

COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES  
Washington, DC 20500

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April 28, 1975

Mr. Bernard Fensterwald, Jr.  
Fensterwald and Ohlhausen  
910 Sixteenth Street, N.W.  
Washington, D.C. 20006

Dear Mr. Fensterwald:

I am replying to your April 18 letter.

The primary issue you raise is the allegation that someone was "impersonating Oswald during his trip to Mexico", and that "crucial information regarding this matter and other aspects of the Mexico trip were withheld from the Warren Commission".

Although the Commission is not responding to specific allegations prior to the completion of its report, I have stated that we have found no credible evidence whatsoever to show the CIA was in any manner involved with a conspiracy to assassinate Lee Harvey Oswald. With regard to the allegations that someone was impersonating Oswald during his trip to Mexico, the Warren Commission determined that it was Oswald himself who took the trip to Mexico. I will not comment on this any further until my work with this Commission is completed, other than to say that the Warren Commission determined that Lee Harvey Oswald had traveled to Mexico and the allegations and innuendos in your New York Review article concerning alleged impersonation are wrong.

Now let me turn to the Tippit murder. I will not go into the detail of the testimonies of Markham and Whaley, except to say that when you read all of Whaley's testimony and all of the testimony pertaining to the composition of police lineups, and when you read all of the Helen Markham testimony and combine this with the testimonies of William Scoggins, Barbara Jeanette Davis, Virginia Davis, Ted Calloway, and Sam Guinyard, plus Johnny Calvin Brewer and the other witnesses to the Tippit murder and the arrest of Oswald, and further combine this with the irrefutable ballistic testimony concerning the cartridge cases found at the scene of the Tippit murder, the murder of Tippit by Oswald is an open and shut case.

The reason I have emphasized the Tippit murder is threefold:

1. The Tippit killing showed that Oswald had the capability of a killer and therefore bears on the question of who was the assassin of President Kennedy. The very fact that Oswald killed a police officer and also pulled out his pistol in the Texas Theatre as police officers approached also bears on the question of who was the assassin of President Kennedy.
2. The Tippit murder evidence vividly illustrates the misrepresentation of the total record by those such as O'Toole and you who also claim that Oswald did not kill President Kennedy. O'Toole's omissions about which I wrote you on April 15 are demonstrative evidence of this misrepresentation of the truth.
3. The lack of objectivity of those who assert Oswald's innocence of the assassination of President Kennedy, such as O'Toole and you, is vividly illustrated by their lack of objectivity in the case of Tippit's murder where these same people also refuse to admit that Oswald killed Tippit. Although the bullets in Tippit's body were too mutilated to be ballistically identifiable, the cartridge cases that witnesses saw the gunman throw away near the scene of the Tippit murder prove that Oswald's revolver killed Tippit, to the exclusion of all other weapons in the world.

Even had there been no eyewitnesses to the Tippit shooting, the apprehension of Oswald less than 45 minutes after the murder with the murder weapon in his possession was certainly strong evidence that Oswald was the killer. And when you add to this evidence the actions of Oswald in the theatre in taking out his gun and resisting arrest and the actions of Oswald before he went into the theatre that aroused the suspicion of Johnny & Calvin Brewer, the case against Oswald becomes exceedingly strong. And when you add to all of this the positive identification by the six eyewitnesses who were taken to the Dallas Police Department--W.W. Scoggins, who saw Oswald pass within 12 feet of his cab; Ted Calloway and Sam Guinyard, who saw Oswald running from the scene with gun in hand; Helen Markham, who saw the murder from across the street; and Barbara Jeanette Davis and Virginia Davis, who saw Oswald cut across the front yard of their house--there could be no reasonable doubt that the murderer of Dallas Police Officer J.D. Tippit was Lee Harvey Oswald.

The bits and pieces which you mention in your April 18 letter are fully answered by the Warren Commission Report, and are also fully answered by my book, November 22, 1963: You Are the Jury.

When in the face of all of this overwhelming evidence you state "to this day, I do not know if Oswald shot Officer Tippit, and if so whether he did it alone", this shows your unwillingness to face up to the truth.

And if you are unwilling to face up to the truth of the Tippit murder, then there is no doubt in my mind that you are also unwilling to face up to the simple truth about the Kennedy assassination: Lee Harvey Oswald killed President Kennedy, just as he also killed Officer Tippit.

The allegations of you, O'Toole, and the others are answered by the Warren Commission Report. Unfortunately the Warren Commission Report did not go into the heart of the testimony of the key witnesses, and that is why I undertook to write my book so that people who really wanted to take the time to find out the truth could go to the heart of the evidence without laboring through the entire 26 volumes of the Warren Commission material.

Since you complain about the fact that the questions I asked primarily related to the Tippit murder, I can give you some additional questions concerning the claims of the assassination sensationalists which primarily relate to the assassination of President Kennedy:

How do the sensationalists reconcile the fact that the fibers on President Kennedy's clothing and the autopsy of President Kennedy indicate that he was struck from behind? How do they reconcile the fact that all of the wounds to Governor Connally were caused by a single bullet fired from the rear and above and the fact that the wrist wound was not caused by a pristine bullet? If a bullet struck President Kennedy in the front of the neck, since there was no exit point for that bullet, where did it disappear? If the shots were not fired from the southeast corner window of the sixth floor of the TSBD Building, how do you reconcile the fact that the bullet fragments in the front seat of the Presidential limousine, the nearly whole bullet found at Parkland Memorial Hospital, the three cartridge cases found in the southeast corner window of the sixth floor of the TSBD Building, all came from Oswald's rifle, Serial No. C-2766, to the exclusion of all other weapons in the world? How do you reconcile the damage to the inside of the windshield of the Presidential limousine?

And you can ask additional questions. Why was Oswald the only employee who had regular access to the sixth floor of the TSBD Building who was inside the building at the time of the assassination and then left within a few minutes thereafter? Why did Oswald walk seven blocks east to get a bus when he could have boarded one in front of the TSBD Building? Why did Oswald board the first bus, that passed

on Marsalis Street, instead of waiting for the Beckley bus which would have taken him to his rooming house? Why did Oswald leave the bus when it became stalled in a traffic jam as it approached the TSBD Building and take a taxicab?

Why did Oswald lie during his interrogation about owning a rifle? Why did Oswald lie when he was shown a picture of himself with a rifle and say that the picture was artificially manufactured to incriminate him when it was determined scientifically that the negative of that picture came from Oswald's reflex camera, to the exclusion of all other cameras in the world? Why did Oswald lie about having lunch with Junior Jarman at the time of the assassination? Why did Oswald lie about the "curtain rods"? Why, when Oswald ordered the rifle, did he use an alias, A. Hidell? Why, when Oswald ordered his revolver did he use the alias, A. Hidell? Why did Oswald lie about the place from which he purchased his revolver?

Why did Oswald duck into the lobby of Johnny Calvin Brewer's shoe store as police sirens approached? Why did Oswald, as he was approached by Patrolman McDonald in the Texas Theatre, strike Patrolman McDonald with one hand and pull out his revolver with the other? Most important of all, if Oswald was innocent of the assassination of President Kennedy, why did he kill Police Officer Tippit?

Perhaps you, O'Toole and the others have been temporarily successful in fooling a majority of the American people into believing that Oswald did not kill Officer Tippit and President Kennedy. However, I have confidence that the truth will eventually prevail. The primary reason I undertook to write my book was to make a contribution toward this goal, not to make money, since I have donated all royalties to charity. Hopefully, historians interested in determining the truth about the assassination will find that my book has made a major contribution.

Sincerely yours,



David W. Belin