

AN INDEPENDENT LAWYER REPLIES

Like the proverbial person who is so close to the forest that he cannot see the trees, the assassination sensationalists have talked about cigarette packages, fictitious puffs of smoke from smokeless gunpowder and chicken bones. What they have not talked about is the heart of the physical evidence and key witnesses such as Johnny Calvin Brewer, whose testimony I took before a court reporter in Dallas on April 2, 1964. (Vol. VII, pp. 1-8)

Mr. Brewer was the Assistant Manager of a shoe store located near the Texas Theatre in the Oak Cliff section of Dallas. He became suspicious of the way Oswald ducked into his store early in the afternoon of November 22, 1963, when police sirens were heard coming down the street. After the police sirens subsided, Oswald left the front of the shoe store and Brewer followed him into the Texas Theatre and then had the theatre cashier call the police. When they arrived at the theatre, Brewer pointed out Oswald, who pulled out a revolver which he had in his possession as the police approached him.

Carrying a concealed weapon is a crime, and the very fact that Oswald had such a weapon in his possession on November 22, 1963, surely cannot be ignored. Moreover, the act of pulling out a revolver as a police officer approaches is somewhat suspicious, to say the least. Documentary evidence proved

that this very revolver had been purchased by Oswald--under an alias. Finally, irrefutable scientific evidence proved that this revolver to the exclusion of all other weapons in the world was the weapon which discharged the cartridge cases which witnesses saw the murderer of Officer J. D. Tippit toss away as he was leaving the scene of the Tippit murder. (The bullet slugs themselves in Tippit's body were too mutilated to avail themselves of conclusive ballistic testimony, but cartridge cases can be individually traced to a particular weapon, just as un mutilated bullet slugs can.)

In addition to the physical evidence of the gun and the cartridge cases, there were several witnesses including William Scoggins, Ted Callaway and Barbara Jeanette Davis who saw the gunman at or near the scene of the Tippit murder and who identified Oswald as the gunman in police lineups.

The silence of the assassination sensationalists is very telling--they cannot seriously challenge the conclusion that Oswald killed Tippit, in light of the weapon found in his possession, the ballistic evidence of the cartridge cases, and the combined effect of this with the eye witness testimony of independent witnesses near the murder scene plus the testimony of Johnny Calvin Brewer.

In the case of the murder of President Kennedy, two of the bullet fragments found in the Presidential limousine were large enough for ballistic identification. In addition, a nearly whole bullet was found at Parkland Memorial Hospital. Less than an hour after the assassination, a Mannlicher-Carcano rifle, No. C2766, was found stuffed between some cartons near the back stairway of the Texas School Book Depository Building. Irrefutable scientific evidence proved that these bullets came from that particular weapon to the exclusion of all other weapons in the world. I, myself, examined these bullet slugs with test bullets from the rifle with a comparison microscope.

In addition to the bullet and two large portions of a bullet(s), three cartridge cases were discovered shortly after the assassination at the southeast corner window of the sixth floor of the Texas School Book Depository Building. Scientific evidence proved that these cartridge cases, like the bullets, came from that particular rifle to the exclusion of all other weapons in the world.

I personally took the testimony of the executive officer of Klein Sporting Goods, which was the company that sold and shipped the rifle to Lee Harvey Oswald's post office box in

Dallas under his assumed alias, A. Hidell. I personally saw the copy of the order form that Oswald sent in for the rifle.

The only persons who testified they saw a rifle at the time of the assassination testified they saw that rifle in the southeast corner of the Texas School Book Depository Building. There are myriads of other facts, all of which are summarized in our Official Report of the Warren Commission which conclusively show that Lee Harvey Oswald was the assassin of President Kennedy.

Through the past several years, I have marvelled how easily the world has been deceived by assassination sensationalists like Sylvia Meagher. The device used has been relatively simple: Distortion by commission, coupled with distortion by omission and often the use of innuendo.

Perhaps I, too, would have been misled by some of the writings of the sensationalists if I had not personally worked with the Warren Commission as one of the two lawyers who concentrated in what we called "Area II: The determination of who was the assassin of President Kennedy." My partner was the

distinguished California attorney, Joseph A. Ball. By the time we had completed our work, we had more first-hand knowledge of the evidence pertaining to who was the assassin of President Kennedy and who murdered Dallas Police Officer J. D. Tippit than any other people in the world.

When Miss Kaye Northcott, Editor of The Texas Observer, wrote me that she was considering for publication the contrived article by Sylvia Meagher, I replied on December 10, 1970, that "...all of the allegations in the article of Sylvia Meagher are false...If one takes the time to read and study the basic Report of the Warren Commission, the evidence as a whole

conclusively shows that Lee Harvey Oswald killed John F. Kennedy and also killed Officer J. D. Tippit. Moreover, as one of the lawyers who was intimately involved in the interrogation of the key witnesses to the assassination, I know that the evidence was impartially and objectively gathered with the one goal that we all had in mind: The truth, the whole truth, and nothing but the truth. As an independent lawyer, I am beholden to no one and there is not a person in the world who could have made me sign any report concluding that Oswald murdered President Kennedy and Officer Tippit if I did not believe that the evidence as a whole showed that the murderer of Officer Tippit and the murderer of John F. Kennedy beyond a reasonable doubt was Lee Harvey Oswald."

One inherent problem in defending the Warren Commission Report is that a lie can be uttered in a relatively few sentences. In contrast, in order to give a true picture of the entire facts, several paragraphs, or more, may be necessary. Yet, space limitations do not permit such a complete reply.

For instance, Sylvia Meagher writes about references to Charles Givens on pages 101, 105-107 and 110 of what she refers to as the "Ball/Belin Memorandum of February 25, 19⁶⁴." She

omits vital portions of this document (the correct name of which was "Ball - Belin Report #1"), including the following from the initial three paragraphs of this 238 page document:

"...Our report contains a summary of tentative conclusions reached on the basis of the thousand of pages of material examined thus far, but these conclusions are subject to change depending upon the results of further materials examined, the taking of evidence, and additional information received from crime laboratory reports.

"We should also point out that the tentative memorandum of January 23 substantially differs from the original outline of our work in this area which had as its subject, 'Lee Harvey Oswald as the Assassin of President Kennedy,' and which examined the evidence from that standpoint. At no time have we assumed that Lee Harvey Oswald was the assassin of President Kennedy. Rather, our entire study has been based on an independent examination of all of the evidence in an effort to determine who was the assassin of President Kennedy. (Emphasis added.)

"A primary purpose of this report is its adaptability for our own use in making further investigation. We have not attempted to make an exhaustive analysis of the interviews with the various persons involved. Rather, we have tried to pinpoint the most important facts and problems which appear from the data which has been examined thus far."

As an experienced trial lawyer, I know that whenever there are two or more witnesses to an event, you most likely find contradictions in the testimony between and among witnesses, and you often find contradictions within the testimony of a single witness. I also know that the best source of testimony is from the witness, himself, rather than from hearsay reports of that third party, such as police officers or F.B.I. or Secret Service Agents might write down. Included in our Ball - Belin Report #1 were comments on a number of contradictions within the hearsay statements of third parties, including inconsistencies in the testimony of Mr. Givens. I also noted in one of the written reports the observation of an officer that Mr. Givens might be readily subject in influence.

When I went to Dallas to take the testimony of various witnesses, including Mr. Givens, I did not go as a participant in an adversary proceeding--either a prosecuting attorney or a defense attorney--but rather I went as an attorney trying to ascertain the facts in a manner that would avoid leading any of the witnesses into giving preconceived or any type of "desired" testimony. Mr. Givens is a perfect example of this, for in a portion of his testimony which Sylvia Meagher did not quote, I asked Mr. Givens:

"MR. BELIN. Is there anything else you can think of, whether I have asked it or not, that in any way is relevant to the assassination?

"MR. GIVENS. No, sir.

"MR. BELIN. Anything else you can think of about Lee Oswald, whether I have asked it or not, that might in any way be helpful?

"MR. GIVENS. No, sir. Other than he is just a peculiar fellow. He is just a loner. Don't have much to say to anybody. Stayed by himself most of the time." (Vol. VI, p.355)

Any experienced trial lawyer knows you do not ask questions such as this if you are trying to hide any facts. Mrs. Meagher

writes such garbage as, "Was the testimony part and parcel of a deliberate, planned collusion among police officials, commission lawyers and a witness who was a man with a police record and was appraised as a man who would change his story for money?" Not only do the foregoing portions of my interrogation of Mr. Givens show the utter falsity of such an allegation, but a minute or two later in the interrogation of Mr. Givens I asked a similar series of questions once again and then concluded with a statement in the record showing how my interrogation of witnesses was conducted:

"MR. BELIN. Anything else you can think of?

"MR. GIVENS. No, sir; that is about it.

"MR. BELIN. Well, Mr. Givens, we surely appreciate your cooperation in coming down here.

"Now you and I didn't talk about this at all until we started taking this deposition, did we?

"MR. GIVENS. No, sir.

"MR. BELIN. You walked into the room and you raised your right hand and we started taking your testimony. Is that correct?

"MR. GIVENS. Yes, sir.

"MR. BELIN. Have I ever met you before?

"MR. GIVENS. I don't believe so. I don't believe I have."

(Vol. VI, pp. 355, 356)

In light of this record which Sylvia Meagher no doubt read, her use of the innuendo of "planned collusion" is an outright prostitution of the truth. At all times while I was with the Warren Commission, my sole concern was to

get at all of the facts, letting the chips fall where they may, without trying to arrive at any preconceived result.

With this as a frame of reference, let us further examine the testimony of Givens with reference to the various discrepancies in police and F.B.I. reports of interviews with him. Givens testified that around 8:30 a.m., on November 22, he saw Lee Harvey Oswald on the first floor of the School Book Depository Building. The record shows the following:

"MR. BELIN. All right. You saw him at 8:30 on the first floor?

"MR. GIVENS. Yes, sir.

"MR. BELIN. Then what did you do?

"MR. GIVENS. Well, we went back upstairs and started to work.

"MR. BELIN. You went back up to the sixth floor to continue laying the floor?

"MR. GIVENS. Yes, sir.

"MR. BELIN. When did you see Lee Harvey Oswald next?

"MR. GIVENS. Next?

"MR. BELIN. Yes.

"MR. GIVENS. Well, it was about a quarter till twelve, we were on our way downstairs, and we passed him, and he was standing at the gate on the fifth floor.

"I came downstairs, and I discovered I left my cigarettes in my jacket pocket upstairs, and I took the elevator back upstairs to get my jacket with my cigarettes in it. When I got back upstairs, he was on the sixth floor in that vicinity, coming from that way.

"MR. BELIN. Coming from what way?

"MR. GIVENS. Toward the window up front where the shots were fired from." (Vol. VI, pp. 347, 348)

Givens testified that Oswald was walking with a clipboard in his hand, from the southeast corner of the sixth floor. After the assassination, Oswald's clipboard was found on the sixth floor, not too far from the place where the assassination weapon was discovered stuck between some book cartons near the back stairway.

After Givens' testimony about returning to the sixth floor, I specifically asked him about the domino room because of early written reports of third parties in our possession. Mrs. Meagher refers to one area of questioning which occurred on page 354 of Volume VI:

"MR. BELIN. Did you ever tell anyone that you saw Lee

Oswald reading a newspaper in the domino room around 11:50, 10 minutes to 12 on that morning on November 22d?

"MR. GIVENS. No, sir." (Vol. VI, p. 352)

However, she conveniently omits the following testimony which appears on page 352 of Volume VI:

"MR. BELIN. Now you said you saw Lee Oswald on the sixth floor around 11:55?

"MR. GIVENS. Right.

"MR. BELIN. Did you see Lee Oswald anywhere else in the building between 11:55 and the time you left the building?

"MR. GIVENS. No, sir.

"MR. BELIN. On November 22d?

"MR. GIVENS. No, sir.

"MR. BELIN. Did you see him in the domino room at all around anywhere between 11:30 and 12 or 12:30?

"MR. GIVENS. No, sir." (Vol. VI, p. 352)

The foregoing omissions of Sylvia Meagher are typical of all of the assassination sensationalists who have picked at extracts from an overall record with the Joseph McCarthy-like technique of innuendo of conspiracy. Moreover, in concentrating on innuendo and minute particles of an overall mass of evidence, there has been a most significance silence concerning the crux of the physical evidence and the overwhelming weight of testimony from the record. A full reading

of the Warren Commission Report and the underlying published documentary evidence and testimony of witnesses conclusively shows that within a one-hour period, Lee Harvey Oswald killed two men in Dallas, Texas, on November 22, 1963: President John F. Kennedy and Dallas Police Officer, J. D. Tippit.

Perhaps some day I shall take the time to write a book and expose the Sylvia Meaghers and the Mark Lanes and others for the inaccurate sensationalists that they have been. Yet, although I know that they have deceived the public, surely their sins of deception are not that great when compared with the kind of deception that has plagued America this past decade, Number One of the list, of course, being the Vietnam war.

When a Gulf of Tonkin resolution can pass both Houses of Congress and lead a President of the United States to commit over a half million American men and One Hundred Billion Dollars to fight a land war in Southeast Asia with all of the terrible consequences of such a war on both the American people as well as the Vietnamese, I do not get so worked up about the utter falsity of the writings about the Warren Commission by people such as Sylvia Meagher. After all, what is most important is not what others say that I did

but rather what I know actually took place and that is very simple:

Like all of the other lawyers working with the Warren Commission, truth was my only goal. On the basis of the overall record as I investigated the two murders of November 22, beyond a reasonable doubt, the man who killed President John F. Kennedy and Dallas Police Officer J. D. was Lee Harvey Oswald.

David W. Belin

OS
WITNESS

New York City

One witness who helped to incriminate Lee Harvey Oswald in the assassination of President John F. Kennedy was a Book Depository porter named Charles Givens. The Warren Commission gave prominence to his testimony that he had forgotten his cigarettes on the sixth floor and that when he went to retrieve them just before noon he had encountered Oswald near the southeast corner window.

In a book published in 1967 (*Accessories After The Fact*, Bobbs-Merrill Co., Inc.), I discussed the discrepancies between the Givens story as set forth in the Warren Report and the corresponding testimony and exhibits, and the grounds for concluding that the story reeked of perjury and collusion. It was logically inconsistent with a genuine encounter at about 11:45 between Oswald and a group of employees who were racing two elevators from the sixth to the first floor, when Oswald had called to them to send one elevator back so that he could go down too. Ten minutes later, if one accepted Givens' testimony, Oswald declined to go down for the lunch break. Moreover, while Givens supposedly exchanged a few words with Oswald on the sixth floor, other witnesses observed him on the first floor. Most of all, Givens' testimony was suspect because in his affidavit to the Dallas police later that afternoon he said nothing about forgetting his cigarettes, returning to the sixth floor, or meeting Oswald there — an omission that was incomprehensible, if the encounter was authentic.

THAT IS HOW the situation appeared back in 1967. Some months ago, I obtained from the National Archives a collection of unpublished Warren Commission documents ("CD's") concerning Charles Givens. Reading them was a shock not soon to be forgotten. I had half-expected that the CD's would reconcile and dispose of the contradictions that earlier had forced me to question the legitimacy of the Givens testimony. Instead, these new documents ~~not~~ proved that perjury had been committed, in order to place Oswald on the sixth floor at a time when Givens himself (as well as three other witnesses) saw him on the first floor. They also exposed the ugly fact that collusion in that perjury could not be suspected merely of Givens and the Dallas police, as it had seemed earlier, but clearly extended to two or more Warren Commission lawyers and therefore the commission itself.

Here is a chronological reconstruction of the Givens affair from which anyone easily can judge for himself whether or not there are sufficient grounds for an accusation of perjury, collusion, and falsification of evidence with the clear purpose of incriminating Oswald as the assassin of President Kennedy. (The citations in each case refer to both published transcripts and exhibits and to unpublished commission documents or internal reports and papers.)
November 22, 1963

At 1:46 p.m. Inspector Sawyer of the Dallas police issued an alert on the police radio for Charles Givens, a porter at the Book Depository, because he had "a police record and he left" (CE 705 page 30). It was known at that hour that Oswald, too, had left the scene but no alert for him was issued — Captain Will Fritz and two detectives intended to proceed to Irving personally, in search of Oswald.

Within an hour or two, Givens was escorted to the police headquarters, where he was questioned and where he 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, had gone to a parking lot to visit with a friend employed there (CE 2003 page 27). Givens' 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 story as in the affidavit but added one additional piece of information — 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

Bonnie Ray Williams, another Book Depository employee, in an interview by FBI agents Griffen and Odum described a race between two elevators at about 11:30 a.m. in which he, Givens, and others participated. On the way down, they had seen Oswald on the fifth floor. Williams had returned to the sixth floor at about noon and had seen no one there (CD 5 page 330).

raise even stronger questions about Givens' testimony and the role of two or more Warren Commission lawyers in extracting that testimony.

December 2, 1963

Givens, interviewed by the Secret Service, said that he had seen Oswald with a clipboard on the sixth floor at about 11:45 a.m., shortly after which he and some fellow-workers had boarded the two elevators. While racing to the first floor, Oswald had called to them to send one elevator back up (Ball/Belin Report No. 1, dated Feb. 25, 1964). Again Givens said nothing about a return to the sixth floor for his cigarettes at any time after the elevator race.

December 9, 1963

The FBI Summary Report (withheld from the public until mid-1966, when certain excerpts were published in the book *Inquest*, raising a furor of doubt about the Warren Report) to President Johnson stated that Oswald had been observed on the fifth floor between 11:30 a.m. and noon and that during that period of time he had asked Givens, who was in an elevator, to close the gates when he got off so that the elevator could be summoned (CD 1 page 6). The FBI Summary Report omits Givens' statement to two FBI agents on the day of the assassination that he had seen Oswald reading a paper in the domino room at 11:50.

February 13, 1964

Lt. Jack Revill of the Dallas police was interviewed by FBI agent Robert Gemberling about press rumors of a Negro being held in protective custody. 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.*" (Emphasis added.) Gemberling's report repeats the story of the elevator race during which Oswald yelled to Givens to close the gates when he got off (CD 735 pages 296-297). Almost three months after the "fact," there is still no hint from Givens, Revill, or the FBI of cigarettes forgotten by Givens or his return to the sixth floor and encounter there with Oswald. But in another context, Revill volunteers the opinion that Givens would give false information "for money."

February 25, 1964

Warren Commission lawyers Joseph Ball and David Belin complete a first joint report, summarizing the evidence known by that date, and note discrepancies as to the time of Givens' departure (and elevator race) from the sixth floor - 11:35 as against 11:40 or 11:45 a.m. Ball and Belin also note that Givens saw Oswald at 11:50 a.m. in the domino room and that three other witnesses also place Oswald on the first floor - William Shelley, at about 11:50 a.m.; Eddie Piper, at noon; and Mrs. Carolyn Arnold, who believed she had seen Oswald near the front door of the Book Depository at about 12:15 p.m. (Ball/Belin memorandum of Feb. 25, 1964, pages 101,

March 18, 1964

Givens, in an affidavit furnished by him to FBI agents Trettis and Robertson, states that when President Kennedy was shot, he was standing at the corner of Record and Elm Streets. "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, it must again be pointed out that there was no mention during the 45-minute interrogation of the cigarettes left and retrieved or of seeing Oswald on the sixth floor, nor were these alleged circumstances hinted at in the March, 1964, affidavit to the FBI, four months after the assassination.

April 8, 1964

Charles Givens gives sworn testimony to the Warren Commission in a deposition taken by lawyer David Belin, with no one else present except the court reporter. Now, for the *first time*, Givens tells the story (later embodied in the Warren Report) about the cigarettes forgotten on the sixth floor and the encounter with Oswald (6H 345-356, WR 143). Belin indisputably was fully aware that Givens had told a completely different story to the FBI and the police on the day of the assassination, and subsequently to the Secret Service and the FBI, since Belin had co-authored the report which discussed Givens' accounts of his movements in considerable detail. But Belin did not challenge Givens' new story nor place on record that on several earlier occasions Givens had sworn to a completely different account of his movements and actions on the day of the assassination. Indeed, in one oblique question, "Did you ever tell anyone that you saw Lee Oswald reading a newspaper in the domino room around 11:50 that morning?" (6H 354) ~~he asked~~

Should have been

he asked

Belin's intent seemingly was to nullify and eradicate testimony by Givens (as well as three other witnesses) which placed Oswald on the first floor, when the commission wished to place him on the sixth floor. Givens replied, "No, sir," which meant either that he was giving Belin a false response or that the two FBI agents who had interviewed him on Nov. 22 had invented Givens' reported statement that he had seen Oswald in the domino room at 11:50 a.m. Yet neither Givens nor the FBI agents were challenged or even queried in an attempt to determine which story was true and which was false.

~~Is it going too far, then, to say that assistant counsel Belin thus passively and by omission became a party to collusion, perjury, and the suborning of false testimony desired in order that the commission and the government might incriminate and more persuasively accuse Oswald? And what of Ball, and the other lawyers, and the commission members as well as Chairman Earl Warren, who surely read and were aware of Givens' original story, in the Ball/Belin report if not in the source documents? They are equally guilty with Belin of a shameful perversion of evidence and scandalous deception of the public, which was informed only of Givens' fictional, second story and given no hint that from Nov. 22, 1963 to April 7, 1964 he had given Oswald an "alibi" rather than a kiss of death.~~

~~Mssrs. Belin and Ball and their fellow-counsel presumably are all still engaged in the practice of law. The American Bar Association should examine their credentials and good standing in the light of what must be regarded, morally if not technically, as a flagrant malfeasance and ugly breach of the canon of ethics for members of the Bar. The same applies to the surviving commission members, who are prominent in government or public life and are also members of the Bar. No one, however, is advised to hold his breath awaiting retribution by the ABA or any other authority.~~

April 8, 1964

Lawyer Belin took the testimony of Inspector Herbert Sawyer on the same day as he questioned Givens. Sawyer stated that he had sent out an alarm for Givens an hour after the shooting on Dealey Plaza because "he was suppose to have some information about the man that did the shooting" (6H 315-325). Belin ~~complacently~~ accepted that statement, despite the fact that Givens when he was picked up did not produce information "about the man who did the shooting" and despite the language of the alert broadcast on the police radio, which shows clearly that Givens was wanted because he had a police record and was missing from the Book Depository.

Why did Sawyer (and later, Revill, as discussed below) attempt retroactively to authenticate a story which Givens articulated for the first time in April? Was this testimony part and parcel of a deliberate, planned collusion among police officials, commission lawyers, and a witness who was a man with a police

Did

apparently

May 13, 1964

Lt. Revill testified before the Warren Commission, J. Lee Rankin conducting the examination in the presence of Warren, Gerald Ford, Allen Dulles, Norman Redlich, Arlen Specter, and Charles Murray, ABA observer. 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).

This testimony is patently false, for the obvious reason that Givens on arrival at the police department did not state that he had seen Oswald "over by this window" and never said so until April, 1964. Chief Curry, when he was questioned on June 2, 1964, by FBI agent Vincent Drain, gave a different version than Revill of what had transpired: "Givens told Revill that he had been in the . . . Depository . . . with Oswald on the morning of Nov. 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 seems to be the authentic story - that Givens was questioned not because he had any special information but because he was employed at the Book Depository.

June 2, 1964

Police Chief Curry was interviewed by FBI agent Drain, as reported in the preceding paragraph.

June 3, 1964

The FBI promptly re-interviewed Givens, who told FBI agents Switzer and Petraskis that he now recalled that he had returned to the sixth floor at about 11:40 a.m. to get his cigarettes, etc. (CD 124 page 182). The FBI did not even raise an eyebrow at Givens' sudden recovery from sustained amnesia.

September 20, 1964

The Warren Report was released, with its "forgotten cigarettes" version of Givens' activities. It contained no indication explicit or implicit, of Givens' original story, which had placed Oswald in the domino room at 11:50, nor did it mention that another witness had also seen Oswald on the first floor at precisely that time while still other witnesses saw him still on the first floor at noon and at about 12:15 p.m.

The report also "cleared up" some of the confusion about items of evidence which had arisen because of fragmentary or misleading press reports out of Dallas in the first frantic hours after the assassination. For example, the chicken remains and cigarette package which had created the impression of a sniper who had concealed himself for a prolonged time on the sixth floor, awaiting the President's appearance. The report explained that the chicken remains were discarded innocently by one of the Book Depository employees who had eaten his lunch on the sixth floor. But it said nothing about the cigarette package mentioned in the initial press stories but then completely forgotten by the news media. Oswald, after all, did not smoke.

But Charles Givens *did* smoke. If he really left his package of cigarettes on the sixth floor, it may have been picked up together with the chicken bones since the burden of the unpublished documents is that he never returned there to retrieve anything. Certainly it is curious that the elusive cigarette pack is not mentioned anywhere in the 26 volumes of testimony and exhibits nor in the hundreds of pages of unpublished documents which deal in great detail with the crime search and the laboratory tests of materials and objects found on the sixth floor.

~~June 1970~~

~~We can now assemble a sorry and sordid history of the manner in which men of eminence and power used their authority, in one specific case, to pervert and conceal evidence that tended to exonerate Oswald until it appeared to incriminate him in an atrocious crime. Such treachery toward a murdered and undefended man signifies moral cowardice of ugly proportions. Is it the accused "lone assassin," or is it his accusers, who were the real criminals?~~