

### No Conspiracy?

Note: In the analysis of the "auto demonstration" episode, and others which follow, it is not the writer's intention to suggest that Oswald was the instrument of a conspiracy. The known facts are subject to several different interpretations, including the practice of deliberate impersonation. The analysis seeks only to raise legitimate questions about the performance of FBI agents who investigated the assassination, and about the competence and good faith with which the Warren Commission pursued, evaluated, and reported the evidence.

## The Auto Demonstration

The Warren Report devotes little more than a page to the incident reported by Albert Guy Bogard, a car salesman. His allegations and the manner in which they were handled are more important than <sup>is suggested by</sup> the space they receive in the 888-page volume.

The Report states that Bogard's testimony "has been carefully evaluated because it suggests the possibility that Oswald may have been a proficient automobile driver and, during November 1963, might have been expecting funds with which to purchase a car" (WR 320). The facts, as presented in the Report (WR 320-321) are that Bogard claimed that he had a customer on Saturday November 9, 1963 whom he identified as Lee Harvey Oswald. Oswald had tested a car by driving over the Stemmons Freeway at high speed and had said that he would have the money to buy the car in several weeks. He gave his name as Lee Oswald. Bogard wrote the name on the back of a business card. When he heard on the radio that Oswald had been arrested, Bogard assertedly threw the card away, commenting to his fellow-employees that he had lost his prospective customer.

The Report indicates that Bogard's story received corroboration from Frank Pizzo, assistant sales manager, and from salesmen Oran Brown and Eugene Wilson. Brown also wrote the name "Oswald" on a paper which both he and his wife remembered as being in his possession before the assassination.

However, the Report says, "doubts exist about the accuracy of Bogard's testimony." He, Pizzo, and Wilson "differed on important details of what is supposed to have occurred when the customer was in the showroom." Bogard said that he wanted to pay cash while Pizzo and Wilson said that he wanted credit. Wilson claimed that the customer made a sarcastic remark about going back to Russia. "While it is possible that Oswald would have made such a remark" the statement was not consistent with Bogard's story; Bogard did not mention that the customer had ever conversed with Wilson. "More important," the Report emphasizes, "on November 23, a search through the showroom's refuse was made, but no paper bearing Oswald's name was found. The paper on which Brown reportedly wrote Oswald's name also has never been found."

Apart from these differences in detail, the Report points out that (a) Pizzo developed serious doubts about the customer's identity after examining photographs of Oswald, whose hairline did not seem to match the customer's; (b) Wilson said that the customer was only about five feet tall; and (c) Oswald was unable to drive, "although Mrs Paine, who was giving him driving lessons, stated that Oswald was showing some improvement by November." Moreover, according to Marina Oswald and Ruth Paine, "Oswald's whereabouts on November 9 would have made it impossible for him to have visited the automobile showroom as Mr Bogard claims."

Finally, a footnote (WR 840) indicates that Bogard took an FBI polygraph (lie-detector) test. His responses were those normally expected of a person telling the truth. However, because of the uncertain reliability of the results of polygraph tests, the Commission placed no reliance on the results of Bogard's test.

The Commission does not state any explicit conclusion which it may have reached after its "careful evaluation" of Bogard's testimony. On the basis of the Report alone, one might form the impression that the Commission believed Bogard to be a liar but was too polite to say so. Indeed, one might conclude that his story in fact was a fabrication.

It is only when the relevant Hearings and Exhibits are examined carefully that we begin to see that there is more reason to doubt the Commission, and the Commission's FBI investigators, than to doubt Bogard. The picture which emerges from the documents, especially when they are considered in terms of the chronological sequence of events--which is not even suggested in the Report --is considerably different from the picture drawn in the official text. Only after mastering the substance and sequence of the raw material is it possible to recognize the incomplete and misleading nature of the final product and to appreciate the Commission's sophisticated technique and exquisitely careful phraseology. Consequently, the section in which the Report discusses the auto demonstration is composed of literally truthful sentences which, in sum, misrepresent the facts ~~in essence and detail~~ and evade the real meaning of the evidence.

The Commission's dexterity in using the English language and its wicked selectivity in reporting the facts are manifest in its treatment of the Bogard story. For example, the Report makes much of Oswald's inability to drive, while conceding that he was "showing some improvement by November" (WR 321). It does not mention here that on the very day of the auto demonstration, November 9, 1963 "Mrs Paine took him to the Texas Drivers' License Examining Station" (WR 740)

nor that the station was situated in Oak Cliff (2H 515), not far from the showroom where Bogard worked. Presumably Oswald's driving ability had improved sufficiently for a driver's test on November 9, which is more improvement than one might suspect from the Report. As it happened, Oswald was unable to take the driver's test on November 9 because the station was closed for civic reasons. He must have been disappointed and impatient. He had tried to take the wheel of Mrs Paine's car some weeks before but she did not wish him to drive her auto on the street (2H 505-506). It seems possible psychologically that Oswald might have visited the showroom pretending to be interested in a new car for the opportunity of testing himself as a driver rather than testing the car, and that he could without any difficulty have driven the car for an hour. There is no indication in the documents that the Commission took a hard look at that possibility nor, since Mrs Paine was not questioned specifically on that point, is the possibility ruled out.

Several other factors that add credibility to Bogard's allegations are not mentioned in the section of the Report that deals with them. Oswald was serious about obtaining a driver's license, as evidenced by the fact that he made a second attempt to take a test on Saturday, November 16 (WR 740) and even started to fill out an application form (CE 426). He told Wesley Frazier of his desire to acquire a car (2H 221). And the agency where Bogard worked was "right under the triple underpass" (LOH 345), in sight of the Depository—a logical establishment for Oswald to visit by reason of proximity and familiarity.

Arguing against such a visit by Oswald, the Report points out the Eugene Wilson stated that Bogard's customer was only about five feet tall; but does not mention that cataracts had left Wilson without vision in one eye and defective vision in the other (CE 3078). It emphasizes the discrepancies between Wilson's story and Bogard's; but does not mention the fact that Wilson made no statement until an FBI interview on September 8, 1964. He did not come forward with his valuable information during the ten preceding months in which Bogard's story was under investigation. The Commission knows how to deal with such laggards. "Mrs Helmick's reliability is undermined by her failure to report her information to any investigative official until June 9, 1964," the Commission says sanctimoniously (WR 359). What's sauce to Helmick is sauce to Wilson—or isn't it?

The Report hints that it is strange that Bogard didn't mention any contact between his customer and Wilson, as if that automatically casts doubt upon Bogard. Bogard had told a consistent story from his first FBI interview on November 23, 1963 until the last, on September 17, 1964; in his second FBI

interview, on December 9, 1963, he had been warned ostentatiously that his statement could be used against him in a court of law but he proceeded to give a written statement maintaining the same story he had told before and told on all subsequent occasions (CE 2969); later he submitted to an FBI polygraph test which indicated that he was telling the truth (WR 840); and he reiterated his assertions and his identification of Oswald under oath in his Commission testimony (10H 352-356).

Bogard was never confronted with Wilson's allegations nor given an opportunity to defend his testimony where it differed from Wilson's allegations. When Bogard was interviewed by the FBI after Wilson's report, he was merely asked to name those with whom he had discussed the prospective customer on the day of the encounter. Bogard replied that he had discussed the customer with Frank Pizzo and Oran Brown before going out of town the same evening. Indeed, Pizzo testified that on or about November 9, 1963 Bogard had brought a customer to his office, whom, after the assassination, Pizzo "could have sworn" was Oswald (10H 347). (Pizzo's testimony is too lengthy to reproduce here but should be read in its entirety for an appreciation of the subtlety with which he was encouraged to doubt his original and spontaneous identification of Oswald.) Oran Brown also corroborated Bogard's story, in an FBI interview on December 10, 1963 (CEs 3078 and 3091), while his wife independently corroborated Brown's story (CEs 3078 and 3092).

It is Wilson, not Bogard, whose story is uncorroborated. The Report has no business insinuating, as it does, that their stories enjoy parity. And if Wilson's allegations were really credible to the Commission, it has certainly minimized his report that the customer made a sarcastic remark about going back to Russia. If the customer actually made such a remark, it greatly strengthens the probability that he was Oswald, an inference which is obviously unattractive to the Commission, or that the customer was engaged in a deliberate impersonation -- an unavoidable inference which the Report nevertheless avoids completely.

The Commission attaches considerable significance to the failure of the search for the card on which Bogard had written the name "Oswald" and the paper on which Oran Brown had made the same notation. Apparently the illustrious members of the Commission and their lawyers, unlike ordinary mortals, never experienced the peculiar torment and frustration of hunting for a scrap of paper mislaid in a larger collection, never to be found. The

authorities in Dallas were not immune to that failing, as the district attorney tactlessly revealed in his testimony (5H 242); but the Commission that was so sceptical about the mysterious disappearance of Bogard's card and Brown's bit of paper was quite nonchalant about the disappearance of a writ of habeas corpus from the files of Dallas officialdom.

In any case, there is some ambiguity about the diligence of the search for Bogard's card. Pizzo is really the only authority for the assertion in the Report that a search took place. Bogard himself was never questioned by the Commission about an attempt to find the card nor given an opportunity to comment on the fact that it was not found (10H 352-356). The FBI agents who interviewed Bogard on November 23, and who were said by Pizzo to have made a thorough search for the card, reported merely that they had asked Bogard to locate the card and that "he stated trash had been picked up by the janitor and placed in a large receptacle to the rear of the building, somewhat inaccessible for a thorough search. He did not locate the card." (OE 3071). That hardly suggests that the FBI agents had made a search, or that Bogard did so.

Pizzo's account of the search for the card was given in his testimony, on March 31, 1964 (10H 340-351). His earlier statements on the subject as well as his earlier identification of the customer are beyond our reach, because the reports on his FBI interviews on November 25 or 26 and on January 8 (10H 350) have been withheld and are not among the Exhibits.

Why should the Commission attach such importance to the lost card anyway? That Bogard had a customer who gave his name as Oswald on November 9, 1963 is confirmed both by Pizzo and Oran Brown. That he took out a card and threw it away upon hearing of Oswald's arrest is corroborated directly by Brown <sup>(OE 3075)</sup> and indirectly by Pizzo himself. According to Pizzo's testimony, he first learned of the card at about 4 or 5 o'clock on the day of the assassination, when he overheard some salesmen who were talking about the incident. When Pizzo made inquiries, they told him that a few minutes earlier Bogard had thrown a card away on hearing of Oswald's arrest on the radio. The next morning, "one of the boys" also told Pizzo the same incident, saying that Bogard had lost his prospective customer with the arrest of Oswald. (10H 345-346)

The failure to find the card surely fades into relative insignificance in the face of such strong corroboration, both for the original visit by Bogard's customer and the subsequent episode in which Bogard assumed from the news of Oswald's apprehension that he had lost the prospective sale.

If it is strange that the Commission exaggerates the loss of the card, it is stranger still and clearly damning that the FBI reacted to Bogard's story on the day after the assassination by focusing on a discarded bit of paper as if it was

the most crucial element. The crucial element was the report that a man who identified himself as "Lee Oswald" and whom Bogard firmly believed to be Oswald after seeing his likeness on television and in the newspaper had indicated on November 9 that he expected to receive enough money within a short time to enable him to purchase a car that was priced from \$3,000 to \$3,500.

The FBI received that report before the assassination was 24 hours old, when the suspicion of conspiracy or attempted coup d'etat was virtually universal. Oswald had been formally charged with the assassination of the President and was under interrogation by Captain Fritz of the Dallas Police, in the presence of FBI and Secret Service agents. At 11 o'clock on Saturday morning the FBI received a telephone call (CE 3093) reporting that the accused assassin had told a car salesman a few weeks earlier that he expected to receive "cash in sufficient amount to purchase an automobile within a couple of weeks."

FBI agents Manning Clements and Warren de Brueys went immediately to the automobile agency and interviewed Bogard. They had him drive them over the same route as the customer identified as Oswald, noting that it coincided closely with the route of the President's motorcade (CE 3071). The interview took place at no great distance from the police station where Oswald was being questioned and paraded in lineups. Clements himself had interviewed Oswald on Friday night, according to his report (WR 614-618), an interview interrupted twice when Oswald was removed to appear in a lineup (7H 320). Clements was a seasoned agent with 23 years of FBI service.

Thus it is absolutely incomprehensible that Clements failed to take the elementary and logical step of bringing Bogard to the police station where he could see Oswald in a lineup and say whether he was the same man as the prospective customer of November 9th. It is utterly shocking that Clements *did not* inform Captain Fritz at once *of* the crucial information obtained from Bogard --that the alleged assassin had expected to receive a large sum of money at just about this time, which pointed distinctly and unmistakably to the conspiracy which was then generally suspected or taken for granted.

The reports on the interrogation of Oswald (WR Appendix XI) in themselves are remarkable in that they reflect no intensive questioning directed to uncovering Oswald's fellow-assassins, if he had them. The very circumstances as they existed on November 23rd inevitably should have made that line of questioning central to the interrogation. Yet it is hard to find one direct question to Oswald based on the hypothesis of conspiracy.

The direction of interrogation takes on a more grotesque character when we learn from the Exhibits that the FBI received information which could only be interpreted as evidence that Oswald might be a paid assassin--and the FBI did nothing, although Oswald was still alive and accessible. The investigation was in its infancy and the "lone assassin" thesis has scarcely materialized, much less come into vogue. How could an experienced FBI agent like Clements fail to understand the importance and urgency of Bogard's report? Why did he fail to take the necessary action? Why did the significance of these facts escape the Warren Commission, if it did? If it did not, why wasn't Clements cross-examined on his handling of the Bogard story? Clements, like Bogard, was deposed by Commission counsel, on the same date in the same building and within the same hour (7H 318-322); he was asked no questions about Bogard's story and he volunteered no information on the subject.

The Commission has dissolved. The members and their legal staff do not deign to give material answers to questions or minor criticisms arising from ugly flaws in their epic work of obfuscation and guile. Most probably, to steal their phrase, they will not choose to comment on their presentation of the incident of the auto demonstration. But the FBI has not dissolved.

The FBI therefore owes the American people an immediate explanation for its failure to confront Bogard with Oswald for the sake of a firm identification, for its failure to inform the police of the information obtained from Bogard, and its failure to question Oswald or ensure that he was questioned about crucial evidence which pointed like an arrow to the existence of conspiracy.

There would seem to be no possible justification for a dereliction of duty of such scandalous proportions and such shocking implications--but we are listening, Mr Hoover.



Second Rifle

Another victim of short shrift from the Commission is Robert Adrian Taylor, a mechanic in an Irving service station. Some three weeks after the assassination Taylor reported to the FBI that he believed that Lee Harvey Oswald was the man who had sold him a U S Army rifle in lieu of payment for repairs to a car in which Oswald was a passenger. The incident had occurred in March or April 1963. (That was just about the time when Oswald supposedly received the admirable Carcano from Klein's of Chicago; leave it to the inscrutable Oswald to discard a U S Army rifle, whose lethal efficiency is famous from Santo Domingo to Saigon, in favor of a piece of Italian junk!)

According to the Report, another employee at the service station, Curtis Crowder, recalled the incident but believed that although the man resembled Oswald slightly he was not Oswald. "Upon reflection," the Report concludes, "Taylor himself stated that he is very doubtful that the man was Oswald." (WR 318).

Having disposed of Taylor in some twelve lines, the Commission goes on to other matters. Proceeding more cautiously, we proceeded to look up the footnotes (WR 839) and then the documents cited.

The first discovery waiting in the exhibits is that the statement in the Report that Taylor became very doubtful, after reflection, that the man was Oswald, is absolutely false. Before documenting that charge, we shall examine the evidence and evaluate the investigation on a chronological basis.

(1) "Some three weeks" after the assassination Taylor made his report to the FBI and was interviewed by an FBI agent or agents at the service station where he worked. The report on that interview has been withheld and does not appear among the exhibits. However, as we shall see in a moment, Taylor was shown a photograph of Oswald and identified him to the FBI as the man who had sold him the rifle.

(2) On December 18, 1963 FBI agent Maurice White interviewed Curtis Crowder, another employee at the service station, who said that he recalled the incident but believed that the man who sold the rifle to Taylor was not Oswald (CE 2975).

(3) On April 1, 1964 Commission counsel Wesley Liebeler took testimony from Glenn Emmett Smith, who worked at the <sup>same</sup> service station (10H 399-405). Smith had no direct knowledge of the sale of the rifle but he was present when the FBI interviewed Robert Adrian Taylor at the service station "about two or three months ago" (10H 401). Smith testified that the FBI had shown a photograph

of Oswald to him as well as to Taylor.

Liebeler He showed both of you the picture?

Smith Yes.

Liebeler And Taylor told you after the FBI agent left that the picture the FBI agent showed you was a picture of the man from whom Taylor had purchased the rifle, is that correct?

Smith He told the FBI man that. He didn't tell me that after he left, but he definitely told him that in my presence. I heard him.

(10H 401)

Liebeler Have you ever formed any opinion as to Taylor's truthfulness or his reliability?

Smith I think he is truthful, and I think he is reliable.

Liebeler You don't think he would tell the FBI agent that he got a rifle from this fellow if he didn't in fact get a rifle from this fellow?

Smith I don't. I sure don't.

(10H 402)

Smith's testimony suggests why the FBI report on that interview with Taylor does not appear among the Commission's exhibits. Taylor did not merely believe that the man was Oswald, as the Report states, he made a positive identification from a photograph. Indeed, that inference ~~is irresistible~~ becomes irresistible when we notice that there is no reference to Smith's testimony in the Report, in the paragraph which deals with Taylor's story or even in the footnotes!

Yet Taylor's positive identification of Oswald from a photograph, on the basis of a transaction some nine months earlier that involved conversation and relatively prolonged contact, surely is no less persuasive than identifications by other witnesses which the Commission has accepted--specifically, identifications on the basis of photograph by witnesses who had seen a man "running south on Patton" on November 22, 1963, exactly two months before they identified that man as Oswald (WR 171).

After hearing Smith's testimony to the effect that Taylor had made a firm identification of Oswald, and that Smith had a high opinion of Taylor's truthfulness and reliability, the Commission still did not call Taylor himself to give testimony. In fact, the Commission never called him as a witness at any time!

(4) But on April 30, 1964 the Commission requested the FBI to reinterview Taylor (CE 2977).

(5) The reinterview, which is our only source of direct information from Taylor, took place on May 13, 1964. Taylor obligingly told his story again, describing the rifle he had purchased as a Springfield Bolt Action, .30-06 caliber, bearing the markings "U.S. Rock Island Arsenal, Model 1903," and the serial number 66091 (CE 2977). He told the FBI that,

on November 23, 1963, he was watching television and, upon viewing Lee Harvey Oswald, commented to his wife, "Say, that looks like the guy I bought the .30-06 from." He stated, however, he cannot be positively sure the man who sold him the rifle was Oswald. He stated that he feels that it was Oswald since, upon viewing Oswald on television, he immediately thought of this rifle and, at that instant, thought Oswald was the man who sold the weapon to him.

(Italics added)

(CE 2977)

Continuing, Taylor said that there was a possibility that the man who had sold him the rifle had returned to the service station a second time, about a month later, but that he was

very doubtful that this actually was Lee Harvey Oswald because, on reflection, he recalls the person from whom he purchased this rifle had promised to give him two boxes of ammunition for the rifle. He said he is almost sure that, if Oswald had been this person in the station at that time (i.e., about a month after the barter of the rifle), he would have remembered him because of the promised ammunition.

(CE 2977)

This perfectly unambiguous statement that Taylor was very doubtful, after reflection, that a second customer at the station was the same man who had sold him a rifle a month earlier and whom he had identified as Oswald and still believed to be Oswald--this has been converted by the Commission into the completely misleading assertion in the Report that Taylor, upon reflection, became very doubtful that the man who sold him the rifle was Oswald.

If the authors of the Report ever emerge from their loftiness above-it-all and condescend to reply to their detractors, they might wish to defend the complete distortion of Taylor's statements as well as the suppression of his earlier FBI interview and the omission from the Report and the footnotes of any reference to the pertinent testimony of Gann Emmett Smith.

More important by far, they might explain why they failed to take the necessary and feasible step that would have removed Taylor's assertions from the area of speculation and uncertainty and established whether or not it was Oswald who sold Taylor the rifle. All that was needed was to ask the FBI,

which had turned in such a virtuoso performance in tracing an Italian rifle to Oswald within 24 hours, to trace Taylor's rifle. That was all that was needed in order to determine the identity of the man who sold the rifle to Taylor.

Instead of producing that evidence as it should have done, the Commission has rendered a perverted account of Taylor's statements to the FBI, shunning the opportunity to take his testimony under oath, and after misrepresenting his story, airily dismissed it.

As a critic of the Report supposedly said after studying the Hearings and Exhibits, "We need not 'Impeach Earl Warren.' He has saved us the trouble."