the two recent Esquire articles convincing, and it is difficult to conceive that Ruby would have been capable of keeping quiet about a conspiracy he had been involved in. He always wanted to be the center of attention and especially on his death bed, one feels, there could have been no possible reason for him not to talk about the conspiracy of which he had been a part.

#### CONCLUSION

The conclusion of this report is that the most plausible alternative to the Warren Report is that Oswald was an assassin but not the only assassin of JFK. A less likely variant of this is that someone else fired Oswald's Carcano from the TSBD, while Oswald permitted himself to be framed. Conspiracy theories which maintain that Oswald's gun was not fired at all imply that Oswald was unknowingly framed, and in view of the bullet fragment and CE 399 evidence, imply that he was framed by Federal agents.

The hypothesis of an assassin on the grassy knoll dissolves some difficulties but creates new ones, especially as to the whereabouts of ballistically different fragments. It may be that the grassy knoll assassin just hit Kennedy once in the right forehead, in which case, there might not be any identifiable fragments. Any other interpretation seems to imply a conspiracy in which Federal agencies have destroyed or substituted evidence.

Finally, it does not seem possible to maintain that Ruby was a part of a conspiracy without also admitting members of the Dallas police Department into that conspiracy.

T. Bethell,  
National Archives,  
Washington DC.,  
May 17th 1967