

The two articles which appeared in NEWSWEEK on December 5th, 1966, "JFK: THE DEATH AND THE DOUBTS" and "EYEWITNESS IN DALLAS" leave many many more questions than they resolve. Because the assassination of President Kennedy has become a matter of great public concern and of increasing national anxiety, it is important to challenge any and all articles on the subject which contain fallacious statements and which, intentionally or not, obfuscate the truth. For this reason, I would like to address myself to the first of the two articles, the one which begins on page 25, ("JFK: THE DEATH AND THE DOUBTS") and set the record straight on some of the more glaring inaccuracies inherent in certain paragraphs.

1. How can Governor Connally accept the verdict of the Warren Report "against Oswald alone" while, at the same time*, he admits that he has not read the Report (and, one must assume, the 26 volumes)?
2. We must agree with France's PARIS-MATCH that "no legal expert today would dare to affirm that Oswald would be judged guilty by a court". If Governor Connally had familiarized himself with the "conclusions" in the Warren Report and ~~in~~ ^{with} the 26 volumes, he would have discovered that those conclusions do not reflect the massive evidence in the volumes and, more importantly, that there is not sufficient, substantial proof of Oswald's guilt.

"Connally himself felt impelled to call a press conference to announce that his quarrel with the Warren commission was only on the single bullet theory.." the NEWSWEEK article relates. Although the word "only" makes the question appear inconsequential as to whether or not the President and the Governor were hit by one and the same bullet, such an implication is a serious distortion of the case in point. The question of the single bullet theory is, indeed, one of the most crucial in the entire Report. Despite the fact that Rep. Carl Albert recently stated, "I never did get excited about minor inconsistencies such as an extra bullet", some of the Warren Commission's most sophisticated and ardent defenders agree that the single-bullet theory is indispensable to the Commission's theory of a single assassin.

*Connally Press Conference, 11/23/66

Norman Redlich, special assistant to the Commission's general counsel, J. Lee Rankin, says, "To say that they were hit by separate bullets is synonymous with saying that there were two assassins".*1. Jacob Cohen, in a recent article, says, "...and all critics and most of the defenders of the Warren Report, including the present one, agree that the double-hit is indispensable to the Commission's theory of a single assassin". (FRONTIER magazine, Nov. '66 issue). Alexander Bickel says (COMMENTARY, Oct. '66, "The Failure of the Warren Report", p. 32) "If there were two shots within this time-span, there were two assassins. Hence it was entirely 'necessary' to the 'essential findings of the Commission' to determine just which shot hit Governor Connally; the Commission should have known that it was, and it is not easy to see how the three dissenters from the one-shot hypothesis could sign the Report".

3. Commissioners Russell, Cooper and Boggs "were unpersuaded, and tended to the view that two separate bullets had inflicted the President's first wound and the injuries to Governor Connally"*2. "Russell disagreed from the outset with the theory that the first bullet fired wounded Mr. Kennedy and then hit Connally. Russell said he agrees with Connally, a deer hunter, in rejecting the one-bullet theory." The senator publicly admits that he objected to signing his name to the Report. Had he been convinced that Oswald, alone, was the assassin - that no conspiracy existed - then he would have been in basic agreement with the Commission!

4. NEWSWEEK contends that "evidence" can be read or misread to suit a case. No one can reasonably dispute such a claim. By the same token, therefore, the Warren Commission, time and again, accepted that evidence before them which pointed to Oswald's alleged guilt and rejected the impressive amount of evidence which cast doubt on his guilt.

a) If the acknowledged unreliability of eyewitness testimony continues to bolster the case for the Warren Report defenders, then what is good for the goose... is also good for the critics. In all of the 26 volumes of testimony, there are no two more unreliable witnesses than Howard Leslie Brennan and Helen Louise Markham.

It was Brennan's description of a suspect which supposedly caused Officer Tippit to apprehend Oswald, although there was a 30 to 40 pound weight difference between the man

*1. INQUEST-E. J. Epstein, Bantam Books, N. Y. NY, Oct. 1966, p. 38

*2. COMMENTARY Magazine Oct. '66 "The Failure of the Warren Report" p. 32

Brennan thinks he saw in the 6th floor window and Oswald. (See Warren Report, p.144 and Commission Exhibit 657-A, Vol. XXVII, p.308).

Brennan was unable to identify Oswald as the figure in the window when he attended a police lineup that very day, despite the fact that he admitted having previously seen Oswald's face on television that afternoon.

Brennan gave the suspect's height as about 5'10"; the Commission says that the suspect was either sitting or kneeling. The Commission also tells us that the assassin had shielded himself so perfectly with book cartons that he "could scarcely be ^{noticed} ~~seen~~ from the outside". (WR, p8) Yet, Brennan is the only eyewitness the Commission gives credence to because Brennan is the only one who attempted to give a description of anyone in the window. Whether or not the description was valid and supportable appears to be of little consequence as long as it strengthened the Commission's case against Oswald. Ironically, however, Brennan's testimony turned out to be one of the most damaging ones for the Commission's premise, for it simply cannot be taken seriously.

As for Helen Louise Markham, the Commission's only eyewitness to the Tippit murder (although the record shows other witnesses who were not heard and whose versions differed from the Commission's - See C.E.#2003, p.202, & Policeman Kenneth Croy's testimony, Vol. XII, p.201), the Warren Report (p.168) "considers her testimony "reliable". Joseph Ball, the Commission lawyer who took Mrs. Markham's testimony, has publicly stated that he considers her "an utter screwball".* Mrs. Markham, in her sworn affidavit the day of the crime, fixes the time at 1:06 p.m., when she saw a young man approach Tippit's squad car (C.E.2003, p.215). According to the Warren Report, Oswald was standing at a bus stop, nearly a mile away at 1:05 p.m. (This timing coincides with T.F. Bowley, C.E.#2003, p.202, who saw the dead officer lying in the street and says, "I looked at my watch and it said 1:10 p.m.") If Mrs. Markham is a reliable witness, then Oswald couldn't have killed Officer Tippit. If she is not, then the Commission has misrepresented the facts

*Appearance of Joseph Ball at Beverly Hills High School. December 1964.

and Mrs. Markham's entire testimony becomes questionable.

Had the Commission been genuinely concerned about the validity of eyewitness testimony, whether it supported or refuted Oswald's guilt, then it would be difficult to imagine a greater distortion or a better example of "misreading" evidence to suit the case, as NEWSWEEK expresses it, than the eyewitness testimony emanating from the assassination site. Out of 121 witnesses at the scene who were questioned by the Commission and/or its agencies, 38 could offer no resolute opinion as to the source of the shots; 32 said they came from the Book Depository (less than 1/4); 51 said they came from the area of the grassy knoll. Among the latter were scores of police, sheriffs and Secret Service agents (many of whom are trained to detect the direction of shots). The Warren Report (p.71), with what passes for seeming objectivity, says, "...many people near the Depository believed that the shots came from the railroad bridge..or from the area to the west of the Depository". "Many people", however, turns out to represent the preponderance of the witnesses. Yet the Commission prefers to cast its lot with the minority, for the minority best reflects the Commission's premise.

5. As an example of how the "doubters" misread evidence, NEWSWEEK cites the autopsy sketch of Dr. Thornton Boswell. NEWSWEEK describes Dr. Boswell as being a member of "the best-qualified team of forensic medicine experts the U.S. Navy could muster". Thus, for Dr. Boswell to have made an error of more than 5 inches in the placement of a murdered President's wound staggers one's credulity. No human being is above making a careless mistake but, given the Doctor's expertise and the extraordinary situation of an assassinated Chief of State, one is hard pressed to find acceptance for such an error. Although both Dr. Boswell and NEWSWEEK hasten to reassure us that the marginal notes beside the drawing locate the wound precisely.."where the autopsy report says it was", two pertinent and disturbing factors appear to have been overlooked.

- a) a bullet hole which appears to be in the exact location of the "erroneous placement" of the wound drawn by Dr. Boswell exists in President Kennedy's coat jacket. Both the Warren Report and the FBI inform us that this hole

in the coat is $5 \frac{3}{8}$ inches from the top of the collar (WR,p.92). A corresponding hole exists in the President's shirt. Obviously, this is a discrepancy of major proportions. Wesley Liebeler, a Commission lawyer, has attempted to brush the dilemma aside by concluding that when President Kennedy was struck by that particular missile, his right arm was raised to wave to the crowds. In so doing, his coat jacket miraculously pushed itself up to his neck more than 5 inches.

A cursory glance at photographs of the President being driven down Elm Street immediately disprove any such claim. For, at no time, judging from the available photographs, is the President's ^{hand} raised higher than the level of his forehead and, at all times, his elbow appears to be resting on the side of the car. In addition, it seems doubtful if even Houdini could have managed to displace his coat jacket some 5 or more inches by raising his arm to the highest possible degree, while in a sitting position with the elbow resting by his side. All one need do is try!

b) the autopsy diagram with its "marginal notes beside the drawing" is unsigned. Thus, we have no way of knowing when they may have been written. If this denotes skepticism, so be it. Skepticism is the result of being confronted with an expert pathologist making ^{so gross} an error where the President's wound is concerned; with the lawyer's unsatisfactory explanation of the error, and with the unsigned document.

- .6 A new investigating body could accomplish infinitely more than "ponder and judge the same imperfect body of evidence". To begin with, there are countless, exceedingly important witnesses whose names appear throughout the testimonies and documents who were never called before the Commission. Secondly, the opportunity to subpoena other people who were involved in the events in one way or another must be made. Third, a new investigating body must conduct open hearings and must exercise the procedure of cross-examination. Then, there is the question of the tests which were conducted. The Commission says that tests were conducted under "similar circumstances". The evidence proves that they were

not:

- a) the rifle tests
- b) the timing of the suspect from the 6th floor window to the 2nd floor.
- c) the timing of the bus and cab rides Oswald allegedly took. (The Commission reduced the cab ride from 11 minutes, to 9 minutes, to 6 minutes. Comm. Ex.#2069 reveals the following information:"It should be noted that the traffic conditions at 1:00 & 1:30 PM, on November 22, 1963, cannot be duplicated, in view of the emergency situation which existed at those times on that date.")
- d) the timing for the excursion from 1026 N. Beckley to 10th & Patton

and innumerable other tests.

Additionally, there is important information to be examined concerning:

- 1) the Presidential automobile and why it was not preserved and put on display for the public to see. It belonged to the people of this nation. A newspaper article (copy enclosed) indicates that President Kennedy's Lincoln was not made over for President Johnson, despite rumors to the contrary. In any case, the fact remains that the assassination automobile no longer exists, in tact. Does this not constitute destruction of evidence?
- 2) the fact that Governor Connally's clothes had been laundered prior to being examined by the Commission. On whose orders and for what reasons was this done? Does this not constitute destruction of evidence, too?
- 3) the rumor that Lee Harvey Oswald was employed by a governmental agency at the time he was murdered. Congressman Gerald Ford, a member of the Warren Commission, devotes an entire chapter of his book, "Portrait of the Assassin" to a lengthy discussion of a secret meeting which took place on the night of January 24, 1964.

Attorney General Waggoner Carr of Texas and District Attorney Henry Wade of Dallas were summoned to Washington suddenly and clandestinely to meet with all of the members of the Warren Commission, "unknown to the press or public", to explore the rumor that Lee Harvey Oswald was a paid informer of the FBI, that he received regular payments of \$200.00

per month, starting in September of 1962 up until ^{his death in} November of 1963, and that his undercover agent's number was 179. The rumors developed from three separate news articles: one by Alonzo (Lonnie) Hudkins of the Houston Post, 1/1/64 one by Joe Goulden of the Philadelphia Inquirer, 12/8/63 one by Harold Feldman in The Nation, 1/27/64

One of the documents released by the National Archives* is a Secret Service interview with Hudkins dated 1/3/64, which reveals that Hudkins obtained his information from Allen Sweatt, Chief Criminal Division, Sheriff's Office, Dallas. The report says: "Chief Sweatt mentioned that it was his opinion that Lee Harvey Oswald was being paid \$200 a month by the FBI as an informant in connection with their subversive investigations. He furnished the alleged informant number assigned to Oswald by the FBI as 'S172'". (Although the encounter between Hudkins and Sweatt took place during the week-end of December 14-16, Joe Goulden obviously had had the information considerably earlier. His published article appeared in The Nation in their December 8th issue.) Further along in this document is a heading entitled "UN-DEVELOPED LEADS". The first sentence reads, "The Dallas office is requested to interview Chief Allen Sweatt..relative to the above". The closing sentence is, "It is requested that the Houston office be furnished a copy of the Dallas report to help in evaluating the information furnished by Hudkins". District Attorney Henry Wade claimed that he had originally been given this information by Ass't. District Attorney, William Alexander.

Mr. Ford goes into great detail, in his book, recalling exact exchanges of conversations between the Commission members and Messrs. Carr and Wade. The reader is impressed by the degree of dedication with which this serious question appears to be pursued; it would seem that no stone would be left unturned in their fervent commitment to explore this matter. With a mounting sense of reassurance, the reader comes to expect that, in the end, the rumor will have been thoroughly investigated and totally discredited. Incredible as it may be, however, nothing whatsoever is resolved, either at the end of Ford's chapter or in any succeeding chapter.

The rumor still stands. For, the central figures in this disquieting drama were never called to testify before the Commission!

Chief Allen Sweatt did not testify before the Commission.
 Alonzo Hudkins did not testify before the Commission.
 Joe Goulden did not testify before the Commission.
 Harold Feldman did not testify before the Commission.
 Ass't. District Attorney Wm. Alexander did not testify before
 the Commission.

~~For~~ If the above-mentioned gentlemen were the sources of this disturbing rumor, why were they not subpoenaed by the Warren Commission? Is it enough for both Mr. Dulles and Mr. Hoover to deny that Oswald was ever in their employ? Do the heads of governmental agencies concerned with security matters ever make such admissions? The Warren Report tells us that when Lee Oswald was 4 years old, he spent a weekend at a summer resort. It does not tell us whether or not, on the fateful day of November 22, 1963, he was a paid informant of the FBI, or any other governmental agency. A new investigating body would certainly "ponder and judge the same imperfect body of evidence" and come up with an answer. (See enclosed quotation from Walter Lippmann).

Time and space limitations prevent consideration of hundreds of other important areas which have never been properly investigated by the Warren Commission.

The defenders of the Warren Report and the Commission members themselves have challenged the critics with cries of "Let them name the assassins!", "Let them produce new evidence!". To name the assassins was the job assigned to the Warren Commission. Judging from the latest polls, which indicate that the majority of the American people are not satisfied with the Commission's conclusions, the Report has failed to convince them that Oswald was the lone assassin or that Oswald was, indeed, the assassin at all. To expect the critics, without the considerable assistance of powerful governmental agencies at their command, to uncover the assassins is a ~~practically~~ ^{virtual} impossibility. As for the critics' ability to produce new evidence, this is not beyond the realm of possibility for the future, especially if all the secret documents and photographic material in the National Archives ~~are~~ ^{are} released. The inescapable fact is, however, that there is more than enough presently-available evidence - even without access to the material in the Archives - to prove the fallacy of the Warren Report conclusions.

The fact that the White House and Capitol Hill do not seem disposed to the idea of a new investigation is hardly surprising nor is it even germane. Obviously, neither the White House nor Capitol Hill would willingly

or publicly admit that the members of the Commission, attached to the Supreme Court, the Senate and the Congress of the United States wrote an inconclusive document, let alone a fallacious one. It would be naïf to imagine that such an admission could be forthcoming.

A valid and conclusive investigation can be accomplished only when governmental reputations and "images" are not at stake, when the right to subpoena and cross-examine witnesses is fully enforced, and when secret testimonies and hearings are not tolerated.

It stretches the credulity of the American people and of the rest of the world for the Commission defenders to insist that "early FBI" reports were based on incomplete information". An FBI Supplemental Report, released by the National Archives and dated January 13th, 1964, contains information which convincingly disposes of such a claim. Judging by this document, the two FBI agents in question, Francis X. O'Neill, Jr. and James W. Sibert, they were present at the autopsy during the entire proceedings, with the exception of time out for a telephone call. The document which bears their names relates that it was "during the latter stages of the autopsy" that Dr. Humes pronounced that the pattern was clear: "one bullet had entered the President's back and had worked its way out of the body". Further confirmation of the two agents' presence throughout the last moments of the autopsy proceedings is contained in the very last paragraph of their report; they inform us that they carried certain bullet fragments by hand to the FBI laboratory "immediately following the autopsy". The indications are clear. Sibert and O'Neill remained for the completion of the autopsy and must have been present, therefore, when the pathologists made their final pronouncements. How, then, could their report be "based on incomplete information? Did the Bethesda doctors make other discoveries after the completion of the autopsy? How can Sibert and O'Neill's report be termed "early" when it is dated January 13, 1964, nearly two months after the autopsy was performed?

Ted Sorenson reasons incorrectly when he says that "people find it difficult to accept the incredible fact that President Kennedy... was killed by a lunatic who got lucky with a high-powered rifle". People would accept the fact, by now, had the Warren Report succeeded in proving

- a) that Oswald was a lunatic
- and
- b) that the "high-powered" rifle or Lee Oswald were capable of executing such a ~~XXXXXX~~ shot.

It is precisely because the Warren Commission failed to prove either of Mr. Sorenson's claims that the people find it difficult to accept such a premise.

Discrediting Mark Lane and ridiculing the critics and amateur researchers cannot salvage the Warren Report from its plunge to destruction. More and more concerned citizens are beginning the tortuous and time-consuming route of research and examination for themselves. They want to know what happened in Dallas on November 22, 1963, and they will not be dissuaded from their quest by outraged cries of indignation.

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