

The Warren Commission Report:

A Critique

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"I am constantly amazed at the number of people I meet in Dallas who cannot accept contradictory evidence. New facts which don't support old theories can't be facts, they seem to feel."

—Dr. Harry Martin, University of Texas Medical School, quoted in Dallas Public and Private by Warren Leslie

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The Impartial Warren Commission
and its Partial Critics

Past and new converts to the theory that Oswald was the lone assassin have rushed to publish their complete agreement with the Warren Report, before they can have scrutinized it with the care it merits. We have been assured by Harrison Salisbury, Louis Nizer, Percy Foreman, I.F. Stone, K.E. Meyer, Melvin Belli, and Herbert Packer among others that the report proves beyond peradventure that Oswald acting alone was the assassin. That is exactly what the Dallas police proclaimed with unseemly haste on 24 November 1963 just after Oswald was murdered, when they tried to declare the case closed.

A common thread in the enthusiastic critiques of the Warren report is the warning that any further challenge to the case against Oswald is unjustified and perhaps unpatriotic. There seems to be a desire to throttle or discredit further questions or doubts. Salisbury^{1/} has labelled dissenters as "mythmakers." Packer^{2/} has charged them with "personal or political myopia" and cautioned that disagreement (by "fantasts") which was merely tiresome will now become "mischief" (by "revisionists")--toward whom, one wonders. I.F. Stone^{3/}, suddenly holier than the Pope and much more sanctimonious, has branded friend and foe alike as "demonologists" who are either "unscrupulous or sick."

Another common thread is the tendency to equate the left-wing with the right-wing as clinging irrationally to the theory of political conspiracy or attempted coup. That is facile and chicanery. There is considerable justification for postulating an ultra-right conspiracy, and little or none for suspecting a leftist plot. The left had nothing to gain from Kennedy's removal--on the contrary. And it would have been idiotic for leftist plotters to choose a conspirator or fall-guy with Oswald's known proclivities for Castro and the Soviet Union.

These gentlemen do not seem to consider the possibility that ordinary individuals, innocent of either political extreme, are deeply troubled by a case and now a Warren report which abound with misrepresentation, lacunae, implausibilities, and simple absurdity. They are neither unscrupulous nor sick, unless passion for justice has fallen into disrepute and warrants such slanderous epithets. They have raised legitimate questions about the evidence against Oswald from the beginning--questions which remain unanswered in the Warren report which has finally emerged with foregone conclusions and new enigmas.

It is no rebuttal to say that they have failed to produce other suspects. It is either too late or too early for that. It is hardly reasonable to demand that private citizens, lacking the resources and facilities of official agencies and without their consent or cooperation, should search out new information in hostile territory. The amazing fact is that new evidence has been uncovered by amateur detectives in spite of all the odds.^{4/}

The defects in the case and in the Warren Report exist. They must be confronted specifically and refuted, if they can be refuted. It is not enough to counter with generalities about the massiveness of the report or the unimpeachability of the Chief Justice and the other members of the Commission. The objections which are raised, so long as they remain without a full and reasonable answer, provide substantial ground for continuing to question the main conclusions reached by the Warren Commission as well as its impartiality. Diligent study of the report uncovers deliberate misrepresentation and serious omissions which compromise its authors and its findings.

It was expected that the Chief Justice would provide the Commission not with his name alone but with the uncompromising personal integrity, high judicial ideal, and meticulous concern for the rights of the individual which he symbolizes. It is dismaying and disillusioning to find serious and repeated departures from impartiality in the conduct of the Warren Commission and its head—the secrecy of the hearings, the leaks of evidence pointing always to Oswald's guilt, the failure to appoint counsel to represent his interests and the belated appointment of counsel to serve as guardian of "fair procedures," unexplained hints that the full story of the assassination would not be told for reasons of national security, and snide statements to the press about witnesses who challenged the evidence against Oswald.

It is a cause for concern that at no stage of its work did the Warren Commission appear to entertain any hypothesis other than Oswald's sole guilt. It never issued an appeal to the public to come forward with information which might assist the investigation. It delayed the publication of the report for months after the findings were established and the evidence was complete and, as of this writing, it continues to withhold the Hearings volumes which are crucial for a full understanding and assessment of the case. It would be interesting to know what kind of report and conclusions might have emerged—and when—if Buchanan^{5/}, Joesten^{6/}, and Lane^{7/} had kept their defense briefs up their sleeves until the Warren Commission had spoken.

The Warren Commission has exercised remarkable tact and reserve in reporting on the derelictions of the official agencies, both federal and local, and the press. The Commission has represented deliberate falsification of a photograph by respected news media as "retouching for the purpose of clarification."^{8/} It has uttered no word of reprimand for that inexcusable act. The Commission has denied or concealed demonstrable improprieties by FBI agents. The report alleges, for example, that no FBI official made a public (and false) statement that the paraffin test of Oswald's face was positive.^{9/} Gordon Shanklin of the FBI is quoted as having said just that on page 11 of the New York Times of 25 November 1963. Moreover, the Warren Commission is silent on the scandalous attempt by the same Shanklin to persuade Dallas Police Chief Jesse Curry to deny that the FBI had failed to alert the police about Oswald before the assassination. Curry informed the Commission of this disgraceful effort to conceal the truth by a letter which he has since made public.^{10/} Nor does the Warren Commission acknowledge persistent reports that agents of the FBI and the Secret Service silenced and intimidated witnesses and in some cases attempted to suborn their testimony.^{1/ 7/ 11/}

It is not possible to evaluate the examination of witnesses in the absence of the Hearings, which have yet to be published almost two months after the report was issued--a baffling delay. For the moment we have only the transcript of the interrogation of Jack Ruby, which was leaked to a newspaper. If that is any index to the quality of interrogation, we must beware. The transcript exposes a dialogue between Warren and Ruby, painful to read, in which important questions are stated inaccurately, Ruby fails to make a reply, and Warren states that the answer has been given and tries to change the subject. It is left to the murderer Ruby to caution the Chief Justice of the U.S. Supreme Court not to treat the matter so lightly. It is all the more astonishing, then, to read in the Warren Report that Ruby has not only answered, but answered in the negative.^{12/}

These shameful aspects of the Warren Report and the serious defects in the evidence it presents compromise its impartiality and the validity of its conclusions. The report confronts us with the unbearable suspicion that an innocent man may have been sacrificed deliberately for sordid reasons, as the culmination of a series of catastrophic and wanton events in Dallas.

The Bullet Wounds

The Warren Commission has tried to resolve the controversy about the nature of the bullet wound in the President's neck by citing an autopsy report which is undated.^{13/} Its ingenious explanations do not explain anything.

For a month after the assassination there was no question that the President had been shot in the neck just below the Adam's Apple. This is borne out in statements and reports filed by the team of doctors at Parkland Hospital after their attempt to save the President's life. Dr. Carrico in his report written within three hours says unequivocally that there was "a small penetrating wound of ant. neck."^{14/} Dr. Kemp Clark is quoted in the press as having said the same thing with equal authoritativeness.^{15/} But the Warren report now asserts that the doctors actually thought at the time that it might equally have been an exit wound. Nothing in their contemporaneous statements implies that.

The autopsy was completed on the day of the assassination. The findings are said to establish that the neck wound was an exit wound. Yet a month passed before the Parkland doctors were interviewed for the first time by federal agents, after which they reversed their original view on the nature of the neck wound. Apparently they were confronted in that interview with the choice of challenging or supporting the conclusions said to have been reached by their medical confreres and alleged to be recorded in an autopsy report which they were not shown. They chose to support their colleagues. (There have been indications from Richard Dudman of the St. Louis Post-Dispatch and others that some Parkland doctors still believe privately that there was an entrance wound in the neck as they thought originally.)

What is even more significant is that the FBI for more than two weeks after the autopsy was performed tried to determine how a bullet from behind the President could hit him in the front. At one point the FBI claimed that he had turned and was facing backwards when he was hit. That explanation was demolished by photographs and testimony which proved he was facing forward. A new explanation was then issued by the FBI attributing the neck wound to a fragment of the bullet that had hit the President's head.^{16/} That explanation too was revised later and replaced by the finding now embodied in the Warren report that a bullet had struck the President in the back and exited from the front of the neck.

Why should such uncertainty and so many revisions of the findings have occurred if the autopsy examination on the day of the assassination established the nature of the neck wound? In the absence of any reasons which meet the test of logic, it must be inferred that the autopsy did not establish the existence of an exit wound. The undated autopsy report could have been written or rewritten any time after the 23rd of November and before the Warren report went to the printers.

The first paragraphs of the autopsy report indicate that the surgeons understood before performing the post-mortem examination that there had been three shots and that they had come from a rifle on an upper floor of the Texas School Book Depository behind the President. Those assumptions inevitably would have governed their interpretation of inconclusive findings. They concluded, "as information was received from Parkland Hospital," that the wound in the neck was presumably a wound of exit. When did they so conclude? Was it during the month when the Parkland doctors considered it an entrance wound?

Everything suggests that each set of doctors reached a conclusion on the nature of the wound only after indications from the investigators that it had to be an exit wound and that the other set of doctors said it was.

Under those circumstances it becomes understandable that the autopsy report is undated and that the Warren Commission has not acknowledged nor explained that curious fact. The Commission has inquired into the failure of the Parkland doctors to notice the bullet wound in the back and accepts the explanation that the doctors did not have the heart to turn the President over. Yet all reports indicate that the President's coat and shirt and probably his back brace had been stripped off before he was pronounced dead. How were the garments removed? Did no one notice the bullet holes in the shirt and coat?

The case against Oswald depends on the presence of an exit wound in the front of the neck. Of what value are the conclusions of the Warren Commission in the light of these unanswered questions and the strong indications that it was in fact an entrance wound?

The Number and Direction
of the Shots

The Warren Commission insists that there were only three shots and that they all came from the sixth-floor window of the Depository. To reach that conclusion the Commission has ignored or discounted testimony of no lesser inherent credibility than testimony it has accepted arbitrarily.

It is true that many witnesses on the scene thought that three shots were fired. But an equal or greater number of witnesses thought, and some insisted, that four shots were heard. Those witnesses include Amos Lee Euins, Mary Woodward and her three companions, Jean Hill, Mary Moorman, Royce Skelton, S. M. Holland, and James Worrell. Two of these witnesses --Hill and Worrell--refused to be shaken on this point despite considerable pressure. Jean Hill has said that a Secret Service agent took her aside and admitted that there had been more than three shots but that only three shells had been found "so they were saying three shots."

Governor Connally and his wife still insist that he was struck by a second and different bullet in the interval between the two shots that hit the President. By implication, therefore, their testimony confirms the claim of ten witnesses that there were four shots.

It is astonishing that the Warren Commission has discounted the testimony of the Connallys. In effect, that is what they have done in deciding that there were three shots, one of which missed. Few elements in the case are as conclusive as the testimony of the Governor and his wife. As a surviving victim of the assassination, the Governor is a unique and authoritative witness: no one is in a better position to judge when he was hit by a bullet. The Commission has indulged in vague speculations about a delayed reaction, when that possibility is demolished by the distinct recollection by the Governor of the moment of the bullet's impact and by photographic confirmation that he did not react physically for some moments after the President clutched his throat (after being shot in the back, according to the Commission).

The Connallys are not the only obstacle to the Warren Commission's theory that one of the three shots fired struck both the President and the Governor. There is also the question of the trajectory. A bullet which hit the President five and a half inches below his coat collar and exited

from the throat would have to follow an upward trajectory—impossible, if the bullet came from above and behind. Over and above that, is it plausible to believe that the bullet hesitated a few moments and then resumed its original downward trajectory before striking the Governor in the back? That is magic and witchcraft, not criminological investigation.

If the Warren Commission has resorted to such far-fetched and untenable assumptions, it was not motivated by frivolity. Rather, it was a desperate attempt to make the round peg of evidence fit into the square hole of its hypothesis. If there were more than three shots, as much of the evidence suggests, or if there were only three shots and they all hit their target, it implies a feat of marksmanship which even the Commission is not prepared to attribute to Oswald.

Has the Commission made a convincing argument with respect to the direction of the shots? No one disputes the fact that some of the shots seemed to come from the sixth floor of the Depository. The question at issue is whether or not some shots came from another location. Here again the Commission has chosen to ignore or reject credible testimony.

(1) The first bulletin which came over the Dallas police radio, as heard and reported by Thayer Waldo of the Fort Worth Star-Telegram, said:^{7/}

Bulletin: the President has been shot. It is feared that others in his party have been wounded also. The shots came from a triple overpass in front of the Presidential automobile.

(2) Bonnie Ray Williams, a key witness, said in a television interview on 27 September 1964 that it was a funny thing that although the shots came from the Depository "everybody ran the wrong way."

(3) The Warren Commission acknowledges that "many people near the Depository believed that the shots came from the railroad bridge over the Triple Underpass or from the area to the west of the Depository" and that "many of the spectators ran in the general direction of the Triple Underpass or the railroad yards north west of the building."

(4) The following witnesses on the scene thought that the shots came from the direction of the Triple Underpass: Seymour Weitzman and his partner, an unnamed policeman; James Mitchell; Mary Woodward and her three companions; O.V. Campbell, Vice-President of the Depository; Roy Truly; James Vachule; and Jerry Flemmons.

Incidentally, the autopsy report states that the bullets "were fired from a point behind and somewhat above the level of the deceased." Roy Truly, when interviewed by the London Observer shortly after the assassination, said that from his position in front of the Depository he had thought that the shots had come "from behind a low building nearer the road."^{17/} It is not evident from the Warren Report whether or not there was any attempt to determine if some of the shots might have come from such a building.

Despite these indications that some shots might have come from a location other than the Depository, we find in the report the unblushing statement that "the Commission does not have knowledge of any witnesses who saw shots fired from the overpass."^{18/} With this sophistry, the Commission has disposed of the testimony from numerous witnesses--including several trained observers by profession--that the shots were heard to come from the general area of the underpass. One of these witnesses, Worrell, has also said that he saw a man fleeing the scene.^{19/}

Having dismissed cogent testimony and subjected evidence to absurd interpretations, the Commission has returned to the point of departure --that Oswald acting alone was the assassin. That, of course, was the object of the exercise.

9.

The Identification of the Rifle

A main reason for persistent scepticism about the case against Oswald is the fact that the murder rifle was identified initially as a 7.65 Mauser. It was only after the purchase of a 6.5 Carcano was traced to "Hidell" that Dallas officials changed their story. The Warren Report attempts to explain this curious sequence of events by attributing the mistaken identification to Seymour Weitzman, a deputy constable on the Dallas police force, saying that "he did not handle the rifle and did not examine it at close range. He had little more than a glimpse of it."^{20/}

Even if that was accurate, it would not explain the fact that District Attorney Henry Wade told the press that the murder rifle was a Mauser. Nor would it explain the fact that a Dallas police captain displayed the rifle before television, held above his head, and identified it as a Mauser (see photograph from videotape in TV Guide for 25 January 1964). Those misidentifications cannot be blamed on Weitzman. Moreover, the Commission's explanation that he had little more than a glimpse of the rifle is utterly inconsistent with the affidavit Weitzman swore on 23 November, which says:

"We were in the northeast corner of the sixth floor when Deputy Boone and myself spotted the rifle about the same time. This rifle was a 7.65 Mauser bolt action equipped with a 4/13 scope, a thick leather brownish-black sling on it..."

This hardly suggests "little more than a glimpse." The Warren Report does not even mention the existence of that affidavit (the original is rumored to have been "lost"), much less indicate its contents. How did Weitzman get all these details about a rifle he never handled and scarcely saw? His affidavit says that the rifle was equipped with a 4/13 scope. The Carcano has a 4/18 scope. If Weitzman is correct, he saw a different rifle with a different telescopic sight.

Captain Fritz, who did handle the rifle, told the press after the Mauser identification was dropped that the rifle was Italian and "of an unusual, undetermined caliber."^{21/} But the Carcano which the Warren Commission regards as the murder rifle is marked "CAL.6.5."^{22/} It is difficult to accommodate the notion that a man who did not handle the rifle and had only a glimpse of it was able to describe it in detail, including its caliber, while a man who did handle the weapon said that the caliber was "unusual" and "undetermined," although it was marked 6.5.

When Homicide Inspector L. C. Graves told UPI that the rifle was a Carcano, he at least knew that its caliber was 6.5. But he specified its length as 50.75 inches--an existing model of the Carcano but more than 10 inches longer than the "murder rifle" (New York Times, 24 November 1963, page 2). What we gained by Graves' ability to read, we lost by his inability to measure.

In this forest of rifles of various makes, calibers, and lengths, a ray of light seems to fall: the Warren Commission tells us that when the rifle was found on the sixth floor of the Depository, no one touched it until Lt. Day arrived and photographed it as it lay on the floor.^{23/} That photograph may provide verification that the rifle found was a 6.5 Carcano 40.2 inches long. But the photograph is not mentioned again nor is it included among the exhibits in the report, one of which (No.2707) purports to show the "location of the rifle, looking north."

Another worrisome inconsistency relates to the purchase of the Carcano. According to the Warren Report, Oswald ordered it from an advertisement in the February 1963 issue of the American Rifleman magazine.^{24/} That advertisement offers a 36 inch Carcano, model number C20-T750. The same model number is specified on all the purchase documents. How is it that a 40 inch rifle was supplied (or perhaps a 50 inch rifle) when a 36 inch rifle was ordered? The Warren Commission has not noticed the discrepancy or has chosen not to explain it.

It is not possible to accept the Commission's conclusions about the identity of the murder rifle so long as these contradictions remain unexplained.

The Ammunition

Press reports immediately after the assassination indicated that the police expected to trace the purchase of the ammunition and would consider that important evidence in identifying the assassin. It was said that ammunition for the ancient Carcano was rare. Buchanan and others familiar with firearms pointed to the fact that ammunition for the Carcano had not been manufactured since the end of the Second World War and was extremely poor in quality. They questioned whether Oswald or anyone could have achieved such success with ammunition which, in one experiment, had misfired 26 times in 30 tries.^{27/}

The Warren Report eliminates this objection. The Commission states that ammunition made by the Western Cartridge Company was used and that it is very dependable. In tests conducted for the Commission there had been no misfires in more than 100 tries. The Commission acknowledges that some other ammunition for this rifle is "undesirable and of very poor quality" but notes that the Western Cartridge Company brand is "readily available for purchase from mail-order houses, as well as a few gun-shops." ^{25/}

We know that "Hidell" did not purchase ammunition by mail order from Klein's Sporting Goods. Did he buy it from one of the "few gun-shops" or from a different mail order establishment? The Warren Commission has failed to pursue the trail to its logical end. The case would hardly suffer from demonstration that Oswald purchased the ammunition as well as the rifle--on the contrary. The case is not so air-tight as to justify this loose end.

It should not be forgotten that so far as is known Oswald had no previous experience with the Carcano, a strange foreign rifle, and that it has not been established that he ever fired it before 22 November, if then. Was it only good luck that led him to supply himself with the one reliable brand of ammunition? The Commission tells us also that there was a defect in the scope but one for which a person familiar with the rifle could have compensated.^{26/} Are we to assume that Oswald not only had the dumb luck to stumble on a reliable brand of ammunition but was also able to "compensate" for the defect in the scope on his first try, thanks to the "dry runs" for which we have only Marina Oswald's assurance?

The Ammunition Clip

It is not clear from the Warren Report whether or not the assassin is alleged to have used an ammunition clip or "charger." This device loads bullets automatically and eliminates the time required by manual reloading.

No newspaper stories after the assassination suggested that the murder rifle was equipped with an ammunition clip. The Warren Commission describes it as a "bolt action clip-fed" rifle but surprisingly makes no specific claim that the use of an ammunition clip facilitated the rapidity of the shots.

In Appendix X, however, expert testimony indicates that the rifle had an ammunition clip in it when it was found, enabling seven shots to be fired without reloading. If the assassin used a clip, it is logical to assume that he loaded the weapon to the maximum--that is, seven bullets. Even a master rifleman could not be sure of hitting his target with the first bullet or two. Therefore, if only three shots were fired, four live bullets should have been left.

But the Warren Report states that Captain Fritz discharged one live round from the chamber of the rifle after it had been examined for fingerprints.^{23/}

Either that statement is false, or it is not true that there was an ammunition clip in the rifle when it was found. The fact is that the ammunition clip automatically is ejected from the rifle when the last bullet is fed into the chamber. If Captain Fritz ejected one live round from the chamber--as he and other witnesses assert--there could not have been an ammunition clip in the rifle. The weight of the evidence supports the inference that there was no clip in the rifle found on the sixth floor. That being so, the contention that Oswald had the capability for the rapidity of the shots even though he would have had to load the bullets by hand is not merely far-fetched. It is nonsensical.

The Photograph of Oswald
with Alleged Murder Rifle

Oswald was 5 feet 9 inches tall (Appendix VIII, Medical Reports from Doctors at Parkland Memorial Hospital). The alleged murder rifle is 40.2 inches long (Chapter III, Description of Rifle).

If an inch is added to Oswald's height to account for his shoes, his height is 70 inches. The length of the rifle (40.2 inches) is 57.4 percent of Oswald's height when shod (70 inches).

The photograph of Oswald holding the alleged murder rifle is highly incriminating and strong evidence for the prosecution case. It has been widely published, and served as the cover of the February 21, 1964 issue of Life. On that cover photograph Oswald's height measures 12.75 inches (including his shoes) and the rifle measures 7.75 inches. If the rifle in the photograph is actually the 40.2 inch Carcano, the man's height should be 13.5 inches instead of 12.75, on the basis of the actual proportions between the two. If the man in the photograph is actually 70 inches tall, the rifle should measure 7.3 inches instead of 7.75.

Therefore (1) the man in the photograph is actually 64 inches tall or 5 inches shorter than Oswald in bare feet, or (2) the rifle in the photograph is actually 42.6 inches long or 2.4 inches longer than the Carcano.

Discrepancies of the same proportions are found in smaller prints of the photograph. Its authenticity remains highly suspect.

The Palmprint on the Rifle

On the day of the assassination Lieutenant Day of the Dallas police examined the rifle found on the sixth floor for fingerprints. He found a number of fingerprints on the surface of the weapon. He photographed them and protected them with cellophane before sending both the rifle and the photographs to the FBI laboratory at Washington, where they were examined by Sebastian Latona, FBI fingerprint expert. Before sending the rifle to the FBI, Day--the Warren Commission tells us--had "lifted" a palmprint from the underside of the gun barrel. The "lifting" was performed without leaving any trace on the rifle but Day, according to the Commission, failed to realize that no trace was left. Nor did he photograph the lifted palmprint and send it with the other photographs of the latent fingerprints. Nor did he inform the FBI fingerprint lab that he had lifted a palmprint from the underside of the gun barrel.

On the same day, Lieutenant Day had also discovered a palmprint on a carton at the sixth-floor window. He cut out the portion of the carton on which the palmprint appeared and sent that also to the FBI laboratory. That palmprint was examined on 22 November. It was identified as the print of Oswald's right palm and judged to have been made within 36 to 72 hours before examination.

Latona was unable to identify from the rifle or photographs the latent fingerprints on the weapon. He stated that "the poor quality of the wood and the metal" would make a clear print unlikely.

On 26 November the latent palmprint developed by Day on the afternoon of the assassination--of which the FBI had had no previous hint--was sent to the fingerprint lab as a result of instructions to Day to send "everything that we have" to the FBI. The Warren Commission has accepted the authenticity of that palmprint and its identification as Oswald's right palmprint.

It is hard to understand why Day conscientiously sent all material suitably protected with cellophane and photographed in case of mishap to the fingerprint laboratory except that latent palmprint from the underside of a gun barrel of a rifle the quality of which was too poor to make clear prints likely. Suffice it to say that the appearance of the latent palmprint two days after Oswald was murdered while handcuffed to a police officer in the basement of the Dallas police headquarters must have been welcome indeed. The opprobrium and contempt directed at the Dallas authorities was bad enough as things were: how much worse, if it appeared that the murdered prisoner might have been innocent. Oswald's right palmprint

was developed on a carton where his print was both normal and innocent. Oswald's right palmprint lifted from the murder rifle was incriminating. Both palmprints were in the custody of the Dallas police for some hours on the day of the assassination. Appearances are, to say the least, unfortunate.

The Paraffin Test

One can almost sympathize with the difficulty which confronted the Warren Commission in reconciling the known negative result of the paraffin test of Oswald's cheek with the conclusion that he fired the murder rifle. The Commission attempted to reverse the negative result by means of a radioactivation test of the paraffin mold of his cheek. The test was "unsatisfactory". Apparently for lack of an alternative, the Warren Commission has issued a new doctrine--that the paraffin test is "unreliable." The very fact that the radioactivation test was attempted indicates that the Commission expected to find evidence on the assassin's face that he had in fact fired the rifle, by a sophisticated technique since the conventional method had failed. When the radioactivation test failed also, the possibility of Oswald's innocence was reinforced.

Instead of acknowledging that this cast doubt on Oswald's guilt, the Warren Commission decided that it cast doubt on the reliability of the paraffin test as a scientific technique in criminal investigation.

It will be interesting to see if police authorities in various countries discontinue paraffin tests for suspects in gunshot cases and if the courts will henceforth exclude such tests from the evidence admitted in criminal trials. One suspects not.

Oswald's Presence at the
Sixth-Floor Window

The Warren Report provides no information whatever on Oswald's activities and movements during the four crucial hours between 8 a.m. and noon on the day of the assassination. No attempt has been made to reconstruct his actions and whereabouts after he was seen arriving for work by Dougherty and before Givens saw him just before noon. We do not know how much of the time he was within eyeshot or hearing of his fellow-workers; what work he accomplished; where he concealed and later retrieved the rifle; when and where he assembled it; when he arranged the shield of cartons; whether he made or received telephone calls; where he left his blue jacket; or whether he had or used the opportunity to admit and hide a confederate.

Another unknown is the seventh floor of the Depository. We are not told who occupies it, the purpose it serves, or where the occupants were at the time of the shooting.

We know that chicken bones were found on the sixth floor but we are not told exactly where. Early reports suggested that they were found at the murder window with the cartridges and other incriminating paraphernalia. That was the basis for the theory that a sniper had concealed himself there to lie in wait for the President. When Oswald was arrested it became obvious that he had no need to conceal himself in the building where he worked. Dallas officials then announced that the chicken remains were "old" and not connected with the crime. Still later the chicken bones became fresh again, the discarded property of Bonnie Ray Williams. Williams ate his lunch on the sixth floor from noon to 12.20 p.m. but saw and heard nothing to arouse suspicion. Where was Oswald during those twenty minutes? How could he know that Williams would leave in time for him to shoot the President? How could he know, for that matter, that he was not being watched by the FBI, which had been calling on Mrs. Paine and showing keen interest in his activities recently? How could he be sure that Secret Service agents were not posted in the Depository and nearby buildings, in a position to spray him with bullets the moment he appeared at the window with a rifle?

Perhaps the Lane Report or the Joesten Report will attend to these details, which the Warren Report has not troubled to do.

The Witnesses

No defense attorney could ask for a better set of prosecution witnesses if he wanted to assure that his client would be acquitted. The Warren Report at first glance seems to confront us with an abundance of eyewitnesses and witnesses whose testimony incriminates Oswald both in the assassination and the Tippit murder. On close scrutiny, however, the credibility and reliability of their testimony dwindles into insignificance. We remain, as we were when the Dallas authorities were issuing the "proof" of Oswald's guilt, without a morsel of conclusive evidence that he was at the window with the rifle or at Tippit's car with the revolver.

Brennan's identification of Oswald as the man at the window is worthless. He said immediately after the shooting that he could not describe the man.^{27/} He failed to make a positive identification of Oswald when he was taken to the lineup. Later he reversed himself, asserting that he had actually recognized Oswald in the lineup but had feared to identify him lest the Communists should take reprisals. How did Brennan know within a few hours of Oswald's arrest that he was a Communist? Or that he was the only eyewitness? More likely he seized on that excuse because he could find no other reason for having failed to make an identification other than the real reason, his inability to recognize the man he had seen. It is most unlikely that he saw the man clearly or long enough to identify him. The window was open only one-quarter of the way, and photographs taken at the time show that the shining sun reflecting on the window-panes would have concealed a standing man--and Brennan has said that the assassin was standing.

Markham, the star witness at the scene of the Tippit murder, gave false testimony to the Commission, as the report acknowledges, for reasons which the Commission has not seen fit to tell us. Thanks to a magazine article which appeared after the Warren Report ("The Other Witnesses" by George and Pat Nash, New Leader, October 12, 1964) it is clear that Markham is a hysteric and has given a number of completely different versions of the shooting. The Commission recognizes that she was inconsistent and unclear in her testimony. None of her stories coincide with the accounts of the shooting obtained from two witnesses located by George and Pat Nash, who are not mentioned in the Warren Report. Frank Wright, whose wife summoned the police when Tippit was shot, saw a man leave the scene in a car. Acquilla Clemmons saw two men rush away from Tippit just after he was shot. Frank Wright's address is on record as the source of notification of the shooting, but neither he nor the ambulance personnel have ever been asked to give evidence to the FBI or the Warren Commission.

It should occasion no surprise that these witnesses did not rush to volunteer information inconsistent with the theory of Oswald's guilt so cherished by the police agencies and the Warren Commission. The more so, since Mrs. Wright and Mrs. Clemmons were both visited and questioned briefly by investigators who appeared to be FBI agents but who did not ask them for formal testimony.

Not only are these witnesses absent, but the Warren Report is quite inconsistent in its account of the Tippit murder witnesses known to the Commission. In Chapter I the Commission claims that two eyewitnesses (Markham and Benavides) and seven witnesses positively identified Oswald. In Chapter IV the Commission admits that Benavides did not feel that he could identify the man he saw and was not even taken to the police station to view the lineup. That leaves only one eyewitness, Markham, whose credentials are worthless.

Who are the other seven witnesses? The persons who "heard shots and saw a man with a gun running away" are said to be Scoggins, Guinyard, Barbara Jean Davis, Virginia Davis, Smith and Calloway. That makes only six. To compound its inaccuracies and exaggeration, the Warren Commission in Appendix XII (Speculations) suddenly elevates Scoggins and, by implication, the two Davis women, to the rank of "eyewitnesses."

A third group of witnesses saw a man running away—Brock, Reynolds, Patterson, Lewis, and Russell. Apparently two months elapsed before they were interviewed by the FBI. On or about 21 January 1964 these five were shown a photograph of Oswald, which some of them identified as the man they had seen fleetingly on the day of the assassination. By the time these identifications were made, Oswald's face was as familiar as a mirror image and the climate was one in which it was unpopular, if not risky, to question his guilt. It is specious to attach the smallest value to the identifications of any of these five witnesses.

Parenthetically, Reynolds failed to identify the photograph as the man he had seen two months previously near the scene of the Tippit murder. A few days later he himself became the victim of attempted murder when he was shot in the head by a person or persons unknown. After he recovered, he reversed himself and identified photographs of Oswald as the man he had seen after the Tippit murder. Very sensible.

This is not the only misadventure which has befallen people involved in the case. As of this date (November 1964) the following persons are said to have suffered a mysterious or tragic fate: