

How to Manufacture a "Lone Assassin"

New Information about a  
Witness for the Prosecution

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Charles Givens, a black man with a police record on a marijuana rap, was employed as a porter at the Texas School Book Depository in Dallas in November 1963. His testimony was materially helpful to the Warren Commission, which sought to establish Lee Harvey Oswald's presence at the "sniper's window" on the sixth floor near the time of the shooting that took John F. Kennedy from the White House to Arlington National Cemetery and eternal repose. An eyewitness to the tragedy, construction worker Howard Leslie Brennan, had claimed that Oswald was the man at the sixth floor window observed by him and by others at the arrival of the Presidential motorcade; but Brennan had compromised himself by an acknowledged falsehood to the Dallas police and his inconsistent testimony, by itself, was a weak prop for the Commission's theory. Charles Givens' sworn testimony that placed Oswald on the sixth floor near the sniper's window just before noon, when Givens returned there to retrieve his forgotten pack of cigarettes, was immensely helpful. The Warren Report gave prominence to his story.

In a book published in 1967\* I called attention to serious contradictions and discrepancies between Givens' story as it was set forth in the Warren Report, and the corresponding testimony and exhibits in the accompanying 26 volumes, which led me to conclude that Givens' testimony reeked of perjury and collusion. His brief conversation with Oswald on the sixth floor, as he recounted it, was logically inconsistent with an actual encounter ten minutes earlier. At about 11:45 a.m. a group of employees, and Givens among them, were racing two elevators from the sixth floor to the first floor when Oswald, standing at the elevator door on the fifth floor, called to them to send one car back so that he could go down, too. Ten minutes later, if one accepted Givens' testimony, Oswald declined to use the elevator to go down for the lunch break.

Moreover, while Givens supposedly was talking to Oswald on the sixth floor, other witnesses observed Oswald on the first floor.

\*Accessories After the Fact, Bobbs-Merrill Co., Inc., pages 64-69.

But the central infirmity of Givens' testimony was, as I argued in 1967, that in a sworn affidavit to the Dallas police on the afternoon of the assassination Givens said nothing about forgetting his cigarettes, nothing about returning to the sixth floor, and nothing about meeting Oswald there—omissions which were utterly incomprehensible if the encounter was genuine, since Oswald was already in custody when Givens gave his affidavit to the police, and Givens knew that he was under suspicion in the assassination.

That, in brief, was the situation as it appeared four years ago. Subsequently, I obtained from the National Archives a collection of unpublished Warren Commission documents ("CD"s), including every document in which the name Charles Givens appeared in the available indexes. These documents, instead of reconciling the conflicts in the evidence which had forced me to question the legitimacy of Givens' testimony, all but proved conclusively that perjury had indeed been committed in order to incriminate Oswald, and committed in circumstances pointing to collusion among several parties—Givens, the Dallas police, federal agents, two or more Warren Commission lawyers, and ultimately if indirectly the Commission itself.

A chronological reconstruction of the Givens affair follows, from which any objective reader can judge for himself whether or not there are sufficient grounds for concluding that perjury, collusion, and falsification of evidence were employed to replace circumstantial evidence of Oswald's innocence with fabricated evidence of his supposed guilt. [The citations in each instance refer to the published transcripts and exhibits, or to unpublished Commission documents, internal reports, and papers.]

November 22, 1963 At 1:46 p.m. police Inspector Sawyer issued a radio alert for Charles Givens, because he had "a police record and he left" (CE 705 page 30). At that hour, the police knew that Lee Harvey Oswald had also left the scene, but they did not broadcast an alert for Oswald. Instead, Captain Will Fritz (the head of the Homicide Bureau) and two detectives decided to proceed personally to Oswald's address in Irving, Texas, outside of their jurisdiction, in search of him.

About two hours later, Givens had been escorted to police headquarters, picked up when he returned to the Book Depository after spending his lunch period elsewhere with a friend. He was questioned by the police and then executed an affidavit, stating that he had left the sixth floor at about 11:30 a.m., had gone to the washroom, at noon had taken his lunch period, and had gone to a parking lot to visit with his friend,

a parking attendant (CE 2003, page 27). The affidavit said nothing about a return to the sixth floor for cigarettes or an encounter there with Oswald.

Later that day, Givens was interviewed by FBI agents Griffen and Odum. He gave them the same information that he recorded in his police affidavit, with one important addition—that at 11:50 a.m. he had seen Oswald reading a paper in the "domino room" on the first floor (CD 5, page 329).

November 23, 1963 On Saturday, the day after the assassination, Book Depository employee Bonnie Ray Williams was interviewed by the same two FBI agents. Williams described for them the race between two elevators at about 11:30 a.m. on Friday in which he himself, Charles Givens, and others had taken part. On the way down, they had seen Oswald on the fifth floor. When he returned to the sixth floor at about noon to eat his lunch, Williams had seen no one there (CD 5, page 330).

December 2, 1963 Charles Givens was interviewed again, this time by the Secret Service. He said that he had seen Oswald with a clipboard on the sixth floor at about 11:45 a.m. Shortly afterwards, he and some other workers had boarded the two elevators. While racing downwards, Oswald had called to them to send one elevator back up (Report No. 1, dated February 25, 1964, by Warren Commission lawyers Joseph Ball and David Belin). Again, Givens had said nothing to the Secret Service about any return to the sixth floor for his cigarettes at any time after the elevator race.

December 9, 1963 The FBI Summary Report to President Lyndon Johnson (withheld from the public until mid-1966 when excerpts were published in the book Inquest and raised a furor of doubt about the Warren Report) stated that Oswald had been observed on the fifth floor of the Book Depository between 11:30 a.m. and noon on the day of the assassination; and that during that half-hour, Oswald had asked Charles Givens, who was on an elevator, to close the gates when he got off so that the elevator could be summoned upward (CD 1, page 6).

Significantly, however, the FBI Summary Report omits any mention of Givens' statement to two FBI agents on the day of the assassination that he had seen Oswald at 11:50 that morning reading a paper in the domino room on the first floor. (Three witnesses who were employed in the Book Depository told official investigators that they had seen Oswald on the first floor, at about noon and at about 12:15 p.m., but their statements, like that of Charles Givens, are carefully absent from the FBI Summary Report and from the later Warren Report.)

February 13, 1964 Lt. Jack Revill of the Dallas Police was interviewed by FBI agent Robert Gemberling about rumors in the press that a Negro was being held in protective custody in connection with the assassination. Revill "stated that Givens had been previously handled by the Special Services Bureau on a marijuana charge and he believes that Givens would change his story for money" (CD 735, pages 296-297; emphasis added).

The FBI report on the interview of Revill proceeds with the now-familiar account of the elevator race during which Oswald yelled to Givens to close the gates when he got off. Almost three months after the assassination, there is still no hint from Givens, Revill, or the FBI of cigarettes forgotten by Givens, or of his return to the sixth floor, or of any encounter there with Oswald. But in the context of tracing press rumors to their origin, Revill has volunteered the thought-provoking opinion that Givens would be ready to give false information if he was paid to do so.

February 25, 1964 Warren Commission lawyers Ball and Belin completed a first joint report summarizing the available evidence, noting that there were discrepancies as to the exact time of the elevator race and of Givens' departure from the sixth floor, estimated variously as 11:35, 11:40, or 11:45 a.m. Ball and Belin noted also that Givens saw Oswald at 11:50 a.m. in the domino room and that three additional witnesses also placed Oswald on the first floor—William Shelley, at about 11:50, Eddie Piper, at noon, and Mrs. Carolyn Arnold, at about 12:15 p.m. near the front door (Ball/Belin report, pages 101, 105-107, 110).

March 18, 1964 Charles Givens, in an affidavit to FBI agents Trettis and Robertson, stated that he was standing at the corner of Record and Elm Streets when President Kennedy was shot. "I returned to the Depository Building, and was told by a Dallas policeman that I could not enter the building. About an hour later I went to the Dallas Police Department and was questioned by the police for about 45 minutes" (CE 1381, page 36).

Wearisome though it is, again it must be pointed out that neither in the 45-minute police interrogation of Givens on November 22, 1963 nor in the affidavit given to the FBI four months later was there the smallest indication of cigarettes forgotten, cigarettes retrieved, or Oswald observed on the sixth floor.

April 8, 1964 On this date Charles Givens gave sworn testimony to the Warren Commission in a deposition taken by lawyer David Belin, with no one except a court reporter present.

Now, for the first time, Givens unveiled the story that is incorporated in the Warren Report: that he had left his cigarettes behind on the sixth floor, returned there at 11:55 a.m., and met Oswald, at work near the southeast window (6H 345-356; WR 143).

Belin, hearing this sworn testimony, was without any doubt fully aware that Givens had told a different story, to the police and the FBI on the day of the assassination and later to the Secret Service and later still to the FBI again. Belin knew full well, because he had co-authored the report in which Givens' accounts of his movements were discussed in detail. But Belin did not challenge Givens' new story, nor place on

record the highly compromising fact that Givens on earlier occasions had repeatedly sworn to a totally different version of his movements and actions.

Instead, betraying his active awareness of Givens' apostacy, Belin put an oblique question to him. "Did you ever tell anyone that you saw Lee Oswald reading a newspaper in the domino room around 11 :50...that morning ?" (6H 354). Givens replied, "No, sir," and Belin, without demurrer, left the subject.

What can be deduced from Belin's question and his treatment of the reply? Inescapably, that he wished to erase evidence that placed Oswald on the first floor at the very moment that the Warren Commission wanted to place him on the sixth, to invest its lone-assassin hypothesis with something resembling credibility. And that he wanted to achieve that even at the cost of becoming a party to perjury. Belin therefore accepted Givens' denial that he had ever made a statement to anyone, knowing that he had made exactly that statement to the FBI on the day of the assassination, when events were fresh in his mind but before any witness had reason to adjust the truth to the requirements of a contrived official theory.

But Belin is not alone in culpability. Joseph Ball and the other Commission lawyers...the members of the Commission...Chairman Earl Warren ...and the FBI Director and agents...they, no less than Belin, knew the Givens affidavits and statements to federal agents, and knew those testimonies to be wholly incompatible with the late-blooming "forgotten cigarettes" story. By incorporating the latter in the Warren Report, unaccompanied by any hint of different, earlier versions, they assumed responsibility for grave injustice and scandalous deception of the public, and for dereliction of the duty to investigate and expose a prima faciae case of perjury. (And not for the first time. The Warren Commission was equally derelict when a staff lawyer, Burt Griffin, accused a Dallas police sergeant of perjury committed during sworn testimony.\*\*)

\*\* Ibid., pages 412-413

Belin, Ball, and the other lawyers presumably are still engaged in the practice of law and <sup>are</sup> members in good standing of the American Bar Association. One must wonder if their performance in the Givens affair is compatible with the Bar 's canons of ethics.

April 8, 1964 On the same day that Belin took Charles Givens' deposition, he also took the testimony of Inspector Herbert Sawyer of the Dallas Police. Sawyer explained that he had sent out an alarm for Givens an hour after the shooting because "he was suppose to have some information about the man that did the shooting" (6H 315-325). Belin received this complacently, too, although Givens when picked up did not produce "information about the man who did the shooting" and despite the fact that the language of Sawyer 's police radio alert indicates unambiguously that Givens was wanted because he had a police record and was missing from the Book Depository.

Why did Inspector Sawyer, and later Lt. Revill (as will be discussed), attempt retroactively to legitimize a story that Givens produced for the first time in April? Was Sawyer's testimony part and parcel of a deliberate collusive strategy of fabrication and perjury, among officers of the law ranging from menial local police officials to the highest of all magistrates, and a black manual laborer with a police record who "would change his story for money"?

May 13, 1964 Lt. Revill of the Dallas Police testified before the Warren Commission. J. Lee Rankin, the chief counsel, questioned Revill in the presence of Earl Warren, Gerald Ford, the late Allen Dulles, Norman Redlich, Arlen Specter, and Charles Murray, observer for the American Bar Association.

Revill stated that at about 2:30 or 3 p.m. on the day of the assassination he knew only that someone named Lee had been arrested, and that "this was told to him by a colored employee of the Depository."

Revill continued, "I asked him if he had been on the sixth floor ...he said, yes, that he had observed Mr. Lee, over by this window...So I turned this Givens individual over to one of our Negro detectives and told him to take him to Captain Fritz for interrogation" (5H 35-36).



That testimony is patently false, for the obvious reason that Givens when he arrived at the police department did not state that he had seen Oswald "over by this window" on the sixth floor, and never made such a statement until April 1964.

Dallas Chief of Police Jesse Curry, questioned by FBI agent Vincent Drain on June 2, 1964, gave a different version than Lt. Revill had given of what had transpired. "Givens told Revill that he had been in the Texas School Book Depository Building with Oswald on the morning of November 22, 1963, but was on the street during the...motorcade...Chief Curry related that everyone who might have any knowledge of Oswald, known as Lee to Givens, was being questioned" (CD 1245, page 181). This sounds like the authentic story—that Givens was questioned solely because he worked at the Book Depository, and not because he had any special information.

June 2, 1964 Police Chief Curry was interviewed by FBI agent Drain, as discussed in the preceding paragraph.

June 3, 1964 The FBI, for unknown reasons which may or may not be related to the Curry interview of the previous day, re-interviewed Charles Givens. Givens told FBI agents Switzer and Petraskis that he now recalled that he had returned to the sixth floor at about 11:45 a.m. to get his cigarettes, etcetera...etcetera (CD 1245, page 182). The FBI did not even raise an eyebrow at Givens' sudden recovery from sustained amnesia.

September 20, 1964 The long-awaited Warren Report was released, with its "forgotten cigarettes" version of Givens' activities. The 800-page volume gave no glimpse of his original story or of the three other witnesses who, like Givens, had observed Oswald on the first floor between 11:50 a.m. and 12:15 p.m., a scant quarter of an hour before rifle fire ended the young life of John F. Kennedy and changed irreversibly the course of American and world history.

The Warren Report also "cleared up" the doubt and confusion surrounding particular items of hard evidence, because of fragmentary or misleading press reports out of Dallas in the first hours after the tragedy. The earliest news bulletins, for example, told of the discovery of chicken remains and a cigarette package at the sixth floor window of the Book Depository; this was widely interpreted as evidence that a sniper had been concealed there in a prolonged wait for the President's arrival. The Report explained that the chicken remains had been discarded innocently by an employee who had eaten his lunch on the sixth floor. But it said nothing about the cigarette package, mentioned by the news media in the initial dispatches and then dropped as if it had never existed. Oswald, after all, did not smoke.

But Charles Givens did smoke. I do not believe that he returned to the sixth floor or that he encountered Oswald there at noon, and I certainly do not believe that he did so but forgot the incident completely until the following April. What is possible and credible is that Givens left a cigarette package behind when he and the others in the work crew piled into the elevators to race down for their lunch break, and that it was his cigarette package that was found with the chicken remains. If so, it proves conclusively that he never returned or retrieved it, and throws light on the curious absence of any reference to the cigarette package in the 26 volumes of the hearings and exhibits of the Warren Commission or in the many hundreds of pages of its unpublished documents, which deal in great detail with the crime search and the laboratory tests of objects found on the sixth floor.

April 1971 We can now assemble the sorry and sordid history of the manner in which men of eminence and power transformed evidence that tended to support Oswald's claim of innocence so that it appeared to incriminate him. Is it the accused "lone assassin", or his accusers, who were the real criminals?

Greens article

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