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Mr. Richard H. Popkin  
The New York Review of Books  
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Dear Mr. Popkin,

Please accept my congratulations on your article "The Second Oswald: The Case for a Conspiracy Theory" and also my thanks for including a reference to my subject index to the Warren Report Hearings and Exhibits. You have made an important contribution to the current debate on the merits of the Warren Report (if any) and the validity of the conclusions pronounced by the Warren Commission (none). The whole article is stamped with the authority that can only be achieved by patient and comprehensive study of the testimony and exhibits, an exercise which has been undertaken by lamentably few critics of the Warren Report.

I find myself largely in agreement with your general evaluation of the evidence and with part of your counter-theory. Personally, I do not rule out Oswald's innocence of both the crimes of which he was accused. I would definitely agree that he seems to have been involved in clandestine activities and associations, the nature of which is ambiguous. But in formulating my own counter-theory on the basis of impersonation as part of a deliberate advance exercise to incriminate Oswald, I have predicated myself on the assumption of Oswald's non-involvement in either the assassination or the Tippit shooting, except in the role of the patsy he himself claimed. Perhaps we will have an opportunity to discuss counter-theories one day.

Meanwhile, I should like to comment on several factual matters discussed in your article.

You state that the stretcher bullet (CE 399) "had lost only about 2.5 grains of its estimated original weight." FBI expert Frazier testified, in fact, that there was not necessarily any weight loss whatever, "because 158.6 is only a grain and a half less than the normal weight, and at least a 2 grain variation would be allowed" (3H 430). On the question of the absence of blood or tissue on the stretcher bullet, I agree with you--rather than with Weisberg--that the real significance lies in the fact that the bullet did not need to be cleaned after the feats which the Commission has ascribed to it. Tomlinson, who was the first person to see the bullet, does not suggest in his testimony that it was bloody or had any organic material on it. I have the strong impression that no one cleaned the bullet, for the simple reason that cleaning was not required.

I would agree also that bullet 399 may have been planted, not necessarily at Parkland Hospital but by later substitution. Only one of the persons involved in the chain of possession of the bullet was able to identify it (see CE 2011, pp.2-3).

The brown homemade paper bag presents numerous anomalies and unresolved problems which bring it under serious suspicion. As you say, Weisberg was the only one to notice the crucial information about the wet-dispensed tape. Not only did the paper bag present no oil residue or other evidence of having contained a well-oiled rifle (the FBI says it was, CE 2974) but the blanket, in which the rifle supposedly had been stored for months, yielded no oil stains either. Yes, someone could have fabricated the paper bag to sow confusion—but why Oswald? Wasn't it possible that the paper bag was fabricated after the discovery of the so-called sniper's nest on the sixth floor? It is not, after all, visible in any of the photographs, and the testimony about its discovery, location, and position is wildly contradictory.

Several times you indicate that Oswald spent November 9th in Irving (according to the Commission) and could not have been the customer who was received by Bogard. In fact, the Warren Report does indicate (on page 740) that on that day Mrs. Paine took Oswald for a driver's license test, only to find the station closed. What the Report omits is that the station was in Oak Cliff, not too far from the car agency where Bogard worked. Perhaps Oswald decided to test his skill as a driver, informally, since the station could not provide the test that day. That would make sense to me; but, if we are to believe Mrs. Paine, Oswald never left her side that day and they returned to Irving after the abortive trip.

You refer at one point to the "clearly fictitious" Hidell. I believe, on the contrary, that Hidell was not fictitious, and I strongly doubt that Oswald ever used that name as an alias, the so-called forged Hidell card notwithstanding. But that is a long story.

The post office box rented by Oswald on November 1, 1963 did not designate "Marina" or "Hidell" as persons authorized to receive mail; only the FPCC and the ACLU seem to have been listed, although even their entitlement seems to me to be ambiguous (see WR 312 and Holmes Exhibit No. 1).

You say that Oswald wrote to the Soviet Embassy on November 9, 1963 making false statements about a conversation with FBI agent Hosty "that never took place." I am not certain that such a conversation did not occur. Oswald told both his wife and Ruth Paine that he intended to go to the FBI office in Dallas and give them a piece of his mind, after he was informed of Hosty's visit on November 1st. Other statements of this nature from Oswald have been too lightly discounted; some of them turned out to be true (i.e., that someone had a rifle or rifles in the Depository two days before the assassination; that he picketed the fleet in New Orleans; etc.).

It is true that no one reported the smell of gunpowder on the sixth floor of the Depository; in fact, Luke Mooney said that there was no such smell (3H 289).

The bullet fired at General Walker became unidentifiable only after November 22nd; at the time of the attempted shooting, April 1963, the police had no hesitation in identifying the bullet as a 30.06, through spokesman detective Ira Van Cleave (Dallas Morning News, April 11, 1963, page 1; New York Times, April 12, 1963). The famous palmprint on the rifle barrel was almost certainly a fabrication.

Even if I believed that it was Oswald whom Tippit stopped and by whom he was then shot, my imagination buckles at the thought that Tippit stopped him to admonish him for testiness with a waitress. Not only did Tippit lack initiative, as your article points out, but even a boy-wonder cop might shrink from such a gratuitous task within the hour of the shooting of the President, when he might have more urgent business.

Your criticism of the Commission generally deals with failure to investigate various matters which should have been taken into account, or faulty evaluation of evidence in its possession. Faults of that nature would not by themselves necessarily indicate malevolence. But you have not dealt with the numerous instances in which the Commission misrepresented the facts in its possession, or concealed such facts, or even invented them (i.e., the recency and current manufacture of the rifle ammunition, which is denied by the Western Cartridge Company, Alton, Illinois, in a letter to me, and which is inconsistent with one of the Commission's Exhibits; oddly enough, that false assertion is not accompanied by a citation).

When those instances of conscious misrepresentation are taken into account, it becomes obvious that in each case the misrepresentation has the direct or indirect effect of further incriminating Oswald or promoting the fixed and immutable thesis of the lone assassin Oswald and the lone assassin Ruby. The Commission never held any other thesis.

Yet, one may recall that under the circumstances in which the Commission was appointed and undertook its "investigation" the theory of the lone assassin should have been at the bottom of a list of theories, to be considered only if the others proved untenable.

Again, I congratulate you on your mastery of the details of the evidence and on an article which makes a real contribution to understanding of the still-mysterious events of Dallas.

Yours sincerely,

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