

## THE RIDDLE OF DALLAS

by Mordecai Brienberg

The author of this article, a former Rhodes Scholar from Canada, is a lecturer in sociology at Berkeley, California.

There are two widely held interpretations of President Kennedy's assassination and the events in Dallas. The "liberal" position contends that Lee Harvey Oswald was a product of the hatred and the violence preached by "extremists of all kinds." In this view, radicals of the right and the left are responsible for the assassination. The "conservative" interpretation traces responsibility for the assassination to "leftists and Communists" alone; for, they contend, "was not Oswald a professed Marxist?" But more crucial than the differences in these two postures are their similarities. Both presume that Lee Harvey Oswald was, in fact, guilty of the murder of the President; both by-pass an examination of whether or not this assertion is demonstrable.

Some very few Americans have taken seriously the tradition that a man is presumed innocent until proven guilty. These individuals have attempted to assess the evidence in the case. My purpose in this article is to summarize their minority inquiries, in order to make more widely known some pertinent information.\*

The complete case against Lee Harvey Oswald is contained in the FBI and Secret Service report submitted to the Warren Commission, which is unavailable to the public. However, the essence of the "water-tight case" against Oswald was presented in a nation-wide radio and television statement made by the District Attorney of Dallas, Henry Wade. This statement was made after Oswald was murdered, while still in police custody. The FBI and the Secret Service have themselves "leaked" to the news media information from their own subsequent investigations. What follows is a brief resume of the official reconstruction of the assassination.

Lee Harvey Oswald, positioned at the sixth-floor window of the Texas School Book Depository Building (TSBD), fired three rifle shots at the President's car as it was moving away from the building. The President was struck twice, once in the neck and once in the head; Governor Connally of Texas was struck once. This occurred between 12:30 and 12:31. Oswald then walked down four flights of stairs to the second floor of the building, where he took a coke from the coke-machine. A policeman who rushed into the building immediately after the shooting approached Oswald, selecting him from among several persons gathered around the coke-machine. But ~~then~~ the owner of the TSBD, who was accompanying the policeman, intervened and stated that Oswald "works in the

---

\*For those readers who wish to pursue these arguments further, I refer them to the following articles: "Defense Brief for Oswald" by Mark Lane (National Guardian, December 19, 1963); "Seeds of Doubt" by Jack Minnis and Staughton Lynd (New Republic, December 21, 1963); "Oswald and the FBI" by Harold Feldman (Nation, January 27, 1964).



building." Presumably satisfied by this comment, the policeman discontinued his interrogation and ran to the sixth floor. It is only after this brief encounter with the law that Oswald is alleged to have fled the building itself. He supposedly walked several blocks to catch a bus, which he rode for several more blocks; he then hailed a taxi and rode four miles to his apartment. After taking a jacket from his room, he left; and some time later he shot a policeman, Officer Tippit. Finally, it is alleged, Oswald entered a movie theatre where his "suspicious movements" caused the cashier to call for the police. It was in the theatre that Oswald was arrested.

The official account of the Kennedy assassination consists of assertions about (a) the murder weapon; (b) the place from which the shots were fired, and the number of shots fired; (c) the escape of the alleged assassin; and (d) the murder of officer Tippitt. I will critically examine each aspect in turn, questioning the plausibility of the official account and pointing out the significant discrepancies that appear when earlier explanations are matched against the final account that I have just outlined.

(a) Weapon There is on file in Dallas an affidavit by the police officer who found a rifle on the sixth floor of the TSB. That affidavit states that the weapon was a 7.65 mm. Mauser. Wade, on November 22, stated that this was the murder weapon, and that Oswald's palm-print was found on the weapon. The next day the FBI released a report that Oswald had purchased a rifle in March under the alias Hiddel. But this rifle was a 6.5 mm. Italian carbine. After this report, Wade reversed his position; the rifle he had in his possession was now an Italian carbine; it was no longer a Mauser. It was also after this FBI report that Wade announced that he knew Oswald used the alias Hiddel ---because he had found an identification card in this name on Oswald's person at the time of his arrest. But Wade did not explain why this alias was not released the previous day when he had asserted that Oswald used the alias Lee. The omission is most puzzling when one considers that the alias Lee was not immediately accessible to the Dallas authorities (as was the alias Hiddel), but had to be uncovered by a separate investigation.

Aside from questions about the rifle itself and the alias under which it was purchased, what evidence is there that Oswald fired the rifle? The results of paraffin tests, administered to Oswald to determine whether or not he had recently fired a weapon, are on record in Dallas. While positive results in such tests can be produced by contact with substances other than gunpowder, negative results definitely indicate that a person has not recently fired a weapon. The firing of a rifle leaves gunpowder traces on the hands and face, if it is fired from the shoulder. And it would seem rather ridiculous for a person to have fired a rifle with telescopic sights from the hip. The results of the paraffin tests were positive for Oswald's right and left hands. The paraffin tests on Oswald's face proved negative. Moreover, contrary to Wade's assertion on November 22 about palm-prints, the FBI now states that "no palm-prints were found on the rifle."

(b) Scene of the Shooting The crucial question here is to reconcile the nature of the wounds inflicted on the President with the unwavering contention that the shots were fired from the TSB. Let us follow the changing official reports as they attempt such a reconciliation.

The three doctors who attended the President at Parkland Memorial Hospital immediately after the shooting stated to reporters at the hospital that one of the bullets had entered the President's throat "just below the Adam's apple." There is a great difference between an entrance and an exit wound, and all three doctors claimed to have dealt daily with gun wounds. The bullet, these doctors further stated, ranged downward without exiting. If the President had been shot as his car approached the TSB along Houston Street, then the nature of the throat wound would be consistent with the allegation that the shots were fired from the sixth floor of that building. This was the first FBI interpretation. But all the witnesses as well as the photographs of



the shooting make clear that the car had already made the turn and was heading towards the overpass when the first shot was fired in the President's throat. Photographs indicate his car was 75 to 100 yards past the building. The FBI next argued that the President had turned his head around (almost 180 degrees) and was looking back when the first shot was fired. Mrs. Connally contradicted this by stating that she was speaking to the President immediately before he was shot---and she was sitting directly in front of Mrs. Kennedy. The films also show the President facing forward as the first shot struck him. How, then, can a bullet shot from behind enter Kennedy's throat from the front?

If the place of the shooting is fixed, if the posture of the President is fixed, then the consistency of the final account can only be achieved by altering the initial interpretation about the nature of the President's wound. After the three physicians were questioned by the FBI they issued a statement reversing their earlier view---on which they had been unanimous and definite. The throat wound, they now say, is an exit wound. These doctors state that they are, however, unable to talk to reporters or to discuss the matter further.

But there remain other pieces of information which officials have not reconciled with the latest statement of the doctors. The first police bulletin, overheard by a reporter waiting for the President's motorcade at a point farther along the route, was that "all firing appears to have come from the overpass"---in front of the car. The first radio accounts of the assassination stated that a policeman rushed to the overpass and was seen chasing two persons on the overpass. Ominously, nothing further is ever mentioned about this report. The front windshield of the President's car had a bullet hole in it. The Secret Service prevented reporters ~~from~~ at the hospital from coming close enough to determine the direction of the bullet. The car was then flown back to Washington and remained in the custody of the Secret Service. Eight days later, the windshield of the car was replaced. (It is not known whether the shattered windshield was destroyed.) Finally, four reporters of the Dallas Morning News, witnesses to the assassination, who were standing between the overpass and the TSD, all claim that the shots were fired from in front of the President's car.

How many shots were there altogether? According to the official report three shots were fired. But there appears to be five bullets. A fragmented bullet was found in the car (this is most likely the bullet which struck the President in the head and then exited); there was the bullet that "struck" the President in the throat; there was the bullet that struck Governor Connally; there was a bullet found by the Secret Service on a stretcher, presumably the President's (although its origin is by no means definite); and there was a bullet found by a Dallas policeman in the grass at a point where the other shots struck the President and the Governor. Did Oswald now fire five shots in five and a half seconds, when rifle experts are highly sceptical that an excellent marksman could have accurately fired three shots in that time?

(c) The Escape Is it possible for Oswald to have done everything the official account attributes to him between the time of the shooting and his arrival at his apartment? The shooting took place between 12:30 and 12:31. Oswald arrived at his apartment, according to his landlady, at 12:45. Another account states he arrived at 1:00 p.m. This report also mentions "chozked downtown traffic."

According to the official version, Oswald's taxi ride was about four miles. In uncongested traffic, the taxi could average 20 miles per hour, and the journey would then take 12 minutes. Thus if Oswald arrived at 12:45 he would have had two minutes to (a) hide the weapon; (b) walk from the sixth to the second floor; (c) find coins and get a coke from the machine; (d) converse with a policeman; (e) leave the building and walk four blocks to a bus; (f) ride the bus several blocks; and (g) get off the bus and hail a taxi. But if the traffic were congested, a taxi could only average about ten miles per hour. Even if we allow that Oswald did not arrive in this case until 1:00 p.m., he would still not have had more than five minutes to accomplish these same acts.



It does not seem too plausible that the alleged sequence of events could have taken place within the allotted time. But official reversals cast even further doubt on the validity of their interpretations. According to Wade's first account, the taxi-driver who picked up Oswald was named Darryl Click. But when private investigation indicated that Mr. Click had never driven a taxi in Dallas, District Attorney Wade reversed his statement. The name of the taxi-driver was now given as one William Waley.

If Oswald were the assassin, what motive would he have for returning to his apartment? Was it only to pick up his jacket, which is the police account? Mrs. Kennedy complained that afternoon of the "sweltering heat." If Oswald was returning to facilitate his escape, why, then, did he leave 150 dollars in the dresser of his room? He only had thirteen dollars in his pocket when he was arrested. For a man who had supposedly planned the assassination and carried it out so successfully, he was remarkably "unplanned" and chaotic in making his "escape."

(d) Murder of Tippit Oswald, it should be remembered, was first arrested for the murder of Officer Tippit. This, too, was a "water-tight case." District Attorney Wade claimed that he had sent 23 men to the electric chair on less evidence than that which he had against Oswald. After making several conflicting statements about where Tippit was shot, Wade ultimately acknowledged he didn't know the scene of the crime. The one witness of the Tippit murder has sworn an affidavit describing the murderer as "short, stocky, and with bushy hair." I would describe Oswald, from the pictures I have seen, as slight, balding, and perhaps short. And what of the pistol with which Tippit was murdered? No statement was made by the police as to whether the pistol found on Oswald at the time of his arrest was the pistol which fired the shots, killing Tippit. A strange omission in a "water-tight case." Wade did claim, however, that the police had a marked bullet which "mis-fired" when Oswald supposedly tried to kill the arresting officer. The policeman himself gave a different account of the arrest, stating that he prevented Oswald from firing the pistol at all by placing his finger behind the trigger before Oswald could pull it. Confronted by the contradiction, Wade yet again changed his version to accord with that of the policeman. Thus at one moment Wade claims to have a marked bullet in his possession; the next moment he denies he has such physical evidence. In the Tippit case, as in the Kennedy case, there is distortion, a reversal of interpretations and a mishandling of crucial physical evidence.

It might be argued in defence of the investigating agencies that in the atmosphere of excitement that followed Kennedy's assassination contradictions and imprecisions were due to "honest" confusion. Granted that confusion existed, why, then, should the officials be continuously certain of one thing, Oswald's guilt? Why is Oswald's presumed guilt the constant in this sea of incomplete and conflicting evidence? Now, supposedly, the confusions have been clarified into a single consistent and convincing account. But if the case is convincing and consistent, why should witnesses refuse to comment to the press after they have been questioned by the FBI? Why has Marina Oswald been held in the custody of the Secret Service since the murder of her husband, more than two months ago? She has had no direct and personal contact with any of her friends, with her mother-in-law, or with any reporter. Every communication to her, and every statement by her, first passes through the hands of a public-relations officer and a lawyer appointed "in her interest" by the Secret Service. Why, if the case is so convincing, has physical evidence, such as the windshield of the President's car, been unavailable for public examination? An alternative hypothesis to that of "honest" confusion is the hypothesis that the initial confusion and the present secrecy are attributable to incongruities between the presumption of Oswald's guilt and the inadequacy and intransigence of the evidence which would validate such a presumption.



And if the evidence is "intransigent," as a critical examination of the official account seems to demonstrate, why have the Dallas police, the FBI and the Secret Service been so unrelenting in their efforts to prove Oswald's guilt? In the pressure for an arrest, did the Dallas police consider Oswald an appropriate scapegoat because he was first on their list of "subversives"?

The federal agencies may have different motives. One hypothesis, which certainly cannot be conclusively demonstrated, suggests that Oswald worked for Federal investigatory agencies such as the FBI and the CIA. This hypothesis seeks to account for otherwise unexplained incidents in Oswald's life. While Oswald was employed he worked at minimum wages; but more frequently he was unemployed. Yet somehow he had the financial resources to travel to Mexico, to print political literature privately, and to pay a stenographer to transcribe a book critical of the Soviet Union which he was writing. The FBI early acknowledged that Oswald regularly received money through the mail; but it has not yet stated the source. If the money came from a "left-wing" organization, what reason would the FBI have for keeping this secret? Oswald had in his possession the private phone number and the automobile licence number of the FBI official in charge of "subversives" in Dallas. This information is not obtainable from the telephone directory. Moreover, the agent had contacted Oswald several times before the assassination.

Passports are not quickly granted; and Cuban sympathizers have found them particularly difficult to obtain. But despite Oswald's "defection" to the Soviet Union, despite his activity in the Fair Play for Cuba Committee, he was able to obtain a passport "within a single day." With this passport he travelled to Mexico City to try to obtain visas to travel to Cuba and the Soviet Union. Both countries refused him entrance.

Most striking is the fact that Oswald was not under surveillance during the President's visit. Supposedly, the greatest security precautions ever taken to protect a President were instituted in Dallas. (The night before Kennedy's arrival, posters were pasted which showed front and side views of the President under the caption: "Wanted--Dead or Alive.") People who advocated integration of Texas schools were under surveillance, but this "Marxist," "defector," "pro-Castroite" was unwatched. One is led to ask: is the ~~MMMMMMMM~~ FBI trying to close the case in order to hide the fact that Oswald was in their employ, or in the employ of another investigatory agency?

The Warren Commission---which includes Allen Dulles, former head of the CIA; John McCloy; Senator Russell of Georgia; Congressman Boggs of Louisiana; Senator Cooper of Kentucky; Congressman Ford of Michigan---might be a source of some consolation if it were probing for an answer to these worrisome questions. Ironically, the Commission provokes more questions about its own operation than it allays about the operation of other agencies. Its hearings are conducted in secret; and it appears to be restricting itself to a re-examination of the FBI and Secret Service evidence. The accused's constitutional rights to due process of the law, to public trial, to a defence attorney, to the cross-examination of prosecution evidence and witnesses---all these safeguards institutionalized in court procedures have been ignored in the hearings of this Commission. Why, one must again ask, does the Warren Commission judge in camera, and by such arbitrary procedures?

# # #