

5/3/76

MEMO: "History's Verdict" by Ross F. Ralston

BY: HOWARD ROFFMAN

This is a hasty memo written after reading Ralston's privately printed book. I don't know when it was published; it is copyright 1975, but Ralston sent me a copy only last week. I can't quite imagine why it was written. Ralston complains in the intro that "Of all the books written about the assass..., not one has sufficiently taken up the question of whether Lee Harvey Oswald was indeed the assassin, or if he was an assassin at all." (p. ii). Good grief. Other books aside, please allow me a moment of personal pride and ask "What about Presumed Guilty?" "History's Verdict" (HV) takes up the question, but adds nothing new on it, except new distortions of fact and new errors. It is all cribbed from everyone else's work, most heavily Sylvia's, Harold's and my own, with minor flourishes from Garrison and Salandria. The single thing really "new" in the book, dealing with the original typed transcript of Givens' testimony, is handled poorly and entirely inadequately.

In this memo I'll stay away from some of the more trifling errors (like calling staff ~~xxxxxx~~ lawyers "council", p. 111, or referring to "Alfred Jenner", p. 120, or "Manolo Ray", p. 116--Manolo's Italian counterpart?). Here are ~~xxxx~~ some, but not all, of the errors:

--p. 4, notes difference in length of rifle advertised in Web. Amer. Rifleman and length of "Oswald's" rifle, concludes "it certainly is not the rifle he ordered from Klein's in Chi." Allows for "mistake" that LHO was sent wrong rifle. This is all misleading absent some proof that the ad itself was not in error or that a 36 inch Graeco was in fact ever manufactured. It is a valid point of criticism (again, not new, originates, I think, with Lane), but should not be used as substantive proof.

--p. 21, because Dougherty didn't see LHO bring package inside, "Oswald did discard the package." Asks why would LHO leave a package "outside to get rained upon." First, Dougherty's testimony does not prove that LHO "discarded" his package, and second, LHO could have left it on the loading dock, which was not "outside."

--p. 27, claims Elsie Dorman filmed the assassination, and that film is owned by FINE. Dorman stopped filming before the shots, according to her account, and she currently owns and possesses the film. FINE doesn't have it; I asked years ago.

--p. 35, says Brennan as of Jan. '64 still insisted he could not positively identify LHO, but "when Brennan testified before the Commission in March, he changed his story..." Brennan's change did not come in March. He first told the FBI in Dec. '63 that he "now" could make the positive identification (GD 205).

--p. 40 is a very bad treatment of Carolyn Arnold. Ralston writes "Oswald was next seen on the first floor at 12:15 by Carolyn Arnold." Given our knowledge at this point, this cannot be said. All we know is that the FBI represented her as saying she "thought" this but "could not be sure." So, on what basis do we convert this FBI report (which is cited) into a positive statement? Furthermore, we know she did not say "at 12:15." In her later statement to FBI,

in her own words, she said she left her office at 12:25. (CE 1381)

--p. 46, treatment of Baker-Truly reconstruction is incredible. First, he only mentions one of the tests, the one done in 1 min, 15 sec. (Also only mentions one reconstruction of "assassin"--the shortest one). He then states "The Baker-Truly time appears to be an accurate reconstruction." Of course, he neglects to mention that it began too early by several seconds, ended too late.

--p. 47, repeats the old line that "since there were no identifiable prints on the rifle, Oswald would have had to have wiped the rifle clean of prints." This is tenuous at best. The rifle's surface was so irregular--even the metal parts--that it would not readily take prints. It would be quite possible to handle it and not leave prints.

--p. 47-8: "...when Baker reached the second floor landing... Oswald was already in the middle of the lunchroom." This is false. Oswald was in the vestibule at this point. How else could Baker have caught a "fleeting glimpse" of him? The significance of this is missed by Ralston, who evidently did not read PG carefully.

--p. 49. "Further investigation revealed the presence of a long homemade brown paper bag near the 6th floor window, (Exhibit 23)." What "investigation"? Everyone stumbled over the bag, which supposedly was right there, and no one bothered to photograph it in location. But the citation to "Exhibit 23" takes the cake. Ralston's Ex. 23 is a copy of that infamous Commission Ex. which shows the empty floor with the "outline" of the bag drawn in. Certainly proof that the paper bag was found there!

--p. 49--notes no prints found on cartridge cases by window, and implies that LHO would have had to wipe them off. Nonsense! He wouldn't have had to touch them after firing.

--pp. 49-50. This discussion of the cartridge cases is vintage Thompson, sees the bit about the lip dent. Ralston writes "since only one of the cartridge cases had marks which were produced by contact with the bolt of the Oswald rifle..." This is terribly misleading, for the "bolt" marks to which he refers do have to do only with the process of ejection of the case, not with firing. What he ~~fails~~ fails to point out is that all three cases bore marks from the bolt face which proved they had been fired in the Carcano. If Ralston has any reason to doubt this finding (and there are some reasons, although I find them unpersuasive), he does not express them in HV; he ignores the whole thing.

--p. 57. This one is great for fantasy. Try to imagine this: "The possibility does exist that an 'old dry print' of Oswald's was placed inside the rifle by someone to incriminate ~~him~~ him." How? "old dry prints" do not peel off of ~~either~~ one surface to be stuck onto another, like decals. The suggestion is absurd.

--p. 63, Benavides "steadfastly refused to identify Oswald as the killer." My recollection is that this overstates the truth, which is that Benav. said he ~~wasn't~~ thought he could not positively identify the killer, not, as Ralston implies, that he knew the killer wasn't LHO.

--pp. 64-5. Notes that Frank Wright saw a man flee the Tippit scene in a 1950-51 "grey, little old coupe." "Surprisingly enough," writes Ralston, "Wright's testimony (sic--this was not testimony) has corroboration." The "corroboration" is indeed surprising enough. It consists of Benavides observation that "a red Ford" pulled away from the scene after the shots.

--p. 67--this is somewhat subtle. Ralston writes of the Tippit murder, "The possibility that two persons were involved is enhanced by the shells of a different manufacture which were found at the scene of the crime." Ralston neglects to mention that all the shells "found at the scene" had been fired in the same revolver, supposedly Oswald's. Of this there appears little doubt. So how does this point to 2 people? This brings up another point, so I'll skip ahead here. Later Ralston retreats from this earlier acceptance that the cases were indeed "found at the scene", and states "there is absolutely no chain of possession for the spent cartridges." (85-6) There is some "chain of possession," and sorry as it is, Ralston simply misrepresents it to create a doubt that the cartridge cases in evidence are those originally found. First, as for the 2 cases that Benavides found, Ralston notes that they were first given to J.M. Poe, who according to an FBI report dealing with chain of possession, scratched his initials on them. Ralston then quotes this same FBI report to the effect that Poe can't find his initials, therefore can't identify the cases. Ralston omits the remainder of the report, in which Barnes, to whom Poe gave the cases, does identify them by initial. Ralston also does not mention Poe's earlier testimony to Joe Ball that he could not remember if he had marked the cartridge cases (7868). As for the other two cases Ralston notes that one was given to Dherity, who was not asked to identify them during his testimony, and to Doughty, who was never called to testify. But Ralston fails to mention that in the same FBI report earlier cited, both men were shown the cases supposedly given them by the Davis sisters and identified them on the basis of initials. (24H414-15). So, while the WC's methods may be properly criticized, it is simply inaccurate to say there is absolutely "no chain of possession," and then quote so incompletely from the record.

--p. 74, notes that "the original transcript of Givens' testimony was classified Top Secret despite the fact that the text had been included in the 26 volumes..." This is true, but all the original typed transcripts were classified. It was standard procedure, and was most likely done by the stenographic firm, Ward & Paul, and not by individual staff lawyers. In this connection, note Ralston's repeated statement that "Belin locked up the original transcript" (75) and "He (Belin) then stamped 'Top Secret' on the original transcript" (92). It was surely not Belin who placed the Top Secret stamp. Furthermore, Ralston very explicitly states that it was Belin who altered the testimony, changing the time from 11:45 to 11:55. However, he presents no evidence that it was Belin who made this change. It is true that Givens' waived his right to go over the transcript, so it most likely was not made by Givens. However, on the basis of what Ralston presents, it is impossible to tell who made the change, when, or why. For one thing, several "original" copies were made of each transcript. Has Ralston ever seen them all? Has he seen the one that went to the printer to be set in type for

the 26 volumes? The copy presented in HV bears no marks or notations indicating the change. But at some point, someone had to at least instruct the printer to make the change in the printed version. So there is a gap in the evidence Ralston presents. Until it is filled, it is no more than conjecture to say that Belin personally made the change. I do think the change is important, but I also think Ralston overstates his case significantly and reads too much into limited data.

--p. 83, "It was Bowley and not Benavides who reported the killing." This error is straight out of "Rush to Judgment." Both men reported the killing. Benavides got on first, was unsure if he operated the radio properly, so Bowley got on and reiterated the info, giving a different address.

--p. 84, "Tippit was obviously dead by 1:10 p.m. when T.F. Bowley stopped his car and looked at his watch." This type of absolute statement is not warranted. Does Ralston vouch for the accuracy of Bowley's watch, or the accuracy of his police affidavit? Even though Bowley appears to be a very reliable witness, it is possible his watch was somewhat slow. The real significance of Bowley at this point is in terms of the Commission's cover-up, not for absolute, substantive proof of facts about the crime.

--p. 98-99. Here we have "evidence which tends to show that another gun was found inside the" TSED. The evidence? Mrs. Hernandez on 11/19 saw someone take a rifle from a car in the TSED parking lot. There is no evidence this rifle was taken into the TSED. Next, Ralston cites the DCA film showing people gathered around a man holding a rifle (not LHO's), out in the street between the TSED and the Dal-Tex Bldg. But how does this indicate where the rifle was found?

--p. 100. Here we have a really slick version of Wecht's conclusions after seeing "the autopsy photographs of" JFK--no mention of X-rays. "Upon viewing this evidence, his conclusion were (sic) that shots had been fired at President Kennedy from two different directions." (emphasis my own). Wecht has never said this; in fact, to (I hope) everyone's exasperation he has said the opposite. If Ralston really means that a shot from another "direction" was fired at JFK but hit JBC, he certainly has a deceptive way of saying it.

--p. 117. After having noted that Guy Banister was "well acquainted" with the CRC (116), Ralston turns this into "a CIA front agency operated by the former head of the Chicago FBI." Banister never "operated" the CRC, and Ralston ignores evidence that the CRC might have been out of 544 Camp St. by the summer of '63.

--p. 119, "...it has been established conclusively that the FBI was operating a 'mail cover' on Oswald...? I'm not sure that this is so conclusive. It is certain that LHO's mail was opened and read, but this may have been part of a cover on the organizations to which LHO's mail was sent and not on LHO directly. If so, the difference is significant, especially since Ralston uses this assumption as evidence that the authorities had to know Oswald received a pistol and a rifle.

--p. 127, after referring to 2 memos expressing 1960-61 concern over LHO imposter, Ralston notes, "The Commission never saw these memos--they were apparently routed outside the WC's channels of communication and then deposited in the Archive." ~~That~~ This is something else! First, of course, the Commission had an obligation to see these memos, and they can't get off the hook so easily as Ralston makes it, with this "routing" business. The WC did know about the Hoover 6/3/60 memo for it was in the listing of the FBI LHO file which Hoover gave the WC, and then Warren wouldn't look at it! The other memo, dated 3/31/61 from Hickey is reproduced in Ralston's appendix, p. 201, and bears the notation (except like Marion Johnson's writing) "From CD 294j" If this is from a CD, then it did not get routed around the WC but was in its files!

--p. 138, "On Jan. 24, the Commission met again" this time with the Texans flown up in secret. However, the truth is that the "Commission" did not meet with the Texans, only Rankin and Warren did.

--p. 150, Ralston reflects a fundamental misunderstanding of the case in stating that the neck wound was "obliterated" by the tracheotomy. He repeats this at p. 207, saying it was "completely obliterated." The tracheotomy did no such thing; it merely cut the wound in half.

--p. 152, after having used some caution in dealing with some of the autopsy evidence, Ralston becomes quite inaccurate in his "Appraisal" on this page. Among the errors: "None of (the doctors) had experience in dealing with post-mortem examinations of gunshot wounds." This is not true of Finck, who did have such experience, although not the best. "...the attending physicians were ordered not to probe the wounds...of the neck." The doctors did probe the wound of the back, and precisely because the probes were unsuccessful, it was paramount that they dissect. They were ordered not to dissect. "The x-rays of the autopsy were never turned over by the military to the WC". This is not much of a criticism since the military did not have the X rays after the night of 11/22; the Secret Service did. "and...Humes took the autopsy notes and burned them." There is no evidence that the autopsy notes were burned, only autopsy drafts and perhaps notes of the autopsy draft. The autopsy notes themselves should exist.

--155, cites the NY Times story on West for the statement that the X-rays show a metal fragment in the brain 3/4 inch by 1/2 inch. This is the "rectangular structure" which does not appear in the X-rays, but rather in photos of the brain, and which certainly cannot be a bullet fragment because it does not appear in the X-rays. No one has ever claimed to see this on the X-rays, but Ralston merely transposes it onto them and calls it a bullet fragment.

--p. 206, identified CD 5; 149 as "the attending physicians own telegram" when in fact it is a report of a telegram received from the FBI agents at the autopsy.

--p. 231, says that the "tramps" were arrested behind the picket fence on grassy knoll. This is false.