

TIPBIT

Tippit's Movements

Early news dispatches from Dallas on November 22, 1963 reported that Tippit had been shot to death when he and another police officer pursued Oswald into the Texas Theater, on a tip, and that Oswald had then been subdued and arrested by other policemen. By the next day, newspapers reported that Tippit actually had been shot and killed some blocks from the theater, raising ~~that~~ the question of what Tippit had been doing there, outside of his assigned district. <sup>His unexplained movements</sup> ~~remained~~ remained a complete mystery, leading to various conspiracy theories involving the participation of Tippit, until the Warren Report was published.

The Report seemed to clear up the mystery, telling us that at 12.45 pm the dispatcher had ordered No. 78 (Tippit) to "move into central Oak Cliff area" (~~WB~~ 165) and that this was shown on the police radio log (~~WB~~ 651). Careful study of the radio log and the testimony of various police witnesses suggests that these solemn assertions in the Report are ~~complete hogwash~~ <sup>no where held up by any evidence</sup>.

The first transcript of the police radio log (Sawyer Deposition Exhibit) was prepared on December 3, 1963. An explanatory note indicated that it was an edited transcript, covering only the messages relating to the assassination and the shooting of Tippit but not routine police business. But this transcript did not include an instruction to Tippit at 12.45 to move into central Oak Cliff -- a message indisputably relevant to the shooting of Tippit. It is logical to assume that such a message, if it was actually on the tape recording, would have been transcribed.

As of early April 1964, the Warren Commission was still trying to find an explanation for Tippit's presence on the street where he was shot. Several police witnesses were asked to give their opinion as to why Tippit might have left his district and moved to that location. Sergeant Owens (~~VI~~ 81), Lieutenant Pierce (~~VI~~ 77), and Sergeant Putnam (~~VI~~ 75) took great pains to hypothesize for the benefit of the Commission what Tippit's reasoning might have been, in the circumstances, and why he might have used his discretion and started toward the downtown area of the city, via the street where he was shot. None of these witnesses suggested that Tippit had been sent there; on the contrary, they all considered that he had exercised initiative and taken a sound decision, to head for the scene of the assassination.

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The weakness of that theory is obvious. If Tippit had decided on his own to move toward the scene of the assassination, he would have reached that location in something like the six minutes it took Oswald, according to the Report, to make the trip in reverse. Instead, Tippit was cruising slowly on East 10th Street at 1.15 pm, about four miles away. This objection was not raised with the three police officers who had offered the theory.

un-clear

The Warren Commission next requested and received, at the end of April, a verbatim transcript of the police radio log (CE 705). Still later, the Commission asked the ~~FBI~~ to prepare a third transcript (CE 1974), also verbatim, and this was done in August.

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Although Owens, Pierce, Putnam and other police witnesses had suggested that Tippit's departure from his district was a normal procedure under the prevailing circumstances, the verbatim transcript of the radio log prepared by the Dallas police (CE 705) now included an instruction, issued simultaneously to No. 73 (Tippit) and No. 87 (Nelson) at 12.45, to move into central Oak Cliff.

Police Chief Curry was asked on April 22, 1964 why that entry had not appeared in the December transcript. His reply was utterly confused and almost incoherent. Curry, one of the officials responsible for the safety of the President in Dallas, was in complete disarray and merely seemed to improvise ~~his~~ answers to this important question---at one point even going so far as to suggest that Tippit had moved out of his district to search for his own murderer. (4H 192) (4H 192)

Curry's first reply to the omission of the Tippit instruction in the December transcript was that it was very difficult to hear everything clearly, that his men had spent many hours replaying the recording and copying down the messages exchanged, and that he had himself heard the recording and could vouch for the correctness of the second transcript. (4H 186) an absurd reply, of course, for if the instruction to Tippit could be heard for purposes of the second transcript, it should have been audible also for the first transcript.

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Chief counsel J. Lee Rankin, perhaps anticipating such an objection, rescued Curry by asking helpfully if the entry might not have been omitted from the December transcript for reasons of brevity, as were other routine messages according to the explanatory note on the document. Curry hastened to agree (4H 185-186). But we have already pointed out that the instruction to Tippit was fundamental to the events of his murder and could not rationally be considered as "routine."

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We are entitled to feel suspicious when this crucial message is omitted from the first radio log transcript and suddenly appears in the second one, and when the various explanations given by Curry and the other police witnesses are unconvincing or absurd. Careful study of the verbatim transcripts intensifies the suspicion that Tippit was not instructed to move into central Oak Cliff, nor do so on his own judgment within normal police procedure. If we assume that the instruction to Tippit and Nelson was authentic, we must ask why the dispatcher singled out these two officers for special and baffling treatment. They were the only officers contacted by the dispatcher with instructions unrelated to the assassination and lacking any other apparent purpose. There was no breach of law and order in central Oak Cliff and no strategic reason for sending men there in the aftermath of the assassination, which occurred four miles away. As it turned out ultimately, a Depository employee was missing and under suspicion, and had gone to his rooming house in Oak Cliff. But there was no way for the dispatcher or Tippit to know that at 12.45 pm, when Oswald's absence had not even been noticed and when his Oak Cliff address was not known by his wife or Ruth Paine, much less the Dallas police. It would be an *incredible* coincidence if the dispatcher nevertheless sent two officers closer to Oswald's rooming house, at random, or if Tippit went on his own.

15 The instruction to Tippit and Nelson was given, according to the radio log, fifteen minutes after the President was shot. There was an unprecedented state of emergency, a frenzy of police activity centered at the Depository or at Parkland Hospital, and so much traffic jammed the police radio that officers had to wait their turn to get through to the dispatcher with urgent messages. The dispatcher had already sent out a general order for all downtown squads to proceed to the Depository. Aside from Tippit and Nelson, the dispatcher did not contact any specific squad cars nor give any general order to men in the outlying districts to move elsewhere. Yet, in the midst of all this consternation, we are asked to believe that he took the time to call Tippit and Nelson and gave them orders which make no sense whatever.

The Warren Commission was not curious about that and did not question the dispatcher about his reasons for giving those orders, despite the suspicious circumstances that already surrounded the radio log. Such an explanation was all the more necessary since the radio log shows that officers from the outermost districts who called the dispatcher to ask if there was anything they could do were told to proceed to the Depository—even though in some cases they were far more distant from that location than Tippit or Nelson.

*was supposed to have been at*

*320*  
*Where was Tippit? 250.*

Even stranger is the fact that Nelson, who was told at the same time as Tippit to move into central Oak Cliff, according to the radio log, is next heard from about 1.30 pm, at the Depository---as if he had never received or acknowledged the 12.45 instruction. The dispatcher raised no question about Nelson's seeming disregard for an order. This in itself, ~~proves~~ <sup>suggests</sup> that Nelson never received such an order, nor Tippit; and the logic of that conclusion is confirmed in a police report on another matter (CE 2645), which states that after the assassination Nelson was dispatched to the Depository, where he remained on guard in front of the building for the rest of the afternoon! It is not merely implicit in the radio log that the so-called instruction to Tippit and Nelson at 12.45 is fraudulent---it is actually confirmed in a different police report that Nelson was not sent to Oak Cliff. Inferentially, neither was Tippit.

According to the radio log, however, Tippit was not only sent there but he remained the object of extraordinary solicitude. At 12.54, nine minutes after the instruction was issued, the dispatcher called Tippit again to ask his location. Tippit replied that he was in Oak Cliff, as instructed, at Lancaster and 8th. The dispatcher, with some prescience, then told him to "be at large for any emergency that comes in." If one imagines the existing state of emergency at that moment, less than half an hour after the President was shot, the axiomatic reminder from the dispatcher to Tippit is bizarre, ludicrous, and absolutely implausible. Tippit was no trainee, he was a man with ten years of experience on the Dallas police force. Why was the dispatcher fussing over him, and him alone? ~~It is not possible~~ If that is an authentic message, it must mean something more than meets the eye. There is no other rational explanation for the dispatcher, <sup>thus</sup> to single out the officer who was about to be shot to death in an unpredictable encounter with the suspect in the assassination, as the Warren Commission would have us believe.

~~This is not enough~~ <sup>Moreover</sup>, the next relevant entry leaves little room for lingering doubt about the spurious nature of the 12.45 and 12.54 messages. Between 1 and 1.01 pm the same dispatcher who ostensibly spoke to Tippit less than eight minutes before and knew that he was at Lancaster and 8th signalled Tippit again because he needed a squad car to pick up blood and rush it to Parkland Hospital. The radio log shows that he was looking for the squad car nearest to the blood bank. But the blood bank was in the 2000 block of Commerce Street, about five miles away from Tippit's supposed location. Why should the dispatcher have expected Tippit to be near the blood bank if the 12.45 and 12.54 messages were authentic?

According to  
the 2nd transcript(?)

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Robert's signal - blood signal!

The Warren Commission was duty bound to ask that question, even if it was prepared to overlook the other anomalies. But the dispatcher was not questioned.

Tippit did not reply to the dispatcher's signal at <sup>one P.M.</sup> ~~11:58~~ <sup>AM</sup>. Where was he then? Why didn't he answer? Let us look at the testimony of Harry Olsen, the Dallas policeman who was "engaged" to a strip-tease dancer from the Carousel Club, Kay Coleman. The two of them spent an hour or more in conversation with Ruby during the night <sup>after the assassination,</sup> as <sup>through them</sup> faithfully described in the Warren Report, and were involved in speculation that Ruby was instigated to shoot Oswald by the Dallas police. The Report does not, however, indicate Olsen's interesting testimony on his whereabouts at the time of the assassination. When he was questioned on August 6, 1964, Olsen told counsel Arlen Specter that he had been doing an "extra" job while off duty, guarding an estate <sup>as a substitute for</sup> ~~working as~~ a motorcycle cop who was assigned to the President's motorcade. Olsen unfortunately did not remember the name of the motorcycle cop and there is no indication that the Warren Commission attempted to establish his identity. Where was the estate? Olsen said it was on 8th Street in Oak Cliff, about two blocks from Stemmons. In other words, it was at or near to Lancaster and 8th, the location from which Tippit reported at 12.54. Where was Olsen at that time? He testified that he had learned about the assassination when he answered a telephone call intended for the owner of the estate, and had then gone outside and exchanged comments about the terrible event with passers-by (14H 629). Olsen, then, was in the right place at the right time to encounter Tippit, with whom he was admittedly acquainted, if Tippit was really where he said he was. Counsel Specter, with the acuteness of a pregnant turtle, did not even ask Olsen if he had in fact seen Tippit or spoken to him, perhaps at 1 o'clock, when Tippit failed to reply to the dispatcher's signal.

It is instructive also to study the testimony of Earlene Roberts, housekeeper at the rooming house on North Beckley Street. She said that at about 1 o'clock, during Oswald's hasty visit to his room, a police car pulled up to the house, sounded its horn, and drove away slowly (6H 443-444). She was confused about the number on that police car and gave several different versions, in some instances suggesting that it had three digits, the first a "one" and the second "zero." Tippit's car was No. 10. Another coincidence? Investigation failed to turn up any squad car that stopped there or any officer who admitted stopping there. Tippit, who did not reply to a 1 o'clock signal, cannot be questioned.

(Doesn't this tie in with photographer seeing Tippit at overpass?)

Case No 10 clark

According to the first verbatim transcript of the radio log (CE 705 page 17) the dispatcher signalled No. 78 (Tippit) again at 1.08 pm, again without any reply by Tippit. <sup>1/</sup> Where was Tippit at 1.08? Why didn't he answer the dispatcher's call?

At this point, we have a total of four calls to Tippit by the dispatcher during the 23 minutes which elapsed between 12.45 and 1.08 pm, the last two of which <sup>calls</sup> remained unanswered. A seemingly unimportant, undistinguished patrolman who had never advanced beyond that rank in ten years, stationed in a district far from the scene of pandemonium, is called repeatedly by the dispatcher, for no apparent reason, during a period of unprecedented police emergency and peak radio traffic---<sup>but</sup> and the Warren Commission sees nothing strange <sup>2/</sup> Tippit, supposedly cruising in central Oak Cliff "at large for any emergency," is not in his car at 1 pm or 1.08. Where was he? Why had he left his car? If he was on legitimate police business, no citizen has reported any contact with Tippit at those times.

Proceeding in the radio log, we come now to perhaps the most extraordinary of the Tippit entries. At 1.16 or 1.18 a citizen broke in on the police radio to report the shooting of an officer at 404 East 10th Street (which lies in district No. 91). According to all three versions of the radio log, the dispatcher immediately began to call No. 78 (Tippit) again---before the citizen even mentioned the number of the murdered officer's squad car. <sup>2/</sup>

Tippit, ostensibly pulled out of his own district No. 78, reported at 12.54 giving a location which lies within district No. 109. He was shot inside district No. 91, where the assigned officer (Mentzel) was ~~present~~ <sup>in his squad car.</sup> on duty. The dispatcher, receiving a citizen's report of a shooting, at once signalled Tippit instead of the assigned officer, No. 91 (Mentzel), without any known reason for thinking that Tippit was the officer who had been shot or any known reason for thinking that Tippit was the closest one to the scene of the shooting.

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1/ The FBI transcript (CE 1974 page 48) shows this signal as addressed to "No. 488" and indicates that the sound was garbled. As there appears to be no reference elsewhere in the radio log to a "No. 488" it seems likely that the first verbatim transcript correctly identified this signal as directed to Tippit.

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2/ The first verbatim transcript, prepared by the Dallas police, interpolates

None of these peculiar and suspicious transactions has been noted or investigated by the Warren Commission, according to the available records. We can only regard this as a most inexcusable negligence. If the Commission did notice and investigate the series of unusual and inexplicable calls to Tippit, the results have been concealed. In either case, the assertions in the Report that everything was innocent and routine are grossly misleading. (It is inescapable from the entries in the radio log that Tippit was on clandestine business, on his own behalf or on instructions from his superiors, and that the truth about the circumstances leading to Tippit's presence at the location where he was shot to death has been covered up by some authority.)

We do not accept the assertion in the Warren Report that Tippit was instructed as a matter of normal police routine to move into central Oak Cliff, and we question the authenticity of the 12.45 entry in the radio log, for the following reasons:

- (1) The first transcript of the radio log did not include the 12.45 instruction to Tippit and police witnesses in April 1964 were still suggesting that Tippit had acted on his own initiative in leaving his assigned district.
- (2) <sup>All other</sup> Officers from the outermost districts were sent to the Depository.
- (3) No other districts received orders corresponding to those allegedly given to No. 78 (Tippit) and No. 87 (Nelson).

2/ a parenthetical indication of background noises in which "No. 78" and "car no. 10" could be heard (CE 705 page 19), suggesting that references to Tippit's code number preceded the dispatcher's signals to No. 78. The reference to background noises is not included in the FBI transcript, which like the first police transcript (Sawyer Exhibits) indicates that the dispatcher began to signal Tippit before any reference by the citizen to his car number. The entry indicating background noises is also suspect, because no one at the scene could have known that Tippit was No. 78.

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(4) Nelson's actual movements suggest that he never received the 12.45 instruction to move into central Oak Cliff; according to another police report, he was assigned to the Depository.

(5) The dispatcher tried to contact Tippit at 1 pm for an apparent purpose which is completely inconsistent with the authenticity of the 12.45 and 12.54 messages.

(6) Tippit's failure to respond to signals at 1 pm and 1.08 remains unexplained.

(7) The dispatcher's signals to Tippit after the citizen's call, without any reason to believe that Tippit was in the district and before there was any indication that Tippit was the victim, remains unexplained and points to clandestine activities on Tippit's part which, if confirmed, nullify the official theory of his murder.

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The weakness of that theory is obvious. If Tippit had decided on his own to move toward the scene of the assassination, he would have reached ~~the~~ <sup>the</sup> ~~Depository~~ <sup>Depository</sup> in something like the six minutes it took Oswald, according to the Report, to make the trip in reverse. Instead, Tippit was cruising slowly on East 10th Street at <sup>about</sup> 1.15 <sup>P.M.</sup> ~~about~~ about four miles away. This objection was not raised with the three police officers who had offered the theory.

The Warren Commission next requested and received, at the end of April, a verbatim transcript of the police radio log (CE 705). Still later, the Commission asked the ~~FBI~~ <sup>FBI</sup> to prepare a third transcript (CE 1974), also verbatim, and this was done in August.

Although Owens, Pierce, Putnam and other police witnesses had suggested that Tippit's departure from his district was a normal procedure under the prevailing circumstances, the verbatim transcript of the radio log prepared by the Dallas police (CE 705) now included an <sup>explicit</sup> instruction, issued simultaneously to No. 78 (Tippit) and No. 87 (Welson) at 12.45, to move into central Oak Cliff.

Police Chief Curry was asked on April 22, 1964 why that entry had not appeared in the December transcript. His reply was utterly confused and almost incoherent. Curry, one of the officials responsible for the safety of the President in Dallas, was in complete disarray and merely improvised ~~his~~ answers to this important question---at one point even going so far as to suggest that Tippit had moved out of his district to search for **his own murderer!** (4H 192) ~~(4H 192)~~

Curry's first reply to the omission of the Tippit instruction in the December transcript was that it was very difficult to hear everything clearly, that his men had spent many hours replaying the recording and copying down the messages exchanged, and that he had himself heard the recording and could vouch for the correctness of the second transcript. <sup>(4H 186)</sup> An absurd reply, of course, for if the instruction to Tippit could be heard for purposes of the second transcript, it should have been audible also for the first transcript.

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We are entitled to feel suspicious when this crucial message is omitted from the first radio log transcript and suddenly appears in the second one, and when the various explanations given by Curry and the other police witnesses are unconvincing or absurd. Careful study of the verbatim transcripts intensifies the suspicion that Tippit was not instructed to move into central Oak Cliff, nor do so on his own judgment within normal police procedure. If we assume that the instruction to Tippit and Nelson was authentic, we must ask why the dispatcher singled out these two officers for special and baffling treatment. They were the only officers contacted by the dispatcher with instructions unrelated to the assassination and lacking any other apparent purpose. There was no breach of law and order in central Oak Cliff and no strategic reason for sending men there in the aftermath of the assassination, which occurred four miles away. As it turned out ultimately, a Depository employee was missing and under suspicion, and had gone to his rooming house in Oak Cliff. But there was no way for the dispatcher or Tippit to know that at 12.45 pm, when Oswald's absence had not even been noticed and when his Oak Cliff address was not known by his wife or Ruth Paine, much less the Dallas police. It would be an incredible coincidence if the dispatcher nevertheless sent two officers closer to Oswald's rooming house, at random, or if Tippit went on his own.

The instruction to Tippit and Nelson was given, according to the radio log, fifteen minutes after the President was shot. There was an unprecedented state of emergency, a frenzy of police activity centered at the Depository or at Parkland Hospital, and so much traffic jammed the police radio that officers had to wait their turn to get through to the dispatcher with urgent messages. The dispatcher had already sent out a general order for all downtown squads to proceed to the Depository. Aside from Tippit and Nelson, the dispatcher did not contact any specific squad cars nor give any general order to men in the outlying districts to move elsewhere. Yet, in the midst of all this consternation, we are asked to believe that he took the time to call Tippit and Nelson and gave them orders which make no sense whatever.

The Warren Commission was not curious about that and did not question the dispatcher about his reasons for giving those orders, despite the suspicious circumstances that already surrounded the radio log. Such an explanation was all the more necessary since the radio log shows that officers from the outermost districts who called the dispatcher to ask if there was anything they could do were told to proceed to the Depository---even though in some cases they were far more distant from that location than Tippit or Nelson.

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According to the radio log, however, Tippit was not only sent there but ~~he~~ remained the object of extraordinary solicitude. At 12.54, nine minutes after the instruction was issued, the dispatcher called Tippit again to ask his location. Tippit replied that he was in Oak Cliff, as instructed, at Lancaster and 8th. The dispatcher, with some prescience, then told him to "be at large for any emergency that comes in." If one imagines the existing state of emergency at that moment, less than half an hour after the President was shot, the admonition from the dispatcher to Tippit is bizarre, ludicrous, and absolutely implausible. Tippit was no trainee, he was a man with ten years of experience on the Dallas police force. Why was the dispatcher fussing over him, and him alone? ~~xxxxxxxxxxxxxxxx~~ If that is an authentic message, it must mean something more than meets the eye. There is no other rational explanation for the dispatcher <sup>thus</sup> to single out the officer who was about to be shot to death in an unpredictable encounter with the suspect in the assassination, as the Warren Commission would have us believe.

If this is not enough, the next relevant entry leaves little room for lingering doubt about the spurious nature of the 12.45 and 12.54 messages. Between 1 and 1.01 pm the same dispatcher who ostensibly spoke to Tippit less than eight minutes before and knew that he was at Lancaster and 8th signalled Tippit again because he needed a squad car to pick up blood and rush it to Parkland Hospital. The radio log shows that he was looking for the squad car nearest to the blood bank. But the blood bank was in the 2000 block of Commerce Street, about five miles away from Tippit's supposed location. Why should the dispatcher have expected Tippit to be near the blood bank if the 12.45 and 12.54 messages were authentic?

The Warren Commission was duty bound to ask that question, even if it was prepared to overlook the other anomalies. But the dispatcher was not questioned.

Tippit did not reply to the dispatcher's signal at 1 pm. Where was he then? Why didn't he answer? Let us look at the testimony of Harry Olsen, the Dallas policeman who was "engaged" to a strip-tease dancer from the Carousel Club, Kay Coleman. The two of them spent an hour or more in conversation with Ruby during the night, <sup>after the assassination,</sup> as faithfully described in the Warren Report, and were involved in speculation that <sup>through them</sup> Ruby was instigated to shoot Oswald by the Dallas police. The Report does not, however, indicate Olsen's interesting testimony on his whereabouts at the time of the assassination. When he was questioned on August 6, 1964, Olsen told counsel Arlen Specter that he had been doing an "extra" job while off duty, guarding an estate <sup>as a substitute for</sup> ~~as a substitute for~~ a motorcycle cop who was assigned to the President's motorcade. Olsen unfortunately did not remember the name of the motorcycle cop and there is no indication that the Warren Commission attempted to establish his identity. Where was the estate? Olsen said it was on 8th Street in Oak Cliff, about two blocks from Stemmons. In other words, it was at or near to Lancaster and 8th, the location from which Tippit reported at 12.54. Where was Olsen at that time? He testified that he had learned about the assassination when he answered a telephone call intended for the owner of the estate, and had then gone outside and exchanged comments about the terrible event with passers-by (LH 629). Olsen, then, was in the right place at the right time to encounter Tippit, with whom he was admittedly acquainted, if Tippit was really where he said he was. Counsel Specter, with the acuteness of a pregnant turtle, did not even ask Olsen if he had in fact seen Tippit or spoken to him, perhaps at 1 o'clock, when Tippit failed to reply to the dispatcher's signal.

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At this point, we have a total of four calls to Tippit by the dispatcher during the 23 minutes which elapsed between 12.45 and 1.08 pm, the last two of which <sup>calls</sup> remained unanswered. A seemingly unimportant, undistinguished patrolman who had never advanced beyond that rank in ten years, stationed in a district far from the scene of pandemonium, is called repeatedly by the dispatcher, for no apparent reason, during a period of unprecedented police emergency and peak radio traffic---and the Warren Commission sees nothing strange! Tippit, supposedly cruising in central Oak Cliff "at large for any emergency," is not in his car at 1 pm or 1.08. Where was he? Why had he left his car? If he was on legitimate police business, no citizen has reported any contact with Tippit at those times.

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<sup>1/</sup> The FBI transcript (CE 1974 page 48) shows this signal as addressed to "No. 488" and indicates that the sound was garbled. As there appears to be no reference elsewhere in the radio log to a "No. 488" it seems likely that the first verbatim transcript correctly identified this signal as directed to Tippit.

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(4) Nelson's actual movements suggest that he never received the 12.45 instruction to move into central Oak Cliff; according to another police report, he was ~~assigned~~ *dispatched* to the Depository.

(5) The dispatcher tried to contact Tippit at 1 pm for an apparent purpose which is completely inconsistent with the authenticity of the 12.45 and 12.54 messages.

(6) Tippit's failure to respond to signals at 1 pm and 1.08 remains unexplained.

(7) The dispatcher's signals to Tippit after the citizen's call, without any reason to believe that ~~Tippit~~<sup>he</sup> was in the district and before there was any indication that ~~he~~<sup>he</sup> was the victim, remains unexplained and points to clandestine activities on Tippit's part. ~~It~~ If confirmed, nullify the official theory of his murder.

^  
*these activities*



## Tippit's Movements

Early news dispatches from Dallas on November 22, 1963 reported that Tippit had been shot to death when he and another police officer pursued Oswald into the Texas Theater, on a tip, and that Oswald had then been subdued and arrested by other policemen. By the next day, newspapers reported that Tippit actually had been shot and killed some blocks from the theater. That raised the question of what Tippit had been doing there, outside of his assigned district. This remained a complete mystery, leading to various conspiracy theories involving the participation of Tippit, until the Warren Report was published.

The Report seemed to clear up the mystery, telling us that at 12.45 pm the dispatcher had ordered No. 78 (Tippit) to "move into central Oak Cliff area" (page 165) and that this was shown on the police radio log (page 651). Careful study of the radio log and the testimony of various police witnesses suggests that these solemn assertions in the Report are complete hogwash.

The first transcript of the police radio log (Sawyer Deposition Exhibit) was prepared on December 3, 1963. An explanatory note indicated that it was an edited transcript, covering only the messages relating to the assassination and the shooting of Tippit but not routine police business. But this transcript did not include an instruction to Tippit at 12.45 to move into central Oak Cliff -- a message indisputably relevant to the shooting of Tippit. It is logical to assume that such a message, if it was actually on the tape recording, would have been transcribed.

As of early April 1964, the Warren Commission was still trying to find an explanation for Tippit's presence on the street where he was shot. Several police witnesses were asked to give their opinion as to why Tippit might have left his district and moved to that location. Sergeant Owens (7H 81), Lieutenant Pierce (7H 77), and Sergeant Putnam (7H 75) took great pains to hypothesize for the benefit of the Commission what Tippit's reasoning might have been, in the circumstances, and why he might have used his discretion and started toward the downtown area of the city, via the street where he was shot. None of these witnesses suggested that Tippit had been sent there; on the contrary, they all considered that he had exercised initiative and taken a sound decision, to head for the scene of the assassination.

The weakness of that theory is obvious. If Tippit had decided on his own to move toward the scene of the assassination, he would have reached that location in something like the six minutes it took Oswald, according to the Report, to make the trip in reverse. Instead, Tippit was cruising slowly on East 10th Street at 1.15 pm, about four miles away. This objection was not raised with the three police officers who had offered the theory.

The Warren Commission next requested and received, at the end of April, a verbatim transcript of the police radio log (CE 705). Still later, the Commission asked the FBI to prepare a third transcript (CE 1974), also verbatim, and this was done in August.

Although Owens, Pierce, Putnam and other police witnesses had suggested that Tippit's departure from his district was a normal procedure under the prevailing circumstances, the verbatim transcript of the radio log prepared by the Dallas police (CE 705) now included an instruction, issued simultaneously to No. 78 (Tippit) and No. 87 (Nelson) at 12.45, to move into central Oak Cliff.

Police Chief Curry was asked on April 22, 1964 why that entry had not appeared in the December transcript. His reply was utterly confused and almost incoherent. Obviously Curry, one of the officials responsible for the safety of the President in Dallas, was in complete disarray and merely improvising his answers to this important question---at one point even going so far as to suggest that Tippit had moved out of his district to search for the man who had shot him! (Tippit!) (4H 192).

Curry's first reply to the omission of the Tippit instruction in the December transcript was that it was very difficult to hear everything clearly, that his men had spent many hours replaying the recording and copying down the messages exchanged, and that he had himself heard the recording and could vouch for the correctness of the second transcript. <sup>(4H 186)</sup> An absurd reply, of course, for if the instruction to Tippit could be heard for purposes of the second transcript, it should have been audible also for the first transcript.

Chief counsel J. Lee Rankin, perhaps anticipating such an objection, rescued Curry by asking helpfully if the entry might not have been omitted from the December transcript for reasons of brevity, as were other routine messages according to the explanatory note on the document. Curry hastened to agree (4H 185-186). But we have already pointed out that the instruction to Tippit was fundamental to the events of his murder and could not rationally be considered as "routine."

We are entitled to feel suspicious when this crucial message is omitted from the first radio log transcript and suddenly appears in the second one, and when the various explanations given by Curry and the other police witnesses are unconvincing or absurd. Careful study of the verbatim transcripts intensify the suspicion that Tippit was not instructed to move into central Oak Cliff, nor do so on his own judgment within normal police procedure. If we assume that the instruction to Tippit and Nelson was authentic, we must ask why the dispatcher singled out these two officers for special and baffling treatment. They were the only officers contacted by the dispatcher with instructions unrelated to the assassination and lacking any other apparent purpose. There was no breach of law and order in central Oak Cliff and no strategic reason for sending men there in the aftermath of the assassination, which occurred four miles away. As it turned out ultimately, a Depository employee was missing and under suspicion, and had gone to his rooming house in Oak Cliff. But there was no way for the dispatcher or Tippit to know that at 12.45 pm, when Oswald's absence had not even been noticed and when his Oak Cliff address was not known by his wife or Ruth Paine, much less the Dallas police. It would be an incredible coincidence if the dispatcher nevertheless sent two officers closer to Oswald's rooming house, at random, or if Tippit went on his own.

The instruction to Tippit and Nelson was given, according to the radio log, fifteen minutes after the President was shot. There was an unprecedented state of emergency, a frenzy of police activity centered at the Depository or at Parkland Hospital, and so much traffic jamming the police radio that officers had to wait their turn to get through to the dispatcher with urgent messages. The dispatcher had already sent out a general order for all downtown squads to proceed to the Depository. Aside from Tippit and Nelson, the dispatcher did not contact any specific squad cars nor give any general order to men in the outlying districts to move elsewhere. Yet, in the midst of all this consternation, we are asked to believe that he took the time to call Tippit and Nelson and give them orders which make no sense whatever.

The Warren Commission was not curious about that and did not question the dispatcher about his reasons for giving those orders, despite the suspicious circumstances that already surrounded the radio log. Such an explanation was all the more necessary since the radio log shows that officers from the outermost districts who called the dispatcher to ask if there was anything they could do were told to proceed to the Depository—even though in some cases they were far more distant from that location than Tippit or Nelson.

Even stranger is the fact that Nelson, who was told at the same time as Tippit to move into central Oak Cliff, according to the radio log, is next heard from about 1.30 pm, at the Depository—as if he had never received or acknowledged the 12.45 instruction. The dispatcher raised no question about Nelson's seeming disregard for an order. This in itself demonstrates that Nelson never received such an order, nor Tippit; and the logic of that conclusion is confirmed in a police report on another matter (CE 2645), which states that after the assassination Nelson was dispatched to the Depository, where he remained on guard in front of the building for the rest of the afternoon! It is not merely implicit in the radio log that the so-called instruction to Tippit and Nelson at 12.45 is fraudulent—it is actually confirmed in a different police report that Nelson was not sent there. Inferentially, neither was Tippit.

According to the radio log, however, Tippit was not only sent there but remained the object of extraordinary solicitude. At 12.54, nine minutes after the instruction was issued, the dispatcher called Tippit again to ask his location. Tippit replied that he was in Oak Cliff, as instructed, at Lancaster and 8th. The dispatcher, with some prescience, then told him to "be at large for any emergency that comes in." If one imagines the existing state of emergency at that moment, less than half an hour after the President was shot, the axiomatic reminder from the dispatcher to Tippit is bizarre, ludicrous, and absolutely implausible. Tippit was no trainee, he was a man with ten years of experience on the Dallas police force. Why was the dispatcher fussing over him, and him alone, like a mother hen? If that is an authentic message, it must mean something more than meets the eye. There is no other rational explanation for the dispatcher to single out the officer who was about to be shot to death in an unpredictable encounter with the suspect in the assassination, as the Warren Commission would have us believe.

If this is not enough, the next relevant entry leaves little room for lingering doubt about the spurious nature of the 12.45 and 12.54 messages. Between 1 and 1.01 pm the same dispatcher who ostensibly spoke to Tippit less than eight minutes before and knew that he was at Lancaster and 8th signalled Tippit again because he needed a squad car to pick up blood and rush it to Parkland Hospital. The radio log shows that he was looking for the squad car nearest to the blood bank. But the blood bank was in the 2000 block of Commerce Street, about five miles away from Tippit's supposed location. Why should the dispatcher have expected Tippit to be near the blood bank if the 12.45 and 12.54 messages were authentic?

The Warren Commission was duty bound to ask that question, even if it was prepared to overlook the other anomalies. But the dispatcher was not questioned.

Tippit did not reply to the dispatcher's signal at 1 pm. Where was he then? Why didn't he answer? Let us look at the testimony of Harry Olsen, the Dallas policeman who was "engaged" to a strip-tease dancer from the Carousel Club, Kay Coleman. The two of them spent an hour or more in conversation with Ruby during the night, as faithfully described in the Warren Report, and were involved in speculation that Ruby was instigated to shoot Oswald by the Dallas police. The Report does not, however, indicate Olsen's interesting testimony on his whereabouts at the time of the assassination. When he was questioned on August 6, 1964, Olsen told counsel Arlen Specter that he had been doing an "extra" job while off duty, guarding an estate in place of a motorcycle cop who was assigned to the President's motorcade. Olsen unfortunately did not remember the name of the motorcycle cop and there is no indication that the Warren Commission attempted to establish his identity. Where was the estate? Olsen said it was on 8th Street in Oak Cliff, about two blocks from Stemmons. In other words, it was at or near to Lancaster and 8th, the location from which Tippit reported at 12.54. Where was Olsen at that time? He testified that he had learned about the assassination when he answered a telephone call intended for the owner of the estate, and had then gone outside and exchanged comments about the terrible event with passers-by (LH 629). Olsen, then, was in the right place at the right time to encounter Tippit, with whom he was admittedly acquainted, if Tippit was really where he said he was. Counsel Specter, with the acuteness of a pregnant turtle, did not even ask Olsen if he had in fact seen Tippit or spoken to him, perhaps at 1 o'clock, when Tippit failed to reply to the dispatcher's signal.

It is instructive also to study the testimony of Earlene Roberts, housekeeper at the rooming house on North Beckley Street. She said that at about 1 o'clock, during Oswald's hasty visit to his room, a police car pulled up to the house, sounded its horn, and drove away slowly (6H 443-444). She was confused about the number on that police car and gave several different versions, in some instances suggesting that it had three digits, the first a "one" and the second a "zero." Tippit's car was No. 10. Another coincidence? Investigation failed to turn up any squad car that stopped there or any officer who admitted stopping there. Tippit, who did not reply to a 1 o'clock signal, cannot be questioned.

According to the first verbatim transcript of the radio log (CE 705 page 17) the dispatcher signalled No. 78 (Tippit) again at 1.08 pm, again without any reply by Tippit.<sup>1/</sup> Where was Tippit at 1.08? Why didn't he answer the dispatcher's call?

At this point, we have a total of four calls to Tippit by the dispatcher during the 23 minutes which elapsed between 12.45 and 1.08 pm, the last two of which remained unanswered. A seemingly unimportant, undistinguished patrolman who had never advanced beyond that rank in ten years, stationed in a district far from the scene of pandemonium, is called repeatedly by the dispatcher, for no apparent reason, during a period of unprecedented police emergency and peak radio traffic—and the Warren Commission sees nothing strange! Tippit, supposedly cruising in central Oak Cliff "at large for any emergency," is not in his car at 1 pm or 1.08. Where was he? Why had he left his car? If he was on legitimate police business, no citizen has reported any contact with Tippit at those times.

Proceeding in the radio log, we come now to perhaps the most extraordinary of the Tippit entries. At 1.16 or 1.18 a citizen broke in on the police radio to report the shooting of an officer at 404 East 10th Street (which lies in district No. 91). According to all three versions of the radio log, the dispatcher immediately began to call No. 78 (Tippit) again—before the citizen even mentioned the number of the murdered officer's squad car.<sup>2/</sup>

Tippit, ostensibly pulled out of his own district No. 78, reported at 12.54 giving a location which lies within district No. 109. He was shot inside district No. 91, where the assigned officer (Mentzel) was present on duty. The dispatcher, receiving a citizen's report of a shooting, at once signalled Tippit instead of the assigned officer, No. 91 (Mentzel), without any known reason for thinking that Tippit was the officer who had been shot or any known reason for thinking that Tippit was the closest one to the scene of the shooting.

<sup>1/</sup> The FBI transcript (CE 1974 page 48) shows this signal as addressed to "No. 488" and indicates that the sound was garbled. As there appears to be no reference elsewhere in the radio log to a "No. 488" it seems likely that the first verbatim transcript correctly identified this signal as directed to Tippit.

<sup>2/</sup> The first verbatim transcript, prepared by the Dallas police, interpolates

None of these peculiar and suspicious transactions has been noted or investigated by the Warren Commission, according to the available records. We can only regard this as a most inexcusable negligence. If the Commission did notice and investigate the series of unusual and inexplicable calls to Tippit, the results have been concealed. In either case, the assertions in the Report that everything was innocent and routine are grossly misleading. It is inescapable from the entries in the radio log that Tippit was on clandestine business, on his own behalf or on instructions from his superiors, and that the truth about the circumstances leading to Tippit's presence at the location where he was shot to death has been covered up by some authority.

We do not accept the assertion in the Warren Report that Tippit was instructed as a matter of normal police routine to move into central Oak Cliff, and we question the authenticity of the 12.45 entry in the radio log, for the following reasons:

(1) The first transcript of the radio log did not include the 12.45 instruction to Tippit and police witnesses in April 1964 were still suggesting that Tippit had acted on his own initiative in leaving his assigned district.

(2) Officers from the outermost districts were sent to the Depository.

(3) No other districts received orders corresponding to those allegedly given to No. 78 (Tippit) and No. 87 (Nelson).

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2/ a parenthetical indication of background noises in which "No. 78" and "car no. 10" could be heard (CE 705 page 19), suggesting that references to Tippit's code number preceded the dispatcher's signals to No. 78. The reference to background noises is not included in the FBI transcript, which like the first police transcript (Sawyer Exhibits) indicates that the dispatcher began to signal Tippit before any reference by the citizen to his car number. The entry indicating background noises is also suspect, because no one at the scene could have known that Tippit was No. 78.

(4) Nelson's actual movements suggest that he never received the 12.45 instruction to move into central Oak Cliff; according to another police report, he was assigned to the Depository.

(5) The dispatcher tried to contact Tippit at 1 pm for an apparent purpose which is completely inconsistent with the authenticity of the 12.45 and 12.54 messages.

(6) Tippit's failure to respond to signals at 1 pm and 1.08 remains unexplained.

(7) The dispatcher's signals to Tippit after the citizen's call, without any reason to believe that Tippit was in the district and before there was any indication that Tippit was the victim, remains unexplained and points to clandestine activities on Tippit's part which, if confirmed, nullify the official theory of his murder.



## Tippit and the Pedestrian

Police spokesmen in the early days of the case maintained that Tippit had halted the pedestrian who shot him on the basis of the police radio description of the suspect in the assassination. Sceptics ridiculed that as utterly inconsistent with the facts and with an eyewitness description of the encounter. Rumors circulated that Tippit and Oswald were known to each other and speculations were published suggesting that the two men were involved in a plot to assassinate the President.

The Warren Report later asserted that there was no evidence that Oswald and Tippit were acquainted, had ever seen each other, or had any mutual acquaintances (WR 651). There was no way to determine with certainty whether Tippit had recognized Oswald from the description broadcast on the police radio but it was "conceivable, even probable," that Tippit had done so.

Information in the Hearings and Exhibits provides cause for serious reservations about the Commission's assertions and its reasoning. We have pointed out already that the radio log throws grave doubt on the official explanation of Tippit's movements and that he was mysteriously absent from his car, or refused for other reasons to reply to the dispatcher's signal, at 1 and 1.08 pm. We do not know what Tippit was doing between 12.54 pm and the time he was shot, but there is nothing to suggest that he was stopping pedestrians who fit the description of the assassination suspect, an

unknown white male, approximately 30, slender  
build, height 5 feet 6 inches, weight 165  
pounds, reported to be armed with a .30  
caliber rifle.

(CE 705)

It would be amazing if Tippit saw no male pedestrian on the streets of Oak Cliff between 12.45 and the time he himself was shot who fit that vague description. Did Oswald, viewed from the rear, fit the description? He was younger than 30 by six years; taller than 5'6" by at least three inches; and he was not armed with a rifle. It would be all the more remarkable, then, if Tippit stopped him and no one else.

Were the actions of Tippit and the pedestrian whom he stopped consistent with the theory that the man was stopped because he resembled the description broadcast on the police radio? Only one witness claims to have seen what happened. She is Mrs Helen Markham, whom the Commission considers reliable.

Ball Where was the police car when you first saw it?

Markham He was driving real slow, almost up to this man, well, say this man, and he kept, this man kept walking, you know, and the police car going real slow now, real slow, and they just kept coming into the curb, and finally they got way up there a little ways up, well, it stopped.

Ball The police car stopped?

Markham Yes, sir.

Ball What about the man? Was he still walking?

Markham The man stopped...I saw the man come over to the car very slow, leaned and put his arms just like this, he leaned over in this window and looked in this window...The window was down...Well, I didn't think nothing about it; you know, the police are nice and friendly and I thought friendly conversation. Well, I looked, and there were cars coming, so I had to wait...this man, like I told you, put his arms up, leaned over, he--just a minute, and he drew back and he stepped back about two steps...The policeman calmly opened the door, very slowly, wasn't angry or nothing, he calmly crawled out of this car, and I still just thought a friendly conversation...

(3H 307)

The encounter, as Mrs Markham has described it, is compatible with any number of causes. Tippit might have stopped the man to ask for a match, and they might have exchanged comments about the shooting of the President less than an hour before. Tippit might have stopped an acquaintance and stopped to ask how his sick mother was feeling. Tippit might have stopped for a prearranged rendezvous with a messenger who was to slip him a blackmail payment, or a package of narcotics. The scene sketched by Mrs Markham suggests that the pedestrian made no attempt to avoid the policeman and that he exhibited no signs of alarm or tension. That hardly suggests a man unnerved by fear and guilt or a man who had spent the preceding 45 minutes darting about on foot and by vehicle in an "escape." Tippit's behavior is even less compatible with the Commission's theory. He would have known better than to leave the car had he been suspicious of the man he stopped. He would have summoned reinforcements on the police radio, just as another officer did who was working alone and found a man whom he wished to arrest, as shown in the radio log (CE 1974, pp. 48-51). He might have told the man to get into the car to be taken to the police station for questioning. But why should Tippit leave the car under the circumstances which the Commission considers

"conceivable, even probable"? He did not leave the car in order to search the pedestrian for a concealed rifle. He did not leave the car to subdue by force a suspect who had made no gesture of resistance nor tried to run away. If Tippit had stopped the pedestrian—whether Oswald or someone else—on suspicion that he was the Presidential assassin, it was reckless and probably against regulations for him to leave his car. A solitary policeman seeking to apprehend a dangerous criminal first and foremost would have called on the police radio to give information, ask instructions, and seek help. That is what was done by other officers. That may well be what the rules required. Unfortunately the Commission did not inquire into the rules that were applicable in the "conceivable, even probable" circumstances which it postulated. Unfortunately the Commission did not ponder the strangeness of Tippit's actions under such a hypothesis.

These considerations suggest that it was not probable, perhaps not even conceivable, that Tippit stopped the pedestrian who shot him because of the description broadcast on the police radio. The known facts indicate that Tippit was up to something different which, if uncovered, might place his death and the other events of those three days in a completely new perspective. We do not know what was in Tippit's mind during his last hours. There was a clue, but the Commission did not follow it up, as seen in the testimony of Sergeant W.E. Barnes of the police laboratory. Barnes, who had taken photographs at the scene of the Tippit shooting, was questioned about those photographs on April 7, 1964.

Belin Inside the window there appears to be some kind of paper or document. Do you remember what that is at all, or not?

Barnes That is a board, a clipboard that is installed on the dash of all squad cars for the officers to take notes on and to keep their wanted persons names on.

Belin Were there any notes on there that you saw that had been made on this clipboard?

Barnes Yes; we never read his clipboard...I couldn't tell you what was on the clipboard.

(7H 274)

Perhaps the Commission found it plausible that the Dallas police did not bother to examine the clipboard of a murdered officer, seeking a clue to his murder. Be that as it may. But why did not the Commission obtain and examine it? There might have been notations on the clipboard, or there may have been an absence of notations, which might have cast light on Tippit's activities before he was shot—notations which might have strengthened the basis for the Commission's speculations, or shown them to be mistaken.

If neither the police nor the Commission took the trouble to examine Tippit's clipboard, their lack of curiosity and conscientiousness suggest that they are poorly qualified to undertake criminal investigation. If the clipboard was examined, the findings have been concealed and must be assumed to be incompatible with the official theory.

We revert now to the Commission's assertion that there was no evidence that Oswald and Tippit were acquainted or had ever seen each other. Contrary to that statement, there is some evidence that they had seen each other shortly before the assassination. A letter of July 31, 1964 from the FBI Dallas office to the Commission responds to a request for investigation of a possible link between Oswald and Ruby through Dobbs House, a restaurant they had both patronized. Four employees of the restaurant were interviewed in December 1963 who confirmed that Oswald was a frequent visitor. Ruby was also said to have been a patron at times. No one recalled that the two men had been there at the same time or together. But Mary Dowling, one of the waitresses, volunteered that

she recalled the person now recognized as Oswald was last seen by her in the restaurant at about 10 am Wednesday, November 20, at which time he was "nasty" and used curse words in connection with his order. She went on to relate (that) Officer J.D. Tippit was in the restaurant, as was his habit at about that time each morning, and "shot a glance at Oswald." She said there was no indication, however, (that) they knew each other.

(CE 3001)

The FBI letter rejects this story a priori, on the basis that information previously obtained from the Depository indicated that Oswald had worked from 8 am to 4.45 pm with a lunch period at noon, and that he had worked an eight-hour day on Wednesday the 20th. Is this not astonishing? Why did not the FBI consider that the waitress might be wrong about the hour and right about the incident she described, instead of assuming that the whole account was mistaken? The more so, when a later interview with the former cook at the restaurant lent strong corroboration to Mary Dowling's story. The cook told the FBI that Oswald had been in the restaurant on November 21, 1963 and that he had complained about the eggs, which she had cooked. She was not even asked if Tippit had been present at the time, or if he was also a regular patron. The information obtained from the cook and the waitress was disregarded on the strength of the technicality that the timekeeping records showed that Oswald had worked an eight-hour day, starting at 8 am. By that criterion, we would

have to dismiss the allegation that Oswald was arrested and in police custody on Friday afternoon, because the Depository records (CE 1949 page 6) show that he worked an eight-hour day on November 22nd!

The Commission, apparently concurring in the FBI's peculiar reasoning, asserts that there is no evidence that Oswald and Tippit "had ever seen each other." Two witnesses, the waitress and the cook, gave information independently and at different times and places which suggests that they saw each other, or that Tippit saw Oswald, within two days of the assassination. If that is true, it further vitiates the fanciful and dubious proposition in the Report and leaves the encounter between Tippit and the pedestrian wholly unexplained.

Discussion of the Tippit Suspect

According to the  
Warrin Report

At 1:22 p.m. the Dallas Police radio described the man wanted for the murder of Tippit as a "white male about thirty, five foot eight inches, black hair, slender, wearing a white jacket, white shirt and dark slacks."

According to Patrolman Poe this description came from Mrs. Markham and Mrs. Barbara Jeanette Davis.

Mrs. Markham told Poe that the man was a "white male, about 23, about five feet eight, brown hair, medium," and wearing a "white jacket." Mrs. Davis gave Poe the same general description: a "white male in his early twenties, around five foot seven inches or eight inches, about 145 pounds," and wearing a white jacket.

(Page 175)

According to the  
Hearings and Exhibits

Patrolman Poe testified on April 9, 1964, that when he had arrived at the scene of the Tippit murder he had talked to Mrs. Markham, who had described a

white male, about 23, about 5 feet 8, brown hair, medium, and I believe she said had on a white jacket at the time... We gave the description to several of the officers at the scene. You couldn't get on the radio at the time, there was so much traffic on the radio and the last—the fire chief he was seen leaving, and then I talked to several more witnesses around there.

Ball Did you ever get that description on the radio?

Poe I believe we did. But I couldn't swear to it...

Ball Did you talk to the two Davis girls?

Poe I talked to one of them... She gave me the same general description of the suspect as Mrs. Markham... White male, and in his early 20s, around 5'7" or 8", about 145 pounds, and I believe she said had on a white jacket.

(Discussion off the record)

(7768)

Ball At 1:22 p.m. on the transcript of the radio log, I note it says, "Have a description of suspect on Jefferson. Last seen about the 300 block of East Jefferson. White male, 30s; 5'8", black hair, slender built, wearing white shirt black slacks." Do you know whether you gave Walker that description?

Poe I remember giving Walker a description. My partner got in the car with Walker.

Ball Did you give Walker a description similar to that?

Poe Yes, sir.

(7769)

However, officer C.T. Walker had testified on April 3, 1964 that he had not left his car nor talked to any witnesses at the Tippit scene, but had proceeded to cruise in the area.

Balin You were not the one that put out the first description of the suspect they sought?

Walker I didn't.

(7836)

Mrs. Markham had testified on March 26, 1964 that the man who shot Tippit ...had a jacket on when he done it...It was a short jacket open in the front, kind of a grayish tan.

Ball Did you tell the police that?

Markham Yes, I did.

(97811)

Barbara Jeanette Davis also testified on March 26, and answered questions about the man she had identified in the police lineup.

Ball Was he dressed the same in the lineup as he was when you saw him running across the lawn?

Davis All except he didn't have a black coat on when I saw him in the lineup.

Ball Did he have a coat on when you saw him?

Davis Yes, sir...A dark coat.

(98347)

Mrs. Davis was not asked whether or not she had provided a description of the suspect to Poe or any other police officer at the scene.

The transcript of the police radio log (GM974) indicates that the 1.22 p.m. description about which Poe was questioned was transmitted by Patrolman R.W. Walker (not C.T. Walker, to whom Poe had referred). He called in saying,

We have a description on this suspect over here on Jefferson. Last seen about the 300 East Jefferson. He's a white male, about 30, 5'8", black hair, slender, wearing a white jacket, white shirt and dark slacks.

Dispatcher Armed with what?

R.W. Walker Unknown.

The entry immediately following this exchange is a report from Patrolman Poe that he had just arrived at the Tippit scene.

The description transmitted by R.W. Walker was broadcast by the dispatcher at 1.24 p.m. Shortly thereafter, between 1.33 and 1.40 p.m., the dispatcher received a message from No. 221 (H.W. Summers):

might can give you some additional information. I got an eyeball witness to the get-away man; that suspect in this shooting. He is a white male, 27, 5'11", 165, black wavy hair, fair complexion, wearing light gray Eisenhower-type jacket, dark trousers and a white shirt and hat last seen running on the north side of the street from Patten on Jefferson, and was apparently armed with a .32, dark finish, automatic pistol which he had in his right hand.

(CH1974 page 74)

Summers was instructed to hold on to the eyewitness, on orders from the Sergeant in command of the area where Tippit was shot.

### Amended

The passage on page 175 of the Report concerning the broadcast of the first description of the Tippit suspect consists of four sentences, each of which is literally true. They nevertheless present a completely misleading picture.

It is true that the description was carried on the police radio at 1.22 p.m. but it came from Patrolman R.W. Walker and not from Patrolman Poe, as the Report leads one to think. It is clear from the radio log that Poe arrived on the scene after the description was called in. Poe's testimony that he obtained the description from Mrs. Markham and Mrs. Davis, and gave it to "Walker," is not consistent with the testimony of those three witnesses. G.T. Walker explicitly denied that he had sent in the first description. Markham testified that she told the police that the suspect was wearing a grayish-tan jacket. Davis, if she provided a description at all, would have specified a black or dark coat, not a white jacket. Poe was obviously improvising in his testimony; even so, he did not claim that he himself had put the description on the radio, as the Report suggests.

There are some discrepancies between the 1.22 p.m. description from R.W. Walker and the description that Poe claimed to have received from the two women. The age is given as "about 30" while Markham specified "about 25" and Davis "in his early twenties; the description mentions black hair, while Markham said brown.

Discrepancy is more distinct when one compares the first description with the later one from Summers. The suspect has grown three inches and gained twenty pounds since he was seen by Mrs. Davis. His brown hair has changed to black wavy hair since he was seen by Mrs. Markham. And he is wearing a light gray Eisenhower jacket instead of the white jacket shed ten or fifteen minutes before.



It would be enlightening to know the identity of the "crystal" witness who provided Summers with the description, and the witness who performed the same service for E.W. Walker. Unfortunately, the Warren Commission did not solicit any testimony from either of these two police officers. It is not even possible to judge whether the descriptions came from known witnesses who are named in the Report or from other persons, as yet unknown.

It is singular that the Warren Commission has relied on the testimony of Poe, who was not sure that he had put the description on the police radio and who obviously had not, since he had arrived on the scene after the 1.22 broadcast. It is stranger still that neither E.W. Walker nor H.W. Summers were called before the Commission to provide what information they had. It is crystal-clear from the radio log that they and not Poe were the authors of the suspect's description.

The differences between the two descriptions are substantial enough to raise the distinct possibility that at least two different suspects were seen by various witnesses. That possibility does not seem to have engaged attention from the Warren Commission, which pressed its inquiry no further than the funny and make-shift explanations given by Poe.

The Commission has overlooked entries on the radio log which are of crucial importance in establishing the appearance and actions of Tippit's killer; it has failed to obtain vital information from officers E.W. Walker and H.W. Summers; and has disregarded the contradictions of Poe's testimony by Markhan, Davis, and C.T. Walker. It has used its energies, instead, in a clever semantic exercise—combining statements of literal fact in a manner calculated to present a false picture, but without the use of explicit lies, as may be seen from the artificial wording of the passage on page 175 of the Report.

The Discovery of the  
Gray Zipper Jacket

According to the  
Warren Report

Police Capt. W. R. Westbrook...walked through the parking lot behind the service station and found a light-colored jacket lying under the rear of one of the cars. Westbrook identified Commission Exhibit No. 162 as the light-colored jacket which he discovered underneath the automobile.

(Page 175)

According to the  
Hearings and Exhibits

Captain W. R. Westbrook on April 6, 1964 gave the following testimony on the discovery of the jacket.

Ball Did you ever find some clothing?

Westbrook Actually, I didn't find it--it was pointed out to me by either some officer that--that was while we were going over the scene in the close area where the shooting was concerned, someone pointed out a jacket to me that was laying under a car and I got the jacket and told the officer to take the license number.

Ball Was that before you went to the scene of the Tippit shooting?

Westbrook Yes, sir...I got out of the car and walked through the parking lot.

Ball What parking lot?

Westbrook I don't know--it may have been a used car lot.....

Ball Why did you get out of the car at that time?

Westbrook Just more or less searching--just no particular reason--just searching the area...some officer, I feel sure it was an officer, I still can't be positive--pointed this jacket out to me.....

Ball What was the name of the officer?

Westbrook I couldn't tell you that, sir. (7H 115-117)

Another witness, police officer T. A. Hutson, also testified on the finding of the jacket, on April 3, 1964.

Hutson...while we were searching the rear of the house in the 400 block of East Jefferson...a white jacket was picked up by another officer. I observed him as he picked it up, and it was stated that this is probably the suspect's jacket.....

Belin Do you know the name of the officer that found it?

Hutson No, sir; I don't know. (7H 30-33)

Neither Westbrook nor Hutson made any mention of the discovery of the jacket in written reports dated December 3, 1963 (CE 2003) on their activities at the Tippit murder scene.

The police radio log (CE 1974) for the period just after Tippit was shot includes the following exchange of messages at about 1:25 pm (the dispatcher consisting of officers Hulse and Jackson working as a team):

<u>Caller</u>	<u>Conversation</u>
279 (Unknown)	279...279 (Unknown)
Dispatcher	279 (Unknown)
279 (Unknown)	We believe we've got that suspect on shooting this officer out here. Got his white jacket. Believe he dumped it on this parking lot behind this service station at 400 block East Jefferson, across from Dudley Hughes, and he had a white jacket on. We believe this is it.
Dispatcher	You do not have the suspect, is that correct?
279 (Unknown)	No, just the jacket laying on the ground.

(About 1:39 pm)

550 (Capt.W.R. Westbrook)	We got a witness that saw him go up North Jefferson and he shed his jacket--let's check that vicinity, towards Tyler.
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Appraisal of the  
Known Facts

The Warren Report has misrepresented the facts in asserting that Captain Westbrook found the jacket. Westbrook himself denied that he found it. Moreover, the radio log casts strong doubt on his allegation that he was present when the jacket was found since his message, almost fifteen minutes after No. 279 reported the discovery of the jacket, suggests that Westbrook had just learned for the first time that the suspect had discarded a jacket and was about to search for it.

The radio log fails to provide No. 279's name. There are only a few instances in which the transcript fails to match the caller's number with his name and this is perhaps the only crucial one. Obviously the Warren Commission should have conducted an inquiry to determine:

(a) the identity of the mysterious No. 279 who was not recognized by his fellow officers Hutson or Westbrook;

(b) whether Westbrook was actually present when No. 279 found the jacket, as he testified; and if he was not present, why he lied;

(c) why both No. 279 and Hutson described the jacket as white, when it is gray; and

(d) whether a gray zipper jacket was actually found near the Tippit scene, or any jacket, or the whole story was a fabrication designed to strengthen the evidence against Oswald.

The Warren Commission did not conduct such an inquiry. Apparently the Commission did not make a diligent study of the police radio log in any of the three versions which were requested and obtained from the police and the FBI. Study of the radio log and other documents published by the Commission reveals not only that the jacket was found by No. 279 (Unknown) but also reveals his identity. No. 279 is police officer J. T. Griffin, member of the second platoon of the Traffic Division, assigned to a group of 12 three-wheel motorcycle officers (Lawrence Exhibit 2, page 2 and Batchelor Exhibit 5002, page 14). Another member of the same 12-man group is officer T. A. Hutson, who testified that he had observed another officer, whose name he did not know, pick up the white jacket during a search of the rear of a house. How could Hutson fail to recognize a fellow-officer serving in the same detail of 12 men? His failure to identify the officer must throw doubt on the truth of his story that he observed the discovery of the jacket, as the entry in the radio log throws doubt on Westbrook's testimony that he witnessed the discovery--some fourteen minutes before he learned that a jacket had been dumped and set out to search the vicinity.

Three men serve as the source on which we must rely for evidence on the discovery of an important item of evidence against Oswald--Captain Westbrook, officer Hutson, and officer Griffin, the No. 279 who actually reported the find on the police radio, if the transcript is honest. Westbrook and Hutson told stories under oath which have such serious weakness that the possibility of perjury must arise. Griffin was never even identified as the officer who found the evidence and never interviewed by any authority or examined by the Commission.

What do we really know, then, about the discovery of the jacket? We cannot be sure whether it was legitimate or fabricated evidence, because the responsible witness was not identified nor interrogated while the secondary witnesses--Hutson and Westbrook--are suspect because of the conflict of their testimony with the published record or with common sense. The Commission not only conducted a superficial and wholly inadequate investigation, it even misrepresented such "facts" as had emerged from the testimony which was heard. Consequently, we consider the discovery of the jacket, as portrayed in the Report, unproven and very possibly fraudulent.

## The Jacket Worn by Tippit's Killer

### Before the Warren Report

Critics of the official case, particularly Mark Lane, pointed to the discrepancy between the police radio description of the suspect in the Tippit murder, in which he was said to be wearing a white jacket, and the color of the jacket found near the scene; the question of the color of the jacket worn by the killer was raised in the broader context of contradictions among the witnesses on the appearance and actions of the man who shot Tippit or was seen running from the scene and the actual appearance of Oswald.

### According to the Warren Report

"At 1.22 p.m. the Dallas police radio described the man wanted for the murder of Tippit as a 'white male about thirty, five feet eight inches, black hair, slender, wearing a white jacket, white shirt and dark slacks.' According to Patrolman Poe this description came from Mrs. Markham and Mrs. Barbara Jeanette Davis...

"The eyewitnesses vary in their ~~identifications~~ identification of the jacket...

"There is no doubt, however...that the man who killed Tippit was wearing a light-colored jacket..." (Pages 175-176)

### According to the Hearings and Exhibits

The witnesses gave the following descriptions of the jacket worn by the man who fled the scene of the Tippit murder.

- |                      |   |
|----------------------|---|
| <u>Mrs. Markham</u>  | "It was a short jacket, open in the front, kind of a grayish tan." (3H111)  |
| <u>Bonswides</u>     | "...he had a light-beige jacket...It seemed like it was a zipper-type jacket." (6H450)  |
| <u>Scoggins</u>      | "He had on a jacket, the type of sleeve of that, but I thought it was a little darker. [Witness referred to CE 162, the gray zipper jacket, shown to him by counsel.] (3H328) |
| <u>Mrs. V. Davis</u> | "He had on a light-brown-tan jacket." (6H457)   |
| <u>Mrs. B. Davis</u> | "A dark coat...it was dark and to me it looked like it was maybe a wool fabric, it looked sort of rough.. Like more of a sporting jacket." (3H347)                            |
| <u>Callaway</u>      | "...a light tanish gray windbreaker jacket...Yes, that is the same type jacket. Actually, I thought it had a little more tan to it." (3H356)                                  |

Smith

"He had on dark pants and a sport coat of some kind. I can't really remember very well...Yes, sir; that [Commission Exhibit 162, gray zipper jacket] looks like what he had on. A jacket." (7E85)

Guinyard

"He had on a pair of black britches and a brown shirt and a little sort of light-gray-looking jacket...a light gray jacket and a white T-shirt...[shown Exhibit 162] That's the jacket." (7H401)

Mrs. Markham, when she described the jacket during her testimony on March 26, 1964 was asked if she had told the police (described the jacket). She replied that she had. Mrs. B. Davis was not asked if she had described the jacket to the police, and it was only two weeks later that Officer Poe testified that she and Markham had both told him that the suspect wore a white jacket.

#### Appraisal of the Known Facts

The witnesses who described the jacket worn by the man who fled the Tippit scene testified between the last week in March and the second week of April 1964. With the exception of Barbara Jeanette Davis, all were obligingly consistent in describing or identifying the gray zipper jacket. None of these witnesses are helpful, however, in explaining the source of the radio alert for a man in a white jacket. Officer Poe is incorrect in naming Mrs. Markham and Mrs. Davis as witnesses who reported the white jacket, or these ladies have not told the full truth in their testimony.

The Warren Commission adopts a certain neutrality, although quoting Poe's testimony on this point and maintaining silence on the contradictory testimony of Markham and Davis. No claim is made that witnesses seeing a gray or light-colored jacket night, in the excitement of the moment, have called it white—wisely, as white is too distinct to be confused with other colors.

Equally important is the silence of the Warren Report on the testimony of Barbara Jeanette Davis that the man wore a dark coat, seemingly a wool fabric, rough in appearance. That description is completely inconsistent with the gray zipper jacket and certainly with the white jacket specified in the police alert. Mrs. Davis is an important witness and the credibility of her testimony in other respects has not been questioned by the Warren Commission.

The known facts do not establish beyond doubt that the man who fled the scene of the Tippit murder was wearing a gray zipper jacket, despite the preponderance of testimony from witnesses who described or identified the gray jacket found. The Warren Report fails to explain the alert for a man in a white jacket; it neither mentions nor explains the dark coat described by Mrs. Davis.

The Ownership of the  
Gray Zipper Jacket

According to the Warren Report, the jacket found along the "escape route" near the scene of the Tippit murder belonged to Oswald and is among the evidence that incriminates him. The Report states,

This jacket belonged to Lee Harvey Oswald. Marina Oswald stated that her husband owned only two jackets, one blue and the other gray. The blue jacket was found in the Texas School Book Depository and was identified by Marina Oswald as her husband's. Marina Oswald also identified Commission Exhibit No. 162, the jacket found by Captain Westbrook, as her husband's second jacket.

(Page 175)

The assertion that the jacket was found by Westbrook has already been exposed as a misrepresentation of the testimony and the evidence; no amount of reiteration in the Report can legitimize the attribution to Westbrook of a garment which, on further study, acquires still more dubious characteristics.

According to the list of items of evidence turned over to the FBI by the Dallas Police on November 28, 1963, the gray zipper jacket bore a laundry tag B 9738 (CE 2003, page 117). There is no clear indication that any attempt was made to trace the laundry tag in order to confirm Marina Oswald's assertion that the jacket belonged to her husband. She identified the jacket during her testimony on February 6, 1964 (1H 122) but was rather vague about which jacket Oswald was wearing on his visit to Irving the night before the assassination. Subsequently, on April 1, 1964, she was interviewed by the FBI, expressly with respect to Oswald's jackets. The FBI report on that interview states,

Marina was questioned further concerning clothing jackets which had been owned by Lee Harvey Oswald. She said to the best of her recollection Lee Harvey Oswald had only two jackets, one a heavy jacket, blue in color, and another light jacket, grey in color. She said she believes Oswald possessed both of these jackets in Russia and had purchased them in the United States prior to his departure for Russia. She said she cannot recall that Oswald ever sent either of these jackets to any laundry or cleaners anywhere. She said she can recall washing them herself. She advised to her knowledge Oswald possessed both of these jackets at Dallas on November 22, 1963.

(CE 1843)

It is certainly strange that the FBI failed to trace the laundry tag after hearing from Marina Oswald that Oswald had never sent the jacket to any laundry or dry-cleaners. Surely it was important to establish whether Oswald, or some other person, had had the jacket laundered or cleaned, and who did so if it was not Oswald.

Other anomalies must also be noted. Captain Fritz, who was presumably aware of all the physical evidence discovered and who repeatedly questioned Oswald about his change of apparel during his brief visit to the boarding house, never confronted Oswald with the gray zipper jacket and never asked him to explain how it came to be found under a car near the Tippit scene. In fact, he did not present Oswald with the opportunity to confirm--or to deny--his ownership of the jacket, at any time during the prolonged interrogations between Oswald's arrest and his murder. Nor did Fritz display the jacket to Marina Oswald during her lengthy interrogation at the police station on the night of the assassination.

Appraisal of the  
Known Facts

The assertion that the gray zipper jacket was Oswald's rests solely on the testimony of Marina Oswald. Yet her statement that Oswald never sent the jacket for laundering or cleaning introduces a mystery which neither the FBI nor the Warren Commission resolved and which is not acknowledged in the Report. There is no statement by Oswald himself regarding ownership of the jacket; and there is no independent confirmation or evidence from any source which can be said decisively to establish its origins, history, or ownership.

When that uncertainty is aligned with the other compromising circumstances--the description, and the discovery, of the jacket, for example--the sum total is that the Warren Commission stands on very shaky ground. The Commission should be called to account for its failure to trace the laundry tag, as well as for its liberties with the facts available in the testimony and exhibits and its obtuse indifference to signs which compel serious suspicion that the jacket is planted and spurious "evidence."



## Ammunition for the Revolver

### According to the Warren Report

The Report (pages 559-550) states that when Oswald was arrested 6 live cartridges were found in the revolver—3 Western .38 Specials and 3 Remington-Peters .38 Specials. Five live cartridges were found in his pocket, all Western .38s. Four expended cartridge cases were found near the Tippit scene—2 Western .38s and 2 Remington-Peters .38s. Four bullets were recovered from Tippit's body—3 Western-Winchesters and 1 Remington-Peters.

The Report offers several possible explanations for the discrepancy between the shells (2 Westerns and 2 Remington-Peters) and the corresponding bullets (3 Westerns and 1 Remington-Peters):

- (a) the killer fired 5 bullets—3 Westerns and 2 Remington-Peters; one Remington-Peters bullet missed Tippit; that bullet and one Western cartridge case were "simply not found."
- (b) the killer fired only 4 bullets—3 Westerns and 1 Remington-Peters—but prior to shooting Tippit he had an expended Remington-Peters shell in the revolver which was ejected with the other 4 shells, including a Western shell which "was not found."
- (c) that he used hand-loaded bullets to save money; but this is extremely unlikely because there is no evidence that the 4 recovered shells had been resized.

### Appraisal

The ammunition for the revolver presents the same kind of problem as did the ammunition for the rifle in one respect. Although two different brands of .38 Specials are found (11 Westerns and 4 Remington-Peters bullets, live or expended, and 2 shells of each brand), no bullets of either kind were found in Oswald's room in Dallas or in the Paine home at Irving. Presumably at some point in time Oswald purchased at least one box of Western .38s and one box of Remington-Peters .38s. His purchase of such ammunition has not, however, been established. Again we are presented with the paradox that Oswald must have exhausted his supply of both brands of ammunition other than 11 bullets of one brand and 4 of the other at the time of the Tippit killing.

How could he have used up most of two boxes of ammunition? There is nothing whatever to suggest that he ever fired the .38 Smith & Wesson revolver at any time before November 22nd. If he did not purchase two boxes of ammunition, how did he acquire the 11 Western and the 4 Remington-Peters .38s? If he did

purchase supplies of each brand, there is no evidence of the transaction, no evidence of use, and no left-over ammunition among his possessions.

The Warren Commission has offered no answers to these questions. Perhaps the Commission exhausted its capacity for constructing solemn hypotheses which verge on the ludicrous in attempting to explain why the bullets recovered from Tippit's body failed to match the corresponding shells. Explanation (c) is a mere space-filler. The Commission had ruled out hand-loading long before, on the basis of the cost and bulk of the required equipment. Explanation (b) fails to present the slightest evidence that Oswald had ever fired a Remington-Peters bullet, leaving the shell in the gun, and is on the same level of probability as hand-loading. Explanation (a) requires the killer to fire five shots at point-blank range and miss one--an insult to the marksmanship of the sniper who hit Kennedy and Connally under vastly more difficult circumstances. Moreover, (a) ignores the fact that most of the Tippit witnesses heard 2 to 4 shots only. Even if one shot had missed, it is hard to swallow a claim that it went unnoticed and unfound.

The Commission's "explanations" explain nothing. The problem of reconciling 2 Brand A and 2 Brand B shells with 3 Brand A and 1 Brand B bullets awaits a serious and credible solution.

A related puzzle which the Commission has not acknowledged is the arresting fact that Captain Glen King, in an address in April 1964 to the American Society of Newspaper Editors, said that Tippit had been shot three times (see Exhibit No. 5, Volume XX page 465). It is surely strange that a senior police official should have made such an error six months after the murder, if error it was. We cannot be certain because the autopsy report on Tippit is not to be found in the 26 volumes of Hearings and Exhibits--a strange and unexplained omission.

To compound the puzzle, there is the peculiar manner in which three of the four bullets allegedly recovered from Tippit's body were presented to the FBI laboratory for examination four months after the murder. According to the testimony of FBI expert Cunningham (3H 474), the FBI originally received only one bullet, on November 23, 1963. The Dallas Police said it was the only bullet recovered or obtained. The matter rested there until March 1964, when the Warren Commission (to its credit) asked the FBI to determine where the other three bullets were. They were discovered in the dead files of the Dallas Police!

It was only at that stage that the mismatching of bullets and shells became apparent, presumably too late to undertake a search for a missing bullet or

a missing shell under explanation (a). The Report does not even mention the belated count of the three bullets ostensibly recovered from Tippit's body, perhaps wishing to spare us uneasiness about their authenticity.

But misgivings are unavoidable when one is confronted by an alleged assassin who shot the President when he was down to his last four rifle bullets, and the police officer when he was down to his last fifteen revolver bullets out of a supply of two boxes. Misgivings are inevitable when bullets fail to match their shells, and only contrived and irresponsible "explanations" are suggested. The Warren Commission, despite the unparalleled investigatory resources at its disposal, has left the case cluttered with mysteries like this—neither acknowledging their existence nor offering acceptable explanations.

These L. H. H. undermine the Commission's conclusions about the Tippit murder and, in turn, about Oswald's role during the fateful weekend of the assassination.

RUBY

-

WALKER

### Ruby at Parkland Hospital

Seth Kantor, member of the White House Press Corps, reported in the Scripps-Howard Alliance newspapers on November 25, 1963 that he had met and conversed with Jack Ruby at Parkland Hospital about an hour after the President was shot. Kantor had worked for the Dallas Times-Herald until 1962 and had become well acquainted with Ruby. He wrote that Ruby had tugged at the back of his coat at about 1.30 pm at Parkland Hospital. They had chatted briefly and Ruby had asked Kantor's opinion about closing his nightclub for the next three days. According to the story that Kantor filed,

Ruby shook hands numbly, having minutes earlier witnessed the tragic events of the President's assassination.

(Kantor Exhibit 7)

The Warren Commission does not accept Kantor's account of his meeting with Ruby at Parkland Hospital and suggests that the incident really took place at the police department at about midnight that day (WR 335-337). The Report describes Kantor as a newspaperman "who had previously met Ruby in Dallas." That is an understatement. Kantor had "seen much of Ruby" and clearly was on terms of familiarity with him. Moreover, corroboration of Ruby's presence at the hospital came from a second witness, Wilma Tice. Her story has been rejected too, partly because she had never seen Ruby before. It is strange reasoning that dismisses one witness because she had not seen Ruby before, and another witness although he had seen and known Ruby well, with each to some degree corroborating the testimony of the other. Even stranger is the Commission's acceptance of the testimony of witnesses who identified Oswald, although they had never seen him before nor under circumstances comparable to those described by Kantor and Tice.

Another reason for the Commission's scepticism is that "Ruby has firmly denied going to Parkland" (WR 336). One may ask exactly how much weight should be attached to the denial of a convicted murderer. Kantor, a man of high personal and professional reputation, has firmly and consistently maintained that he met Ruby at the hospital. Neither his sanity nor his morals can be impeached (and it is not possible to say as much for Ruby). The Commission does not attempt to do so but suggests that Kantor

is mistaken—that he did not see Ruby at the hospital but at the police assembly room at about midnight. "It is conceivable," the Report says, "that Kantor's encounter with Ruby occurred at that time, perhaps near the small doorway there."

The flaws in that reasoning are so obvious that one wonders at the carelessness that committed it to print. Ruby might have asked Kantor's advice about closing his clubs at a 1.30 pm encounter but it would have been an anachronism to do so at midnight, when he had long since made the decision and changed his newspaper ads accordingly. It should be noted also that Kantor wrote, "Friday I saw tears brimming in Jack Ruby's eyes when he searched my face for news of the President's condition" (Kantor Exhibit 8). The President's condition was not in doubt at midnight, nor was Ruby tearful at that hour. According to many witnesses, he was exhilarated and full of energy. Kantor's reference to Ruby's tears was ignored, as was his extraordinary comment that Ruby, minutes before the encounter at the hospital, "had witnessed" the assassination.

Despite the lack of internal coherence, we are asked to "conceive" that the meeting reported by Kantor actually took place at a different time and location. Why should we speculate? When Ruby "firmly denied" being at Parkland Hospital, the next question should have been whether or not he met Kantor at all that day and, if so, where and at what hour. The Commission's failure to ask those salient questions is incomprehensible; and the untenable hypothesis offered in the Report is not an acceptable substitute for explicit information from a living and accessible witness. Kantor and Ruby could even have been confronted with each other, as was the case in the conflict of testimony between Marina Oswald and Mrs. Hunter and Mrs. Whitworth.

The investigators apparently were more concerned to dispose of Kantor's story than to establish the facts. The FBI hastened to interview him on December 3, 1963 and again on January 2, 1964. The FBI report indicates that,

Kantor was pointedly told by interviewing agents that Ruby has emphatically denied he was at Parkland Hospital at any time November 22, 1963, or subsequent. Kantor was specifically asked whether he might be mistaken about seeing Ruby there ...Kantor reiterated he is absolutely certain he saw and spoke with Ruby at the Parkland Hospital on November 22. Kantor was told that he might be called upon to testify in this case. He was asked what he would say if under oath and on the witness stand in a court of law to the question, "Did you see and talk with Ruby at the Parkland Hospital on November 22, 1963?" Kantor stated that he would answer, "Yes," because he is absolutely certain he did.

(Kantor Exhibit 8)

According to the FBI report, Kantor fully realized the importance of his story; he knew that a man's life was at stake. It is perhaps superfluous to note that the prosecution did not call Kantor as a witness in the Ruby trial. Months later, when he testified for the Warren Commission, he maintained his story steadfastly.

If it was a matter of just seeing him, I would have long ago been full of doubt. But I did talk to the man and he did stop me, and I just can't have any doubt about that.

(15H 82)

Asked to search his mind again for any doubt that the man he had identified as Jack Ruby was indeed Ruby, Kantor replied,

I was indelibly sure at the time and have continued to be so that the man who stopped me and with whom I talked was Jack Ruby. I feel strongly about it because I had known Jack Ruby and he did call me by my first name as he came up behind me, and at that moment under the circumstances it was a fairly normal conversation.

(15H 88)

Kantor's testimony is convincing; it is also completely consistent with Ruby's personality as a goer-to-events that he would have proceeded to Parkland Hospital, as he later proceeded to the police department when that in turn became the center of attention.

It is all the more curious, then, that the Commission has been at such pains to dismiss the story, despite its unimpeachable source and inherent plausibility. Because of that preoccupation, scant attention was given to the fact that Kantor had been a passenger in the motorcade and a witness to subsequent events at the police department. He had recorded many fascinating observations in his handwritten notes (Kantor Exhibit 3). Those notes merited study and investigation, since they dealt with the evidence against Oswald as it emerged hour by hour and because some of the entries appear to be at variance with the now-official version of events.

Kantor's testimony (15H 95) reveals that his interviews with FBI agents were motivated solely by interest in his encounter with Ruby at Parkland Hospital; he also had a lengthy interview with Captain O.A. Jones and gave the Dallas Police a signed sworn statement (Kantor Exhibit 8) which has not been included in the Commission's published documentation.

As Kantor's story does not present weaknesses, an attempt was made to rule it out on material grounds. The Commission raises the objection of the time factor, stating that it is unlikely that Ruby could have made the trip from Parkland Hospital to the Carousel Club (where he arrived at 1.45 pm) within the ten or fifteen minutes available, "because of traffic conditions after the assassination" (WR 336). The drive normally requires only nine or ten minutes, according to the Report; but the Commission does not believe that Ruby could have made the trip in fifteen minutes that day. As noted elsewhere, the Commission made no allowance for abnormal traffic conditions in fixing the time span for Oswald's taxi ride from the Greyhound Bus Terminal to North Beckley Street; on the contrary, the estimated time was reduced from nine to six minutes. Apparently traffic conditions which delayed Ruby only facilitated Oswald's rapid transit. That this reasoning, too, is specious becomes obvious from the testimony of another goer-to-events, Nancy Powell, one of Ruby's entertainers. When she heard that the President had been shot, Miss Powell drove to the Depository and from there to Parkland Hospital. Asked how long it had taken her to drive to the hospital, she said,

Well, I don't recall that it took any longer than it normally would...they were keeping traffic moving... (15H 419)

Although Kantor's story stands on its own merit, it is interesting to see what disposition was made of a second unwelcome witness to Ruby's presence at the hospital, Mrs Wilma Tice. The statement in the Report that Mrs. Tice did not make her observations known until April 1964 has implications derogatory to her. The delay takes on another complexion when all the facts are considered. Mrs. Tice did not report her observations to any official authority even in April. At that time she mentioned the incident to Ruby's sister; in due course, this led the FBI to contact and interview Mrs. Tice. Her testimony suggests that at the time she did not realize the importance of having seen Ruby at the hospital. Not long afterwards, she was injured in an auto accident; as a result, she was bedridden until April. The record reveals no grounds for suggesting that she had withheld information deliberately or that she had imagined or invented the incident. According to an FBI report, Mrs. Tice went to the hospital at about 1.30 pm and

stopped beside a man who was at the time unknown to her, but whom she later believed to be Jack Ruby...he had a hat...in his left hand, hitting it against his leg...he wore a dark suit, white shirt, and possibly a tie. He was heavily built. She thought by hitting his hat against his leg he would ruin it. He was alone. She stood about three to four feet from this man when he was approached by another man who stated, "How are you going there, Jack?"

Mrs. Tice said that some other individual in the crowd had made the remark that Governor Connally had been shot in the kidney



...the man identified as Ruby then stated, "Couldn't someone give him a kidney?" The man who approached Ruby then stated, "who the hell would give him a kidney?" to which Ruby replied that he would.

(CE 2290)

The FBI report indicates that Mrs. Tice later recognized pictures of Ruby on television and in the papers as the man she had seen at the hospital but that she said nothing about it and "did not think any more about it at the time."

The other reasons given by the Report for doubting Mrs. Tice's story are neither compelling nor wholly accurate. It states that she had an obstructed view of the man; but she testified that

...I was being nose-y and listening...I could only see the right side of this other man's face that walked up to him. Jack was standing right there, see, this man that is called Jack...He turned around when this man walked up...At the time, he was facing right toward me...

(15H 392-94)

The Report states that Mrs. Tice had never seen Ruby before and that she saw him only briefly. The authors, without a blush, at the same time lean heavily on eyewitness identifications by such witnesses as Howard Brennan and Helen Markham in concluding that Oswald had murdered the President and Tippit. Brennan had never seen Oswald before and his view of the man in the window was substantially more distant, more brief, and more obstructed than Mrs. Tice's view of the man at the hospital. Brennan did not overhear a conversation in which the man he saw was addressed as "Lee" (the authorities would have made triumphant capital of that, one suspects, and ridiculed the suggestion that it was a coincidence); moreover, he failed to make a positive identification when he saw Oswald later that day. Yet Brennan's story is endorsed and Tice's story is rejected!

As for Mrs. Markham, she gave a wildly varying succession of accounts of the shooting of Tippit and she gave false testimony about a telephone conversation with Mark Lane. She identified Oswald, whom she had never seen before, while under sedation for hysteria; and the Commission finds her testimony of "probative value" but dismisses the testimony given by Mrs. Tice--testimony that provides a somewhat better impression of the witness than does the Report.

Griffin Mrs. Tice, did you know that Jack himself has denied very vehemently that he was out at the hospital?

Tice Yes; I know he denied that, and I hated to say that I saw him out there...Eva told me, "Well, I asked

Jack and Jack said no, he wasn't out there." And I said, "Well, anybody can make a mistake".....She said, "Yes, because there are many Jacks".....and if it wasn't him it was his twin brother.

Griffin Do you think you could have been mistaken about the man you saw?

Tice It could have been somebody else that looked just like Jack, named Jack; yes.

(15H 391)

A perfectly reasonable reply. Mrs Grant, Ruby's sister, had told the FBI that Mrs Tice was "balmy;" she said also, however, that Mrs Tice "had rather accurately described the clothing Ruby was wearing" (CE 2343). This point seems to have escaped the authors of the Report, or perhaps given less significance than it merits. If the man whom Mrs Tice saw at the hospital was not Ruby, then it must have been somebody else that looked just like him, also named Jack, and wearing the same kind of clothes. Of course, triple coincidences are not foreign to this case, despite the statistical contraindications. Strive as one may to share the Commission's faith in such random conjunctions of events, and strain as one may to join in the belief that in spite of all appearances, Ruby was not at Parkland Hospital, there is still another obstacle--the fact that Mrs Tice was "advised" not to talk about having seen Ruby there, and received threatening anonymous phonecalls warning her to keep her mouth shut (CE 2293). There even seems to have been an attempt to terrorize her by a breaking-and-entry into her home during the night, while her husband was at his job, according to an FBI report (CE 2293). Can that, too, be put aside as still another unrelated "coincidence"?

One wonders, above all, why it was so urgent to scotch reports that Ruby was at Parkland Hospital shortly after the shooting that the Commission undertook the onerous task of reinterpreting or repudiating powerful and persuasive evidence --for Kantor's testimony alone, even without the corroboration provided by Mrs Tice, must convince the objective mind that his account was true and accurate. A clue to that urgency may lie in the title of the chapter of the Report which deals with the Kantor-Tice testimony (although we do not pretend to understand why it lies there) ---it is "Investigation of Possible Conspiracy, Involving Jack Ruby."

W A L K E R

## The Attack on General Walker

The Warren Commission concluded that Oswald made a "prior attempt to kill" General Walker, for the reasons described on pages 183-187 of the Report. That conclusion is based primarily on (1) an undated note written by Oswald; (2) the testimony of firearms experts; and (3) the testimony of Marina Oswald.

The Walker incident is familiar from press stories after the assassination. On the night of April 10, 1963, an unknown assailant fired one shot from a rifle as Walker sat in his study, missing him narrowly. Two nights before, two men had been observed lurking around the Walker house and had fled in an unmarked car. This had been reported to the Dallas police before the shot at Walker on April 10th. When the shot was heard, a young neighbor saw two men leave the scene in cars. The bullet was recovered by the Dallas police. An Associated Press story in the New York Times on April 12, 1963 said that the bullet was a 30.06.

Walker engaged private detectives to investigate a former employee whom he suspected of having tried to shoot him. The results of that investigation were inconclusive. The crime remained unsolved on the books of the Dallas police until December 1963, when it was leaked to the press that Oswald had shot at and missed General Walker, using the same Carcano rifle that was used in the assassination. The press, headlining this startling news, ignored the fact that the recovered bullet had been identified as a 30.06 and not a 6.5 and the fact that two men, using a car or cars, had been witnessed before and after the shooting.

The first known suggestion of a possible link between the attack on Walker and Oswald came on the night of Oswald's arrest, when a reporter asked police chief Curry if Oswald was implicated in that shooting. Curry replied that he did not know (CE 2146, page 766 of Volume XXIV, Hearings and Exhibits).

The following morning, November 23, 1963, General Walker had a transatlantic telephone conversation with a representative of a West German right-wing newspaper (11H 425). About three days later the November 29th issue of that paper went to press with a sensational story--that Oswald and Ruby were known by the Dallas police to have made the attack on Walker but that they had not been arrested on request of the Department of Justice. Substantially the same lurid story was published in the United States in May 1964 in the National Enquirer (CE 837).

A week after the West German newspaper went to press in Munich, an undated handwritten Russian letter was discovered in a book sent to Marina Oswald by Ruth Paine. When she was confronted with the letter on December 3, 1963 Marina informed the Secret Service that Oswald had written the letter before his attempt to shoot General Walker. She said that she had had no knowledge whatever that Oswald intended to commit this crime. When he left their apartment on the night of the Walker incident she had assumed that he was going to a typing class. She became worried when he did not return at the usual hour; she then discovered the undated note. When he returned late that night she demanded an explanation of the note; he then confessed that he had tried to kill Walker.

### The Undated Note

Discovery of the Note Ruth Paine testified at great length on March 20 and 21, 1964. As counsel Jenner was about to conclude his interrogation, Mrs. Paine reminded him,

...you have not yet asked me if I had seen anything of a note purported to be written by Lee at the time of the attempt on Walker. And I might just recount for you that, if it is of any importance.

Jenner Yes; I wish you would...Tell me all you know about it...

R.Paine I knew absolutely nothing about it up to and including November 22...I was shown a portion of a note by two Secret Service men...perhaps a week later. I had sent Marina one of these small collections of letters...notes to her and donations, and left such with the Irving police. And on one occasion left also a couple of books which were hers...

I believe it was probably the next day I got a call from the Secret Service saying something important had come up in this case, could they come out and see me...They arrived...Mr. Gopadze showed me a piece of paper with writing on it, a small piece of paper such as might have come from a telephone note-pad.

He asked me not to read it through carefully, but simply to look at it enough to tell whether I could identify the handwriting and whether I had ever seen it before. I said I could not identify the handwriting...Mr. Gopadze indicated that it was his impression that I had sent this note to Marina. And this surprised me...It astounded me...We went on for some time with Mr. Gopadze--this in Russian--saying that "Mrs. Paine, it would be well for you to be absolutely frank and tell us

exactly what happened" and my saying in turn..."I am. What more can I do than what I have said." And finally we went over to English...and he volunteered this note had been in a book. Then I realized what must have happened is that I did send Marina Oswald a book and described my having sent this to the Irving police and the Secret Service. And that seemed to clear up the mystery for all of us. And they left.

(9H 393-394)

Mr. Jenner, who was generally responsible for the investigation of possible conspiracy under the division of work (according to his colleague, Wesley Liebler, in a paper for the American Psychiatric Association 1965), proceeded to a different subject. Apparently the mystery, if any, was cleared up for him also. He paid no attention to testimony which Ruth Paine had given on the previous day, when she had described the events of Saturday, November 23, 1963.

...In the afternoon I was the only one there and I felt I had better get some grocery shopping done...I was just preparing to go to the grocery store when several officers arrived again from the Dallas Police Office and asked if they could search.

This time I was in the yard, the front yard on the grass, and (they) asked if they could search and held up their warrant and I said, yes, they could search. They said they were looking for something specific and I said, "I want to go to the grocery store, I'll just go and you go ahead and do your searching."

I then went to the grocery store and when I came back they had finished and left, locking my door which necessitated my getting out my key, I don't normally lock my door when I go shopping.

(3H 85)

Ford While you were shopping and after the officers had come with a warrant, they went in the house, no one was in the house?

R. Paine For a portion of the time they were looking, no one was in the house.

Ford They were there alone?

R. Paine That is right.

McCloy Did they indicate--were they still there when you got back?

R. Paine No; they were not. Remember the door was locked.

McCloy Yes; the door was locked, that is what I gather. Do you know what they took on this occasion, or did they tell you what they were coming for?

R. Paine No; I do not. Before I left they were leafing through books to see if anything fell out but that is all I saw.

McCloy All right.

(3H 86-87)

Is it, indeed, "all right"? The Dallas police came there looking "for something specific" and were seen "leafing through books to see if anything fell out." If that undated note was actually hidden in a book which Mrs. Paine later sent to Marina Oswald, they did not find it. That in itself should have alerted Jenner and caused a more searching inquiry into the discovery of the note ten days later--not by the Irving police, to whom Ruth Paine had delivered the book to be delivered in turn to Marina Oswald, but by an unnamed Secret Service agent (CE 1403, pages 718-719). The Warren Commission made no attempt to determine the identity of that agent and the exact circumstances under which he found the note; nor did the Commission take the elementary step of asking the Dallas police officers what specific evidence they were seeking at the Paine house, why they were leafing through books to see if anything fell out, and how they had overlooked the undated note which ostensibly was then hidden in one of those books. The officers who conducted the search were John Adamcik, Henry Moore, Guy Rose, and Richard Stovall. Each of them gave testimony on April 3 or April 8, 1964 (7H 186-195, 202-211, 212-217, and 227-232) but not one of them was asked questions on these points.

It is impossible to tell from this vantage point whether Jenner and his colleagues Ball and Belin (who took depositions from the four Dallas police officers) failed to appreciate the implications of Ruth Paine's testimony or whether it was not their wits but their will that faltered and caused them to omit the questions that should have been asked. The Commission accepts as authentic the account of the discovery of the undated note, without having inquired into the strange circumstances related by Ruth Paine, as it has also ignored other anomalies, discussed next.

Contents of the Note We share the view that the note "appeared to be the work of a man expecting to be killed, or imprisoned, or to disappear" (Warren Report, page 184). But the contents are not entirely consistent with Marina Oswald's story that the note was written on the occasion of an attempt by Oswald to murder General Walker.

The second paragraph of the note reads,

Send the information as to what has happened to me to the Embassy and include newspaper clippings (should there be anything about me in the newspapers). I believe that the Embassy will come quickly to your assistance on learning everything.

(Warren Report, page 184)

Clearly, Oswald assumed that Marina Oswald would know what had happened to him even if there were no newspaper stories in which he was named. That suggests that Marina Oswald was not, as she claims, ignorant of what it was that Oswald intended to do when he wrote the letter of instructions. The paragraph as worded indicates also that Oswald foresaw that the action he was about to take might or might not result in newspaper publicity. That, too, appears to be somewhat inconsistent with an attempt to shoot General Walker. There was every reason to believe that such an attempt, whether or not it succeeded, would produce headlines in Dallas and nationwide publicity—as was the case in reality—since General Walker was newsworthy, if not notorious, in the national political and civil rights arena. In any event, newspaper stories reporting an attempt on Walker's life by an unknown sniper would have left Marina Oswald in the dark—unless she knew in advance that Oswald planned to commit the crime.

Finally, this paragraph suggests that Oswald assumed that "the Embassy" (undoubtedly the Soviet Embassy, with which he and Marina Oswald were in regular communication) would come quickly to Marina Oswald's rescue "on learning everything." If he wrote that planning to shoot General Walker, he was naive. It is unlikely that the Soviet Embassy would willingly become involved in what it would regard officially as the murder of one private individual by another, knowing very well the political implications and risks which might flow from giving aid and comfort to Oswald or his wife. Oswald was sophisticated enough to expect that the Soviet Embassy would be at pains to disassociate itself from the whole affair.



We suggest that Oswald wrote the undated letter in relation to a project other than the attack on Walker, one also involving the risk of arrest or death, and that Marina was privy to his plans. The key seems to lie in the clear suggestion in the letter that if Oswald was not arrested or killed he would disappear--indeed, the tone suggests that he would disappear out of the country. Such a prospect is completely inconsistent with an attempt on Walker.

The Warren Commission has failed to recognize that the letter is irreconcilable with Marina Oswald's story. It appears that Marina has duped the Commission with a nice piece of improvisation in order to conceal the real circumstances in which the undated letter was written and her complicity in whatever plan Oswald then intended to carry out.

### Marina's Testimony

Marina revealed for the first time that Oswald had taken a shot at General Walker during an FBI interview on December 3, 1963, about a week after the Munich newspaper had gone to press with a similar story. According to the Warren Report, the newspaper story was "fabricated by an editor of the newspaper" and was a work of pure fiction (page 662). Was it only a coincidence that within a week that fabrication proved to be true, in part at least? Is it possible, on the other hand, that a source as yet unknown used existing channels of communication both to plant a story in a Munich paper and to inspire Marina's explanation? The Commission has not taken notice of the peculiar sequence of "revelations" from seemingly unconnected sources.

### The Walker Bullet

We have not yet achieved that state of perfection described by Orwell in his novel 1984 in which back issues of newspapers are altered to revise history according to contemporary imperatives. It is reassuring to find that the New York Times of April 12, 1963 still describes the Walker bullet as a 30.06, exactly as it did on the day of publication. It must be noted with regret that the Warren Report and the relevant documents in the Hearings and Exhibits volumes contain no reference to the press reports at the time of the Walker incident which identified the bullet as a 30.06. They were surely aware of those newspaper stories. The policy of silence with respect to this salient fact does not destroy the fact--it merely compounds scepticism about the whole Walker affair as interpreted by the Report.

## The Walker Bullet

We are approaching, but have not yet achieved, the state of perfection described by George Orwell in his novel 1984 in which back issues of newspapers are altered to revise history according to contemporary imperatives. Consequently, the Dallas Morning News of April 11, 1963 still carries a page one story by Eddie Hughes stating that the bullet that crashed through the rear window and into the wall of the Walker house was "identified as a 30.06," and citing other police findings on the authority of Detective Ira Van Cleave. The April 12th issue carries the same statement—that the bullet was identified as a 30.06—on page 5. The New York Times of April 12, 1963 still describes the Walker bullet as a 30.06, exactly as it did on the day of publication.

However, the Warren Report and the Hearings and Exhibits contain no reference to those press reports or to the contemporaneous identification of the Walker bullet as a 30.06. Surely the Commission and its investigating agencies were professional enough to check the original newspaper stories about the Walker shooting and must have been aware that the bullet was described as a 30.06 by the Dallas Police. The more so, when Katherine Ford testified on March 13, 1964, that

Marina was saying that Lee had laughed about the attempt to kill General Walker, that he said that they were even too stupid to find out what gun was used to kill him because it was written up a different type of gun was used other than the one really used by Lee...Lee had commented on that they were not even smart enough to identify the gun by a bullet...I think right after that it was in the papers that a different type of gun was used, and to shoot the President was different again, there were supposedly two guns, you see, so maybe that is why he (McKenzie, Marina Oswald's lawyer) advised her (to say) that he had only one gun.

(2H 322)

It does not require great perspicacity to wonder if the lawyer did not also prompt Marina Oswald to "remember" and repeat to a witness to be called before the Commission a story that appears to explain the discrepancy between a 30.06 bullet and a 6.5 rifle. Even if the Commission in its wisdom chose to believe that the police were "too stupid" to identify the bullet correctly, it was a duty to at least report the original 30.06 identification and to explain why they had nevertheless concluded that the bullet actually came from the Carcano. The omission of crucial historical fact in 1964 is not far, in chronological or moral terms, from the 1984 of which Orwell has warned us.

### Walker's Telephone Number

The Report devotes pages 183 to 187 to the Walker affair. It is not until page 663, however, that we learn that Oswald's notebook contained not only notations relating to FBI agent Hosty but also General Walker's name and telephone number. This curious fact emerges because the Commission deals with the speculation that Oswald and Walker may have had some hidden relationship, indicated by the notation in Oswald's notebook.

The Commission nevertheless finds that "there was no evidence that the two knew each other" and that Oswald probably made the notations when he was planning to shoot Walker. General Walker, the Commission points out, testified that he never heard of Oswald before November 22nd.

But General Walker was not told that his name and number were found in Oswald's notebook, nor asked to comment on that specific circumstance, when he gave his testimony. If he did know Oswald, Walker would not necessarily have had an irresistible desire to admit it. On the other hand, he or his aides might have been able to suggest a reason for the notations in Oswald's notebook had they been asked to do so. They were not asked.

The Commission's speculation that Oswald made the notations when he was planning to shoot Walker doesn't really overwhelm one with logic. It is within the confines of possibility that Oswald telephoned him to be certain that he was at home before making the long trip by bus...but that is a bit far-fetched.

Other explanations are easily imagined, but they do not have the virtue of being consistent with the Commission's basic conclusions. The entries in Oswald's notebook, like so many other loose ends in the case, must be added to the list of puzzles as yet unsolved.

### The Dog Next Door

Robert Surrey, General Walker's aide, testified before the Warren Commission on June 9, 1964 about various matters including the shot fired at the General on the night of April 10th. Surrey was asked about a house next to Walker's, owned by Dr. Ruth Jackson.

Jenner Does she have a dog that is sometimes obstreperous, does a lot of barking?

Surrey Yes; she does...Anyone approaching the house, generally her house or General Walker's house, would be barked at, in the middle of the night noises.

Jenner And you have approached General Walker's house, I assume, at night, have you?

Surrey Yes.

Jenner If the dog is out in Dr. Jackson's yard, the dog is alerted and barks?

Surrey Not so much any more. Evidently he knows who I am now.

Jenner I see. But before the dog became familiar with you, he did bark?

Surrey Yes, sir.....

Jenner Do you recall whether or not at or about the time of the attempt on General Walker's life that dog became or was ill.

Surrey Yes; it was. This was reported to me. I do not know of firsthand knowledge.

Jenner I would prefer not to have your hearsay. You have no knowledge firsthand, however?

Surrey No; I do not.

Jenner Unless, Mr. Chairman, you desire to pursue the hearsay---

The Chairman (Justice Warren) No, no.

(5H 433)

Those who recover from the shock of this sudden legalistic scrupulousness might take the time to count up instances in which hearsay evidence was warmly welcomed, if not solicited, during the examination of witnesses. The exercise certainly strengthens the impression that the Warren Commission shied away from pursuing relevant and even crucial information offered on a platter, with a lack of curiosity that would be startling in a civilian, to say nothing of a stellar group of fact-finders. Despite the unwillingness of the Commission to receive more information about the infirmity of the dog next door, some details emerge from an FBI report of June 10, 1964, of an interview with the dog's mistress, Mrs. Bouve. According to the FBI report,

She advised her dog "Toby" became very sick on April 11 and 12, 1963. She stated she was of the opinion someone had given him something to quiet him or drug him or poison him, because he did become sick and vomited extensively on April 11 and 12, 1963...she based her belief that the dog had been given something because of the shooting incident and the dog's habit of barking at anyone or anything in the alley area...this was only opinion on her part.

(CE 1953 page 22)

Did Oswald poison Toby, in addition to his other crimes, or is it more likely that someone familiar with the Walker household and its environs--someone like the ex-aide whom Walker suspected and had investigated by private detectives--silenced the dog? Or was it only another in the devastating series of

"coincidences" that plague the Oswald case, to a degree that is increasingly unnatural? Unnatural, not for their numbers alone, but for the persistence with which these "coincidences" seem to point away from Oswald and toward some unknown agent or agents of the crimes with which he is charged, and for the regularity with which they are dismissed and discounted by the Warren Commission.

Toby, poor dog, did not rate a mention in the Report. He merits more attention than he received in any disinterested evaluation of the Walker affair.

#### The Boy Next Door

Walter Kirk Coleman, a teen-aged boy who lives next door to General Walker, saw two men leave the scene by car after the shot was fired. He was not asked to testify before the Warren Commission. General Walker testified that his own attempts to question the boy had been frustrated because the boy had been silenced. He had been told not to talk, by unspecified officials who investigated the Walker affair.

The Warren Commission heard of Walker's charge that the boy had been told not to talk. There is no indication that the Commission paid the slightest attention or took any step to find out why Coleman had been given such instructions or what he had to say.

There the matter rests.

#### Marina Tidies Up

Mrs. Katherine Ford, a close friend of Marina Oswald during the months after the assassination, testified before the Warren Commission on March 13, 1963. She was questioned about her knowledge of the Walker incident, and said,

...the only thing I remember about Marina was saying that Lee had laughed about the attempt to kill General Walker, that he said that they were even too stupid to find out what gun was used to kill him because it was written up a different type of gun was used other than the one really used by Lee.

Representative Ford Marina said that?

Mrs. Ford That is right. Lee had commented on that they were not even smart enough to identify the gun by a bullet. (2H 322)

This is a doubly interesting revelation. First, it demonstrates that the bullet was indeed identified at the time of the Walker shooting as something other than one that could have come from the 6.5 Carcano and that if the Commission did not

know that already, there was no excuse for failing to establish the facts after hearing Mrs. Ford. The Commission nevertheless maintains that the Walker bullet was too mangled to be identified when it was recovered and pretends that it was not identified to the press as coming from a 30.06 rifle.

The other interesting aspect of Mrs. Ford's testimony is that Marina made these remarks some time after she first revealed that Oswald was implicated in the Walker shooting, as though to dispose of the very criticism and scepticism generated by the original identification of the bullet. The other weaknesses in Marina's story, and her fanciful account of Oswald's alleged plan to shoot Richard Nixon (although he did not enter Nixon's telephone number in his notebook) which even the Warren Commission could not swallow, certainly justify such an interpretation of Marina's remarks to Mrs. Ford.

Mrs. Ford had more fascinating information for the Commission. She described a meeting which she and Marina attended in the office of Mr. McKenzie, Marina's attorney at one period.

Representative Ford This meeting with Mr. McKenzie, when Marina and you were discussing matters--

Mrs. Ford That was about General Walker...he advised her "They will ask you if there were two guns, you tell them there was one gun that was used," he told her.

Representative Ford One gun used where?

Mrs. Ford For Walker, I mean the same one they had at the house...

(2H 321)

Mrs. Ford's husband, Declan Ford, confirmed the incident in his testimony before the Commission, also on March 13, 1964.

Liebler Do you remember anything else about the Walker incident that you and your wife may have talked about?

Ford Yes; we have discussed it some after, I believe, Marina came to stay with us, and I expressed the doubt that Lee Oswald was the one who took a shot at Walker.

Liebler Did you have any basis for expressing that doubt?

Ford The only basis for it was that there was a story in one of the newspapers that they could not identify the bullet taken out of the wood in Walker's home as having come from a gun that Lee Oswald owned...

Liebler Mr. Ford, were you at any time present in Mr. McKenzie's office, William McKenzie, when there was a discussion with Marina Oswald concerning guns and the gun that was used to or presumably used to attack Walker and the gun that was subsequently presumably used to attack the President...Did you hear McKenzie at anytime

advise Marina if she were asked about these guns she should say there was only one gun?

Ford I think I did hear him say that once or something to that effect...But I don't think it was any discussion about the gun used in shooting General Walker...As nearly as I can remember it, the whole discussion was, he was telling her, he had asked her if there was anything else but this one rifle and she said no, and he said, "be sure you always say that there was just this one gun," but I thought he was referring to the gun used only in the case of the assassination...I just had the impression they were talking about the possibility that more than one gun was used in the assassination... (2H 332, 336-337)

### Appraisal

The evidence suggests that two men committed the attack on Walker with a 30.06 rifle; that Marina was inspired by some agency to improvise her story that Oswald tried to shoot Walker, to increase the credibility of his guilt in the assassination and to conceal the actual circumstances, to which she was a party, in which the undated letter was written; and that the Warren Commission disregarded numerous indications that Oswald was not responsible for the Walker attack, and concluded that he was guilty without adequate investigation or critical evaluation of the evidence.