

# The Official Doubters

Austin

Georgia Sen. Richard B. Russell's admission that he has never believed that Lee Harvey Oswald planned President Kennedy's assassination alone is but the latest in a string of indications that the widespread doubt about the Warren Report extends not only to probably a majority of ordinary Americans, but reaches also into the upper levels of the federal government. Russell, one of the seven members of the Warren Commission, told an Atlanta interviewer last week that, "I think someone else worked with [Oswald on the planning] . . . There were too many things — the fact that [Oswald] was at Minsk and that was the principal center for educating Cuban students [in Russia] . . . Some of the trips he made to Mexico City and a number of discrepancies in the evidence, or as to his means of transportation, the luggage he had and whether or not anyone was with him — [that] caused me to doubt that he planned it all by himself."<sup>1</sup>

Russell eased his conscience in the matter by insisting that, before he would sign his name to the Warren Report, a disclaimer be included, to the effect that evidence that Oswald had had help was not adduced to the commission nor was turned up by the nation's investigative agencies.<sup>2</sup> The latter point is quite debatable, as critics of the Warren Report have demonstrated to the satisfaction of a considerable body of Americans.

Other high officials who have voiced doubt — almost always in muted, indirect ways — about the Warren Report include John Connally, the Texas governor who was seriously wounded at the time Kennedy was killed;<sup>3</sup> Henry Wade, the Dallas district attorney who won a death sentence for Jack Ruby, Oswald's murderer; Louisiana Sen. Russell Long, who encouraged New Orleans Dist. Atty. Jim Garrison to proceed with an investigation (Long, Garrison says, expressed "grave doubts" that Oswald had acted alone).<sup>4</sup>

**B**OTH CONNALLY and Waggoner Carr, who in 1963 was the Texas attorney general, have in their own, indirect ways raised the gravest-possible doubts about the Warren Report. But both men have been unwilling to face squarely the implications of some things they have said about November 22, 1963.

Connally averred, when being interviewed by *Life* magazine in the fall of 1966<sup>5</sup> that he was certain that the bullet that had struck him had not also struck President Kennedy. Connally says he heard the first shot — evidently the one that struck the president in the neck — then Connally was himself hit, not hearing a

subsequent shot. Almost surely Connally was in fact hit by a separate bullet; he doesn't recall hearing the shot that struck him; this is consistent with the physics of the matter. The shot would have struck him before the sound would have reached him.

In the furor that arose from Connally's statements published in *Life*, Connally, a couple of days later, hastily went before the press in Austin to say he had no doubts about the Warren Report. But he stuck by his impression that he had been hit by a separate bullet. If he was struck by a separate bullet then there were at least two persons firing at the Kennedy-Connally car that day in Dallas. We know this because Connally was struck by a bullet about 1.5 seconds after Kennedy first was hit; this is too quickly for a second shot to have been fired by the bolt-action rifle Oswald was said to have used.

Carr, in January, 1964, reported to the Warren Commission that he (and Dallas DA Wade) had heard that Oswald had been in the FBI's employ as a \$200-a-month informer at the time of the assassination (and for a number of months before that). Carr has since ignored the Warren Commission's handling of his tip and has endorsed the report.

What did the Warren Commissioners do when advised of the report about Oswald and the FBI? Edward Jay Epstein, in his important work *Inquest*,<sup>6</sup> which details just how the Warren Commission operated, tells us that the commissioners decided to advise FBI Director J. Edgar Hoover of the allegation, to permit the bureau to investigate the matter and, as commission counsel J. Lee Rankin put it, "clean its own skirts" before the commission investigated the question. As it turned out, the commission never did look into the matter but contented itself with taking the sworn word of Hoover.

Senator Russell and Kentucky Sen. John Sherman, both commission members, had doubts about this procedure: but acquiesced to it. Michigan Cong. Gerald Ford, also a commission member, explained the commission's position in this by saying it "would not be justified in plunging into the matter [of Oswald and the FBI] in some irresponsible manner that might jeopardize the effectiveness of an important agency's future operations."<sup>7</sup>

The source of the report about Oswald and the FBI was a story written in the *Houston Post* by Lonnie Hudkins. He told the Secret Service that his source had been Allan Sweatt, the chief of the criminal division of the Dallas sheriff's office.<sup>8</sup> Sweatt was never questioned by the commission or its staff, nor was any effort made to see how the FBI files made to see

if the code number Sweatt said had been given Oswald by the FBI, S-172 (or 179) existed or had in fact been given Oswald.<sup>9</sup>

**I**N EPSTEIN'S view, it really was not that important whether Oswald was on the FBI payroll, though surely this is a debatable point. ". . . [T]he important question is," he says, "How did the commission choose to deal with a potentially damaging rumor?"

"Two courses of action were open to the commission," he goes on, "It could have investigated the rumor itself and called as witnesses the persons known to be the immediate sources of the rumor. This approach quite probably would have exhausted the rumor, but it might have revealed information damaging to the national interest.

"On the other hand the commission could have turned the whole matter over to the FBI.

"This approach would not only have served to dispel the rumor, but would also have ensured that no damaging information would be revealed in the process unless the agency concerned itself chose to reveal it.

"In the end the commission took the second approach. The entire matter was turned over to the FBI, to affirm or deny, and the commission relied solely on the FBI's word in concluding that 'there was absolutely no type of informant or undercover relationship' between Oswald and the FBI," Epstein writes.<sup>10</sup>

He adds that nowhere in the Warren Report is Carr's and Wade's mention of the Oswald-FBI matter mentioned; furthermore, the Secret Service interview of Hudkins, the *Post* reporter, has been withheld from the National Archives. "Quite clearly," Epstein says, "the commission handled the problem in such a way that it would *not* be made known."<sup>11</sup>

This is consistent with Epstein's findings at numerous similarly crucial junctures in the commission's deliberation; that wherever there existed a lead that might have cast doubt on the single-assassin theory the commissioners would gloss over or ignore that lead. Epstein believes the commission's true function was not to ascertain the facts of President Kennedy's loss but was, rather, "to reassure the nation and protect the national interest."<sup>12</sup> His detailed account of the commission's workings makes out a compelling case for that view.

Carr, who surely was aware of the commission's careless handling of his report about Oswald's possible connection with the FBI, was, based on his personal knowledge, far from justified in writing, as

he did a few days after the Warren Report's release: "So far as I have been able to determine, the Warren Commission has explored fully all available avenues of information and has left no stone unturned in an effort to ascertain the full truth. I have been considerably impressed by the resourcefulness and exhaustiveness of its labors. Based on the information gained from the investigation, I have not the slightest hesitancy in concurring in the conclusion of the Warren Commission that (1) Lee Harvey Oswald was the assassin of President Kennedy and fired the shots that wounded Governor Connally, and killed Officer J. D. Tippit. (2) The acts of Lee Harvey Oswald were not pursuant to any conspiracy, domestic or foreign, to assassinate President Kennedy."<sup>13</sup>

Carr, by the way, then goes on to say that "It is with much satisfaction that note the findings of the Warren Commission that Oswald was not subjected to any type of mistreatment while in the custody of Texas officials..."<sup>14</sup> Except for getting lynched.

THE LATEST Texas official to chip in his muted dissent to the Warren Report is Jesse Curry, the Dallas police chief at the time of President Kennedy's assassination. Curry quite plainly does not believe Oswald acted alone or that the Warren Commission did a thorough job — but nowhere does Curry explicitly say so in his recently released personal JFK assassination file.<sup>15</sup>

However, Curry's reticence to voice his doubts is persistently eroded by the presence throughout his work of demurrers ever so gently entered.

At page 34 is this passage:

"Dr. [Malcolm] Perry examined [JFK's] throat wound and assessed it as the entrance wound." He was no amateur at assessing wounds. By his later testimony he stated he had previously treated from 150 to 200 gunshot wounds... The Warren Commission tried *desperately* [italics not original] to indicate that this wound was an exit, not an entrance wound." Of course, if the wound in question were once of one of entrance then the shot had come from in front of the president not behind him, where Oswald was.

On page 61 Curry considers the reports of spectators as to where the shots had come from, saying "The testimony of the people who watched the motorcade was much more confusing than either the press or the Warren Commission seemed to indicate." (Indeed an understatement when one recalls Josiah Thompson's reporting in his superb book, *Six Seconds in Dallas*, that of 64 witnesses who testified as to the direction of the shots, 33 said they came from the grassy knoll in front of the president, 25 said they came from the Texas School Book Depository — behind

## A Personal Note

Austin Dallas Police Chief Jesse Curry begins his book by describing that Dallas was "a city of mixed emotions," that, although the majority of its citizens were the same as people elsewhere, "the minority was in the limelight." He asserts that "The small, splintered factions on the extreme right and left were extremely vocal and persistent."

As a resident of the Dallas suburb of Richardson then, I can say with no reservation whatever that any "vocal and persistent" left simply did not exist in Dallas in those days. The action was all on the right.

Curry lists 13 organizations of the sort that the Dallas police were watching those days, particularly in view of the upcoming presidential visit. Among the 13 were the sorts of right-wing groups that Dallas was — and to a lesser extent, still is — noted for, such as the John Birch Society, the Gen. Edwin A. Walker group, White Citizens Councils, and the like. Somehow Curry manages the gall to list among the 13 the Dallas Committee for Full Citizenship, the Dallas Civil Liberties Union, and the Black Muslims. "... Dallas Police were attempting to keep known members of [these] certain groups under surveillance," he writes.

I was in those days a member of the DCFC and the DCLU (the local affiliate of the American Civil Liberties Union). Members of those two groups were, I

am sure, surprised to find that they were of such a threat to Dallas' stability as to warrant police surveillance.

DCFC was an even-tempered organization composed mostly of middle-class whites and a few blacks who were keeping gentle but persistent pressure on the school board to desegregate the Dallas school system. The group's activities were characterized by such things as door-to-door canvassing to provide information to Negro families in biracial neighborhoods about how to send their children to nearby "white" schools, attending school board meetings, and keeping abreast of the Dallas school board's (and, particularly Dallas School Supt. W. T. White's) effort to "de-integrate" the school system by, among other things, building new schools or resignating certain school racially to perpetuate segregation. That group was the most nonviolent imaginable; it is an outrage that the police were keeping it under watch, if they were, and that Chief Curry should so cite it.

The same is fully as true of the DCLU, the local affiliate of the widely respected American Civil Liberties Union, which for 50 years has in an orderly and legal way worked towards the extension of constitutional guarantees to all.

And if there were any Black Muslims in Dallas in 1963, they didn't get out of the house much. G.O.

the president, two said they came from the east side of Houston Street — also behind JFK, and four persons said the shots came from more than one direction.)<sup>16</sup>

Additionally, Thompson reports that at least seven people standing on the triple underpass saw smoke in the area of the stockade fence atop the grassy knoll — ahead of the JFK car.<sup>17</sup> And numerous of the spectators and some law officers rushed first to the knoll, not towards the Depository Building.<sup>18</sup> However, as Curry says, some officers did rush first to the Depository and, Curry contends, on page 45, "The immediate focus of attention for the officers on Houston Street was the Texas School Book Depository Building."

On pages 61-62 Curry notes that a Mr. and Mrs. Arnold L. Rowland had told Dallas Deputy Sheriff Roger D. Craig that Mr. Rowland, as Curry writes, "had looked up to the Book Depository window [not long before the shooting] and noticed two men standing together in the window. One man was holding a rifle standing with the other man a few feet back from the corner window on the sixth floor. Rowland thought to himself that these were just agents assigned to protect the president. He looked back a few minutes later and 'the

other man was gone, and there was just one man — the man with the rifle.' Mr. and Mrs. Rowland were then referred to FBI agents who interviewed them" But, Curry notes wonderingly, "No statement about the second man or mention of an accomplice appeared in the FBI report."

Curry appears doubtful of the eyewitness testimony of Howard Brennan, the man whose testimony was the commission's surprise eyeball corroboration on the release of the Warren Report in September, 1964. Brennan, whose testimony was theretofore generally unknown, had, the Warren Report said, seen Oswald fire the last shot (the fatal one) from the window of the Depository (but had heard only two shots) and, moreover, could identify the man who fired the shot as Oswald. This was the first it was known that there had been a witness who had actually seen one of the shots fired. A *Dallas Times Herald* photographer, Bob Jackson, had seen a rifle being pulled back into the sixth floor Depository window just as the shooting stopped. But no one had been known to have seen the gun actually firing, except, evidently, Brennan.

Curry sounds doubtful of Brennan's story: "Friday night, November 22, 1963, Howard Brennan watched a police lineup. Brennan was unable to make a positive identification of Oswald in the lineup. He was willing to admit that Oswald resembled the man in the window, but that was all. Brennan's later testimony to FBI agents apparently varied from month to month after the assassination. Brennan was later to become the Warren Commission's key witness. At the time of the Warren Commission hearings Howard Brennan was willing to positively identify Oswald as the man he saw in the window," Curry notes obliquely on page 62, not going on to express openly the doubts he has about Brennan's story.

CURRY reproduces, on page 86, a copy of the report of the paraffin test on Oswald the day of the assassination. Nitrates were found on Oswald's right hand, indicating he had fired a revolver, but, Curry says, "A paraffin test taken of the right side of Oswald's face did not reveal any nitrates from having fired a rifle, thus offering no proof that Oswald had recently fired a rifle."

On page 100 Curry raises two perplexing questions, one of which was dealt with by the Warren Commission, the other of which was not. Reproducing the photograph (which Curry calls controversial) taken by Associated Press photographer James W. Altgens of the Kennedy car at the instant just after the president first was struck, Curry, in a caption asks, "How was the president hit this early if the tree in the background still blocks the view to the Depository window?" He then notes another detail in the photo's background, the presence in the Depository doorway of a man who looks very much like Oswald, and asks, "Is it possible that the man in the doorway is Lee Harvey Oswald?"

The Warren Commission dealt with this latter question forthrightly it appears, producing Billy Lovelady, another Depository employee, who said he was the man standing in the doorway. Lovelady and Oswald do bear a faint resemblance. It appears conceivable, indeed likely, that the man in the door was he and not Oswald.

As for the tree blocking the view of the sixth floor at the moment of the first shot, this was rather carefully calculated by the Warren Commission and none of the Warren Report's serious critics have maintained that the first shot was fired while the tree blocked the view from the sixth floor corner window. It appears that the AP photographer was using a telephoto lens (to get close-up pictures from a distance). Such lenses have the effect of foreshortening distances. The tree does seem to loom protectively over the JFK car while the car is probably in clear view from the sixth floor.

Still, one must wonder, why does Curry raise these two points? He offers no

explanation.

Curry then, on pages 102-103, joins Governor Connally in casting serious doubt on the single-shot theory that is the central article of faith on which the Warren Report is based. Connally and Kennedy had to be struck by the same bullet, otherwise at least two people were firing at the car (as was discussed above, in considering Governor Connally's views about the single-shot theory).

Curry produces drawings of three frames of the film Abraham Zapruder shot with his home movie camera. The first frame shown (No. 230) shows Kennedy, as Curry says, "profoundly affected by the first shot, but Governor Connally was still clutching his hat in the air completely unaffected by the shot. By Governor Connally's own testimony he had heard the first shot and had mentally wondered what was wrong before he was hit. The first shot would already have reached the car in that case because bullets travel faster than sound. Both the Governor and Mrs. Connally are sure that it was the second shot entering the car that struck him. The Zapruder movie tends to [corroborate] this testimony."

OF COURSE, Chief Curry spends some time defending his Dallas Police Department against the criticism that was levelled at it during the JFK tragedy. The first of the book is given to emphasizing that federal law enforcement officers were in complete charge, as they insisted on being, and that Dallas police were given a largely auxiliary, supportive role. "[I]t became very clear that Mr. [Winston G.] Lawson [the Washington representative of the Secret Service] would emerge as the central figure and primary planner of all the security arrangement to follow during the next week," Curry writes, "and respecting his experience in such matters I followed his suggestions with an open mind."

As for the reports that Jack Ruby knew any Dallas policemen, Curry says, "Jack Ruby was not as well known to the Dallas police as later press reports led the public to believe. It was only during the days after the assassination that Ruby began to frequent City Hall [where the police station is]. . . . After the press reported that Ruby was a well-known police

character I surveyed my officers to see how many of them had any kind of acquaintance or knowledge of Ruby before the shooting of Oswald. I had never heard of Jack Ruby before this incident, and less than 25 officers had any knowledge of Ruby before the shooting of Oswald. Those that knew him were officers working districts where he had a night club and had an occasion to meet him on police business."

Those who suspect that Oswald was involved in a conspiracy long have wondered about an incident that occurred at Dealey Plaza just before the motorcade came by. A man evidently suffered an epileptic seizure, creating a stir in the crowd. Those who then tend to adhere to a conspiracy theory believe the seizure may have been staged as a purposeful diversion, perhaps to permit one or more gunmen to get into position. Curry, on page 105, exhibits a report of a traffic officer who says the man was put into an ambulance and taken to the hospital, presumably Parkland. Have the records of that case been checked at the hospital by Warren Report critics to see who the man was, whether he is an epileptic, and such details? G.O.

#### NOTES

1. *Washington Post* news service in the *Austin American*, Jan. 19, 1970.
2. *Ibid.*
3. *Life* magazine, one of the November, 1966, issues.
4. October, 1967. *Playboy* magazine.
5. See note No. 3.
6. *Inquest*, Edward Jay Epstein, Viking Press, 1966 (hardcover), Bantam Books, 1966 (paperback).
7. *Portrait of the Assassin*, Gerald R. Ford and John R. Stiles, Simon and Schuster, 1965, page 21.
8. The chronological file of the Warren Commission, May 21, 1964, as cited by Epstein; see *Inquest*, pp. 35-36.
9. This paragraph based primarily on Epstein's citation (on page 131 of *Inquest*) of his interview on June 30-July 1, 1965, with Wesley Liebier, a Warren Commission assistant counsel.
10. *Inquest*, page 36.
11. *Ibid.*, page 37.
12. *Ibid.*, page 125.
13. *Texas Supplemental Report on the Assassination of John Fitzgerald Kennedy and the Serious Wounding of Governor John B. Connally*, Waggoner Carr, Oct. 5, 1964, Austin.
14. *Ibid.*, page 10.
15. *JFK Assassination File*, Jesse Curry, American Poster and Printing Co., Inc., 1600 S. Akard, Dallas 75215. 1969, \$1.50.
16. *Six Seconds in Dallas*, Josiah Thompson, Bernard Geis Associates, 1967, page 25.
17. *Ibid.*, page 121.
18. See photo in Thompson's book, page 119.

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