

Treasure-Hunting in the
National Archives

Sylvia Meagher
August 1970

A novel kind of treasure-hunting can be enjoyed by those of sedentary, analytical and inquisitive disposition, without even leaving their living-rooms. All that is needed is an intimate knowledge of the evidence in the Dallas assassination and related events, enough spare cash to buy xerox copies of unpublished Warren Commission documents at ten cents a page from the National Archives, and resolute determination to uncover the truth about the still-unsolved tragedy at Dealey Plaza.

Two kinds of treasure can be found, if one invests time and patience in the scrutiny of the great mass of records stored in the Archives. There are documents which corroborate long-standing suspicions about particular items of evidence and buttress arguments against the Warren Report by its critics, sometimes to the point where they become conclusive. Second, there are documents which contain startling new information and cast even greater doubt and discredit on the work of the Warren Commission.

~~In a recent article in these pages, the matter of the testimony of Charles Givens was reviewed in the light of new revelations contained in unpublished papers from the Archives. Rather than placing Oswald on the sixth floor shortly before the shots were fired at the motorcade, these documents revealed that Givens had originally reported that Oswald was on the first floor of the Book Depository at that very time, and that he produced the story of forgotten cigarettes and a return to the sixth floor, and of the supposed encounter there with Oswald, only in April 1964. Thus, from November 22, 1963 until the following April, Givens consistently told a story which exonerated rather than incriminated Oswald, although from April onwards he was instrumental in the effort to "convict" Oswald as the lone assassin, by hook or crook.~~

Here are several more examples of discoveries made during a methodical study of many hundreds of pages of the unpublished documents ("CD"s).

The Arraignment

Arraignment is defined as "the formal summoning of a prisoner in a court of law to answer to an indictment" and normally takes place after the filing of charges against a suspect by a district attorney or other public prosecutor. The Warren Report declares that Lee Harvey Oswald was arraigned for the murder of President Kennedy at 1:35 a.m. on November 23, 1963.

In a book published in 1967, I pointed to serious discrepancies in the evidence which raised considerable doubt about the veracity of that statement. There was no transcript of the arraignment, and no check-out slip for Oswald's removal from his cell, although there were such slips when he was removed at other times. The police detective who was at work in the room where the arraignment supposedly took place was surprised to hear about it. He testified that the ceremony must have taken place much later, since no one came into the room before he called it a night at about 2:30 a.m.

These and similar discrepancies led me to suspect that Oswald had never been formally arraigned for the murder of the President and that the story had been improvised much later, in order to spare the Dallas Police embarrassment. Chief Curry and Captain Fritz as well as other spokesmen repeatedly had told the news media that Oswald was guilty and the evidence against him was overwhelming. After he was gunned to death while literally in the arms of police officers, on the premise that he was the assassin, disclosure that he had not even been arraigned for the crime would indeed have been embarrassment.

When I acquired CD 5 page 400, not long ago, it seemed the best ten cents I had ever spent. It consists of a report by FBI agent James P. Hosty, Jr., of information he obtained from the office of Captain Fritz on November 25, 1963, and describes the filing of charges against Oswald and his arraignment in the murder of J. D. Tippit, and then states:

"No arraignment on the murder charges in connection with the death of President Kennedy was held inasmuch as such arraignment was not necessary in view of the previous charges filed against Oswald and for which he was arraigned."

In other words, they did not bother to arraign Oswald for the murder of the President because he had already been arraigned in another murder.

Hosty's report certainly seems to vindicate the suspicion that the 1:35 a.m. arraignment to which a number of witnesses testified was a product of perjury and collusion, abetted by the willing credulousness of the Warren Commission. Those who prefer to believe the Warren Report should explain why the Homicide Bureau was unaware of the arraignment when Hosty made inquiries, although able to give him precise and accurate details about the other charges and indictments, as they should also explain why there was no transcript, no check-out slip, and no corroboration by the detective who was in the room where the arraignment allegedly took place. If the Warren Report is correct and truthful in asserting that this arraignment

took place, then a series of incredible coincidences have befallen this nugget of fact. Yet, outside of the context of the Oswald case, I can recall no "fact" that oozes so strongly of fabrication and deception, by the Commission as well as its witnesses.

What Kind of Rifle?

Everyone is familiar with the tiresome story in the Warren Report of how a deputy constable hastily misidentified a 6.5 Mannlicher-Carcano rifle as a 7.65 Mauser, although not everyone finds it convincing. Less familiar is what was said about the rifle found in the Book Depository on various Dallas radio stations, as set forth in outlines of the broadcasts prepared for the Warren Commission.

Station KBOX reported, "Sheriff identifies rifle as a 7.65 Mauser with telescopic sight." Shortly afterwards, "Secret Service men say the President was shot with a German Mauser." Still later, "Dallas Police say Kennedy was assassinated by a shot from a warehouse. Used high powered army Japanese or German rifle of 25 caliber with a telescopic lens."

Station KRLD announced, "Presumed to be a 25 caliber high powered Army or Japanese rifle." The next day, "...a 30 caliber weapon on top of boxes..."

KLIF broadcast, "Joe Long, Mobile Unit 4, reports: All squads converging code 3...They are looking for a 30-year-old man with a 30-30 rifle." Later, "7.65 Mauser German made army rifle with telescopic sight."

WBAP had perhaps the most unusual version. "Crime Lt. J.C. Day just came out of that building. Reported British 303 rifle with telescopic lens." Later, "Dallas Police state a 7.65 Mauser rifle, German made with telescopic sight...found in a staircase on fifth floor."

None of the newscasts that day even mentioned "Italian" or "6.5" as the caliber. To appreciate the significance of that fact, it must be emphasized that the rifle supposedly discovered at 1:25 p.m. was marked "Made Italy" and marked "caliber 6.5". That it was described by the Secret Service, the sheriff, and the Dallas Police and specifically by Lt. Day in completely different terms, is baffling--described as

"Army" and "Japanese" and "German" and "British" and the caliber given as 25, and 30, and 7.65. Couldn't they read? Couldn't they get it right, even by accident?

To blame all the confusion about just what kind of rifle was found on a deputy constable (who, as it happened, had once operated a gun shop and was unlikely to confuse an Italian rifle with a German Mauser, and who certainly never called it British or Japanese), as the Warren Commission did, was most unfair. The explanation is not satisfying.

Opinions on the marksmanship of the assassin were also broadcast on the day of the tragedy, in terms of "an excellent marksman" (KRLD) and "fantastic marksmanship" (KLIF). Sheriff Bill Decker was quoted as taking issue with opinions voiced abroad that it was impossible for anyone to have fired the three shots in 20 seconds.

But these were mistaken impressions, as we learned a year later from the Warren Report. The marksmanship was not, after all, beyond Oswald's less than mediocre capabilities; and the three shots could be fired in the time available--not 20 seconds, as the Sheriff argued, but something less than six seconds.

In a credibility gap of such dimensions, a regiment of assassins might be lost from view.

The Umpteenth Oswald

The thesis of a "Second Oswald" was first suggested shortly after the assassination, when numerous reports from a variety of average people came to light, in each case independently of the other similar reports, of incidents involving "Oswald". In each of these cases, however, the real Oswald was known to be elsewhere at the time, or otherwise occupied. Despite the super-human marksmanship and fleetness of foot ascribed to Oswald by the Warren Commission, even that august body acknowledges that Oswald had not mastered the miraculous feat of being in two places at one time. Yet, convincing and disinterested accounts by unrelated individuals seemed to bear the unmistakable stamp of an Oswald encountered while he was in fact elsewhere and otherwise engaged. The theme of an Oswald impersonator was therefore explored in many of the books and articles challenging the Warren Report.

Most of the pseudo-Oswald incidents--involving, for example, alleged encounters at a rifle range, a furniture store, an auto sales agency, a grocery, and a barbershop--are thus already fairly familiar to the public. The Warren Report glibly, and at times deceptively, brushed off all these encounters as instances of mistaken identification or of publicity-seeking mischief and invention. But most of the "second Oswald" incidents remain unexplained to this day, troubling evidence of a possible systematic effort to incriminate Oswald in advance of the actual assassination as the perpetrator of the tragedy on Dealey Plaza.

Completely unfamiliar until recently, however, is one of the most salient of the false-Oswald-incidents, which comes to light in a series of unpublished Warren Commission documents, consisting of FBI reports, obtained from the Archives (CD 5 pages 417-422, and CD 205 pages 44-48). The circumstances described therein are such as to make it understandable that the story was omitted from the Warren Report and the published Exhibits--for in this instance as against most of the other similar reports, there is a witness who corroborates that the story of an encounter with "Oswald" was told the day before the assassination. That very fact confers the story with very special importance.

Shorn of acknowledged discrepancies, uncertainties, and aspersions against the reliability of the witness, the bare essentials of the story are as follows. Ralph Leon Yates, a refrigerator service-man, picked up a hitchhiker in his truck on either Wednesday November 20th or Thursday November 21st, 1963--either one or at most two days before the assassination. Yates appeared at the FBI office the following Tuesday, November 26th, of his own volition, to report

his encounter with the hitchhiker and to identify him as Lee Harvey Oswald. Yates said that he had picked the man up near Beckley Street (where Oswald had a rented room) and dropped him at Houston and Elm Streets (where the Book Depository is located). The man carried a package wrapped in brown paper, about 4 to 4½ feet long, which he said contained curtain rods; he talked about the Carousel Club, about the President's forthcoming visit, and about the feasibility of assassinating the President from the top of a building or out of a window; and he even showed Yates a photograph of a man holding a rifle, with a pistol in a holster on his left side.

When Yates returned to the company where he was employed, he said, he had mentioned the incident of the hitchhiker to another employee, Dempsey Jones. Having given this information to the FBI, Yates specifically ventured that he "would appreciate not receiving any type publicity from the fact he was furnishing this information."

The FBI, for its part, immediately interviewed Dempsey Jones, who corroborated that Yates had told him before the assassination that "he had picked up a boy in Oak Cliff and taken this boy to Houston and Elm in Dallas. Yates said this boy had a package...that the man discussed the fact with him that one could be in a building and shoot the President as he, the President, passed by." The FBI next ascertained, from company records of Yates' service calls, that the encounter had taken place on Thursday the 21st, and had been described to Dempsey Jones by Yates on the same day.

Some weeks later, on December 10th, 1963, Yates gave the FBI a sworn statement--after warnings that it could be used against him in a court of law --giving substantially the same story of the hitchhiker and identifying the latter as Oswald.

But on Thursday morning, November 21st, Oswald was known to be in the Book Depository, at work; indeed, at about 10 a.m. that day, he was asking Wesley Frazier about hitching a ride to Irving with him at the end of the day. He could not have been the hitchhiker who took a lift from Ralph Leon Yates.

Who, then, was that hitchhiker? Was he a man engaged in a deliberate impersonation and incrimination of Oswald in events to take place at least 24 hours later? Was the incident staged by the engineers of the assassination?

In order to discount Yates' story, one must argue that he improvised it after the assassination and then persuaded Dempsey Jones to become his accomplice by corroborating the encounter. One must also then demonstrate that the various details that Yates gave the FBI on Tuesday November 27th were already in the public domain and accessible for use in Yates' fabrication.

That both Yates and Jones invented the whole story is not impossible, but neither is it more than pure conjecture. The story was in no way disproved by the FBI or the Warren Commission before it was consigned to obscurity in the Archives. The very fact that the whole matter was quietly relegated to the files suggests that even if Yates embroidered his story by adding details published in the press (as it seems likely that he did), the investigators were not able to invalidate the central core of the story as corroborated by Dempsey Jones--that Yates had given a ride to a young man who closely resembled Oswald, that the hitchhiker had carried a package, and that he had discussed the logistics of shooting at the President from a building as he passed by.

Whether the story was true in essence, or whether Yates and Jones conspired in a falsification--out of sheer malice and mischief? to bolster the case against Oswald at a moment when the evidence seemed dubious and was being sharply questioned?--the matter raises questions of first importance. The shadow of a dual "Oswald" has not been dispelled.

The Mysteries of Jack Ruby

The Warren Commission assigned two of its lawyers to investigate the murder of Oswald, and Jack Ruby, his murderer. The two lawyers, Leon Hubert and Burt Griffin, prepared a 68-page report dated February 18, 1964. The report includes the following passages of remarkable interest, with information never before known to the general public or to the students of the assassination.

"On November 21, Ruby placed newspaper advertisements for the Vegas Club and the Carousel Club in both the Dallas News and Dallas Times Herald...The placing of newspaper ads must be examined in the light of the fact that Ruby also appeared at the Dallas Morning News on Friday morning, November 22nd, to place a similar ad." (Pages 52-53 of Hubert/Griffin report)

Several pages later in the report:

"At 9 a.m. Friday morning, November 22, Ruby is reported to have been in a crowd on the north side of the Harwood entrance to the Dallas police station...The next report of Ruby's activities places him at the office of the Dallas Morning News at approximately 11:45 a.m. Friday. On the other hand, telephone company records are reported by the FBI to show that a call was placed from Ruby's apartment to his brother's home in Chicago at 11:50 a.m." (Page 55)

The Warren Report is silent on these strange discrepancies in the reconstruction of Ruby's activities in the hours before the assassination, and gives a somewhat sanitized account of his comings and goings, in ~~an~~^{its} effort to depict just another "normal" or non-conspiratorial lone murderer. Certainly it said nothing about a possible further discrepancy, suggested by a newscast on station KLIF

on Sunday afternoon, November 24, 1963:

"Ruby had no identification on him, it was found in his car at the parking lot where attendant said it had been since early this morning." (Emphasis added)

There seems to have been more to Jack Ruby than the Warren Commission intended to meet the public eye. Perhaps these hints and rumblings of sinister peregrinations by Ruby on the eve of the Presidential assassination can be cleared up, even now. If Messrs. Hubert and Griffin have any clarifications to offer, we are all listening.

Meanwhile, the sceptics and the critics will continue their labors on the unpublished papers in the Archives, and try to place before the public the wheat that can be separated from the chaff.