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THE HORN OF TRUTH

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Among the 552 witnesses who gave oral or written testimony to the President's Commission on the Assassination of President Kennedy was Nelson Delgado who served in the U.S. Marine Corps with Lee Harvey Oswald, alleged assassin of the President, after Oswald's return to the United States in 1959 from service in Japan. Delgado was sworn and examined by Wesley J. Liebeler, an assistant counsel on the legal staff of the Commission, on April 16, 1964, at the U.S. Courthouse in Foley Square, New York City. Liebeler, a graduate cum laude of the University of Chicago Law School in 1957, was, at the time he examined Delgado, a member of the New York law firm of Carter, Ledyard & Milburn and a member of the Order of the Coif. Although entitled, under the rules of procedure adopted by the Commission, to counsel of his own choosing, Delgado, in common with almost all witnesses who gave evidence, was unattended by an attorney while testifying.

Delgado's testimony, which occupies pages 228-265 inclusive of Volume VIII of the 26 volumes of testimony and exhibits compiled by the Commission, is interesting on a number of counts. It has an intrinsic interest as a partial autobiographical revelation of a young American of Puerto Rican descent whose life touched for a time that of another human being destined to become one of the principal actors in a ~~monstrous~~ momentous melodrama on the stage of American political life. His testimony illuminates facets of Oswald's personality and provides material for an authentic reconstruction of his life. It also serves as a touchstone for evaluation

of the Commission's Report.

Delgado was born in Brooklyn, New York, in the same year as Oswald, 1939, of parents who had come to the United States from Puerto Rico three or four years previously. Later, after his father and mother were divorced, Delgado lived at different times with either parent in California and New York. He attended Manual Training High School in Brooklyn, but "dropped out after the 11th grade" and subsequently obtained "my high school graduation through USAFI" (U.S. Armed Forces Institute; 230-231).

After leaving school, Delgado worked for about two and a half months in an olive factory in Brooklyn, then enlisted in the Marine Corps. He received basic training at Parris Island, South Carolina, and was then sent to Camp Le Jeune, North Carolina, "for intensive training." Subsequently, he "received schooling in electronics. . . at Jacksonville Naval Air Station" in Florida (231). Following completion of that course, Delgado selected "aircraft control and warning" and attended school at Biloxi Air Force Base in Mississippi. On finishing the prescribed course of study in about seven weeks, he was assigned to Marine Air Control Squadron 9 in Santa Ana, California. That was "the beginning of 1958" (231).

Delgado worked in a "control room," scanning radar screens, challenging aircraft in code to establish their identities, and receiving and giving "authentication" of aircraft from tables or codes. Because he had access, necessarily, to such "classified materials," Delgado was given "secret clearance" (232). He worked

at that assignment until his discharge from the Marine Corps on November 2, 1959. One year later he "joined the Army," became a cook, and served in Germany until December 8, 1962. At the time he testified, Delgado was stationed at Delta Battery, 4th Missile Battalion, 71st Artillery, in Hazlet, New Jersey (229).

At Santa Ana, Delgado became a corporal and was in charge of a quonset-hut barracks housing six men. ". . . in the beginning of 1959" Oswald was transferred into Delgado's hut. They lived in adjoining rooms (232-233).

Delgado, who testified that he "was kind of a loner, myself" and "didn't associate with too many people," and Oswald "started talking" and "got to know each other quite well." They "had basic interests" (232-233). They "got along pretty well." Delgado helped Oswald learn Spanish, Oswald "tried to teach" Delgado Russian (244). They went "to the shows" when they had no duty, Delgado paying "9 times out of 10" (251). Oswald "always had money. You know, he never spent it. He was pretty tight" (241). On one weekend they went to Tiajuana, Mexico, together with two other Marines. They "hit the local spots, drinking and so on. . . and as far as I knew Oswald had a girl" (253). Otherwise, "It was odd that he wouldn't go out with girls but never once did he show any indication of. . . homosexual tendencies. . ." He "very seldom clowned around. . . He didn't drink too much. Occasional beers. I never seen him drunk" (265).

Delgado's observation about Oswald's essential sobriety was supported by other Marines who served with Oswald in California.

Paul Edward Murphy testified, "Although Oswald drank he did not drink excessively" (320). And Richard Dennis Call, who "lived in the next ensign hut" and served on the same radar crew, said, "I do not remember his ever becoming intoxicated" (322-323). Ex-Corporal James Anthony Bostelho "shared a room with Oswald for approximately two months prior to his discharge." He observed, "Although Oswald may have drunk at times, I never observed him to be intoxicated" (316-317). When ex-Sergeant Daniel Patrick Powers was asked, "Do you ever recall him being intoxicated?," he responded, "Not distinctly, no" (286). Ex-Lieutenant John E. Donovan testified he thought Oswald "used to go down to the enlisted men's club to drink beer. . . From my own personal knowledge, I do not know that he drank to excess" (302).

This testimony did not impress the Commission favorably. No reference to any of it is made in the Report. But Oswald's earlier lapse in Japan when he was, by his own admission to a court martial, "rather drunk," accidentally, as the court martial found, spilled a drink over a sergeant and spoke provocatively to him, is cited by the Commission as evidence of "Oswald's new found apparent serlf confidence and pugnaciousness" (Report, 386).

Oswald "didn't show any interest in sports," Delgado testified, but played on the squadron touch football team for a short time. He was a "mediocre. . . so-so player" and "just bugged out" (VIII, 251-252). Oddly, Delgado made no mention of Oswald's devotion to chess. Richard Dennis Call testified that Oswald "spent a great deal of time playing chess," and that he "played chess with

him about once a week" (322). Corroboration of Oswald's addiction to chess can be found in the testimony of other Marines.

Oswald, said Delgado, "didn't have too many close friends (258). Corporal Botelho was "the same as the rest of the fellows: Not too close." Private First Class Wald, who was in the same hut with Delgado and Oswald, was "Just speaking acquaintances." Richard Call believed he was probably one of Oswald's best friends (322). Delgado thought "Call was the closest you would come to Oswald, because he liked classical music and good books. . ." but was only "semi-friendly" (258). Apparently, Delgado was the closest friend Oswald had in the Marine Corps. The Commission, which ex post facto pronounced Oswald unable "to enter into meaningful relationships with people" (Report, 23), either could not or would not recognize the relationship between Oswald and Delgado as friendship. The latter is described in the official list of witnesses as "Acquaintances of Oswald in Marine Corps" (487).

Oswald "liked to talk politics with. . . particularly, Call, and he would argue with him and Oswald would get to a point where he would get utterly disgusted with the discussion and got out of the room. Whenever it got to the point where anger was going to show, he would stop cold and walk out and leave the conversation in the air" (VIII, 255). In this connection, Liebeler asked, "He never got mad at anybody?", and Delgado answered, "Not physically mad, no." Liebeler went on, "Did you ever know him to get into a fight with anybody at Santa Ana?" Delgado replied, "No" (255). Later in the interview, Liebeler asked, "Did you ever think that he was

unbalanced?" Delgado's answer is interesting. "He never got real mad where he'd show ravings of any sort, you know. He controlled himself pretty good" (265).

Oswald stalking from a room, leaving a discussion hanging in the air, spells controlled frustration. But he also had moments of triumph. "Oswald used to get in heated discussions with a couple of the officers there. . . they'd be talking about politics, which came up quite frequently during a break. . . . Oswald had them stumped about four or five times. They just ran out of words, they couldn't come back. . . . And every time it happened, it made him feel twice as good. . . . He thought himself quite proficient with current events and politics" (265).

And Liebeler led him on, "He used to enjoy doing this to the officers, I could imagine." Delgado took the bait: "He used to cut up anybody that was high ranking, he used to cut up and make himself come out top dog" (265). This trait, common among politically precocious and emotionally laggard adolescents - Oswald was nineteen - suited the Commission's book. Delgado's words appear in the Report (p. 385), their import transmogrified into a calculated plan to bait his officers by leading "them into discussions of foreign affairs about which they often knew less" than Oswald, "since he had apparently devoted considerable time to a study of such matters." And "When the officers were unable to discuss foreign affairs satisfactorily with him, Oswald regarded them as unfit to exercise command over him." Heretical and subversive idea! What was in Oswald's mind? Thoughts of Cromwellian

agitators, Lilburne Levellers, Russian and Chinese Red Army commissars? Who can say? The Commission did not pursue the matter, was not interested in exploring political ideas. It preferred psychological analysis.

Oswald engaged in this practice, the Commission speculated, "probably. . . in an attempt to attract attention to himself and to support his exaggerated idea of his own abilities." It evinced his lifelong "difficulty in relating to other people and his general dissatisfaction with the world around him" (385), but, curiously, not of "his deep-rooted resentment of all authority which was expressed," it seems, only "in a hostility toward every society in which he lived" (23).

Liebeler's efforts to pursue the theme of discipline yielded only inedible fruit. "Did you ever have the feeling," he asked Delgado, "that Oswald disliked discipline as a general proposition, or just individual people that told him what to do?" Judging by Delgado's imperfect command of English, he probably was incognizant of Liebeler's mayhem against grammar and his own mother tongue. Whether Delgado apprehended Liebeler's alternatives of abstract emotion and concrete feeling the transcript does not make clear, but it does contain Delgado's informative response, "I would say discipline by certain individuals, you know. He used to take orders from a few people there without no trouble at all. Just a few people that didn't like him or he didn't like them. . . . If he had respect, he would follow, go along with you. But if he thought you to be inferior to him or mentally - mental idiot,

he wouldn't like anything you told him to do" (VIII, 262).

Delgado thought Oswald "More intelligent than I am, and I have a 117, supposedly, IQ, and he could comprehend things faster and was interested in things that I wasn't interested in: politics, music, . . . so much like an intellectual. He didn't read poetry. . . but as far as books and concert music. . . he was a great fan" (245). "You told the FBI that Oswald enjoyed classical music. . . ," asked Liebeler, to which Delgado replied affirmatively; "And that he would often talk at length about the opera. . ," Liebeler went on, and elicited the response, "Right" (251).

Oswald, thought Delgado, "was mostly a thinker, a reader. He read quite a bit" (237). What a man reads, and for what purpose, are, it is well established, doorways into his mind, his heart, his soul. The inquiry into Oswald's reading is illuminating. Liebeler asked, "Did you mention to the FBI the fact that Oswald had a copy of _Das Kapital_?" Delgado said he had. It is gratifying to note that _Das Kapital_ is so well known that neither interrogator nor witness thought it necessary to identify the author. "Did Oswald have any other books that you can remember?," Liebeler wanted to know. Delgado obliged, "He had _Mein Kampf_." This work, Delgado probably thought, had to be identified by author and epithet, which he did as "Hitler's bible," and added immediately in what must have been an attempt at reassurance, "but that was circulating throughout the battery, everybody got a hold of that one time or another. . ." (254). Specters of communism and fascism! Subversion from the left and from the right! In the U.S. Marine Corps!

From the right! While Major General Walker was indoctrinating American troops in Germany with propaganda formulated by the John Birch Society! And two years before Nazi General Adolf E. Heusinger was appointed chairman of the Military Committee of the North American Treaty Organization!

If Liebeler in 1964 was surprised or disturbed by what he had been told of the apparently greater interest five years before in one Marine Corps battery in Hitler's ideas than in Marx's, the transcript does not record it. He said nothing, asked no questions on that score. The hunt was up, not for fascist jackals, but for a lone leftist fox. And so Liebeler explored the question - had Delgado actually seen Oswald read Das Kapital, which for some reason not explained in the interrogation, the FBI seemed to doubt.

Then occurred the following delightful exchanges: Delgado: ". . . he had this other book. I am still trying to find out what it is. It's about a farm, and how all the animals take over and make the farmer work for them. It's really a weird book, the way he was explaining it to me. . . he told me that the farmer represented the imperialistic world, and the animals were the workers, symbolizing that they are the socialist people, you know, and that eventually it will come about that the socialists will have the imperialists working for them, and things like that, like these animals, these pigs took over and they were running the whole farm and the farmer was working for them. . ." Liebeler: "Did you tell the FBI about this?" Delgado: "No." Liebeler: "Do you want to know the name of the book?" Delgado: "Yes." Liebeler: "It is called

Animal Farm. It is by George Orwell." Delgado: "...The Animal Farm. Did you read it?" Liebeler: "Yes; there is only one thing that Oswald did not mention apparently and that is that the pigs took over the farm, and they got to be just like the capitalists were before, they got fighting among themselves, and there was one big pig who did just the same thing that the capitalist had done before. Didn't Oswald tell you about that?" Delgado: "No; just that the pigs and animals had revolted and made the farmer work for them. The Animal Farm. Is that a socialist book?" Liebeler: "No." Delgado: "That is just the way you interpret it; right?" Liebeler: "Yes; I think so. It is actually supposed to be quite an anti-Communist book." Delgado: "Is it really?" Liebeler: "Yes..." (254-255).

So ended Liebeler's interest in Oswald's book reading. From Oswald's application for admission to Albert Schweitzer College in Switzerland the Commission learned that he listed his favorite authors and books at that time as "Jack London, Charles Darwin, and Norman Vincent Peale, Sciencitific books, Philosophy etc." (XVl, Exhibit 228, 622-623). "His reading acquired direction; books like 'Das Kapital' and Orwell's 'Animal Farm' and '1984' are mentioned in the testimony concerning this period," the Commission wrote in it's Biography of Lee Harvey Oswald (Report, Appendix X11l, 687). The Commission failed, however, to identify the direction common to the writing of both Communist Karl Marx and anti-Communist George Orwell. Appropriately, Delgado is included among the "75 key witnesses" whose testimony was "Selected and edited from the Warren Commission's Hearings by the New York Times" for inclusion in The Witnesses (McGraw Hill, 1964, 1965). But only his exchanges with Liebeler about Orwell's symbolic farmer and his rebellious pigs were considered "Fit to Print."

Religion was "the only thing" Delgado did not discuss with

Oswald because the latter "knew I was religious," while Oswald "didn't believe in God" and was a "devout atheist" (VIII, 261). Oswald was "a complete believer that our way of government was not quite right. . . . He didn't think our Government had too much to offer" (233). Delgado and Oswald "talked about the Communist or Socialist way of life. . . either in our hut or, you know, in low whispering doing the wardroom. . ." Oswald "would discuss his ideas, but not anything against our Government or - nothing Socialist mind you" (246). He "never said any subversive things or tried to take any classified information that I know of out or see anybody about it" (233). "We all called him Comrade, which is German for friend. We didn't put no communistic influence whatsoever" (257). "Did you think," queried Liebeler, "that Oswald was an agent of the Soviet Union or was acting as an agent for the Soviet Union at that time?" When Delgado said "No," Liebeler dropped the subject (245).

The two friends "had many discussions regarding Castro" (240). At first they were in agreement in supporting Castro "wholeheartedly." It was "one of the main things Oswald and I always hit off so well, we were along the same lines of thought." They dreamed of going to Cuba after their honorable discharge from the Marine Corps to become officers in the service of the revolution. In the U.S. Marine Corps "Did Oswald ever complain about the fact that he hadn't been promoted?," asked Liebeler. Delgado's emphatic answer is instructive, "No, never. Never. I don't guess he expected it" (250). Liebeler was fishing in the wrong stream.

It must have become apparent to Oswald that the satisfaction of his "urge to try to find a place in history" (Report, 23) would have to be achieved outside the Marine Corps. On May 2, 1957, Oswald had been promoted to private first class, and seven and a half months later, while on duty in the Philippines, passed an examination for promotion to corporal which was entered on his record on March 19, 1958. At the end of April, a court martial found him guilty of possessing a privately owned, unregistered weapon, a .22 caliber derringer with which he had wounded himself accidentally. A second court martial, on June 29, found him guilty of wrongfully using provoking words to a "staff NCO" (XIX, Folsom Exhibit No. 1, 660, 692; Report, 683-684). In consequence of these events Oswald was demoted to private (Folsom VIII, 306), his qualification for corporal was struck from his record (XIX, 660), and, according to ex-Marine Acting Corporal Herry Wendell Thornley, was assigned duties that were "primary janitorial" (XI, 84). Oswald regained the status of private first class on January 9, 1959 (XIX, 660). The Commission found that "there is nothing in Oswald's military records to indicate that he was mentally unstable or otherwise psychologically unfit for duty in the Marine Corps," and observed that he did not adjust well to conditions which he found in that service." It explained this by his failure to "rise above the rank of private first class even though he had passed a qualifying examination for the rank of corporal" (Report, 385).

As officers of Castro, Delgado and Oswald would "lead an expedition to some of these other islands and free them too. . ."

They "would do away with Trujillo and things like that, but never got no farther than the speaking stage" (VIII, 240-241). "But then" Delgado changed his political stance. Castro's "Russian purge" (240) of Battista counterrevolutionaries repelled him. He was impressed, he said, "when evidence was being shown that Castro was reverting to a Communist way of government, you know, and secret state, secret police state. . ." (255).

Liebeler asked Delgado, "Did you talk to Oswald about this change in Castro's attitude and his approach?" And Delgado responded, "Right. He said that was all due to mal - bad newspaper reporting, that we were distorting the true facts. . ." (243). Oswald attributed the distortion to "the fact that we had lost so much and were about to lose so much money in Cuba. . . now that our man" (Battista) "was out" (241).

Oswald's "ideas about Castro kept on persisting in the same way as at the beginning" (255). He "started actually making plans." He asked Delgado "questions like 'how can a person in his category, an English person, get with a Cuban. . . be part of that revolution movement?'" (241). Delgado, who had "started cooling off" (255), "started getting scared" (243), and was "shying away from him, . . . told him, to begin with, you have got to be trusted. . . so the best way to be trusted is to know their language. . ," whereupon Oswald "started applying himself to Spanish. . . bought himself a dictionary, a Spanish-American dictionary" (241) and "was continuously trying to learn something" (247). Although Oswald "didn't acquire too much" fluency, he learned to "speak a

common Spanish like 'How are you? I am doing fine,'" and was able to talk to Delgado in the latter's native tongue (241). More than once the two friends "were reprimanded for speaking Spanish. . . in front of officers" (246).

In response to Oswald's repeated requests for information on "how he could go about helping the Castro government," Delgado advised him "to get in touch with a Cuban Embassy." At that time, as Delgado pointed out to Liebeler, the United States and Cuba "were on friendly terms. . . . After a while," Oswald told Delgado "he was in contact with them." Liebeler pinned it down, "With the Cuban Embassy?" Delgado confirmed it (241). Because Delgado had "made it a policy. . . to pick up the mail for our hut and distribute it to the guys in there," he knew that "Oswald very seldom received mail from home" (242). He also knew that Oswald was in receipt of official-looking envelopes from Los Angeles, where, Oswald told him, there was a Cuban consulate (241). Oswald "offered to show it to me, but I wasn't much interested. . . " (243). Also "every so often, after he started to get in contact with these Cuban people, he started getting little pamphlets and newspapers" (242). Delgado "took it for granted"they came from the Cuban consulate.

Although Oswald seemed to Delgado to pursue his preparations for a revolutionary career in Cuba with frightening persistence and determination, Oswald apparently also maintained his earlier interest in the Soviet world. ". . . he always got a Russian paper. . . . He was getting that way before he even started cor-

responding" with the Cuban embassy or consulate (242-243). Other Marines were aware that Oswald received a Russian newspaper. It was believed that he used the newspaper in connection with his study of the Russian language in which he took a qualification test in February 1959 and was rated "'poor' in all parts of the test" (Report, 685).

Mystery surrounds this newspaper. No one seems to have known its name. Corporal Botelho thought it was published in San Francisco (315). Acting Corporal Thornley "knew" Oswald was subscribing to *Pravda* or a Russian newspaper of some kind from Moscow (XI, 87). First Lieutenant John E. Donovan "never saw the newspaper" and could not recall whether it was printed in Russian. He questioned Oswald about it after "the men always told me that he subscribed to a Russian newspaper," and concluded that Oswald "did not apparently take this stuff as gospel" (VIII, 292). Delgado asked Oswald "if it was, you know, a Commie paper - they let you get away with this in the Marine Corps in a site like this - and he said, 'No, it's not Communist; it's a White Russian'" (242). Delgado, it seems, was not reassured, for on one occasion "on the way from the guard shack" he told Lieutenant Depadro that Oswald was receiving Russian newspapers. If Delgado was worried, Depadro, unlike Donovan, was not; he "just brushed it off. He didn't seem to care" (260).

Nor did Liebeler. He wanted to know, in this connection, only whether Oswald received his newspaper "prior to the time he contacted the Cuban consulate" (242); whether "the Russian newspaper. . . came from the Cuban consulate" (243); and "if Delgado

had told the FBI previously that Oswald was in receipt of "Russian language newspapers" (260). No elucidation is made in the Commission's Report which makes only one passing reference to it, "Donovan believed that Oswald subscribed to the Russian newspaper - which Donovan thought was a Communist newspaper - not only in order to read Russian but also because he thought it presented a very different and perhaps equally just side of the international affairs in comparison with the United States newspapers" (Report, 686).

Why the mystery? If the recollections of the Marines were insufficient to establish the name and political identify of the paper, were there not other sources of information available to the Commission? Is it unreasonable to assume that Oswald's pronounced and disturbing avowed interest in a Russian newspaper, known to enlisted men and officers, had also come to the attention of military intelligence or counter intelligence? Perhaps the answer reposes in their files. Did the Commission seek it there? Reports by the FBI and Secret Service "were reviewed and analyzed by the Commission. Additional investigative requests, where appropriate, were handled by the Internal Revenue Service, Department of State, and the military intelligence agencies" (Report, Foreword, xii). If such a request was addressed to military intelligence, what result did it produce? And if none, why not?

What is the importance of this newspaper? If its political identity were known, light might be shed on Oswald's political orientation at the time he read it, and, therefore, on the further

mystery attending his plans to emigrate to the Soviet Union while ostensibly preparing to enlist in the service of the Cuban revolution. Almost nothing is known about these plans. News that he had gone to the Soviet Union came as a surprise to the Marines who had known him. When Liebeler asked Delgado, "Did Oswald say anything to you while you were in the Marines together about going to Russia?," the latter replied, "No." Liebeler emphasized, "He never did?" Again Delgado answered, "No" (257). Later in the interview, Liebeler returned to the point, "Were you surprised when you learned that Oswald had gone to the Soviet Union?" When Delgado affirmed, "Yes' I was," Liebeler persisted, "You had no reason to believe - " Delgado broke in, "No." Liebeler continued, "From your association with him that he was intending to do any such thing?" Once again Delgado responded, "No." Liebeler was not satisfied, "While he was in the Marine Corps; is that correct?" and "He never spoke to you or indicated to you in any way that he planned to go to Russia?" Delgado's responses to both questions were in the negative (263). Botelho testified, "I was quite surprised when I learned that Oswald had gone to Russia" (315); and Donovan, "It came as a complete surprise to me that he had turned up in Moscow. . . . Evidently that was a rather well kept secret, that he intended to depart so suddenly. . ." (294).

The mystery is compounded by another plan nurtured by Oswald, to attend school abroad following his discharge from the Marine Corps. Delgado told Liebeler, ". . . once he got out of the service he was going to Switzerland, he was going to school, and this school

in Switzerland was supposed to teach him in 2 years - in 6 months what it had taken him to learn in psychology over here in 2 years, something like that;" and he added when Liebeler asked him, "Did he tell you the name of the school", No, but he applied for it while in the service. . ." (243). Call recalled, "On one occasion, Oswald remarked to me that he had been awarded a scholarship to Albert Schweitzer University and that he planned to attend. . ." (323). On March 19, 1959, while apparently preparing for revolutionary activity in Cuba and almost nine months before the scheduled expiration of his military service, Oswald applied to Albert Schweitzer College, Charwalden, Graubuenden, Switzerland, for admission to the "third spring course" to begin a year later in April, 1960. "Schweitzer is a small school which specializes in courses in religion, ethics, science, and literature" (Report, 688). A. Botelho and R. Calove, another Marine, were listed as references on Oswald's application (XVI, Exhibit 228, 623-625). Not Delgado! In June, Oswald sent off the registration fee of $25.00 (631). The college never heard from him again.

How explain Oswald's preparation to serve the Cuban revolution, application for admission to a college in Switzerland, and his departure, nine days after receiving a dependency discharge from the Marine Corps, for Europe, his ultimate destination the Soviet Union (Report, 688-689)? What motivated him? Intellectual curiosity, political conviction, cool personal calculation, adolescent vagary, neurotic instability, a combination of these factors, another cause entirely? Unless Oswald's motive for emigrating to

the Soviet Union can be established, the reconstruction of his personality, his biography, cannot be completed accurately. Only searching investigation can provide the basis for a solution of the problem. However, the transcript of the testimony of the Marines who served with Oswald contains nothing evincing interest by the Commission in the problem. Nor is anything to that effect to be found in the Report.

Instead, the Commission found that Oswald's "desire to go" to the Soviet Union was "quite strong" and his "defection resulted in part from his "commitment to Marxism," but "had a more powerful personal and psychological basis"; implied nevertheless that it could not decide what his "reasons for going to the Soviet Union might have been"; and concluded, "At the age of 19, Oswald thus committed an act which was the most striking indication he had yet given of his willingness to act on his beliefs in quite extraordinary ways" (Report, 390-399). Oswald's return to the United States, incidentally, is cited, not as evidence of his capacity for acting on his beliefs, but as testimony "to the utter failure of what had been the most important act of his life" (395).

Most of Delgado's testimony relates to aspects and factors of Oswald's personality and character and bears indirectly on the problem of motivation for the assassination. But one item of his testimony, ignored by the Commission, has an important and more direct bearing on Oswald's guilt or innocence. Delgado testified in some detail about Oswald's markmanship, a matter of obvious importance for the Commission's case against him. If Oswald had

the skill attributed to him by the Commission, it would prove, not that he was, but that, other evidence apart, he could have been, the sole assassin, and would constitute a link in the chain of circumstantial evidence forged by the investigative agencies and the Commission against him. On the other hand, if Oswald's skill can be shown to be unequal to the solitary task the Commission concluded he set himself, the chain would be broken, creating strong grounds for investigating the possibilities: a lone marksman more proficient than Oswald shot Kennedy; Oswald was one of two or more snipers who caught the President in an enfilade; Oswald had only a minor role, or none at all, in the conspiracy which plotted the ambush.

The Commission recognized the importance of this problem. An entire section of the Report is devoted to Oswald's Rifle Capability (Chap. IV, 189-196). "Four marksmanship experts testified before the Commission. Major Eugene D. Anderson, assistant head of the Marksmanship Branch of the U.S. Marine Corps, testified that the shots which struck the President in the neck and the head were 'not. . . particularly difficult' . . . . M. Sgt. James A. Zahm, noncommissioned officer in charge of the Marksmanship Training Unit in the Weapons Training Battalion of the Marine Corps School at Quantico, Virginia, 'Referring to a rifle with a four-power telescope. . . said: '. . . this is the ideal type of weapon for moving targets' . . . . Characterizing the four-power scope as a 'real aid, an extreme aid' in rapid fire shooting, Sergeant Zahm expressed the opinion that the shot which struck President Kennedy

in the neck at 176.9 to 190.8 feet was 'very easy' and the shot which struck the President in the head at a distance of 265.3 feet was an 'easy shot' . . . . Robert A. Frazier, FBI expert in firearms and training, said: 'From my own experience in shooting over the years, when you shoot at 175 feet or 260 feet. . . with a telescopic sight, you should not have any difficulty in hitting your target. I meant it requires no training at all to shoot a weapon with a telescopic sight once you know that you must put the crosshairs on the target and that is all that is necessary.' Ronald Simmons, Chief of the U.S. Army Infantry Weapons Evaluation Branch of the Ballistics Research Laboratory, said: 'Well, in order to achieve three hits, it would not be required that a man be an exceptional shot. A proficient man with this weapon, yes'" (189-191).

". . . exacting tests" were "conducted for the Commission" (648) by Frazier and Simmons with the 6.5 Mannlicher-Carcano rifle found in the northwest corner of the 6th floor of the Texas School Book Depository Building on November 22, 1963. Their testimony provides the context from which the Commission abstracted the opinions quoted in its report. At three points in his testimony, Frazier affirmed the aim of the tests conducted by him, in which he also participated as a marksman: "A series of three tests were made. . . we fired accuracy and speed tests. . ." (VIII, 402); "And this series of shots we fired to determine actually the speed at which the rifle could be fired. . . and also to determine the accuracy of the weapon. . ." (403); "The tests we ran were for the

Taken on March 31, 1964

purpose of determining whether we could fire this gun accurately in a limited amount of time, and specifically to determine whether it could be fired accurately in 6 seconds." Frazier "assumed the 6 seconds empirically" because he had "no independent knowledge of the time interval or the accuracy "of the shooting in the assassination" (410).

Accuracy and speed, it would seem, were correlative considerations in the Frazier tests. But not for the Commission, which reported, "Three FBI firearms experts tested the rifle in order to determine the speed with which it could be fired. The purpose of this experiment was not to test the rifle under conditions which prevailed at the time of the assassination but to determine the maximum speed at which it could be fired (...and the area within which three shots could be placed)" (Report, 194). Why? What purpose was to be served by establishing the absolute speed with which the rifle could be fired apart from consideration of the accuracy of such firing? The Commission does not say; the Report is silent. The assassin, to be sure, was vitally concerned. Perhaps the test was held in order to develop data with which to rebut the contentions made by various experts in the United States and abroad that to fire a 6.5 Mannlicher-Carcano with the rapidity attributed to Oswald is an impossibility.

Frazier proved that it can be done, but had to overcome a number of difficulties. In the first test, conducted indoors, "in the FBI range here in Washington" (III, 410), on November 27, 1963 (404), Agents Charles Killion, Cortland Cunningham and Robert Frazier, who were not "overly familiar with this particular fire-

arm," each fired three shots (403) at a single stationary target, a black paper silhouette of a man, at a distance of 15 yards. ". . . there was not an opportunity to test" at "long range" (402). They "shot with a rest. . . on each occasion with one arm resting on a bench or a table." They "were sitting, actually sitting or kneeling in order to bring the arm down to the rest" (410).

Why three shots per round? Why not two or four or another number? Neither the transcript of the testimony nor the Report states any reason. Was the number fixed at three because three cartridge cases or shells were found near the window in the southeast corner of the sixth floor of the Texas School Book Depository in Dallas from which, the Commission concluded, the fatal shots were fired? And three shots fired in 6 seconds would lend support to the idea that a single gunman had killed the President and wounded the Governor.

The speed-accuracy correlation of the first Frazier test was not very good. Killion came closest to the "aiming point" but was the slowest. His score was three "interlocking" hits in an area "about the size of a dime," but 2-1/2 inches high and 1 inch to the right; his time was 9 seconds. Cunningham was not as accurate but was faster. He scored three interlocking hits "within an eighth of an inch of each other," 4 inches high and 1 inch to the right of the aiming point (404); his time was 8 seconds (420); the Report gives it as 7 seconds (194). Frazier's accuracy was worst but his time was best. All three of his shots landed within a 3/4-inch circle, only two interlocking, 4 inches high and 1 inch to the

right; but his time was 5.9 seconds (404).

The second test was performed by Frazier also on the same day in the same range. He fired "two series of three shots at 25 yards" at a stationary cardboard target (404), not a silhouette (XVII, Exhibit 550, 246). In this test, he was concerned "to determine how fast the weapon could be fired primarily, with secondary purpose accuracy." He "did not attempt to maintain in that test an accurate rate of fire" (III, 404). Again, as his speed increased, his accuracy suffered. The first series of three shots "landed within a 2 inch circle. . . 4 to 5 inches high and from 1 to 2 inches to the right of the aiming point;" Frazier's time was 4.8 seconds. Maximum spread of the three shots in the second series was 5 inches, worst of all; one bullet struck one inch high, the other two about 4 or 5 inches above the aiming point. Frazier's time for this series was best of all he shot, 4.6 seconds (404). ". . . 4.6 is firing this weapon as fast as the bolt can be operated, I think," Frazier testified (407). The Commission accepted Frazier's opinion and stated it as a fact, "Tests of the assassin's rifle disclosed that at least 2.3 seconds were required between shots" (Report, 97).

Was Frazier's time of 4.6 the absolutely irreducible minimum? When asked, "Do you think you could shorten your time with further practice with the weapon?," he responded, "Oh, yes" (407). Perhaps further tests by Frazier or by even better marksmen might have improved the time below 4.6 seconds. But to what purpose? 4.6 seconds for three shots comport well with the probable time

span of 4.8 to 5.6 seconds (Report, 117) for the hits that killed Kennedy and wounded Connally, derived by the Commission from a study of motion picture films of the assassination taken by three amateur photographers (Report, 97).

Frazier tested the rifle at "long range" at the Quantico, Virginia, FBI ranges on March 16, 1964 (III, 405), 110 days after the "short range" tests and fifteen days before he testified before the Commission. For this test Frazier practiced with the rifle, firing "possibly 20 rounds, 15 to 20 rounds, and in addition," operating "the bolt repeatedly." He agreed "very definitely" that "practice with this weapon" would "materially shorten the time in which three shots could be accurately fired" (407).

Frazier fired four groups of three shots each at stationary targets 100 yards distant (404; XVII, Exhibits 551-2-3-4; 247-248). His third essay was his best, three shots within a 3-inch circle, 2-1/2 inches high and 2 inches to the right of the aiming point, fired in 5.6 seconds, one second more than his best time but with better accuracy than at 25 yards. His longest time at 100 yards was 6.5 seconds for three shots which landed in a 3-1/2-inch circle, 5 inches high and 5 inches to the right of the aiming point (405). Asked how he thought his "time would have been affected by use of a moving target," Frazier said, "It would have slowed down the shooting. . . . Approximately 1 second" (407). Applying this consideration to Frazier's best times, which the Commission did not do in its Report, gives approximately 5.6 seconds at 25 yards and 6.6 seconds at 100 yards, with perhaps greater accuracy than at the

faster times. And these figures, in turn, do not accord with the time of 4.8 to 5.6 seconds calculated by the Commission as the time span of the effective shots fired on November 22, 1963. The rifle "is a very accurate weapon," Frazier said. "The targets we fired show that" (411), but "you would have to be very familiar with the weapon to fire it rapidly, . . . and hit this target at those ranges" (413).

The telescopic sight on the rifle gave him trouble. It ". . . is a four-power telescopic sight employing crosshairs in it as a sighting device, in the interior of the scope. . . . It is . . . very inexpensive. . ." (395-396). Frazier "found in this telescopic sight. . . that this ring was shifting in the telescopic tube so that the gun could not be sighted-in merely by changing the screws. It was necessary to adjust it, and then fire several shots to stabilize the crosshair ring by causing this spring to press tightly against the screws, to the point that we decided it would not be feasible to completely sight the weapon insofar as windage goes, and in addition found that the elevation screw could not be adjusted sufficiently to bring the point of impact on the targets down to the sighting point. And, therefore, we left the rifle as soon as it became stabilized and fired all of our shots with the point of impact actually high and to the right." He did not know when "this defect was introduced into the scope" and "As far as to be unable to adjust the scope. . . I don't know actually what the cause is" (406).

When Frazier tested the rifle at 100 yards, almost three

months after the "short range" tests, he "attempted to sight-in this rifle at Quantico" and "found that the elevation adjustment in the telescopic sight was not sufficient to bring the point of impact to the aiming point. In attempting to adjust and sight-in the rifle, every time we changed the adjusting screws to move the crosshairs in the telescopic sight in one direction it also affected the movement of the impact or the point of impact in the other direction. . . . And when we had sighted-in the rifle approximately, we fired several shots and found that the shots were not all landing in the same place, but were gradually moving away from the point of impact. . ." (405).

The telescopic sight, however, had the virtue of its defects. Nominally, "If you were shooting at a moving target from a . . . relatively high elevation, moving away from you, it would be necessary for you to shoot over that object in order for the bullet to strike your intended target, because the object during the flight of the bullet would move a certain distance." (411). Based on the "assumptions" that "the assassin fired his shots from the. . . easternmost window on the south face of the sixth floor of the School Book Depository. . . that the length of the trajectory of the first shot was 175 feet and. . . of the third shot. . . 265 feet. . . that the elapsed time between the. . . first and third shots was 5-1/2 seconds," Frazier was asked, "approximately what lead would the assassin have had to give his target to compensate for its movement and here. . . disregard any possible defect in the scope" (407-408). He replied, "approximately two feet," which,

he explained, would make it "necessary to hold the crosshairs an estimated. . . 6 inches over the intended target" (408-409). This "would not be difficult at all with a telescopic sight, because your target is enlarged four times, and you can estimate very quickly in a telescopic sight, inches or feet or lead of any desired amount" (409).

Reminded that he had been "able to calculate the precise amount of lead. . . because you have been given figures," and asked, "If you had been in the assassin's position and were attempting to give a correct lead, what lead do you think you would have estimated. . . ," Frazier responded, ". . . a very small amount, in the neighborhood of a 3 inch lead" (409). He did not explain, nor was he asked, why he would make that "mistake in assumption." The consequence, had he "aimed at the center of the President's head," and "eliminating other errors," had "hit accurately," would have been a "strike possibly at the base of the skull." And if he "had given no lead at all and aimed at that target and aimed accurately," the bullet would have "hit the base of the neck" (409). Remarkable point of impact! Lower than the aiming point with a moving target; higher with a stationary target! Nothing in the low impact point for the Commission; it is not quoted in the Report.

Having established the nominal need for 6 inches of elevation and declared that had he attempted to give a correct lead it would have been, mistakenly, about 3 inches, Frazier finally decided, mirable dictu, "At that range, at that distance, 175 to 265 feet, with this rifle and that telescopic sight, I would not have allowed

any lead - I would not have made any correction for lead merely to hit a target of that size" (409-410). The reason? The fact that on the Mannlicher-Carcan's scope, "the crosshairs are set high would actually compensate for any lead which had to be taken. So that if you aimed with this weapon as it actually was received at the laboratory, it would be necessary to take no lead whatsoever in order to hit the intended object. The scope would accomplish the lead for you" (411).

Frazier was interrogated for the third time, on June 4, 1964, three weeks after his second appearance before the Commission on May 13th. In the course of exploring problems relating to Governor Connally's position in the Presidential limousine and the wounds he sustained, Frazier was asked in June, "... based on the angles, distances, and speeds of the car and bullet in this situation, what lead would a marksman have to give to strike the moving target, allowing for all of those factors?" He replied, "The lead would be approximately the same for all of these positions represented by ... Commission Exhibit No. 888 ... all the way up to ... Exhibit ... No. 902 ... a lead of 6 inches above the point of impact would be sufficient to account for the movement of the car during the flight of the bullet ... the lead would be constant between 5.9 inches above the point of impact to 6.3 inches above the point of impact" (170-171). No reference was made in June to Frazier's testimony about leads in March. What lead did the assassin allow? Six inches, 3 inches, on lead at all, between 5.9 and 6.3 inches? The Commission decided no lead had been necessary. It's authority? Frazier's testimony (Report, 194)!

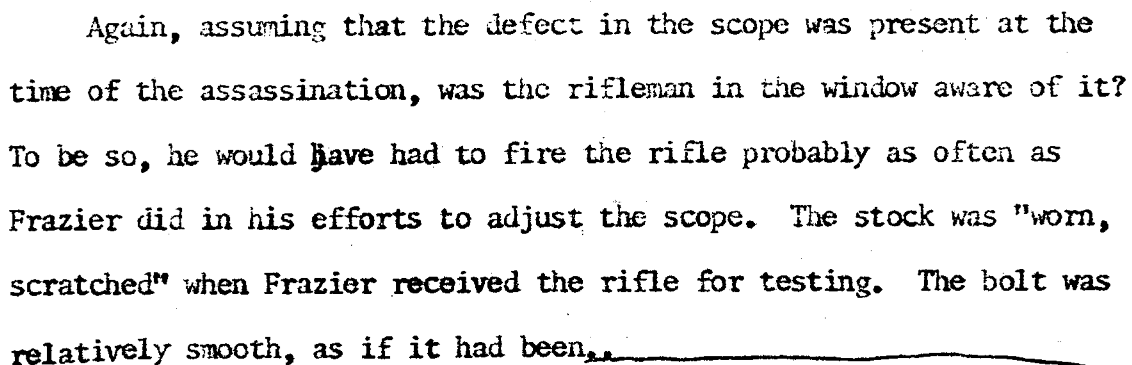
"I might also say" of the rifle, Frazier added in March, "that it also shot slightly to the right, which would tend to cause you to miss your target slightly to the right" (III,411). To the right! Ominous deviation! "It should be noted ... that the President's car was curving slightly to the right when the third shot was fired" (Report, 194). Was the Commission's lone assassin a clairvoyant genius who chose just that rifle with a defective scope precisely maladjusted to match the forward-

downward and right-curving movement of the Presidential limousine, a remarkably adept and accurate sniper, an indifferent marksman whose hand and eye were directed by kindless, remorseless, malignant fate?

Because of the omission of tests with a moving target, the discussion of lead was necessarily academic. Moveover, it contained a fatal flaw. Frazier's opinion that no lead was necessary in shooting at Kennedy had to be based on the unremarked, gratuitous assumption that the scope adjustment made by him at the times of the tests was identical with, or very close to, the scope adjustment made by the assassin. Was it?

When Frazier received the rifle for testing, the telescopic mount "was loose. And apparently the scope had even been taken off of the rifle in searching for fingerprints on the rifle." He observed "... that actually the way it was sighted-in when we got it does not necessarily mean it was sighted-in that way when it was abandoned" (411). And obviously, the adjustment made by Frazier in the November 27, 1963, tests and the adjustments made in the March 16,1964, tests, were not necessarily, and probably were not identical, with the adjustment when the rifle and the scope were used prior to the tests. It is now impossible, therefore, to know or even guess how the rifle was sighted-in on November 22, 1963, and what the sniper had to do, or not to do, in order to fire the fifle accurately. Nevertheless, the Commission concluded that Frazier testified "the defect was one which would have assisted the assassin aiming at a target which was moving away" (Report, 194).

Again, assuming that the defect in the scope was present at the time of the assassination, was the rifleman in the window aware of it? To be so, he would have had to fire the rifle probably as often as Frazier did in his efforts to adjust the scope. The stock was "worn, scratched" when Frazier received the rifle for testing. The bolt was relatively smooth, as if it had been..



operated several times." He could not say "how much use the weapon has had," but the barrel was "in excellent condition. It was, I would say, in fair condition. In other words, it showed the effects of wear and corrosion" (394). The "lands and the grooves" in the barrel were worn, the corners were worn, and the interior of the surface was roughened from corrosion or wear." He did not examine it for "metal fouling in the barrel" (395). ". . . corrosion in the barrel," he explained, results from "the hot gases and possibly corrosive primer mixtures in the cartridges used, and primarily. . . from wear, that is an eroding of the barrel through friction due to the firing of cartridges, bullets through it" (429).

Who fired the rifle before Frazier received it? The assassin? When and where did he use it before the assassination? The Commission developed evidence, principally testimony by Oswald's wife, Marina, that Oswald owned a rifle, that he told her he "intended to use the rifle for hunting and that he practiced with it." She saw him leave with it once, and clean it several times. He also posed for two pictures. . . in which he held his rifle. . ." And on April 10, 1963, it is said, he fired once at ex-Major General Edwin A. Walker in Dallas (Report, 723-724).

With virtually all the investigative agencies of the U.S. Government at its disposal, the Commission was unable to develop any "credible evidence" of Oswald's use of his rifle. Was it mockery, or irony that in its scrupulous care to exclude the existence of a conspiracy, the Commission dismissed as without "substantial basis" the belief of "several witnesses" who "observed a

man resembling Oswald practicing with a rifle in the fields and wooded areas surrounding Dallas, and at rifle ranges in that area" (318).

Disregarding the ambiguities and contradictions in Frazier's testimony, closing the door on its investigative implications, and selecting judiciously portions of his testimony as "credible evidence" of "probative value," the Commission ascribed to Frazier the unqualified view, which it accepted as fact, "one would not have to be an expert marksman to have accomplished the assassination with the weapon which was used (Report, 195).

Very unlike Frazier's tests, but equally remarkable in result, were the tests directed by Ronald Simmons at the Aberdeen Proving Grounds (XVII, Exhibit 586, 263) on March 27, 1964, eleven days after Frazier's third test. What was the need for additional tests? What was their purpose? ". . . to test the rifle under conditions which simulated those which prevailed during the assassination" (Report, 193). Does this imply dissatisfaction on the part of the Commission with Frazier's results? The transcript of Simmons' testimony is mute; the Report accords equal acceptance to all the tests.

The first test consisted of "exactly twenty rounds," fired from "a machine rest," at distances not specified and targets not described in the testimony, in order to establish the accuracy of the weapon per se (III, 442). As in Frazier's tests, the telescopic sight offered a problem. ". . . they could not sight the weapon in using the telescope. . ." Simmons' solution was radi-

cally different from Frazier's. "We did adjust the telescopic sight by the addition of two shims, one which tended to adjust the azimuth, and one which adjusted an elevation. . . a shim was a more convenient means - not more convenient, but a more permanent means of correction" (443-444). Permanence is a relative concept; three days later, when the rifle was returned to Frazier, the shims were in place, but by the following day when Frazier testified, the shims had been removed (412). None of these details were deemed worthy of notice by the Commission; they do not appear in the Report. Omission of reference to Simmons' adjustment of the scope leaves the reader free to conclude that Frazier's adjustment of the scope and the assassin's were identical. As a result of the first test, Simmons pronounced the rifle "quite accurate" (443), a judgment duly noted in the Report (194-195).

In the second test, "run to determine the possibility of scoring hits. . . on a given target at a given distance under rapid-fire conditions" (III, 444), two "civilian gunners in the Small Arms Division of our Development and Proof Services" and a third rifleman "presently in the Army," all rated as Master by the National Rifle Association," each "fired two series of three rounds, using the telescopic sight" (445), shim-adjusted, it must be presumed, as in the preliminary test. The riflemen won their ratings in "national match competitions in the National Rifle Association" (450). Simmons observed, "There is really no comparison between the rating of master in the NRA and the rating of sharpshooter in the Army" (450); he did not elucidate, but his meaning is clear -

NRA masters rated above Army sharpshooters.

"How much practice" had the masters "had with the weapon. . . before they began firing?," Simmons was asked, and answered, "They had each attempted the exercise without the use of ammunition, and worked the bolt as they tried the exercise. . . . They took no more than two or three minutes each" (447). ". . . the pressure to open the bolt was so great that we tended to move the rifle off the target, whereas with greater proficiency this might not have occurred" (449). Frazier had found the bolt "relatively smooth" (394). By proficiency, Simmons explained, he meant "familiarity basically with two things. One is the action of the bolt itself, and the force required to open it; and two, the action of the trigger. . ." (450). Simmons thought familiarity with the bolt could be "acquired in dry practice. . . probably as well as during live practice" (450).

The trigger presented greater difficulties. "They had not pulled the trigger during the exercise, however, because we were a little concerned about breaking the firing pin" (447). Why? Was it weak? The point was not investigated. ". . . comment 'was also' made about the trigger pull, which is different as far as these firers are concerned. . . (447). Our riflemen were all used to a trigger with a constant pull. When the slack was taken up, then they expected the round to fire. But actually when the slack is taken up, you tend to have a hair trigger here, which requires a bit of getting used to. . . . This tends to have the hair trigger as soon as you move it after the slack is taken up.

You achieve or you feel greater resistance to the movement of the trigger, and then ordinarily you would expect the weapon to have fired, and in this case then as you move it to overcome that, it fires immediately. And our firers were moving the shoulder into the weapon" (451). Frazier had not mentioned the trigger.

Simmons' "firers. . . used pretty much a standard sitting position, using a stool." They "braced an elbow on the window sill. . . (447; XVll, Exhibit 581, 260) of a tower which is about 30 feet high"(444; Exhibit 579). The "easternmost window on the south face of the School Book Depository Building . . . is 60 feet above the ground, and several more feet above the position at which the car was apparently located when the shots were fired," said Frazier (407-408). Did the Commission think that less than half the elevation from which the assassin fired constituted a condition simulating that "which prevailed during the assassination?" The transcript is barren of any interest in the point; the Report mentions only "a tower" (193).

The targets used in the test were black "standard head-and-shoulders silhouettes . . . approximately two square feet in area. . ." (111, 445). Photographs of the targets, offered and received in evidence as Exhibits 582, 583, 584 (XVll, 261-262), indicate that the target silhouettes were mounted on wooden boards for placement in or on the ground.

In accordance with figures provided by the Commission, the three targets were "emplaced" at "slant ranges" extending to the right, of 175 feet, 240 feet (444), and 270 feet (446, Exhibit 584).

The reason for targets at 175 and 270 feet seems obvious. "The position of President Kennedy's car when he was struck in the neck was determined with substantial precision from" amateur motion-picture films "and onsite tests. . . the President was probably shot through the neck" when he was 176.9 feet to 190.8 feet from the rifle in the window in the southeast corner of the sixth floor of the Texas School Book Depository Building, and "265.3 feet from the rifle when he was shot in the head" (Report, 97-110).

Placement of the second target closer to the third than to the first target, making the "angle from the first to the second shot. . . greater than from the second to the third shot," was motivated by the observation that "the majority of the eyewitnesses to the assassination stated that there was a shorter interval between shots two and three than between shots one and two" (193). Simmons observed, "We did not reproduce these angles exactly from the map (XVI, Exhibit 585, Surveyor's plat of the assassination scene, xii and 262) which we had been given because the conditions in the field were a little awkward for this. But the distances - the angular distance from the first target to the second was greater than from the second to the third which would tend to correspond to a longer interval of time between the first and second impact than between the second and the third. The movement of the rifle was greater from the first to the second target than from the second to the third" (III, 444). In fact, this "involved the displacement of the weapon to a sufficient angle that the basic firing position of the man had to be changed" (446). Nevertheless,

neither in taking testimony nor in the Report was any reason developed for the placement of the second target at 240 feet.

Why 240 feet? Mysterious and mystifying distance? At 240 feet, the second target was 30 feet closer to the rifleman than the third target. 30 feet! The Presidential limousine, traveling at 11.2 miles per hour when Kennedy was struck (Report, 49), took .06088 seconds to move one foot and 1.83 seconds to travel 30 feet. One and eight-tenths seconds is half a second less than Frazier's best time of 2.3 seconds for operating the bolt of the assassination rifle, accepted by the Commission as the minimum time for firing a round. Kennedy was hit fatally at a distance of 265 feet. At 2.3 seconds per round the assassin who scored at 265 feet (or even 270 feet) could not have shot at him at 240 feet with the assassination rifle. The masters could fire at both 240 foot and 270 foot targets because they were shooting at stationary targets. They were not testing the rifle, it is obvious, "under conditions which simulated those which prevailed during the assassination."

The master riflemen "were instructed to take as much time as they desired at the first target. . . ," and to fire at the other targets in consecutive order of increasing distance (444). They were timed by stop watches. Their time was given as the "average of two readings" (446), meaning, presumably, the average of readings on two stop watches. None of the marksmen bettered Frazier's best time of 4.6 seconds at 25 yards. Only one master equalled it in one round; his other round averaged 5.15 seconds. Both times comported with the Commission's time span of 4.8-5.6

seconds for the deadly shots. The time of the other masters exceeded it; they averaged 6.7 and 6.4 seconds, and 8.25 and 7.0 seconds. They, however, the Commission assured the world, "would have been able to reduce their times if they had been given the opportunity to become familiar with the movement of the bolt and the trigger pull" (Report, 194).

The masters had practiced with the bolt! And they forebore to pull the trigger "because of concern about breaking the firing pin" (193); they could not have practiced with it. But it does not matter. Even without improvement assured by practice, "If the assassin missed either the first or third shot, he had a total minimum time period of from 7.1 to 7.9 seconds for all three shots. . ." And "All three of the firers in the tests were able to fire the rounds within the time period which would have been available to the assassin. . ." (194).

Why then did the Commission avow its faith in the ability of the masters to improve with practice? Because of solicitous concern for their reputations? Or in order to lay a foundation on which to erect a schema of Oswald's guilt? The defects of the weapon could be overcome by familiarity with it; familiarity could be achieved by practice; ". . . and as has been indicated. . . Oswald engaged in such practice" (194); ergo, he was familiar with the weapon; consequently he could have shot Kennedy; therefore he did! Or, was there another reason?

If the masters' time left something to be desired, so did their accuracy. All marksmen hit the first target on both rounds.

All missed the second silhouette in one round and, despite Simmons' "disadvantageous error" of "pointing out that they missed on the second target" and the "conscious effort made on the additional rounds to hit the second target," one master missed it a second time. One rifleman missed the third target once (446-447; Exhibits 582, 583, 584). Altogether, firing at stationary targets and presumably without psychological stress, the marksmen missed 5 out of 18 "very easy" or "easy" shots.

Simmons assumed they had fired "at a different portion of the target - there were no markings on the target visible to the firer" (445). But by a Gilbertian "set of curious chances," all 18 shots struck the silhouettes or boards on which they were mounted below the head (Exhibits 582, 583, 584). Simmons was not asked to comment on or explain this striking result. Frazier's shots, with the scope differently adjusted, had landed high and to the right. The contrast did not interest the Commission. Neither Frazier nor Simmons was asked to evaluate the other's tests, nor to compare them with his own. Nor does the Report. "From each according to his ability" to sustain the Commission's effort to construct its case!

Great interest was shown by Simmons' interrogator in the statistical and mathematical data he proffered about the accuracy of the assassination weapon. Although Simmons had speculated that the masters had fired at different portions of the targets, he drew lines through the targets after they were dismounted and for the purposes of his calculations assumed "that all riflemen

had aimed at the intersection of the lines" (446) in the centers of the targets (Exhibit 583). Measuring from these centers to the bullet holes in the targets, Simmons calculated the aiming error on each target separately, as "one number to describe the accuracy of all three riflemen" (446). In other words, the aiming error of each target was an average of the errors of all three riflemen firing at that target.

Simmons also "prepared a table which showed what the probability of a hit would be on specific sizes of target as a function of aiming error. . ." (447; XVII, Exhibit 586, 263). By applying the average aiming error associated with the target at 175 feet to three circular targets of 9 inches in radius, "approximating the area . . . of the thorax," at the three distances "out to 270 feet," Simmons found "the probability of hitting" those targets "is I" (447), meaning ten hits with ten shots. Respecting the calculation with the aiming errors associated with the targets at 240 feet and 270 feet, Simmons found the probabilities to be respectively, 1 at 175 feet, .96 at 240 feet, and .92 at 270 feet (447); and .99 at 175 feet, .91 at 240 feet, and .85 at 270 feet (448). As the distance increased, the probability of hitting the stationary target decreased somewhat.

When calculated with a circular target of 4 inches in radius, approximating "the area of the head" (447), locus of the fatal shot on November 22, 1963, the probabilities of accuracy decreased markedly. Results were given orally by Simmons only for the first and third targets (448). His table, however, contains all three

and showed the missing (second) result to be the most inaccurate. These results were: first target - .96 at 175 feet, .81 at 240 feet, and .73 at 270 feet; second target - .59 at 175 feet, .38 at 240 feet, and .31, or 3 hits out of ten shots, at 270 feet, the distance of the fatal shot; third target - .69/.47/.39 (Exhibit 586). Whatever evidential or other practical value Simmons' calculations may have had, were dissipated when he acknowledged that he applied the calculated aiming error associated with a target at a specific distance to other targets at three distances because "we are victims of habit, and we tend to provide such information in parametric form" (448).

The Commission had to try to make do with expressions of Simmons' opinion. ". . . experiments run where aiming error has been measured as a function of the time one has to aim," revealed that generally "aiming error decreases as time increases. But once you get to the area of about 4 seconds in time" between shots, "then there is very small decrease in aiming error for increase in time" (449). Inasmuch as the Commission allowed only 7.9 seconds as the maximum time span for the three shots fired on November 22, 1963, Simmons' research on time-accuracy correlation was not included in the Report.

Asked about "the probable aiming error of an assassin using this weapon against the aiming error displayed by the three riflemen," he responded, "Well, it looks like to achieve hits as indicated, the accuracy, overall accuracy of the three rounds would have to be of the order" of the aiming error of the three riflemen

averaged, at the irrelevant distance of 240 feet (446). "And this is really not a small number as far as marksmanship goes. . ." (448). Did he "think a marksman who is less than a highly skilled marksman under those conditions would be able to shoot in the range "of that aiming error?" He thought two qualifications were necessary. "Obviously considerable experience would have to be in one's background to do so. And with this weapon I think also considerable experience with this weapon. . ." (449). Neither requirement could be matched with the known facts of Oswald's career; Simmons' opinion-requirements do not appear in the Report.

The Commission wanted the world to believe that the shots that felled Kennedy were "easy," and cited the results of tests by expert rifleman in support of this idea. The testimony from which it culled and eked its proof indicates, on the contrary, that if the assassin was a single sniper he was an extraordinarily good, if not also a remarkably lucky, marksman.

What sort of Marksman was Oswald? The Report dwells on his Marine training in marksmanship. After his initial "intensive three week training period. . . Oswald was tested in December of 1956, and obtained a score of 212, which was two points above the minimum for qualification as a 'sharpshooter' in a scale of marksmen - sharpshooter - expert. In May of 1959, on another range, Oswald scored 191, which was 1 point over the minimum for ranking as a 'marksman'" (Report, p.191).

Lt. Col. Allison G. Folsom, Jr., head of the Records Branch, Personnel Department, Headquarters U.S. Marine Corps, "evaluated

the sharpshooter qualification as a 'fairly good shot' and a low marksman rating as a 'rather poor shot.'" But Major Anderson, in reviewing the record of Oswald's lapse from minimum sharpshooter to minimum marksman, "concluded. . . as compared to other Marines receiving the same type of training, that Oswald was a good shot, somewhat better than or equal to - better than the average let us say. As compared to a civilian who had not received this intensive training, he would be considered as a good to excellent shot." And Sgt. Zahm, "After reviewing Oswald's markmanship scores. . . concluded 'I would say in the Marine Corps he is a good shot, slightly above average, and as compared to the average male of his age throughout the civilian, throughout the United States, that he is an excellent shot'" (191-192).

Five men who served in the Marine Corps with Oswald gave testimony about his rifle capability. Kerry Wendell Thornley, whose unpublished book, The Idle Warriors, was "inspired" by Oswald, whom he professed to have understood thoroughly, was a sharpshooter but not an expert marksman (XI, 97, 104). When asked, "Did you ever discuss with Oswald his degree of proficiency in the use of the rifle?," he replied, "Not to the best of my knowledge." To the next question, "Did you have any impressions that you gathered in that respect while you were with him at El Toro?," Thornley said flatly, "None whatsoever" (105). Daniel Patrick Powers, who testified at length about Oswald's views and personality and whose responses to questions yielded telling touches for the Commission's reconstruction of Oswald's personality, said, "I don't have any conscious recollection

of him" as a marksman (VIII, 287). Ex. Lieutenant John E. Donovan had no occasion to be with Oswald when he fired a rifle and had no impression of his proficiency (VIII, 296).

Lt. Col. Folsom testified with a photostatic copy of the U.S. Marine Corps Score Book for U.S. Rifle, Caliber .30, M1 and U.S. Carbine, Caliber .30, M1A1 issued to Oswald, L.H., before him (XVI, Exhibit 239, 639 et seq; VIII, 310). He observed that page 22 of the Score Book recorded Oswald "at 200 yards slow fire. . . off hand position. . . got out in the three ring, which is not good. They should be able to keep them - all 10 shots within the four ring." He thought that "As a matter of fact, at 200 yards, people should get a score of between 48 and 50 in the off hand position." Oswald "got a score of 34 out of a possible 50." On the following day, "he got a score of 38. . ." Folsom agreed with his interrogator that Oswald "at this stage of his career. . . was not a particularly outstanding shot." And he commented that "His scorebook indicates. . . that he did well at one or two ranges in order to achieve the two points over the minimum score for sharpshooter" (311) in 1956. No questions were asked and no comment was offered about Oswald's decline three years later to minimum marksman which Folsom characterized as a "rather poor shot."

Delgado was not a prestigious witness. He had no recourse to records. He was asked no questions about aiming error, impact points, round-to-round dispersion, sighting difficulties, telescopic adjustments, lead angles, bolt and trigger action, accuracy as a function of error or time, and hit probabilities. He did not

prepare tables, maps, or diagrams. He did not offer theories, proffer ex-cathedra judgments, nor indulge in speculations. He testified only about what he had seen and knew at first hand. His evidence is illuminating. He was a skillful rifleman. "I always had an expert badge on me." When Liebeler asked, "You were a good rifle shot?," he was able to answer, "Yes; just like I got one now (indicating)." Liebeler noted, "You have both a sharp-shooter and an expert badge; is that correct?" Delgado responded, "Right" (238).

He observed that Oswald kept his M-1 rifle "mediocre. He always got gigged for his rifle. . . very seldom did he pass an inspection without getting gigged for one thing or another." Liebeler clarified, "With respect to his rifle?" Delgado agreed, "With respect to his rifle. He didn't spend as much time as the rest of us. . . cleaning it up. He would, when he was told to. Otherwise, he wouldn't come out by himself to clean it" (233-234).

In the spring of 1959, when Delgado's and Oswald's company of "about roughly 80 men, 80 to 100 men" (235), had to shoot for the record (239), "about 40" of them "set up a pot. High score would get this money; second highest, and so forth down to about the fifth man that was high." Delgado and Oswald were "in the same line. . ." Oswald was "just one over from me. . . not firing at the same position, but at the same time. . ." (235). It was the only time they shot together (236).

Delgado said, "I remember seeing his target. It was a pretty big joke, because he got a lot of 'Maggie's drawers,'

you know, a lot of misses, but he didn't give a darn." Apparently Liebeler was surprised; he asked, "Missed the target completely?," to which Delgado replied, "He just qualified, that's it" (235).

Delgado thought that Oswald scored only "about 170" (235). Major Anderson, reading from the official record, testified that it was 191. Liebeler and Delgado discussed the possibility that Oswald's score had been raised. Delgado explained that the non-commissioned officers who kept the scores "may want to push you or make you qualify, because he doesn't want to spend another day out there on the rifle range, see; so it's not all that strict. Like if I was line NCO and I had five men in my section, and four of them qualified, that means that some other day, maybe on my day off, I will have to come in with this other fellow, so I will help him along and push each other along." On the other hand, Delgado volunteered, "you can't take a man that is shooting poorly and give him a 190 score, see; you could just give him the bare minimum, 170 or 171, to make it look good." Liebeler inquired, "So, it is a possibility that that might have happened even in connection with this?" Delgado replied affirmatively (239).

Liebeler may have been ignorant of the discrepancy between Delgado's eyewitness testimony and the official record. The Commission could not have been. It solved the problem simply by citing only the official record.

The FBI also had been interested in Oswald's rifle capability and had interviewed Delgado "four times" (236) about that and other matters. Delgado "discussed the rifle practice all the time they

came up." They asked the same questions, "same thing over and over again" (238). Liebeler asked Delgado, "You told the FBI that in your opinion Oswald was not a good rifle shot; is that correct?" Delgado confirmed it.

At another point in the interrogation Delgado asked Liebeler, "Well, am I allowed to say what I want to say?" Liebeler assured him, "Yes' I want you to say exactly what you want to say." Thereupon Delgado unburdened himself, "I had the impression now, wholeheartedly, I want to believe that Oswald did what he was supposed to have done, but I had the impression they weren't satisfied with my testimony of his not being an expert shot." Liebeler then asked him, ". . . you say you got the impression that the FBI agents that talked to you didn't like the statement that you made about Oswald's inability to use the rifle well; is that right?" Delgado said, "Right" (249). What did the FBI report to the Commission about Delgado's testimony and Oswald's rifle capability? The Report does not say.

The Commission, too, it seems, didn't like Delgado's testimony about Oswald's poor markmanship; that Report does not quote it, makes no reference to it, contains no hint of it. Apparently, it wasn't meaningful for the reconstruction of Oswald's personality as a predestined killer.

More significant for the Commission were a number of bits of testimony strung together in the Report under the sub-heading Oswald's Rifle Practice Outside the Marines. "During one of his leaves from the Marines, Oswald hunted with his brother Robert,

using a .22 caliber bolt-action rifle. . . . After he left the Marines and before departing for Russia, Oswald, his brother, and a third companion went hunting for squirrels and rabbits. . . Oswald again used a bolt-action .22 caliber rifle; and according to Robert, Lee Oswald exhibited an average amount of proficiency. . . . While in Russia, Oswald obtained a hunting license; joined a hunting club and went hunting about six times. . ." (Report, 192) with a "16-gauge single-barrel shotgun (698). "After Oswald purchased the Mannlicher-Carcano rifle," his wife, in New Orleans, in May, 1963, "observed Oswald sitting with the rifle on this screened porch at night, sighting with the telescopic lens and operating the bolt" (191-192). Truly an imposing array of evidence!

After developing, accumulating, reviewing, and analyzing this testimony the Commission concluded that Oswald "possessed ample capability to commit the assassination" (195). The Report bears the imprimatur of the government of the United States of America. By a curious and ironic dialectic, the Commission, in its endeavors to construct a derogatory portrait of Oswald, found it necessary to endow him with talent he did not possess. Delgado's account of Oswald's relatively poor markmanship and the latter's general hard luck in life are compatible with the performance of the sniper who shot at Walker in Dallas on April 10, 1963, from a rifle rest on a fence at a distance "between 100 and 120 feet," and missed his target, who, "thoroughly engrossed" in his income tax, was sitting behind his catecornered desk, "facing. . . toward the center of the room," with "most of the lights. . . on and

the shades up," when the bullet struck the window frame and was deflected over the general's bent head, penetrated a floral-pattern papered wall, and although badly mangled came to rest like a homing pigeon, with unerring instinct and exquisite irony, on "a piece" of Walker's "literature" (XI, 405-409). Delgado's Oswald could not have fired the three shots attributed to him by the Commission and scored two hits on President Kennedy and Governor Connally on November 22, 1963. But Oswald, the poor marksman, apart from other evidence, is compatible with the theory of an ambush in which two or more snipers, firing from different locations, scored two or more hits and a number of misses on that historic occasion.

The evidence adduced by the Commission confronted it with difficult choices; an ambush and, therefore, a conspiracy, involving Oswald as a principal or minor, willing or unwilling, participant, or excluding him altogether; or an anonymous lone assassin of rare nerve, skill, and luck. Either choice would have called for a continuing investigation "to uncover all the facts concerning the assassination of President Kennedy" (Report, xiv). It is "A Measure of the Achievement" of the Commission (H.L. Packer, The Nation, Nov. 2, 1964) that it solved its dilemma and, at least temporarily, foreclosed further official investigation, by opting for a third alternative: it concluded "that there is no evidence of a conspiracy" (Report, 374) and accorded Oswald his "place in history" (23) as Deadeye Dick, the do-it-yourself assassin of the head of most powerful government in the world. With this decision the Commission impaled itself on the horn of truth. Ad huc sub judice lis est (Horace, Ars Poetica, 78).