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NOTE TO EDITORS

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/FOR RELEASE THURSDAY, NOVEMBER 10, 1966/

A RE-EXAMINATION
OF THE WARREN
COMMISSION FINDINGS:
A MINORITY REPORT

Participants:

JACOB COHEN, historian, author of the
article "The Missing Documents"

PENN JONES, editor, the Midlothian Mirror,
and author of "Forgive My Grief"

MARK LANE, attorney, and author of
"Rush to Judgment"

LEO SAUVAGE, correspondent for Le Figaro,
and author of "The Oswald Affair"

HAROLD WEISBERG, author of "Whitewash:
The Report on the Warren Report"

Moderator:

JIM BISHOP, syndicated columnist, and author of
the forthcoming book "The Day Kennedy Was Shot"

Credits:

Produced by Mel Baily
Directed by Arthur Forrest
Associate to the Producer: Paul Noble

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SCHOENBRUN: I'm David Schoenbrun.

History sometimes does repeat itself. A century ago a great American president was assassinated. There was no mystery about the assassin. John Wilkes Booth stood upon the stage and fired at Abraham Lincoln in the full, horrified view of hundreds of spectators. Yet, controversy over the assassination, whether it was or was not a plot rather than the act of a single madman, broke out at once and has never ceased right up to our day.

Some three years ago another great American President was shot down. This time the assassin was not caught in the act, but Lee Oswald was arrested quickly and charged with the murder. Inevitably, as in the case of Lincoln, suspicion swiftly grew that there was a plot. A Presidential Commission was established to investigate all the facts, a distinguished Commission of eminent citizens and authorities, headed by the Chief Justice of the Supreme Court, to dispel any further doubts that the truth would be found. And yet, as in the case of John Wilkes Booth controversy still rages over whether or not Lee Oswald was lone madman. Several books have appeared and several of the country's leading periodicals have seriously questioned the findings of the Warren Commission report -- and even its conclusions. Consistent with our self-imposed obligation to inform the public, we believe that the controversy over the Warren Report should be aired for the many thousands of citizens who have not studied the Commission's report or the charges of those critics who dissent from its conclusions. Members of the Commission and staff were invited to take part in the discussions you are about to see. They did not accept that first invitation. When production of this program was completed and plans made to televise it, the Commission was informed and proffered a second invitation to participate in a follow-up program. We have now received several acceptances, and there will be a subsequent program presenting the opinions of those who support the findings of the Warren Report.

But first this discussion by its critics, moderated by Jim Bishop. Ladies and gentlemen, Mr. Bishop.

BISHOP:

This ladies and gentlemen is an array of authors. As you know, an author is a person with a knowledge of words who enjoys inflicting his opinions on others. One of the blessings of the writer is that he is a trained professional observer. This particular group has something in common. Each has read and digested the ten million four hundred thousand words of the Warren Commission Report. This is the one which inquired into the assassination of President John F. Kennedy at Dallas on November 22, 1963. The Report found that a young malcontent, Lee Harvey Oswald, alone and with no conspirators, shot and killed the President. The authors have alleged to themselves the right to inquire into the accuracy of the Warren Commission Report. You might expect that a group of scribblers presented with the same assortment of facts would arrive at the same conclusion. This is not so. All of the men around me have written tracts disagreeing in part with the Warren Commission Report. Some see it as a skein of contradictions and lies. Others point at testimony which is not included in the report. Some believe that Lee Harvey Oswald did not shoot the President. I'm the only writer present who has not published his findings. It will be completed in two years and will be called "The Day Kennedy Was Shot". I am also the only writer here who agrees with the Warren Commission Report as it stands. I think that Oswald shot the President as casually as a boy in an empty lot might pick off a tin can. This makes me a minority of one.

(Johnson quote over credits)

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BISHOP:

I would like to introduce the members of the panel who sit here with me this evening. On my extreme left is Mr. Penn Jones, Editor of the Midlothian Mirror in Texas, and the author of "FORGIVE MY GRIEF". Then Leo Sauvage, correspondent of Le Figaro, and author of "THE OSWALD AFFAIR". Harold Weisberg, author of "WHITEWASH". Mark Lane, attorney and author of "RUSH TO JUDGMENT". Jacob Cohen, author of "THE MISSING DOCUMENTS", and he is now writing a book defending the Warren Commission Report. Now, I think we should open with a little free and easy conversation. Penn Jones, give us your feelings.

PENN JONES:

Jim, I have been guilty of saying that the only way you can believe the Warren Report is to not read it, and that's really what America did. I'm happy to be on this panel, where now we have two who are willing to defend the report. I think it's awfully important that we as newsmen and the news media of this nation impress upon the American public the importance to read, not only the report, but the testimony regardless of how much time it takes.

BISHOP:

And it certainly takes a lot of time, I can tell you. Mr. Sauvage.

SAUVAGE:

I have summed up in the last chapter of my book the eight quotes given by the Commission and I'm glad, glad that they are discussed now here for the first time in public in television. So each point will come up and will be discussed by us, but what I would like to add is that in this century and in this country, nobody should have the right to ask us to take anything on faith. We are entitled to discuss, and we are entitled to ask for proof. That, I believe is the main point.

3.

BISHOP:

That's a good one too. Mr. Weisberg?

WEISBERG:

My book WHITEWASH, the report on the Warren Report is restricted entirely to the Commission's official information and its report to which it is extensively referenced so you can keep me honest. It's the conclusion that the expected job has not been done and must be entirely in public, and preferably by Congress. In order to reach this conclusion I had to, in effect, destroy all the major conclusions of the report. This I did, I believe, entirely with the Commission's own evidence by showing how the Commission ignored witnesses and evidences, manufactured evidence, destroyed evidence, I mean literally destroyed.

BISHOP:

These are very grave charges. Mr. Lane.

LANE:

This is the Warren Commission Report when it was handed to President Johnson in September of 1964. He held it on nationwide television and said, "It's very heavy", which indeed may go down in history as the finest short analysis of the report. For when the 26 volumes on which this report was allegedly based were released, it became clear that not a single basic conclusion of the Warren Commission could be substantiated by their actual findings. The Commission's conclusion that Oswald was the assassin is not compelling and cannot be reached upon what the Commission discovered. Its conclusion that one man alone killed President Kennedy is ludicrous and is rebutted by the known facts. Of course, there is more evidence. There is evidence in the National Archives which is classified and by order of Lyndon Johnson may not be seen until September of the year 2,039. I

think this is the imposition of consensus from above, the very antithesis of democracy. I think that if there is anything that we can all agree this evening, any one single fact is that the Archives should be opened up and that the material should be made available to the American people.

BISHOP: Mr. Cohen.

COHEN: Well, I'm going ^{to} want to make a comment about, just about everything Mr. Lane has said in the course of the evening, but I do want to make clear, that by and large I am a defender of the Commission, and what I defend, rather what I am convinced by, is that there is one and only one assassin. His name is Lee Harvey Oswald, and I might add that there was only one Lee Harvey Oswald. I do not defend the Commission against the charge that in some of its joints, it is rusty, and that some of the report is carelessly argued. In fact, I shall be pointing out that there are documents which the Commission never saw which are pivotal in its arguments and, if they were made public now, could effectively verify or silence some of the theories of some of my colleagues here. Also, let me say one other thing. I am the only defender of the Commission on this panel of five. The name of this program is "A Minority Report". The concept of the program is precisely that, it has mounted the minority report against the Warren report. Now, I don't want my ability to handle these five zealous gentlemen to be mistaken for whatever authority there is in the Warren report. It stands by itself, and I would also like to urge this station to follow this program with what I suppose must be called, a majority report, although I'm not sure that the majority

5.

holds to the Warren Commission's findings anymore, but that they should really make a great effort to bring together members of the staff, and members of the Commission and to answer charges which are becoming too grave and too serious now to avoid.

BISHOP:

To set the stage for this gigantic tragedy, I think we should start by discussing the events leading up to the assassination, and for this I call on Mr. Weisberg.

WEISBERG:

In the Fall of 1963, despite the misgivings of some of his advisors and for political reasons, President Kennedy decided upon a trip to Texas. Despite what happened to Adlai Stevenson and to Lyndon Johnson himself, he went there. The stop before Dallas was at Ft. Worth, and it rained at Ft. Worth. Some of the Secret Service men violated regulations by staying out too late. The Government found that they should not be punished because of the unusual stigma that should be placed upon them, and speaking for myself, I agree with that.

JONES:

And, by the way, I would like to say that I was standing by the side of Adlai Stevenson when he was hit and spat upon in Dallas that night. In addition to that, then we have the ads that appeared in the Dallas News that morning. If we could see slide #22, please. That's the famous ad that appeared in the Dallas News on that day, paid for by an unemployed man who had reached Dallas about a week before.

BISHOP:

Is that the "wanted for treason?"

PENN JONES:

No, I'd like to show #50. That's the "wanted for treason". The Dallas News ad would welcome Mr. Kennedy, and the other one is "wanted for treason", that's #50 if we could see it please.

6.

BISHOP:

And you think this climate was dangerous for the President?

PENN JONES:

Yes, in addition to all of this, now there was a man at the luncheon site who said he was glad Kennedy was killed. He got what he deserved. And, in addition to that, and in direct contradiction to what the Superintendent of Schools in Dallas said, there were hundreds of kids, not thirteen, ~~there were~~ hundreds of kids all over Dallas that shouted for joy that day. I don't blame the kids, they got it from their parents, but it did happen.

COHEN:

I'd like to point out that climates don't kill people, gunmen kill people, and it may very well be that there was a climate of hate in Dallas, and it could also be that in the midst of this climate of hate....I suppose you will think it kind of a right-wing climate of hate....that a half-cocked and kind of confused leftist, like Oswald, could have gone against the grain of the climate and shot. Except in cases of Asthma, I don't know when climates kill people.

BISHOP:

Well climates create gunmen, and gunmen kill people..

COHEN:

Invariably?

BISHOP:

Not invariably, I think we're quibbling with words now, but I think it is pretty much agreed that Dallas, if you were to pick a spot, would be a little bit more prone to danger for a President of liberal views and a President who certainly espoused civil rights, but Dallas would be a little bit more dangerous than let us say Boston would.

WEISBERG:

I think it would be helpful to an understanding if we could look at slide #48 which is a photograph of the front page of the Dallas Morning paper showing the projected route as it appeared in the paper that morning. The Commission saying

Oswald was the assassin, of course, had to say that he planned his assassination. Contradictory accounts had appeared in the Dallas papers for the period immediately preceeding. The report, in discussing them, ignores this map, which was two columns wide on the front page and it wrenched really out of context a few small words of type in which the impression was given that Oswald knew thereby that the motorcade would go slowly underneath the sixth floor window so that he would have a good shot while it was going slowly.

BISHOP:

Well excuse me, but didn't all of the employees say there that before lunch time that they were going out to see the President pass by....didn't most of them know it?

WEISBERG:

I'm talking now of preparing for his assassination. The Commission said that Oswald could prepare in advance because he knew the route that the motorcade was likely.....

BISHOP:

Well, I saw newspapers of the 18th, 19th, 20th, and 21st, and I believe that there were accounts; one was without a map - no chart - it just said he is expected to proceed from Love field down this street, through that stree, and it was pretty valid, it was pretty much the way...the way it eventually turned out. Yes, Mr. Sauvage.

SAUVAGE:

May I remind you of something that seems to me very relevant to this part of the discussion. That there is in the Warren Report a small paragraph, a very fascinating small paragraph, concerning the deposition by James Jarman, Jr., one of the employees there. And, according to this statement which the Warren Commission does not put in doubt, Jarman reports that a short time before the passage of the motorcade Oswald asked him, "why are those people standing around?" And he explained

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method

to him that because the motorcade is passing by. Oswald said, "Oh, yes" and that was all. So we have a very interesting moment. Did Oswald play the part in order to secure an alibi? And then, why didn't he secure an alibi in other terms. For instance, in hiding his photographs and so on and burning some documents. Or is it true that he didn't know at all that the motorcade was passing by. This statement in the Warren Report is still open to discussion.

BISHOP:

Anyone else with something on the climate of the times?

Nothing. Ladies and gentlemen we'll be back in a moment.

BISHOP:

The next finding to be discussed is that Lee Harvey Oswald owned and possessed the rifle to kill President Kennedy and wound Governor Connally, and for this I would like to open with Harold Weisberg.

WEISBERG:

The sole proof of connection between Oswald and this rifle to the exclusion of all other rifles is a purchase order and a money order by mail that was delivered to a Post Office box in Dallas. On this basis we presume it reached Oswald. From that time on, this rifle was never shown to be in the possession of Oswald. The Commission leans heavily on one of the many variations of Marina's testimony and then naturally the one it prefers in the report. But, actually in her testimony what Marina really said led the Chairman to say, "that's all right Mrs. Oswald, my wife wouldn't know the difference between a rifle and a shotgun either." The first time Marina mentioned a rifle, she didn't know it had a telescopic sight, she told the Government agents that until she saw the rifle on television, she didn't know rifles came with what she called telescopes.

9.

BISHOP: Let me cut in.... Didn't Marina make a picture of her husband with the rifle....holding the rifle?

WEISBERG: This rifle to the exclusion of all others.

BISHOP: You mean he might have owned two?

WEISBERG: That rifle was not identified as the rifle that killed the President. Now you raised an interesting point about that rifle, because the rifle that Marina is supposed to have taken a picture of, as she said she did, through a camera that was belatedly produced and was not in Oswald's property when it was seized by the police. That picture appeared in a number of contradictory forms as it was altered to suit the story that was then prevalent....

BISHOP: No, it was altered by art editors of magazines, not by the Warren Commission.

WEISBERG: That's correct.....that is absolutely.....

LANE:comment on this since I did raise the question with the Commission. For approximately a year from the time of the assassination until approximately one year later in November, I had said after submitting this photograph to photography experts to advise me that there were some strange disparities in it; that the shadow from Oswald's nose can clearly be seen falling directly down in the middle of his mouth indicating that the sun was somewhere over his head when the picture was taken, whereas, the shadow from his body seems to fall to his right and to the rear indicating that the sun was in fact in front of him and to his left when the picture of his body was taken unless Oswald's head was superimposed on the picture. Perhaps it was taken in a society which enjoyed a dual solar system.

10.

BISHOP: Wasn't that his defense too?

LANE: Well we did not know that.....

BISHOP: That the photograph was a composite photograph?

LANE: Yes, we did not know, although the photographic experts around the world could raise this question, we did not know until November 1964, a year later, when the Commission published the 26 vols. that the FBI agents, the Secret Service agents and the Dallas police officers who had questioned Oswald, and made no record of the statements he was making during the two days.

COHEN: They made no record?

LANE: They made no stenographic record and there was no tape recorded.

COHEN: There was a written record though wasn't there?

LANE: Some of them took notes, but even on these basic questions there was a difference of opinion among the various police agencies.

COHEN: May I ask you a question Mark?

LANE: In one moment, if I might, Mr. Cohen. But, they all do agree that Oswald did say when shown that picture on November 23rd that his head had been superimposed on. When this question was raised and the question of the doctoring of the photograph had been raised when I testified before the Commission, the Commission called upon Lyndal Shaneyfelt, an FBI photography expert and called upon him to indicate whether or not the picture had been altered and doctored and he said that it had been altered and doctored in a number of respects. But he did not, of course, say that the head had been superimposed. And then the Commission published as an exhibit this photo.

I wonder if we might see slide seven please, and this was supposed to be some kind of proof. Of course, the disparity of the shadows could hardly be determined in this picture since the FBI removed the head of the agent who posed on the roof of the FBI building and therefore although the shadow of the body does move to the rear and to the right. We really do not know where the shadow on the nose would have fallen.

COHEN:

But, let me ask you a few questions. I think it's important that we understand that this photograph was shown to Oswald on November 22, 1963, in his interrogation, isn't that right?

LANE:

No, it is incorrect. It was November 23rd.

WEISBERG:

No, I'm sorry this photograph was not shown to Oswald. I would like to lay a background for this photograph. There were two similar, but not identical photographs. They were seen.....

COHEN:

I'm sorry, I was asking a question.....

WEISBERG:

But, don't talk about this photograph because this is not the one, talk about a similar one.....

COHEN:

A photograph with Oswald holding a gun.....

LANE:

Yes.....

COHEN:

.....was shown to Oswald on either November 22nd or 23rd. It was my understanding that it was the 22nd.

WEISBERG:

It was late in the afternoon about 6 o'clock on the 22nd.

COHEN:

.....which means that if this is a fabricated photograph, if as Oswald claims, his head has been placed into another body which looks suspiciously like his, in frame; that this forgery took place either on the day of the assassination or well before, isn't that right, and was in the hands of the Dallas police by November 23rd.

12.

LANE: According to the police, Oswald said you have superimposed a picture of me which you took yesterday on the 22nd.

WEISBERG: Yes, this came up a number of times, not just once, Jerry. I'd like to lay the background which I think would help with this. The detectives.....

COHEN: Well, I just want to make clear what we are saying now, that the Dallas police has begun to frame Oswald as of November 22nd.

LANE: We know this.....in addition to the picture....

COHEN: This is the allegation.

WEISBERG: You are saying it.

LANE: We know that Marina Oswald's.....

COHEN: Well, this is implicit in the notion of a picture being forged on November 22nd.

LANE: We know that Marina said.....

BISHOP: Let Mark continue.....

LANE:that when she told the Commission that she took the picture, she said two things about it. That the picture prior to the time that she testified that she took it. Two things which are relevant. #1. She said that she never saw Oswald with a pistol at any time in his life....in possession of a pistol or near a pistol..... Here a pistol is clearly shown on the picture. Secondly, which Mr. Weisberg said earlier, she said she never saw a telescope or a telescopic sight until after she saw that on television. Here is a picture of a rifle which shows a telescopic sight.

BISHOP: Well, would she know a telescopic sight?

LANE: A rather large bulky appendix.....

13.

BISHOP: And you think that if she was taking a snapshot of her husband that she could identify the parts of the rifle?

LANE: Well since the Commission had relied upon Marina's statement that this was in fact the weapon which she had seen before one would think that she could have at least noticed that.....

BISHOP: That something was superimposed up on it.

COHEN: Since you think that the Commission coached Marina and all of you have made that allegation.....

LANE: I've not said that, I merely said that Marina Oswald was taken to the Dallas police station on November 22nd and shown the alleged assassination weapon, she said she could not identify that as the rifle which her husband never owned.

COHEN: Well, I mean in general..

LANE: And that some months later when she testified in February of the following year that the Chief Justice after the first day of her testimony was asked by reporters if Marina had yet identified the weapon, the assassination weapon as belonging to her husband, and he said, "We haven't shown it to her yet, we are going to show it to her tomorrow and we're pretty sure she'll be able to identify it". Of course, she had been in police custody all of that period of time and sure enough she did identify it.

BISHOP: Just a moment, let us hear from Mr. Sauvage.

SAUVAGE: I would simply say that it would be time to come back to the form that the Warren Report gives to that question. The first proof the Warren Commission is Lee Harvey Oswald owned and possessed a rifle used to kill President Kennedy and wound Govenor Connally. So, I wouldn't even enter the discussion whether the photographs was correct or incorrect. To me, it

it really doesn't matter. I admit that he owned, not possessed, owned....a gun..... A rifle, so it is not a problem whatever. What I would like to discuss and have the Commission prove was that this gun, this rifle was used to kill President Kennedy.....

COHEN: May I comment on that? Please?

BISHOP: OK.

COHEN: Now, we know that in February of 1963 that Oswald....well, I want to be precise now, that Kleins received an order for a gun, that this order requested that the gun whose serial number was recorded at Kleins, be sent to a Post Office box in Dallas, and it gave the Post Office box number, the name of the person to which it was to be sent was a Mr. Hidell.

WEISBERG: Not Hidell.....I'm sorry, go ahead....

COHEN: H-I-D-E-L-L however, you pronounce it.

WEISBERG: Go ahead...go ahead.

COHEN: The Post Office box number was the Post Office box of Lee Harvey Oswald.....

(overtalk)

COHEN: That gun...that serial number was found on the 6th floor of the book depository on the day of the assassination. That gun, which was found on the sixth floor of the book depository was the gun that fired at least two of the bullets, the only two gullets which were recovered.

SAUVAGE: Now we come to the point of importance.

WEISBERG: Now, excuse me, I would like to finish what I didn't get a chance to before....at no point, Jerry, have you placed or did the Commission place this rifle in the possession of

Oswald from the time it reached that Post Office box. Now, I want to go back to the picture because we can't pass this question of the picture too fast. Detectives Stovall and Rose conducted a highly dubious search outside the jurisdiction of the Dallas police in the Payne home. Their inventory shows two negatives of this picture and two prints. They testified explicitly on it. One disappeared. It has never been accounted for. The Commission was told that only one was found.

COHEN: You mean they found this picture in the home too?

WEISBERG: Excuse me, let me get finished.....

COHEN: I just want to get the point sir.

WEISBERG: Both the negative and the picture were found in the garage. They are in the statements and in the inventory of Stovall and Rose. Two pictures, similar...this is why I interrupt.

COHEN: So, if the picture was forged it was also planted in the garage as well.

WEISBERG: Please speak for yourself. Don't put words into my mouth. I am telling you, I am telling you that the police seized two negatives, not one, two similar picture - two negatives, two pictures.

LANE: Two different pictures, two different poses.

WEISBERG: Similar, but different, exactly!

COHEN: Of Oswald holding a gun....

WEISBERG: Yes.

LANE: And Marina of course testified that she only snapped the camera once.

WEISBERG: But, they have two pictures and one negative, but the inventory shows two negatives.

16.

BISHOP: And if the Commission's was spurious. They produced it you say, in the same afternoon you say at 6:00, right?

WEISBERG: Not the spurious one. They produced in a time that's remarkably fast a series of things for the police to interrogate Oswald about.

COHEN: Who is they now? The Dallas Police?

WEISBERG: The police. Now this negative in the inventory in the statements of the police officers who took it, has yet to be produced, but in telling the members of the Commission as distinguished from the staff, the Commission members were told that there was only one negative. Lyndal Shaneyfelt made a negative from the print. This is his testimony before the Commission, and even then the Commission was never told, the members of the Commission were never told, that a negative had disappeared between the time of the search of dubious legality outside the jurisdiction of the police in a different jurisdiction.

LANE: I wonder if we might do this. I think Mr. Cohen put his finger on it when he said the 6.5 caliber Italian carbine which was owned by Oswald and which was in fact the assassination weapon. I think Mr. Sauvage said that that really is the question and I think that it really is. Whether or not Oswald owned a rifle is really less relevant than whether a weapon just like this was in fact found on the sixth floor of the book depository building. The fact is that when the weapon was found it was identified for the first day as a German Mauser 7.65.....

BISHOP: This can happen to anybody, who took a casual look.....

LANE:

Well, let's just see if that's true. Congressman Ford of course, one of the distinguished members of the Commission expressed a similar view in his book. He said that the reason that people all over the world heard that it was a German Mauser for the first day can be explained by the fact that the reporter was facing an immediate deadline and therefore asked a police officer standing by, what kind of a rifle do you think it might have been, and the officer carelessly said, "well, it might have been a German Mauser," and that's a very persuasive answer. The only problem with it is it is totally untrue.

The officer who found the weapon on the 6th floor of the book depository building was Seymour Weitzman. He filed an affidavit, not on the spot, but the following day, in which he swore that the weapon he found was a German Mauser 7.65 millimeters. It is interesting to note that when he testified before the Commission Mr. Weitzman was not shown the Italian carbine to be asked whether or not that was the weapon he found. Two other policemen at the scene also said it was a German Mauser, including Capt. Fritz, who not only looked at it, but picked up up and according to his testimony, and the testimony of others, rejected one live round after inspecting the weapon. In addition to that, Deputy Sheriff Boone said that he too thought it was a German Mauser 7.65mm. The following day when the FBI said that their records revealed that Oswald had in fact purchased an Italian carbine caliber 6.5, a rifle did emerge at the Dallas police station and it was an Italian carbine caliber 6.5, and the Dallas authorities explained that this was in fact the weapon that

had been discovered the day before and incorrectly identified. When I testified before the Commission, I asked if I might examine the alleged assassination weapon and they were kind enough to show it to me the second time I testified, and I'm not a rifle expert, I fired army weapons in World War II, but I don't know anything about other weapons. But even with my lack of experience, I was able to look at the weapon and know that it was not a German Mauser caliber 7.65 because I read it and it said very clearly "made - Italy, caliber 6.5. Now, I wonder how a Dallas police officer could file an affidavit 24 hours after seeing the weapon and so poorly identify it.

BISHOP:

Well, I found after reading the complete Warren Commission Report that there were multitudinous errors of that sort, and I think that the important factor here is not the lack of proper identification, but the fact that - is this the rifle, the rifle that was found between the cartons on the sixth floor, is that the rifle that was ordered from Kleins by A. Hidell? And if it is, then we can assume, I think, that it was Lee Harvey Oswald's rifle.

LANE:

Well then what do we do with all the statements of all the three officers who said it was a German Mauser 7.65 caliber is the weapon which they found. The Commission gave the impression that Mr. Weitzman is not very bright and doesn't know very much about rifles, but when one puts down the report for a moment and again picks up the evidence; Weitzman's own testimony, sees that Weitzman said that he owned a sports shop at which he sold rifles and that he was very familiar

with rifles. And I tell you that when I visited Officer Weitzman who is not in Houston, not long ago he has rifles in his house, and he walked in, in fact, that day with a big pistol on his hip. So he knows all about rifles, and the difference between a German Mauser which is the most prized of all the Bolt Actions, and this piece of junk, an Italian carbine, is a difference which is very well recognized by all riflemen.

WEISBERG: Excuse me, Mark said that I might come back after he finished and I started to say something and I'll be brief. In addition to Weitzman having a familiarity of rifles because of his sporting good operation and his own interest, Weitzman was an engineer, a graduate engineer. Now, I am not splitting hairs, Mark, when I say that Weitzman did not appear before the Commission. I think it is an important distinction to make.

LANE: The Counsel for the Commission.

WEISBERG: Weitzman was not called before the Commission. Boone was called, Weitzman was not.

(overtalk)

BISHOP: That's what I'm trying to get at and I wish you would explain to me, because just a moment...I think that maybe I'm becoming dense. What does it matter what the policemen testified or how they misinterpreted the rifle, if in fact it is provable by handwriting experts that this man wrote this sheet to Kleins and ordered a rifle of that particular caliber? And then that particular rifle and that particular serial number is found after the assassination on the sixth floor.

20.

LANE: But it wasn't found on the sixth floor if the three officers who found the weapon said that what they found there was a German Mauser 7.65 caliber. How can we be sure that what they really found there was this one, when it's so different from a German.....

BISHOP: How did they produce this one?

COHEN: How did the Dallas police produce this one?

BISHOP: Yes.

LANE: If we knew the answer to that we might know much more about it.

BISHOP: I think unless we know some of the answers then we shouldn't be asking the questions.

(overtalk)

LANE: No, no, we don't have to know the answers to ask the questions.

(overtalk)

WEISBERG: Just one word. It is not just a question of ownership which goes only to the day it reached the Post Office box and possessed, meaning as of the time it was allegedly used in the assassination, and possessed. And the whole story addresses itself very much to "and possessed" in only one aspect of "and possessed". Go ahead Jerry.

COHEN: I want to add a fact and review some others. This rifle, the Italian, not the German rifle, was in Washington in the FBI laboratory on November 23rd, one day after the assassination. This rifle which was in the FBI lab was by ballistics tests, that day, the day after the assassination, showed that the two bullets which were recovered were fired from that rifle. Now, as I understand it what you're saying is that someone, well I don't know if you're saying they were trying to frame

Oswald or not, that someone dropped a German Mauser around there for what?

WEISBERG: I will answer that question. The rifle did reach the FBI lab, the thing you found it convenient to omit was that it reached there without any sight on it, that the sight was in inoperative condition, that the sight could never be made to operate.....

BISHOP: Not inoperative...in error

WEISBERG: No sir, inoperative.

BISHOP: It was in error, it was not inoperative. It was not correct to....

LANE: Well it had two problems. The sight had two problems.

WEISBERG: Oh no, Oh no.

LANE: First of all, it was incorrectly adjusted and secondly, it wobbled so that no one could look through it.....

WEISBERG: And it wasn't on the rifle....

LANE: And it wasn't on the rifle which is a third problem....

WEISBERG: Not only that, but when they got the same Italian rifle the one with the C2766 serial number to the Aberdeen proving grounds and then they tried to correct this defect, they couldn't do it until they put shims under it, and there were never any shims in evidence on this sight.

(overtalk)

COHEN: Do you deny that the bullets which were found were fired from that rifle, with that serial number, which was ordered by Oswald?

WEISBERG: The bullets that were found? No indeed. But I deny that there's any proof that any bullets were found that were connected definitely with the assassination that were traced to that rifle.

LANE:

I think that's the point. Commission exhibit 399, which this is not, but it's just like this because its practically a pure and pristine bullet, is the bullet which the Commission says went through the back of the President's neck, exited at the front of his throat leaving behind an entrance wound at the front of his throat, went through the Govenor's back, shattered his fifth rib, leaving a large sucking wound, entered the Govenor's right wrist, leaving behind more than 3 grains of metal and then moved into his left thigh and then somehow fell out onto the stretheher.

BISHOP:

Superficially in the thigh.

WEISBERG:

Well, left a fragment.

LANE:

We know this. We know that Dr. Shaw who was the physician who attended Govenor Connally, the bullet was, of course, found about 2o'clock in the afternoon by Darrell Tomlinson, an engineer at the Parkman Hospital. But 2-1/2 hours after that bullet was found, Dr. Shaw was on television as he emerged from the operating room to say that the Govenor was in rather good shape, he's not in critical shape, he will be all right, described all the wounds, and then concluded by stating the bullet which did all of the damage is still in Govenor Connally's left thigh. It is there now, we have not yet removed it, yet the Commission would have us believe that the bullet which was found 2-1/2 hours prior to that time was in fact the bullet whichdid the damage.

BISHOP:

Again, we come back to the multitude of witnesses and their testimony, and if we are going to spendthe evening just unbraiding those who mistook this for a Mauser and the doctor who said that a bullet was still in a leg, I don't think we are being pertinent. We will be back in just a moment.

BISHOP:

Now let's proceed Gentlemen. Lee Harvey Oswald brought this rifle into the depository building on the morning of the assassination. And I'd like to hear from Mr. Lane .

LANE:

Yes, well that was the conclusion which the Commission was able to reach without regard to what the eye witnesses had to say. This is the weapon, of course, that Jessie Curry, the Dallas Chief of Police, said that Oswald carried it in, assembled in a paper bag. But the Commission was more realistic than that and said that it was disassembled and placed in a paper bag, and Oswald carried it in that fashion. Here is^a paper bag very much like the one the Commission said that Oswald carried it in. Here are the eye witnesses now who made reference to this. First, we have the first witness to make reference to the bag was Wesley Frazier who said that he did see Oswald carry a package, and he also said that Oswald carried a package in this fashion cupped in his right hand, tucked under his arm in this fashion. And, he said when Oswald left the car in which Frazier drove him to work, the package in fact was invisible from the rear, could not be seen. One other person saw the package. Her name is Linnie Mae Randle, and Mrs. Randle is Wesley Frazier's sister, and she described it as being a little bit more than two feet long. Now, the Commission took the Italian carbine and placed it in a brown paper bag, disassembled and asked Mrs. Randle when she looked at this, if she could say that.... that.....is the question. "Now is the length of the package carried any similar, anywhere near similar"? And Mrs. Randle replied quote, "Well it wasn't that long, it definitely wasn't that long". When she was asked to show the Commission how Oswald carried this package, she said she could not

because this exhibit was too long. Wesley Frazier was also asked by the Commission if he could show how Oswald carried the package. He saw him with it cupped into the hand and under the arm, but when he tried and could not do it, the Commission attorney said, "try, do the best you can", and the record reveals that when Frazier picked it up and cupped it in his hand the Commission counsel, I think, somewhat charitably said, it came up almost to his ear, but it seems to come up a little bit higher than that on me and I'm about 2-1/2 or 3 inches taller than Oswald was. If one puts this portion of the rifle under one's arm, one sees that one can grasp it at just about at the middle. Now we have then the testimony of the only two people who saw Oswald with the bag at all on November 22, and then there's one person who saw Oswald enter the book depository building that morning, and that's Mr. Dougherty, and Mr. Dougherty said that Oswald had nothing in his hands that he could see. This is totally consistent with Mr. Frazier's testimony - that when the package was cupped under the arm and held along Oswald's side, it could not be seen at least from the rear.

BISHOP: Now, may I ask you a question about the word "cupped"? Did Wesley Frazier demonstrate what he meant by cup or did he just use the expression?

LANE: He used the expression and then he demonstrated it.

BIHOP: Which meant that he put the palm of his hand under the package and the upper part was under his arm. Not that he cupped it this way with the package hanging.

LANE: No, in fact, he said precisely that the package was invisible when seen from the rear.

25.

COHEN: Let me quote his words.

BISHOP: Well, wait a minute now, hang on just a second. Let Mr. Lane finish. I'll give you a chance to quote his words.

LANE: Dougherty, the one person who saw Oswald enter said he saw nothing in his hands and that if he had anything there he said he could not see it. So, we have now the testimony of the two people who saw Oswald with the bag, both indicated that the bag could not possibly have held the rifle and the one person who saw Oswald enter the building, whose testimony also shows that Oswald could not have carried the rifle into the Hook depository building, that day.

BISHOP: Thank you, Mr. Sauvage.

SAUVAGE: Well, I have something to say about the precedent point when those gentlemen were involved in many technicalities. The point I want to bring up which fits the second point too, is the fact that Oswald had to bring into the Texas School Book Depository not only a rifle, but cartridges to shoot with, because as far as I know a rifle is a deadly weapon, unless it is used as a club, only if it has cartridges. Now there is absolutely nothing the whole report saying where Oswald got his cartridges. As a matter of fact, there are three lines out of 900 pages where the whole question of cartridges is discussed. As far as we know, Oswald never possessed any cartridges.

BISHOP: At any time?

SAUVAGE: At any time. There is absolutely no proof that he ever bought any cartridges.

LANE: While we're on the question of the ammunition, might I say that I raised this question with the Commission regarding not

only the availability, but the reliability of the ammunition and the Commission did with this allegation, that which it did with most of the factual material, put it in its "Speculation and Rumor" section. This is how the Commission handled it.....

Speculation: "Ammunition for the rifle found on the 6th floor of the Texas School Book Depository had not been manufactured since the end of World War Two. The ammunition used by Oswald, must therefore, have been about 20 years old, making it extremely unreliable". The Commission finding....

BISHOP: This was also true of the gun.

LANE: Yes, well this is what the Commission says.

BISHOP: "They" had not been manufactured since WW II.

LANE: The Commission Finding: The ammunition used in the rifle was American ammunition recently made by the Western Cartridge Co. (which is the Olin Matheson Co.) which manufactures such ammunition currently". "Recently made which manufactures such ammunition currently". I wonder if we might look at slide #41 at this point to see what the maker of the ammunition said about the ammunition. "Concerning your.....(this is from a Winchester Western, a company which the Commission says supplied this recently made ammunition currently available) "Concerning your inquiry on the six point 5 millimeter Mannlicher - Carcano cartridge, this is not being produced commercially by our company at this time. Any previous production on this cartridge was made against Government contracts which were concluded back in 1944. Therefore, any of this ammunition which is on the market today, is Government surplus ammunition." In other words, the Commission speculation, that which is referred to as a speculation

is not being referred to the manufacturer.....was in fact accurate and the Commission finding again is completely inaccurate.

BISHOP: Well, would you clarify a point for me, and I don't know the answer to this one. If you can order this rifle from Kleins, can you not order the ammunition from Kleins?

SAUVAGE: But he didn't.

BISHOP: Yes I know, but can you? Then, therefore, the fact that this company discontinued the manufacturing in 1944 is not pertinent.

WEISBERG: On the contrary, it is to how good the ammunition is currently.

LANE: Actually, the Winchester Western Co. also sent us a letter in which they said because the ammunition is so old, it is now of questionable reliability. The Commission brushed this aside and merely said that it was reliable because it was currently being made. Now I'm inclined to believe that if Oswald wanted to buy that ammunition he could have purchased it. It would have been old and unreliable ammunition but he might have purchased it.

BISHOP: Didn't the FBI test fire this thing the following day, Saturday?

LANE: Well, the Government did test the weapon, but.....

BISHOP: With what kind of ammunition?

LANE: With this old Italian carbine ammunition.....

BISHOP: Then it was reliable enough for the FBI to use it to fire with?

LANE: Well, on occasion it didn't go off, but the fact is that one network tested the weapon and one-third of the bullets which it tried misfired or were engaged hang firing. One newspaper

in New York City tested and 40% of the bullets didn't go off.

BISHOP: Anything more to be said on this subject?

COHEN: Yeah, I want to make two comments....

BISHOP: Short?

COHEN: No, they are middle sized. I want to go back to Mr. Lane' analysis of the paper bag because I don't think we commented on his comments. Let's again set the record in order. Oswald carried a paper bag to the Book Depository, Friday morning, November 22nd. This paper bag was seen by Mrs. Randle and Mr. Frazier. According to the Commission, Mrs. Randle estimated and they tested her that this paper bag was 28 inches long and 8 inches wide. Mr. Frazier estimated that this bag was 24 inches long and 6 inches wide. The gun when disassembled, the gun when disassembled was 34.8 inches long which means that if the gun was in that paper bag, Mr. Frazier is off by a little more than 10 inches and Mrs. Randle is off by about 6 inches.....

SAUVAGE: The rifle is off, not Mrs. Randle.

COHEN: I say if the rifle was in the bag. I phrased it that way. Now, Mr. Frazier.....so we agree that Oswald was carrying a paper bag let's say 24 inches long and 6 inches wide which is the smallest. Therefore, the fact Mr. Dougherty didn't see anybody carrying anything, just shows that Mr. Dougherty didn't see anything. We agreed that he carried something into the building. Let me go a step further.....

WEISBERG: You're misquoting.....the testimony

COHEN: Let me go a step further.....

WEISBERG: You're misquoting.....go back and quote.....the testimony.

COHEN: I'm not commenting on the testimony, I'm commenting on what Mr. Lane said.

WEISBERG: You're quoting Dougherty and you quoted him wrong.
(overtalk)

WEISBERG: May I quote the testimony.

COHEN: Please.

WEISBERG: The Commission counsel said to him, "in other words you would say positively he had nothing in this hand". Dougherty's reply was, "I would say that, yes sir". Now, if you want an example of how the Commission deals with language in the report, you read me what the Commission says of this language. You have the report in front of you.

COHEN: I just said that Dougherty didn't see him carrying anything.

WEISBERG: That's not the same thing. Dougherty said he wasn't carrying anything.

COHEN: Well, does that mean he wasn't.....

WEISBERG: Positively wasn't carrying anything.

COHEN: Does that mean he wasn't?

WEISBERG: Well, I don't know what you understand positively to mean, but I think.....

BISHOP: Let me ask this. The next assertion on the part of the Commission is that Lee Harvey Oswald was present at the time of the assassination at the window from which the shots were fired. Now, I'd like to call on Mr. Sauvage.

SAUVAGE: It is precisely the fundamental point in that accusation of the Commission - was Oswald at the window or not? The answer of the Commission is that he was, and that he was seen there and the big discovery of the Warren Commission is to bring forward an eye witness, an eye witness who mistakenly has been

considered new, but he wasn't new at all, because everybody had talked about Mr. Brennan, in the first days of the assassination. Now, was Mr. Brennan able to see from the sidewalk in front of the Texas School Book Depository, a rifleman hiding behind a sixth floor window?

BISHOP: Excuse me, wasn't he in the middle of Dealey Plaza. He wasn't on the grass.

SAUVAGE: No, Brennan, the witness, the eye witness brought forward by the Commission was on the sidewalk sitting on the concrete.

BISHOP: On the same side of the building that the school was.....

SAUVAGE: No, on the opposite side.

BISHOP: That's what I thought in the middle of Dealey Plaza.

SAUVAGE: No, no, not in the middle....(overtalk)..... (just across the street,.....yeah, just across the street.....there are three streets that go through there and he was on the...) On the same street, the same street.....

BISHOP: Looking up at the school.....

SAUVAGE: Now, the window was half closed.

COHEN: About 150 feet away from the window.

LANE: 120 feet actually. I wonder if we could have slide 44 and then as you speak, Mr. Sauvage, I can point it out if you like.

SAUVAGE: Yes, besides there are two other slides that are with that slide.....the Dillard picture, showing the window which is #20, and #21, which we could see also. He was, according to the Commission, sitting on a crate of books using other books on the window as a gun rest which means he was at least one foot away from the window because of his position there.

31.

BISHOP: Assuming that this is the moment that someone is prepared to fire a shot, but would he be in that position all the time he was there?

SAUVAGE: Well, he was in that position when he was shooting.

LANE: According to Mr. Brennan, he saw him fire.

SAUVAGE: He saw him fire.....from a standing position.....a standing position yes.....the window is half closed, the window is half closed and if you look at this you will see what can be seen behind the window if a man, if the man is not leaning out of the window, but is behind the window, at least a foot away. Now, besides that little point, Mr. Brennan, the eye witness of the Commission has stated that when he saw Oswald firing the shot, Oswald was standing and the Commission has said the report itself is obliged to admit that it's absolutely out of the question because of the angle of the shot, because of the half closed window and so on, that the shot could have been fired by a man standing. It's out of the question.

BISHOP: In other words the glass of the window would have been in his way....he could hold a rifle through the bottom part of the window.....(overtalk).....he simply couldn't do it.... out the window yes, shall we try it....

WEISBERG: Let me show you a picture.

BISHOP: He's going to do it a little better than that, he's going to demonstrate it with the window.

BISHOP:this may be pretty sharp. That window is a little more than half way up you can see the top of it.

32.

WEISBERG: Actually it's not, they measured it.

(overtalk)

SAUVAGE: You can also see something else...it's how dirty the upper part is, and don't forget it's 12:30 and the sun is coming down which means upper part of the window is a plain mirror. You can not see through.

BISHOP: It can go a little higher than that. According to this photograph, I can see the sash is up beyond the cross bar.

LANE: Now, if Oswald was standing at the window firing, there being glass here, of course, he was firing through the window.

(overtalk)

BISHOP: Well, wait a minute, he would be standing on the floor wouldn't he?

LANE: Precisely where I'm standing now. Therefore, the Commission, as Mr. Sauvage indicated, was obliged to say that Oswald was either kneeling or sitting on the floor which would explain then how he was able to fire without breaking the glass.

BISHOP: How would it be if you sat on the floor a moment. He was kneeling or sitting you say.

LANE: I'm kneeling now.

BISHOP: You're a little bit bigger than Oswald aren't you?

LANE: Yes.

BISHOP: But if you were sitting.

WEISBERG: The floor was a lot thicker than that.

BISHOP: Yes....but....but.....about 18 inches.....Now, if you were leaning out towards your right the way the motorcade was going.....

(overtalk)

SAUVAGE: I think he was even farther away.....

BISHOP: Not only that, but the rifle was not outside the window as I understand it.

(overtalk)

WEISBERG: Brennan said 70%. He saw 70% of the rifle. This is what he said, and no scope.

(overtalk.....he said 70 to 85.....)

WEISBERG: Well, I was trying to conservative.

SAUVAGE: To come back to our point. The Commission admits that it is impossible for Oswald to have been standing, so it admits that its eye witness, its star witness, is completely mistaken.

BISHOP: (overtalk.....not its start witness...its a witness.... it's not the only witness.....its star witness))

SAUVAGE: It's a star witness because if they cannot establish that Oswald was not at the window they have no case.

BISHOP: I would say that Marina Oswald was more of a star witness than Brennan.....

SAUVAGE: Oh, she was more popular.

WEISBERG: Congressman Ford said that Brennan was the most important witness to appear before the Commission. He's a member of the Commission.

(overtalk)

He's the only one they have placing Oswald at the window though.

SAUVAGE: The story of Mr. Brennan is not finished. The Commission simply said he was mistaken by....when he said that Oswald was standing, but that he was not mistaken when he gave the

weight of Oswald and then the height of Oswald, when he pretended to be able to identify him. Now come the series of identifications.

BISHOP: What makes you say he pretended?

SAUVAGE: Because the Commission says he pretended. He changed his testimony. There are, I believe, 7 ways of Brennan of stating at different dates what he saw, and what he didn't see.

LANE: And on November 22nd when Brennan was taken to the police line-up, Brennan looked at Oswald in the line-up and did not identify him, the man who was in the window.

(overtalk)

SAUVAGE: One more statement and then we are finished with Mr. Brennan. That Brennan admitted that he saw Oswald on television before going to the line-up.....The case of Mr. Brennan - Eye Witness!

COHEN: I think even defenders of the Commission would grant that Brennan is a shaky witness if it's a question of positively identifying Oswald as the man that he saw, Brennan saw, at the 6th floor window.

WEISBERG: How else could they do it?

COHEN: This....the Commission only has the witnesses it has, and it didn't have a witness which could positively place Oswald at that window.....Whether the whole case falls apart as a result of that is another question. I agree that Brennan's eye witness identification of Oswald is shaky. As for whether he was so malignantly in error about standing, I mean, I myself if I saw someone kneeling in front of a window, a window which was only 18 inches above the floor, might assume

that he was standing because I don't know about many windows it seems to me an easy error, but I agree.....

(overtalk)

BISHOP: Mr. Sauvage made his point.

SAUVAGE: The point is made, the point is made that do you, when you say.....

BISHOP: I don't think it has been controverted.

SAUVAGE: The question is, now, can we admit that the Commission has proof that Oswald was the killer. If the Commission, according to its only defender here, they admit that there is no proof for eye witness that Oswald is the man with the rifle, the man you have to prove that used the rifle.

BISHOP: Now, please let's not get back into it. I want to ask Mr. Lane about that grassy knoll, that little knoll with the smoke.

LANE: Suppose we begin first of all if we can have the aerial view of the Dealey Plaza which I think is slide 44 now, that might be helpful. While we're getting that I think we should begin with the Commission's conclusion. No credible evidence suggests that the shots were fired from the railroad bridge over the triple underpass, the nearby railroad yards or any place other than the Texas School Book Depository building. And another conclusion: In contrast to the testimony of the witnesses who heard and observed shots fired from the Depository, the Commission's investigation has disclosed no credible evidence that any shots were fired from anywhere else. This is an aerial scene of Dealey Plaza. Let's see what the witnesses told the Commission so the Commission was able to state that there is no credible evidence which even suggests

that the shots came from anywhere other than this window. Dealey Plaza. Two-thirds of the witnesses in Dealey Plaza who were able to make an estimate as to the origin of the shots and who did so, two-thirds said the shots did not come from the book depository building, but from here, from behind a wooden fence high up on the grassy knoll. The limousine was approximately in this area at the time of the shots were fired and the witnesses testified that the shots came from the front and from the right of the limousine, not from behind the limousine. Now, who were those two-thirds? They were witnesses all over this area. There was in fact, Mr. Brehm, who was standing here, who was perhaps the closest spectator to the limousine when the shots were fired and who said that he saw a partical of the President's skull fly when the bullet struck the President's head and it flew backward and to the left of the limousine. There were persons who were executives of the book depository building who were standing in front of the building who said that it did not sound as if the shots came from over our head at all, but instead, as if it came from back here from the railroad yards. Two-thirds of tose. Now, in addition to these ear witnesses, we have a number of railroad employees here on the railroad overpass and they commanded an excellent view of the entire area. Seven of those men said that when they heard the shots, they looked to their left at the wooden fence and seven said that as soon as they looked there they saw puffs of white smoke come from behind the wooden fence. In addition to this, we have a railroad tower, and in that tower was Lee Bowers, Jr.

Mr. Bowers is the railroad towerman, and his testimony I think merits particular attention because when he testified before the Commission, he said to the Commission that at the time the shots were fired something which he could not identify, but something attracted his attention to the wooden fence, at the time the shots were fired. The fence in front of him. He said something that, and there's a dash if you read the testimony because he was then interrupted and never permitted to tell what it was that attracted his attention to the wooden fence. And the Commission Counsel after interrupting him, moved on to another subject. Never went back to the subject, and then dismissed Mr. Bowers as a witness.

BISHOP:

Did you interrogate him?

LANE:

Yes, I questioned Mr. Bowers, and I'm happy that we did, because he is now dead and his statement would have been lost had we not taken it from him months ago. We questioned him on film and with a tape recording made. I asked him about that. I said, "Mr. Bowers, for about a year now I have been wondering how you would have completed that sentence". Mr. Bowers was an extremely articulate man and said.....
"Well, if the Commission did not want to hear what I wanted to tell them, that was up to them, I was there as a guest at their invitation. They set the rules. The Commission lawyer did interrupt me and did not allow me to finish. I was just going to tell however, that when the shots were fired something attracted my attention to the fence.....a puff of smoke or a flash of light at the time that the shots were fired.

38.

BISHOP: Did he know the difference between a puff of smoke or a flash of light?

LANE: He said precisely what I told you, "Something he could not identify specifically now, but it was a puff of smoke, or a flash of light.....something which attracted his attention.

BISHOP: Did he see one of these things?

LANE: I tell you exactly what he said.

BISHOP: Yes, well I'm sure that as a lawyer you asked him.

LANE: I asked him and he said, "I cannot be specific except to say that something attracted my attention to that fence...it was a puff of smoke or a flash of light....something out of the ordinary, something which attracted my attention".
Now, of course, there was the Dallas Police officer who ran behind the fence as soon as the shots were fired. He said he smelled gun powder behind the fence. There were in fact 17 Dallas deputy sheriffs who heard the shots and ran right past the book depository building never bothering to give it a glance, climbed behind the fence and searched the whole area. A number of these witnesses of course, were never heard by the Commission as Mr. Wiseberg was correct in making the distinction between those who were heard by the Commission, and those who were heard by counsel of Commission. The majority of the witnesses at the assassination were never heard by the Commission. The majority of the witnesses at the assassination were never even heard by the Counsel for the Commission.

WEISBERG: May I give a little bit of color these please?

BISHOP: Now wait a minute....as soon as he establishes his point, then I'll get to you.

39.

LANE: One of the most important witnesses as I would suggest, to the assassination of the President is Mr. S. M. Holland, a railroad employee, who was up on that overpass, in fact who was asked by the Dallas police to be on the overpass to see to it that no one other than railroad employees be allowed up there, and we have a film interview with him and perhaps we can see that now and perhaps we can follow that by an interview with Mr. Dodd who was there on the overpass with Mr. Holland.

HOLLAND I was standing on top of the triple underpass waiting for the parade and the President's car. I arrived about 11:45 or close to noon. Two policemen was talking to me and one of them asked me if I would come back up there and identify the people that had any business or had a right to be up there.

LANE: They would be railroad employees?

HOLLAND: They would be railroad employees. And I told him I would.

LANE: What was your position with the railroad company?

HOLLAND: Track and Signal Supervisor for the Union Terminal RR, but in 41 years of railroad service in the sign part.

LANE: Did you look in any particular direction when you heard the shots?

HOLLAND: Yes, I looked over to shere I thought that the shot came from and I saw a puff of smoke still lingering underneath the trees in front of the wooden fence. The report sounded like it came from behind the wooden fence.

LANE: At the time the bhots were fired, sir, did you see any police officers move in any particular direction?

HOLLAND: Well, about the time that shot was fired, the Secret Service

man in the President's car stood up with his submachine gun pointed at that exact spot.

LANE: At the wooden fence?

HOLLAND: At the wooden fence, and a policeman threw his motorcycle down in the middle of the street and ran up the embankment with his pistol drawn. He was running towards that particular spot. And, also another motorcycle policeman right behind him tried to ride up the embankment on his motorcycle and it turned over about halfway up the embankment and he got off his motorcycle and left it laying there and ran on over to the fence with his gun in his hand.

LANE: The Commission said Mr. Holland that no one saw any suspicious activity behind the fence. They said that patrolman Foster saw no suspicious activity and then went on to state the same was true of the other bystanders, many of whom made an effort after the shooting to observe any unusual activity. Holland for example, immediately after the shots ran off the overpass to see if there was anyone behind the picket fence on the north side of Elm street, but he did not see anyone among the parked cars, close quote. How long would you say it took you to get behind the wooden fence from the time that last shot was fired?

HOLLAND: Two or 2-1/2 minutes from the time the last shot was fired and the President's car came underneath the triple underpass and we worked our way through those cars to this particular spot.

LANE: In that 2 and 2-1/2 minute time, Mr. Holland, is it possible that anyone who might have been behind the wooden fence could have escaped unobserved by you?

41.

HOLLAND: It's possible there could have been three or four people around there that wasn't observed because that particular spot was just a sea of cars. We had to tread our way from the railroad track to this particular spot through those cars and it's possible that there could have been a half a dozen people maybe standing over there.

LANE: You were a witness who had as good a view of that scene as anyone in Dealey Plaza. Where do you think the shots came from?

HOLLAND: Well, I know where that third shot came from.

LANE: Where did that shot come from?

HOLLAND: From behind the picket fence, close to the little plaza.

LANE: Is there any doubt in your mind that that shot came from behind there?

HOLLAND: There's no doubt in my mind. There's no doubt what-so-ever in my mind and the statement that I made in the Sheriff's office immediately after the shooting, and the statement that I made to the Warren Commission and I made it very plainly with no doubt in my mind, but what there was definitely a shot fired from behind that picket fence.

LANE: Where were you on November 22nd, Mr. Dodd?

DODD: I was standing on the underpass, Commerce underpass in Dallas, Texas.

LANE: Were you there alone.

DODD: No, I was along with three friends of mine.

LANE: Railroad men?

DODD: Yeah, all railroad men.

LANE: Mr. Holland was one of them?

DODD: That's right.

42.

LANE: On November 22nd, Mr. Dodd, what did you see, and what did you hear?

DODD: I seen the President slump over in his seat and then I saw Governor Conaally slump over and Mrs. Kennedy she stood up and the Secret Service men came off the fender-bumper-and shoved her down in the car and fell in on top of her. They went on to the underpass where I couldn't see any further.

LANE: And did you see anything which might indicate to you where the shots came from?

DODD: Well, we all three, four, seen about the same thing.... the shot....the smoke came from behind the hedge on the north side of the plaza and the motorcycle policeman dropped his motorcycle in the street, and his gun in his hand and run up the embankment to the hedge and then I went north to look around the corner to see if there was anyone behind the hedge and met Special Agent of the K & D Railroad, and he went down there, and I walked along with him to see if there were any tracks there and which there were tracks and cigarette butts were laying where someone had been standing on the bumper looking over the fence or something.

LANE: Were you questioned by agents of any government agency, on November 22nd, Mr. Dodd?

DODD: Yes, we were, we were taken over to the court house and questioned by, I suppose Secret Service men of some kind, and they asked me quite a few questions about the same as I've told you men here.

LANE: But you were never called as a witness by the Warren Commission.

DODD: No, I never was called.

43.

LANE: And did you tell those agents just what you told us here that you thought there were more than three shots and that they came from behind the fence.

DODD: Yes sir, I did. I told them that I thought there was more than three shots.

LANE: And they never called you as a witness.

DODD: Never called me as a witness.

LANE: Cause...here's the Warren Report and in the index your name is not listed and there is no reference in the whole 888 pages to the fact that you were up there and you saw what you saw, and you heard what you heard.

DODD: Well, I don't know about that, but there was something that it looks to me like that's going on there, that somebody should have found out something.....

BISHOP: Now, I would like to ask a question. If you can assume that the car had passed this point, a little ways, somewhere about here, when the first shots were fired, then how could shots have come from over here and hit the Governor in the back and gone forward through his wrist?

LANE: The question is how could the shots which came from the grassy knoll have struck Governor Connally in the back.

BISHOP:with the car here, did not go through the windshield, and hit him in the wrist, on the back.

LANE: I think that it is quite certain that if the Governor was hit in the back, and there seems to be, I think, conclusive evidence that he was, then the shot which struck the Governor in the back would not have come from the wooden fence. I think there is no question about that.

BISHOP: This leads to two assassins?

LANE:

Yes, I think this does lead precisely to the point. We're dealing with at least two persons involved in the assassination. We know that the Governor was struck from the back. We also know that the President was looking to his right and front at the time that the bullet struck him in the throat and we know that every doctor at the Parkland Hospital who made a statement on November 22nd, about the wound in the President's throat, was able to describe it, said either that the wound in the throat was an entrance wound or appeared to be an entrance wound and while it is true that the Commission was to later state that the doctors were in error and to state in essence that there is no difference between entrance wounds and exit wounds, the Commission's own test, where they fired these bullets into goat skins indicated quite clearly that there's a vast difference of the entrance wounds were small, were puncture wounds, were

BISHOP:

Well, I don't think the Commission disregarded the doctors in that, Mr. Lane. I think what we have to point out is that the doctors at Parkland thought it was an entrance wound and the Doctors at.....we must concede that they were busy almost in panic trying to save a man's life and didn't have time to discover whether this was an entrance wound or an exit wound. Whereas at Bethesda, they had all the time in the world because the President was dead.

WEISBERG:

The one sentence that I wanted to say was that no other doctors in the world saw that wound in the front of the neck except those doctors at Parkland because that place was cut out for a tracheotomy, but there exists a record that it was

a front entrance wound and these doctors in Dallas, which has an unusual gunsight record, one of the highest in the country are proficient, even the nurses are proficient in this field.

COHEN:

Well, I've written about this, and I would like to comment about this if I may. It's quite true that the doctors in Dallas when they first saw that small neat wound in the lower third of Kennedy's throat identified it as a entrance wound. A puncture wound.

WEISBERG:

Dr. Perry too?

COHEN:

Dr. Perry, of course, said it later in the press conference. They did, and the nurses as well said that the wound looked like an entrance wound. What these doctors saw in the half hour that they tried to save the President's life....what they saw was this neat wound which they then quickly widened to perform the tracheotomy. Now, the body was taken out of the hospital immediately and these doctors never knew that Kennedy also had a wound in his back. Now let me go on. Now what happens in a, as any forensic pathologist would tell you, what happens in an autopsy is that the doctor reconstructs the history of the wounds. And what any doctor is trained to do is to get the entire pattern and to make a judgment as to the source of the wound of the bullet on the basis of the entire pattern of the wounds. And when a doctor generalizes on the basis of one wound without knowing the entire pattern, it is a kind of breach of his education, as many doctors have told me. Again, let me go on. When President Kennedy's body was brought to Bethesda Medical Hospital in Bethesda, Maryland, the doctors there found a

wound somewhere in his back. We'll get to the location, I think, a little bit later, and concluded that a bullet had hit Kennedy high in the back or the lower neck, passed through his throat and exited through the throat. Now, in the course of time when they understood the entire pattern of the wounds every doctor in Parkland came to agree.....wait let me finish.

WEISSBERG: You've misrepresented.

COHEN: Let me finish and then you will see why.

LANE: He hasn't yet, I think he is about to.

WEISSBERG: Oh he's already done it several times.

COHEN:came to agree....the wound was consistent on the basis of that history with an exit wound. In other words, they had changed their minds with regards to their original opinion. An opinion, which was based remember on a half hour's feverish observation. Now, one further step.....

LANE: Except, if I can say it, Dr. McClelland said if I saw that wound again today, I would say it is an entrance wound.

COHEN: If he saw only that wound he would say that, but if he saw the entire pattern on it would be a different story.

BISHOP: Well, we're getting into the autopsy.

COHEN: Well, let me go on. Let me just finish please if I may. Now let us agree that if a bullet entered Kennedy's throat, if it entered Kennedy's throat, that bullet would have to leave some kind of a record, contusion, metallic tracings and it would either lodge in Kennedy's body or it would exit at some point in Kennedy's body. Now there is not a scintilla of evidence from the autopsy report, from the testimony of the doctors who performed the autopsy report and I might add from the FBI report of December 9th, there is not a

scintilla of evidence indicating that the bullet which hit Kennedy in his throat either lodged in his body or exited at.....at some point in his body and on the basis of this complete record, the doctors concluded with the agreement of the Parkland doctors that there had not been an entry wound in the neck.

WEISBERG: I'd like to take these curves one at a time.

BISHOP: Excuse me, ladies and gentlemen, we will be back in a minute.

BISHOP: Now you were saying.

WEISBERG: Yes, I'd like to answer some of these things that I'm going to call curves again. The question of the language was when the doctors knew the history. The doctors knew what they were told by the autopsy doctors were the history. The bruise that Jerry says wasn't there, couldn't have been there, it was cut away at Dallas.

BISHOP: The bruise that was where?

WEISBERG: The bruise that was supposed to have been in the front if it were a front entrance wound. They cut it away to make a tracheotomy, but when they got in the body, they found bruises. Now, on the question of Dr. Perry. I want to address myself to Jerry's defense of the report. He's already admitted that Dr. Perry said that this was a front entrance wound and I would like him to show me where in the report that the Commission says this and I will tell him that the Commission says the opposite. There was a whole bunch of rigamarole I won't go into, having to do with the television networks not cooperating which is totally not true. I will say one thing only about the FBI report that he passed over very glibly, and that is, it was not that the

FBI report did not say that it was a front entrance wound, the FBI report totally ignored the wound in the front of the President's neck.

BISHOP: Alright. Close of subject for the moment. I want to ask about Oswald's movement in the depository and I'd like to ask Mr. Sauvage.

SAUVAGE: It's a very important point too, because first of all the Commission, the Warren Report brings it up as a confirmation of Oswald's presence by saying that his movements in the building were consistent with his presence at the 6th floor window. Now, in March 1964, in an American magazine, I brought up the question if there was any checking of the time used by Baker, the motorcyclist who was the first one to enter the building and who found Oswald in the lunchroom.....

BISHOP: On the second floor.

SAUVAGE:and the time necessary for Oswald to come down to the second floor. In March, according to the Warren Commission, this checking was done with stop watches and here are the results as in the Warren Report. They did it twice. At one of the experiments, if you take Baker's time, the shortest Baker's time.....

BISHOP: Excuse me, to point up what you're saying, you mean the time required for an assassin to leave the 6th floor and get to the lunchroom on the 2nd floor?

SAUVAGE: Yes.

BISHOP:is what you're talking about.

SAUVAGE: Yes,....is the time needed by Baker, who.....

BISHOP: Yes, who was clocked.....

SAUVAGE:to come down

49.

BISHOP: Yes.....

SAUVAGE: Who was clocked only in March, not in Decembernot when the FBI record was made and so on....there was no checking of this. They have also to add that Oswald in order to get down had a lot of things to do. He had first to get out of his corner, near the window, with the books, the book cratss there. He had to hide the rifle....

BISHOP: Right.

SAUVAGE:he had to run down, and there is a small episode which I skip about a Coca Cola bottle which has disappeared in the report in spite of the fact that Baker first said that Oswald was holdiNg a Coca Cola bottle in his hand which would add to the time he needed for him to be there. Now, if the two were compared in March and there were two experiments done, two tests were made. In the first test in taking Baker they clocked one minute and 15 seconds while the Secret Service man who imitated....who did what Oswald was supposedto have done coming down, needed one minute 18 seconds. That means according to the clock watches of the Commission and without even entering the fact that the Commission shortened the time of Oswald and lengthened the time of Baker, in spite of this there is a difference of three seconds which means that in this test the Warren Commision has given Oswald a clear alibi . If Oswald was, according to this test, if Oswald was at a sixth floor window, he could not have been in the lunchroom at the moment Baker saw him there.

BISHOP: Well, from the time of the final shot, didn't Baker go off a motorcycle?

50.

SAUVAGE: Yes.

WEISBERG: First time for timing.....

SAUVAGE: Yes, first time he ran his motorcycle on....

BISHOP: And he ran directly to the front entrance.

SAUVAGE: Yes, where he met Truly, the manager of the building.

BISHOP: Exactly.

SAUVAGE:and they ran up one staircase, because the elevator wasn't there, so they ran up one staircase.

BISHOP: Yes, but there was some conversation between the two.....
(overtalk)

COHEN: They went to the back of the building to see the elevator, and then they came back and upstairs.

SAUVAGE: No, no they didn't come back because the staircase was there....
(overtalk)

BISHOP: But didn't the policemen ask somebody...did somebody use this elevator? Didn't he ask Roy Truly?

WEISBERG: No, Roy Truly hollered, "let the elevator go."

LANE: No, Roy Truly yelled.....I wish I might add this because I think it is relevant. And that is that Truly testified and stated also to agents that the reason he went up there with Baker, was because that he believed the shots had come from the railroad and he thought that Baker wanted to go up to the roof and look over into the railroad yards and further, before Truly testified, he gave a long interview to CBS, which unfortunately the Commission never looked at and CBS will not allow anyone to purchase it. And in that interview, Truly said that I saw, heard, the shots, then the policemen came up and we ran up one flight of stairs, and he was

asked specifically how long did it take you to get up there. Now this is very early before the stop watches had been put on Oswald's movements, so therefore, Truly was just stating what he believed he knew, not what might be convenient for the Commission. He said, "it was a matter of seconds, certainly less than a minute between the time the shots were fired and the time I saw Oswald on the 2nd floor."

SAUVAGE: Now, even without that declaration we have the clock watches of the Commission.

COHEN: But didn't the Commission have two tests?

SAUVAGE: Yes.

COHEN: And one test was a minute and thirty seconds and one test a minute and 15 seconds.

SAUVAGE: The first test gave Oswald a clear alibi of 3 seconds. Now the second test, Baker used one minute and 30 seconds and Oswald one minute and 40.....Oswald, I mean the Secret Service man who imitated Oswald, one minute and 40 seconds, which gave Oswald a possibility of having been there by 16 seconds. But not if you analyze the way the Commission got to the 16 seconds you will make quite a number of discoveries. I will mention only one, mention two let's say. First of all, if you can get the projection of the second floor lunchroom. Now, there is in the corner the entrance to the lunchroom. There's two doors. There is a door first the platform and coming onto the second floor. To the right there is the lunchroom but someone coming down from the sixth floor, it's to the left upper corner.

BISHOP: This is the lunchroom that we're talking about.

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SAUVAGE: Someone coming down from the sixth floor cannot enter the lunchroom without passing.....

BISHOP: Without passing through here.....

SAUVAGE: No, this he doesn't need, but he has to pass it which means that the time needed by Baker, is not the time that he saw Oswald in the lunchroom, but the time the first of the two men arriving on the 2nd floor, which was Truly arrived on his eye level, arrived at the second floor. Oswald must already have been inside the lunchroom. Which shortens the whole thing by several seconds. Now the second argument I wanted to bring forward here is the fact that in order to get the time of one minute and 30 seconds for Baker according to the hearings and the exhibits, the Commission had to make Baker walk, while Baker himself stated that he came out from the second floor running. The word "running" is also in the hearing. So while the Commission in its reconstitution made him walk, he was running. So besides the fact that it is not logical that a man running up with his revolver in hand, trying to get, I don't know where, trying to get the assassin of the President, that he would walk up there is even another example he says as he passed the little door at the entrance he bumped into Truly, that fast they were going. Now it's out of the question the man was walking. Besides he says, "I was running;" so even in this second test where Oswald could have been on the 6th floor by 16 seconds difference the Commission can get to 16 seconds only by.....

BISHOP: By forcing the man to walk.

SAUVAGE: By making the man to walk, and by using all kinds of other tricks like, for instance, stopping the clock watches for Baker only when he arrived at the lunchroom while they should have stopped at the moment he arrives at eye level on the 2nd floor.

COHEN: I think it should be added that the timing for Oswald was also on the basis of what they called a fast walk and didn't account for him running down the steps....

WEISBERG: Curve....Curve!!!

BISHOP: Well, just a moment, just a moment gentlemen.

COHEN: Just because you strike out on my curves, Mr. Weisberg you don't have to be

BISHOP: Please.....please.....Now, Mr. Sauvage has made his point I believe. I'd like to go on to the photographic evidence, the real, cropped, and withheld, and I'd like to ask Mr. Weisberg about this.

WEISBERG: I'd like to make one passing comment on this. There are two parts that Mr. Sauvage left out that I think bear very importantly on this because this is the only proof that Oswald even could have been on the sixth floor. This addresses itself to the basic integrity of the Commission staff. It is over and above that, the only way in which the Commission could really show Oswald, at the time of the assassination, was there. First, when the reconstruction began, Baker's timing began at the first shot. The other two shots had to be fired. Commissioner Dulles asked about this. First shot he said. Baker said, "first shot." They gave Baker a 100 feet benefit. Oswald had also to get rid of this rifle.

53.

LANE: After firing some more shots.

WEISBERG: Yes, now how do we get rid of the rifle under this reconstruction. Secret Service John Joe Hallet was inside this virtual stockade of boxes, on which no, none of Oswald's fingerprints were ever found. He was inside, he hid the gun, and if you want to see how the gun was hidden, I'll show you a picture. This is the point. Now I'd like....speaking of the pictures I'd like to get to photographic evidence.....

BISHOP: That's the point I wish you would.....

WEISBERG: I'm sorry, I'm sorry we don't have this in a bigger form because again I'm addressing myself here not only to the basic evidence, but to the integrity of the Commission staff. The function of the staff is to inform the Commission, to give them the materials with which to work. One of the famous pictures was taken by AP photographer James Altgens (who's known as Ike.) This is one of the most used and one of the most abused pictures of the entire unfortunate tragic events. It's entered into the record under a number of differnt and contradictory exhibits, but there is a picture of the cropped version which can be put on if somebody remembers it.

BISHOP: That's the one showing the President's car and the one behind it, right?

WEISBERG: Yes,....but let me.....

BISHOP: The one behind it with the Secret Service men on the running board.

WEISBERG: Let me show that, I think this is a graphic way of showing it because there it is, there it is. This is what the

Commission was told is the picture taken by James W. Altgens. There are other purposes for which this picture can be used and I won't want to address myself to them now. Now, I'd like to show what is a comparison between that, and not the entire picture, which at the time I did this book I couldn't get, but the biggest version I could get from the Associated Press. This is the version that the Commission members were given. This is the version that I was able to get, not the complete, but most of the complete original, and the entire right side of this picture was cut off. I'm not even going to go into all the things this shows, but the most dramatic thing is, and I must say in advance this does not necessarily represent anything sinister because I believe nothing sinister about the President's guard. I believe they are brave men. The President's guard very clearly doesn't know anything unusual is happening, but in the fourth car, which is in the picture, the Secret Service escort of the Governor, the door is open and they seem to be pouring out. Here we have a building cut off of the picture entirely in which the police radio log show a man was immediately arrested before Oswald. The Commission had no interest in the arrest of this man, arrested as having no business there. There is an open window. There are other things about this, but I address myself at this point....

BISHOP:

I seem to miss the point on it because when you say no one seems to feel that anything has happened. Why are these men looking back?

WEISBERG:

They're looking in all directions if you see the whole thing.

55.

BISHOP: No, the two men are looking in the same directions.

WEISBERG: Yes, well now I don't want to bog this down by going into the Secret Service regulations, but this, there are other two on this side are not.....

LANE: This is very difficult to believe unless you see pictures taken from another angle, but I assure you those two Secret Service men are not looking back at the book depository building. This is a picture taken with telescopic.....

WEISBERG: 105 millimeter.

LANE: A telescopic lens. It is, therefore, a foreshortened picture. The whole front of the picture is pushed backward. The same picture in fact was taken from another angle by Major Willis, who was in Dealey Plaza, and that picture shows clearly that the two gentlemen, one of them is looking directly at the grassy knoll, and the other gentleman is looking between the book depository building and the grassy knoll.

BISHOP: And this is after the first shot has been fired.

(overtalk)

LANE: You see the President in the left foreground grasping his throat. He's already been struck, I'll point it out.....

(overtalk)

BISHOP: And the shot, the first one at least has been fired.

LANE: Yes the first shot has been fired.

WEISBERG: That is the equivalent of the 255th frame and is a Zapruder film. Now, here again in talking about the lens we address ourselves to the integrity of the record. Here we have a professional photographer and I think any lawyer will tell you that to lay the foundation for the picture, we should

know, the Commission should have known what his equipment was. He was not even asked what kind of camera he used, what kind of lens he used, or anything at all of that sort.

BISHOP:

But, if they didn't crop this picture the way you say they did, and I can see that they cropped it, what does it show? What did they withhold by cropping the picture.

WEISBERG:

Well, I've already told you what they've shown....
the alertness to what was going on, of the awareness to what was going on, of the Vice President's escort. I've pointed to the open window of a building that they've cut out entirely where they also cut out the arrest of a man there as a suspect for having no business there. There are many other things, but I'll restrict myself at this point to one. Because this was irrefutably identified by Lyndal Shaneyfelt, photographic expert of the Commission who had the same function in the FBI, as exactly coinciding with the 255th frame of the Zapruder film. By using this picture, in its unaltered form, not its altered form, but showing the rest of the background, there need never have been any questionable reconstruction. The camera moved at 18.3 frames per second which Shaneyfelt said and that meant that with this picture the Commission in their reconstruction could have moved backwards or forwards and known where the President was and in so tiny a fragment of time that I don't think you can appraise it -- every 1/18th of a second. Now, how in the world more precise can you possibly be? Instead of that they go through a whole dubious, absolutely phony reconstruction beginning from a totally invalid base and continuing through

nothing but invalid, not duplication.

(overtalk)

LANE:

Well, I wonder if I might address myself to another aspect of the picture, which is the one which received the most comment at the time. It shows the President being struck, so is Governor Connally, as he turns to his right and in the background is a man in the book depository building doorway, who appeared to many people in the country to be Lee Harvey Oswald. I wonder if we can see slide 16 please. Well, here is a blown up picture of the same thing. Note the clothing of the man and the bones in the construction of his face. Now, let's compare that with #16, slide 16 which is a picture of Oswald at the time of his arrest which I know will be here in just one moment, and you note the similarity in the clothing and in the face. Now the Commission said that this man in the picture, of course, in the Book Depository doorway was not....

BISHOP:

I didn't expect that this was going to be brought up at this particular time, but as long as it has you just know that Mr. Cohen has either.....

LANE:

May I finish the point though...the Commission said that it was not Oswald. It was a man named Billy Lovelady and #15 is Lovelady...if we may....

BISHOP:

And didn't Mr. Lovelady also say that that was he?

LANE:

Yes, we'll come to that. #15, if we might see Mr. Lovelady. Now the Commission never saw a picture of Lovelady and the Commission never saw Lovelady at all. One attorney questioned Lovelady, the Commission was willing to rest upon that and

Mr. Lovelady's own statement to the lawyer that he is in fact the person in the doorway. But, Mr. Lovelady said something else, he said he was wearing a red and white striped sportshirt, buttoned near the neck and was wearing no jacket at all November 22nd.

BISHOP: But he identified himself and some of his fellow employees identified him.....

LANE: Yes, Mr. Shelley saw.....

BISHOP:so it was not Lee Harvey Oswald.

COHEN: Wait....wait.....wait.....wait a minute. Not only did Mr. Shelley say it was him, but Mr. Frazier whom you are using with your brown bag before.....Mr. Buell Frazier.....
(overtalk).....who presumably was honest about the brown bag, but is now lying.....

(overtalk)

WEISBERG: What did Frazier say? Tell us his exact words.

COHEN: I don't remember his exact words.

WEISBERG: But you're pretending to, yes indeed, he was standing there, but he never said that that was Lovelady standing in that exact position in that exact picture.

LANE: Well, he probably didn't know he was on camera.

WEISBERG: Lovelady could have been standing any place on those steps and that would have been true....

(overtalk)

BISHOP: But, even Lovelady conceded that he was standing.

LANE: Isn't it a fact though although Mr. Cohen only quotes Shelley, Shelley did say in the only interview that was published that

Lovelady was there, he was sitting on the steps, now clearly that man is standing up. Of course, it is possible the man stood up when the shots were fired.

BISHOP: We are hair-splitting again.

COHEN: We are not, because the Commission never asked that relevant question.....

(overtalk)

BISHOP: Yes please, I'll get back to it. I just want to get to Penn Jones, I've been all night trying to get to him.

COHEN: Because the Commission says it is not Oswald.

LANE: The man is now standing.....two people are standing next to him (overtalk) No, they don't agree with him, Mr. Cohen. You fall into the same error after Mr. Weisberg has corrected you.

WEISBERG: There's a very simple answer to this and I pointed it out. The very simple answer was to print this picture side by side with the picture of Lovelady showing that he owns that shirt and was wearing it that day. The report does not do it.

LANE: Well, they couldn't say it, because he said he was not wearing clothing similar to that at all.

BISHOP: Please, now the next point is Lee Harvey Oswald killed Officer Tippit.

WEISBERG: One more altered picture that you promised to let me get in, and this is a seriously altered picture. No, this is not at all funny.

BISHOP: No, I don't think it's funny.....I just mean I'd like to...

WEISBERG: Because the Commission said that the first point at which a shot from the sixth floor window could have struck the President was frame #210 of the Zapruder film. Now, we

should say that Abraham Zapruder was an amateur photographer who recorded this entire thing. During 20 frames of his motion picture, the President was all, or in part blocked by a read sign. These frames were numbered by the FBI. Now the Commission says the first time, the crucial frame in the Commission's own words, was 210. They printed a selection of the slides beginning with 171, the frames, going through 334. These were supposed to be seriatim, and they are in Vol. 18, the first 80 pages, of Vol. 18 of the appendix, until they get to frame 207. 208 is not there, 209 is not there, nor 210, nor 211. But what do we have, and this is a reproduction of page 19 of Vol. 18. We have frame 207 with an obvious mark through here. A gross discloration. I've seen the original, it's blue. It's consistent with the adhesive used in a splice, and by God, the most amateur splice. Eastman Kodak ought to not take their business anymore. This is a splice, this dark line, right through that picture.

BISHOP: What do you think their purpose was?

WEISBERG: I'm not going to put myself in their mind. Let me tell you the fact. This is the corruption, the destruction, of the essential evidence. This is the point at which for the first time a shot from the sixth floor window could have struck the President. The Commission says that's where the shot came from. Look at this tree.

COHEN: Are you going to tell us that the President's car is behind a sign in those three pictures.

61.

WEISBERG: I'm going to tell you what I choose to tell you. If you want to ask me a question, you ask me when I'm finished. This is not a curve ball, this is a foul ball. Now here you have a tree, here you have a tree (overtalk by Cohen)....

you inspire me.....Look Jim. Here is the trunk of the tree all the way over here 20% away is the upper part of the tree. Look at these people, they're cut off at the waist. They have no feet. This is shocking....

LANE: Well, may I.....

WEISBERG: I'd like to finish....This is the crucial frame the Commission says.

BISHOP: No, not the crucial frame, they said that this is the first point at which he could have been shot.

COHEN: By Oswald.

BISHOP: Yes, (overtalk).....(from the sixth floor window...in frame 210.....yes)

WEISBERG: But frame 210.....

BISHOP: I don't think anyone quarrels with what Zapruder did because....

WEISBERG: Not Zapruder....

BISHOP:with what he did.....

LANE: No one charged Zapruder with suppressing the frame, we're charging the Commission.

WEISBERG: I'd like to ask a question on this, and I'd like the same question to apply to the other corrupted picture. This is the absolute destruction of evidence, and it addresses itself again, I'm going to emphasize, to the integrity of the staff. I can't imagine Jerry Ford cutting one, or Senator Cooper

61. A

cutting the other one in half, but what the members of the Commission saw is what the staff gave them.

BISHOP: But, could you tell me your idea of their reason for trimming this thing?

WEISBERG: I am not going to put myself into anybody else's mind, I am giving the fact.

LANE: Well let me add, if I might, to another series of pictures taken and almost as crucial, taken by Orville Nix, also used by the Commission to determine where the limousine was when the various shots were fired. Mr. Nix, when we questioned him in Dallas, said that he had the pictures, he gave them to the FBI but when a copy was returned to him, he said.... First of all, his camera was destroyed by the FBI, so that he could never tell how fast the camera moves, which is of course, crucial to the case.

BISHOP: Couldn't you get a duplicate of it.

LANE: Well every camera is a little bit different....

BISHOP: Only slightly. I have two myself....

LANE: Very slightly is the difference between whether it was possible....

WEISBERG: I would like to answer that

BISHOP: Now you are now talking about tenths of a second in difference.

LANE: That's precisely the area we're in, tenths of a second, because a lot happens in a tenth of a second, we have a couple of frames. The fact is this, however, that Nix also said that when he received his film back from the DBI, quote: "several frames were missing." The film was ruined by the

FBI he said. It was the ruined film, the altered film which was shown to the Commission.

BISHOP: Yes, but how do you know, for example, Mr. Lane, that they didn't trim those frames out so that they could blow them up?

LANE: I saw Nix's film because he was kind enough to show it to me when I was in his home in Dallas.

BISHOP: Yes, but I say, assuming that they took the frames out as you charge, how do you know that they didn't do that.... as you charge. What Nix charges.....

LANE: I'm just repeating what he says.

BISHOP: You support what....what he has to say.
(overtalk)

WEISBERG: I would like to put this on a different level.....

LANE: I can see no reason for Nix to make up that story.....

BISHOP: Yes, that's what I say, you support him.

LANE: I have seen his film and it still has many jumps in it.

BISHOP: Yes, well couldn't they have taken those out and blown those pictures up?

WEISBERG: They don't have to take them out to do it.

LANE: You get copies of them and do it, you don't tear apart a piece of crucial evidence.

WEISBERG: We're addressing ourselves to something very unusual in our history. This is the assassination of an American President. This is the investigation of the.....

BISHOP: I don't have to be reminded.

WEISBERG:assassination of an American President. Such things are totally impermissible.

LANE: And this is not the end of altered photographs. If we can see 12 for a moment.

63.

WEISBERG:

No, excuse me, one other thing before we get to that. The question that Jim raised about using a different camera. Let's go to where they used the same camera. Let's take the Zapruder camera. They had a re-enactment with Zapruder from frame 222 to frame 334. They timed the Zapruder film. It took five seconds to go from frame 222 to 334. Then the reconstruction, which is basic in the Commission's whole thesis, the same camera, the same thing, a difference of 30%. No questions asked. The assistant counsel to Commission couldn't have cared less, and a 30% error and no questions asked. And the same camera, not a different camera.

COHEN:

Well, I don't understand what.....could you make that a little clearer.

WEISBERG:

I think everybody else understands.

LANE:

I understand it. Can we move on to one more altered photograph and this is very brief. It's number 12. It's a picture taken by retired Air Force Major, Phillip Willis, and he was questioned by agents of the FBI after this picture was taken. He took, in fact, 12 slides in Dealey Plaza that day. This perhaps is the only important one. It showed a man over here, who the agents of the FBI said was Jack Ruby. An FBI agent said that this is proof that Ruby was in front of the book depository building, clearly labeled, when the picture was taken. Willis said he took the picture five minutes after the shots were fired. Now the Commission was later to state that Ruby was not at the scene, and the Commission then published this picture when they published all of Willis' pictures. May we see the next one. You notice what the Commission did, they cropped it. They removed

the man who appeared to be Jack Ruby and this is a photograph of a Commission exhibit, exactly as the Commission published it. They just took the man out. Now, I don't know if the man is Ruby or not. I do know this, we are entitled to see all of the evidence, not the Commission's cropped version of the evidence in order to.....

WEISBERG: I don't think that any member of the Commission took the scissors to it.

COHEN: Yes, but the Commission takes full responsibility for what the staff does.

WEISBERG: Yeah, but the staff did it.

LANE: I would think the staff did do it.

COHEN: Why?

WEISBERG: Do you think that Justice Warren took a scissor to that picture?

COHEN: My question was why did the staff do it.

WEISBERG: You tell me why. I'm telling you they did it. You give me one good reason for it.

LANE: But, may I ask this Mr. Cohen, we know....we know....

COHEN: A little careless.....

WEISBERG: A little careless. The President's a little bit dead.

COHEN: Are you blaming the staff on that, Mr. Weisberg?

WEISBERG: No sir! But we are addressing ourselves to something basic to the integrity of the entire country.

LANE: May I say Mr. Bishop, I don't think that the answer that the Commission or its staff was a little bit careless is an answer. Here, for example, is Commission exhibit 5. It was used by the Commission as proof that Oswald shot at General Walker. It's a picture of General Walker's home. Of course, you can see a car here and on the automobile,

there is obviously a tear. Someone has torn that. When Marina Oswald, whom you refer to as the star witness, I believe, testified, she said that when she was first shown that picture by the FBI agents that there was no tear in it. The license plate numbers and letters were clear. She also said that when she was shown the picture by the Commission, the license plate numbers were clear. And then, when it was finally published in this form, there was a big hole, the license plate has been torn off. And, I suggest that one cannot say that it was carelessness which tore this off.

COHEN: Well, I've said carelessness, so I've answered the question why; so, will you answer the question why?

BISHOP: I still think....

LANE: I know this. If Marina Oswald was truthful in describing this, what she said was very serious. She said the picture was mutilated after it was in the hands of the Government...

BISHOP: But when you say it was serious....

COHEN: You haven't answered the question.

BISHOP: This is precisely what I would like to address myself to.

LANE: I'd just like to finish this last point, if I may.

BISHOP: When you say it is serious, I agree with you, but I would like to know why they would do it. What advantage would they in doctoring....

LANE: This is how we can find....

WEISBERG: I would like to know too. I would like to know too.

LANE: I know how we can find out, Mr. Bishop. I know how we can find out. I say this, let's look at the evidence. Let the Commission....

66.

BISHOP: I mean, is there any advantage in our obliterating a license number.

(overtalk)

WEISBERG: To hide the identity of the car.

LANE: I can tell you more than that. Perhaps this picture was taken, Mr. Bishop, during one of those two years when Oswald was out of the United States. Perhaps the license plates would have shown that and then, therefore, the Commission's conclusion that Oswald took the picture would, of course, would not be an accurate conclusion. That's one possibility. I don't know what the others are, but I do know that if we can persuade the President to declassify the evidence, then we can make some changes.

(overtalk)

WEISBERG: Do you know what's still classified, Jim?

BISHOP: What?

WEISBERG: Not only the testimony that's off the record, but the actual stenographic transcript of what is printed, is still classified top-secret.

LANE: And you know what is printed, what is printed in Vol. One of the hearings it says the Commission reserved the right to make changes designed to improve the accuracy and clarity of the witnesses statement. Now, how do you improve the accuracy of a statement by changing it?

COHEN: On the other hand....(overtalk)....there isn't a significant criticism that has been made of the Warren Commission, by any critic that I know of, which is not based on the 26 Vols. which the Warren Commission themselves produced.

BISHOP: Alright, please let's get onto the next point. Lee Harvey

Oswald killed Officer Tippit in an apparent attempt to escape and I'd like to hear from Penn Jones, I'm sure he's still there.

PENN JONES: Oswald came passed his rooming house in a taxi, and walked back to the rooming house, went inside and apparently put on a jacket and apparently got a pistol, and then walked, apparently, from the rooming house on North Beckley....

BISHOP: Yes,

JONES:to 10th and Patton Street where he was met by Officer Tippit in a patrol car. And after, the evidence says, after he leaned over and had a short conversation on the opposite side of the driver's car with Tippit, and then Tippit slowly got out of the car and started around the motor of the car when he was shot a number of times by Tippit, who then ran.....

BISHOP: By Oswald, you mean.

JONES: Oswald then ran in a different direction and was seen by Warren Reynolds and.....

BISHOP: And emptied the shells out of the gun.

WEISBERG: The Commission timed Oswald's movements from his boarding house to the scene of the Tippit killing. It began with a base that was altered in every possible way in favor of the Commission's case...now their timing...if you want me to go into that, I will.

BISHOP: Yes, but how did they alter it, is what I would like to know because I have a pretty good memory for this section.

WEISBERG: I'll give you an example. Penn Jones has told us that Oswald did this very strange thing. He took a taxicab. He didn't begin there, but let's just start with the taxicab.

The two different versions is from the same witness. The taxicab driver Whaley, to whom we should return. One story is that he went to the 500 block. The second story is that he went to the 700 block. The report says it makes no difference, he would have gotten there the same time anyway. This is the sort of thing.....the last person to see Oswald.....

BISHOP:

But do you think that the change in Whaley's testimony, after looking at his trip card, which tells where I went, and how much I charged for the fare, and I believe he said the fare was 95¢, and he got a nickel tip. He was presented with a dollar by Lee Harvey Oswald, who then walked to wherever he was going and it was back to his rooming house. Do you think that dropping him off at the 500 block or 700 block has a bearing on it.....(overtalk.....absolutely.... trip card....)

LANE:

It's very crucial.

BISHOP:

Now look, according to you, everything is crucial.

LANE:

Many things are crucial, Mr. Bishop. We're dealing with a criminal case and many things sometimes seconds, and minutes, and blocks are absolutely crucial. And in this case it is crucial.

BISHOP:

He's not on his way to kill Tippit. He's on his way home.

WEISBERG:

Excuse me.....let me answer this....

LANE:

But he didn't have time....

WEISBERG:

Trip card.....

LANE:

.....to kill Tippit if he had to walk.....

WEISBERG:

Trip card.

LANE:

.....according to the Commission's own standards.

WEISBERG:

Trip card. If the Commission had used the only written evidence the trip card, Oswald was innocent. He couldn't possibly have gotten there, so instead they got Whaley's testimony. And the testimony is a two block difference. Now the Commission didn't have enough seconds, the last person to see Oswald was Mrs. Roberts, the rooming housekeeper, who saw him not walking down to kill Tippit, but standing waiting for a bus going in a different direction. But let's forget that because the Commission forgot it. Let's just stick to what the Commission had in the report. They timed, beginning at the time they said, 1:03. Assume it's right. Their time on reconstructing Oswald's movements to where Tippit was killed couldn't get Tippit there....couldn't get Oswald there until 5 minutes after it was already on the police radio. I think that answers it.

LANE:

And may I just supplement that.....

BISHOP:

Now wait a minute, how about the bullets, weren't they tested ballistically?

LANE:

The bullets were in no way related to the pistol. The shells found at the scene and later delivered through various sources into the hands of the Dallas police were related, but the bullets themselves were not related.

WEISBERG:

Couldn't be.

LANE:

No, of course not.

(overtalk)

BISHOP:

Wasn't he seen emptying the bullets out of the gun? And reloading, and was seen at a sort of dog trot across....

(overtalk)

70.

SAUVAGE: Wasn't he seen? That's a question I've been expecting because the whole case, besides the argument to which I agree.

BISHOP: And while you're covering that point, would you mind also covering the point where the jacket was found in the auto yard?

SAUVAGE: No, that's the only point I am going to mention here is that the whole case against Tippit is based on eye witness, so called eye witness.

COHEN: You mean the whole case?

SAUVAGE: The whole case on Tippit.

COHEN: You mean to say the fact that Oswald was found with a gun, a pistol, which he had ordered.....

SAUVAGE: That is the following question.....

COHEN:in the theatre which fired the bullets which went into Tippit is irrelevant?

WEISBERG: I beg your pardon. That's another foul ball. No bullets were ever traced to that pistol.....How dare you say such a thing?

LANE: He's just inaccurate.

COHEN: Excuse me.....excuse me....I will be precise. A pistol was found.....

WEISBERG: It's about time.

COHEN: A pistol was found. You don't have to be abusive. You've been abusive all night and I want you to stop.

WEISBERG: I will stop when you stop lying.

COHEN: A pistol was found, a pistol was found on Oswald when he was arrested in the movie theatre. Correct?

71.

BISHOP: Now, we haven't reached this point and we are....

(overtalk)

SAUVAGE: It's not acceptable as it is. The point I would like to make is that the Commission says there were nine eye witnesses in one text, and 13 eye witnesses in other text who have seen Oswald either killing Tippit, or at least get away from the scene of the killing holding his revolver. Now, if anybody can accept the criteria of the Warren Commission in the future, for calling identification valid of an eye witness reliable, then the whole administration of justice in this country is going down the drain because it is simply unacceptable, when you go for instance, when they show it to the police.....

BISHOP: Lineup.....

SAUVAGE: Lineups are conducted. When you see, for instance, out of nine witnesses who are called as eye witnesses, five have identified Oswald on the basis of photographs shown to them two months later by FBI. There is no discussion.

BISHOP: No, now wait a minute. As I recall, the two sisters who stood on the porch identified Oswald in the lineup later that day. The woman who stood diagonally across the street, identified Oswald.....

SAUVAGE: The whole implication by lineup have absolutely no validity.

BISHOP: Well, you are then in a position of throwing out the things which do not agree with your thesis and accepting only those which embrace you.

SAUVAGE: I beg your pardon, I simply quote now what any jury in America, in France, or anywhere else says about eye witness identification. What Chief Justice Warren himself would

enforce in the Supreme Court if a question of eye witness implication comes up; so, it's not simply the fact as the Commission itself describes in its hearings the lineups....

BISHOP: Then you would throw out the 5 witnesses.....

SAUVAGE: Completely.

BISHOP: Well, excuse me. Let us be back in a minute.

BISHOP: Gentlemen, the next point is this. Lee Harvey Oswald possessed the capability with a rifle which would have enabled him to commit the assassination, and I'd like to hear from Mr. Lane on this.

LANE: Well, perhaps of all the statements made by the Commission none is more extravagant than its statement that it tested the alleged assassination weapon under conditions which simulated those which existed on November 22nd from the Commission's view that is. Now, let's examine each of them briefly. First of all, Oswald's last known score with a rifle in the Marine Corps showed that he was a rather poor shot and that's quote from the Marine Corps since he fired one point, and this is the actual document showing that with the last sentence that he has consequently a low marksman qualification, which was Oswald's last shot. In fact, he made just one point above the lowest qualification in the Marine Corps, indicates a rather poor shot, etc., and that's what Oswald was. Not

PAGINATION

SKIPS

MISSING 73 TO 91

only was he a low marksman qualification, but he was the lowest. He made it by one point; so the Commission had the rifle tested by three of the best riflemen in America, all listed as master riflemen by the National Rifle Association. That's the first problem I think. Secondly, the Commission said that Oswald fired from the sixth floor of the book depository building which means that he was more than sixty feet off the ground. The experts were given the rifle and asked to fire it from a perch 30 feet above the ground. Secondly, the experts complained that when they got this rifle, the scope was not properly adjusted and more than that, it wobbled so that it was impossible to get any stability from it, and so the Commission allowed a gunsmith to attach two shims to the rifle, and to the scope in order to steady it. So, it was not even the same rifle that Oswald allegedly fired. In addition to this, Oswald, according to the Commission fired at a moving target, the limousine, as it moved away. It didn't move at right angles, but it did move partially away. The Commission had the three experts fire at three stationary targets. In addition to this, the Commission stated that quite naturally, of all the shots that Oswald fired, the one which required the greatest proficiency, one would have to conclude was the first shot, because according to the Commission an oak tree in front of the book depository building blocked the view that Oswald would have had, was he in that sixth floor window, from the President until the pictures show that the President is reacting to the shot

which struck him.

BISHOP: Now, wait a minute.....he passed the tree.

LANE: He passed the tre.....

BISHOP: He didn't fire through the tree.

LANE: He did not fire through the tree, the Commission says, but says the President is reacting 8/10ths of a second after the limousine and the President were visible to anyone on the sixth floor, in other words, Oswald had less than 8/10ths of one second for the first shot. The Commission experts were asked to take as much time as they wanted for their first shot. Now under these conditions, I think one can say the Commission did not test the weapon under the conditions that existed on November 22nd. Nevertheless, two of the three experts who tested the rifle for the Commission under these conditions took more time to get off their shots, that Oswald a poor shot, allegedly did.

BISHOP: Not all of them.

LANE: Two of the three, I said. Two of three. The third one did it within the period of time, but since Oswald was firing at that portion of the President would be visible from the sixth floor window, the head, the neck and a little more, it's interesting to note that of the shots fired by the three experts, each firing the shots twice, a total of 18 shots, not one bullet struck the head or neck area of the stationary target. This, said the Commission, that Oswald possessed the capability to fire the shots on November 22nd.

BISHOP: That it?

LANE: I think that's it, yes.

BISHOP: Anybody else?

SAUVAGE: I believe that you only can agree with him.

BISHOP: Well, I can't agree with him.

LANE: How about Mr. Cohen, does he believe that the test simulate the conditions which existed and proved that Oswald had the capability.

COHEN: On the first question, No. The test did not simulate the conditions. I want to.....I don't want to startle your world's view gentlemen, but I think Oswald was lucky that day.

SAUVAGE: That's what you think but not the Commission.

COHEN: I think the Commission was tendentious on this part of the...

WEISBERG: Well, can we solve the assassination of an American President on this basis, Jerry?

COHEN: We're not solving it on this basis.

WEISBERG: The Commission did.

COHEN: You think they solved it on this basis?

WEISBERG: The best face you can put on is by saying that Oswald was lucky. The evidence is all the other way.

LANE: So the Commission actually went a bit further than that....

COHEN: Suppose he had been lucky, what could the Commission do?

WEISBERG: We can't solve crimes this way.

LANE: If they thought he was lucky they should have said it.

BISHOP: Now we have charged the Dallas Police with very poor procedure, all evening long, and I think we're all pretty much in agreement on that, the procedure could

have been a lot tighter, a lot more secure, a lot better. How do we know what happened to that rifle after they got it, after they took it out of the school depository. Do we know.....

LANE: You mean _____ no scope around on it?

BISHOP: Or dropped it....or dropped it.

LANE: Yes, but since we don't know, Mr. Bishop, we cannot conclude that it happened and none of the Dallas police said that they did that.

BISHOP: But, we do know that if that rifle was used by an assassin, even if we exclude the possibility that it might have been Lee Harvey Oswald, if an assassin used that rifle, then he did shoot the President. The ballistics tests go right back to the same rifle; so, whether the scope was crooked or straight, loose or tight, we are pretty certain that that's the rifle that did the job.

LANE: First of all, I'm not certain of that at all

WEISBERG: If those bullets were traced to the assassination.

LANE:secondly, all the.....

BISHOP: Well what are you going to do with the bullets that were found?

LANE: I'm about to say that the bullet which was found was pure, pristine bullet #399...that goes back to the rifle, but that bullet, insofar as I'm concerned, looking at the evidence, is totally unrelated to the assassination. I see nothing which relates it, and the Commission's ludicrous tale that it shed....we'll see what the Commission said. The Commission said that it had an expert test

the weapon. They fired a bullet through the carcass of a goat which the experts said simulated Governor Connally's back and chest.....

BISHOP: That was at Aberdeen.

LANE: Yes,.....and when it shattered the ribs, well it was the deformed, the bullet was very deformed, and the expert that compared that bullet to Commission exhibit 399 and said that it was not at all like it. And then they took another bullet and fired it at the wrist of a body, and the expert said with a certain amount of pride that he was able to get exactly the same kind of break in the wrist that Governor Connally suffered, but that bullet was also very badly deformed.

BISHOP: There's a difference though between nicking a rib and hitting the rib....

LANE: Oh, which it didn't nick his rib?

BISHOP: It was supposed to have nicked Connally's rib.

LANE: Oh, but Dr. Shaw said that it smashed it to pieces, and sent portions of the rib exploding as secondary missiles leaving behind a large gaping, sucking wound.

BISHOP: Do you remember your own statement earlier this evening that traces, a couple of grains of the bullet were found on the rib?

LANE: Yes, on the rib, and some other places in the body.

BISHOP:and on the top part of the rib.....

(overtalk)

BISHOP: Well, this would have drove across the top part of the rib and down into the wrist.

LANE:

Dr. Shore said the fifth rib was shattered, (overtalk)there was just no question about that, it was a large sucking hole, a large wound. It is true that the Commission explained why Governor Connally reacted after the President did, to what they said was the same bullet, by saying that after all he was only struck, quote, "a glancing blow", and that's not at all what Governor Connally said, nor what his physician said.

WEISBERG:

How many bones were smashed in the wrist? They can't count them.

BISHOP:

Yes, I know.

WEISBERG:

Well this leads to another approach. The Commission said that although not necessary to any essential finding of the Commission to determine just which shot hit Governor Connally, it addresses itself very much to this bullet, because the Commission said that one bullet missed the motorcade entirely. Another Commission, exploded in the President's head. This left a single bullet to inflict all 7 non-fatal injuries to the Governor and one the President. In the course of so doing, it not only had to remain virtually intact as we have just been talking about, whereas the evidence is that it lost more than enough to disqualify it in the wrist alone. It had in addition to remain undeformed and unmutated.

LANE:

The three best riflemen they could find were unable to do what Oswald did which was putting a bullet in the head or neck area of the target and two of them were unable,

even when they missed, weren't able to get the shots off....

BISHOP: But that still doesn't exclude the possibility that a child armed with rifle could have found his neck and his head.

LANE: One that basis, if you mean that anything in the world is possible, I concede.

BISHOP: Are there contradictions and omissions in the autopsy performed at Bethesda Naval Hospital on President Kennedy and we'll start with you. And you can bring the bullets in there, please.

WEISBERG: Yes, there are omissions and.....

BISHOP: Contradictions.

WEISBERG: Contradictions. The first draft of the autopsy was burned. We have a facsimile of that.

BISHOP: No, the notes were burned, not the autopsy.

WEISBERG: I'm sorry. I said the first draft and the reason I say that....

BISHOP: Dr. Hume said he burned his notes.

LANE: Can we look at slide 57 while we're discussin this?

WEISBERG: I, James J. Humes certified that I had destroyed by burning certain preliminary rough draft notes relating to Naval Medical School autopsy and so forth.....

BISHOP: Not an autopsy.

WEISBERG: Let me finish please....

BISHOP: He didn't burn an autopsy.....

WEISBERG: Let me finish please. This is what his certification to his Commanding Officer of the Navy Medical Installation says. Certain preliminary rough draft nores. But Dr. Humes was a witness under oath, and when he was questioned about this, he said that in the fireplace of his home,

on Sunday morning two days after the assassination, he had revised this autopsy report, and he burned the rough draft of the autopsy. The picture that was flashed in error is the oldest existing autopsy.....
(overtalk)

COHEN: Maybe we can look at Vol. 11, page 348, following....
can we get that from over there.

BISHOP: I don't think he said he revised it.

WEISBERG: I'll give it to you, this autopsy.

BISHOP: And the printing of these notes has nothing sinister.

LANE: Are you not alarmed that a man?

BISHOP: Doctor would burn his original notes?

LANE:doctor would burn his original notes?

COHEN: If Humes is so guilty then he wouldn't have admitted that he burned his.....why would he commit himself?

LANE: Because Humes is a Commander and if Humes was ordered to burn it, he might say, I'll burn it if you want, but I want a certificate filed in the official papers which says I did it because I've been ordered to do it and there's his certificate.

BISHOP: But he doesn't say he was ordered.

COHEN: No, it doesn't say he was ordered.

BISHOP: You said he was ordered to burn it. Why wouldn't he take the responsibility off himself?

LANE: How? By doing what?

BISHOP: By saying I was ordered by my Commanding Officer to burn the notes.

LANE: Well you know he's not going to say it quite that way unfortunately. (overtalk)

LANE: Why did he burn his notes, would you tell us that Mr.

100.

Bishop?

BISHOP: I don't know.

LANE: Did those notes belong to the United States Government?

COHEN: That's the kind of question you have been resisting all night.

LANE: No, I asked you, why did he burn the notes.

COHEN: But you will agree that that's the kind of Why question which I've asked you several times.

LANE: Yes, I said that you can certainly place a sinister implication upon the fact.....

COHEN: I have an explanation of that.

LANE: I'd like to have it

(overtalk)

BISHOP: Oh no, why would you keep notes, I don't. I write all the time, and after I get finished with an interview of anything else....

COHEN: I have an explanation if you want it.

BISHOP: What makes that any different if you have a final draft of your autopsy report?

LANE: It's a historic document, that's why.

BISHOP: Because what?

LANE: It's a historic document.....then what do you say it is?

BISHOP: You say it is....his original notes?

LANE: His notes about the autopsy which he conducted on the President's body which he was ordered to do by the Government, to conduct that autopsy and then he burned the notes.

BISHOP: He was ordered to file an autopsy report, not to include his original notes.

101.

LANE: Do you think that's an ordinary practice with doctors to burn their notes?

BISHOP: I think so.

COHEN: He also testified that the final autopsy was substantially the same as the burned notes.

BISHOP: The fact that it was John F. Kennedy, the President of the United States doesn't make any difference.

LANE: We do have a picture of his original descriptive autopsy sheet, don't we? Well let's look at slide #2, and then we will see if they were consistent with the original autopsy sheet.....consistent with the final one. Now there's Dr. Hume's original descriptive autopsy sheet. The original one, the unburned one. Now I'll point to the dot, and you tell Mr. Cohen, if that's where in his final draft he said the bullet entered the President's bac.

COHEN: This is a descriptive sheet, a face sheet which was on the autopsy report. And this was written by Cap. Humes, we don't know exactly when....

BISHOP: Commander Humes.

COHEN: When, but I think it was as early as Friday night, the night of the assassination.

WEISBERG: The one man that it couldn't have been done by was Humes.

BISHOP: He didn't say.....

WEISBERG: He was the one man that swore he didn't do it.

BISHOP: Excuse me, here's his direct statement on that. He said I must state that these drawings are in part schematic.

102.

WEISBERG: They're different drawings....that's 385, and 386.

LANE: Those were the artist's conception of the wounds because the Government was never to look at the....

BISHOP: At the original

LANE:photographs and x-rays, so the best they could do was to get a drawing.

COHEN: There are two points in there about this documents... two points.

LANE: Would you refer to my point first?

COHEN: Well, I'm answering your point, but I think your point deserves two comments. Whoever has drawn this face sheet, has drawn a hole in Kennedy's back which does not coincide with the hole as described in the autopsy. That the first point which must be made. Now I have computed it on... roughly, and the discrepancy I find is about 3 inches. That's the first point. The second point is that in the margin of this facesheet, it is written, as one finds in the autopsy, that this hole is at a point 14 centimeters to the left of the right acromium process which is near the right shoulder, and 14 centimeters below the right mastoid process. And I have determined that this hole is not 14 centimeters to the left of the shoulder blade, and not 14 centimeters below the mastoid process. And in fact, this point does conform with the autopsy, and this point does not. It is my belief that he was accurate here, and he made a little mistake drawing the little cricle. And I find circles very less authoritative than centimeters.

103.

LANE: Were FBI agents present when the autopsy was conducted?

COHEN: Yes, there were two FBI agents present.

LANE: And what did they say about it?

COHEN: Their names were Seabert and O'Neil.

LANE: And what did they did you read the report which they thought.

COHEN: Yes, I have it with me right now.

LANE: What did they say?

COHEN: The report that they filed, the report that they filed was dictated November 27thoh good, let's get that.

LANE: I have it right here.

COHEN: OK you read it to me.

LANE: Alright. Well, I'm about to do that. Well, that I'll do. Page 284. "During the latter stages of this autopsy, Dr. Humes located an opening which appeared to be a bullet hole which was below the shoulders and two inches to the right of the middle line of the spinal column. This opening was probed by Dr. Humes with the finger at which time it was determined that the trajectory of the missile entering at this point had entered at a downward position of 45 to 60 degrees."

COHEN: May I comment on that? They had said that the hole, which was seen the night of the autopsy was below the shoulders and two inches to the right of the spinal column. Now, a point 14 centimeters to the left of that shoulder blade and 14 centimeters below the ear which is essentially what we're talking about, according to the Commission, is a point which leaves us about here. Now,

my question is: "Is this point consistent with the verbal description which says it was below the shoulders and two inches to the right of the spine. And I think you could interpret it that way.

LANE: Well alright then, let's go a little further. Do you believe that the bullet which caused that wound in the back, higher up actually, Dr. Humes was incorrect in placing it, the dot, so the bullet which caused the wound higher up in the neck exited from the throat. Is that correct?

COHEN: Yes, I think that's correct.

LANE: Now, let's see what the FBI agent said about that, in their report which is Commission exhibit 7. Inasmuch as no complete bullet of any size could be located in the brain area, likewise no bullet could be located in the back or any other area of the body as determined by total body X-rays, and inspection revealing there was no point of exit, no point of exit. The individuals performing the autopsy were at a loss to explain why they could find no bullets, and then later on, I'm not reading out of context as you note, it's here if you think I am, on the basis of the latter two developments which I make reference to, Dr. Humes stated that the pattern was clear that the one bullet had entered the President's back and had worked its way out of the body during external cardiac massage.

COHEN: May I comment on that?

LANE: No point of exit and the bullet had fallen out. Let me

just add one more point if I might to make it a little easier for you. Further probing determined the distance traveled by this missile, that's the bullet in the back which you claim was really in the neck because Dr. Humes was really in error. He didn't calculate as accurately as you did a moment ago. Further probing determined that the distance traveled by this missile was a short distance inasmuch as the end of the opening could be felt with the finger. The end of the opening could be felt with the finger, there was no point of exit, and Dr. Humes stated that the bullet must have fallen out during the cardiac examination, but it is your feeling that the bullet, nevertheless, went straight through, came out the throat and inflicted all the wounds in Governor Connally.

COHEN:

May I comment.

LANE:

Yes, I'd like to hear that.

COHEN:

OK, now we obviously have a discrepancy between the autopsy which was written on November 24th and concluded that the bullet that hit Kennedy, somewhere high in the back exited from his throat and the FBI summary of that autopsy on November 27th which concluded that the bullet which hit Kennedy in the back went in about finger length, you know, the end of the finger length and presumably worked its way out. What can explain for this discrepancy? Now I believe the discrepancy can be explained as follows: This document which Mr. Lane has been quoting from is a document written by two FBI men who were present during the autopsy Friday night. It's a very imprecise document. It's a very incomplete document. By the way it has no

reference to a hole, entry wound, in the throat, but that's another point. And what it is clearly based upon, and as a historian I think I have some experience at looking at documents, what it is based upon is what O'Neil and Seabert of the FBI overheard in the autopsy room that night. Let me add one other point.

BISHOP:

And they're not medically trained either.

COHEN:

They are not medically trained, they're two guys from Baltimore who rushed over because the FBI called them up and said look the Secret Service has two guys, you get two guys. And they also made, Seabert and O'Neil made, countless errors in their interview. Now in this report I quote: "during the latter stages of this autopsy Dr. Humes located an opening which appeared to be a bullet hole." And what we learn then is, that the main part of the autopsy dealt with this giant, this massive defect in Kennedy's skull. Now it is quite clear, Capt. Humes, now Capt. Humes, then Commander Humes, is quite frank to point out that at first he did not understand where this bullet hole in Kennedy's back led. The explanation that I've been given by several doctors, including doctor Milton Halpern, the chief medical examiner of New York City is, that Kennedy was hit when he was waving and his muscles were gathered in the back of his neck. Later in the morgue, he was relaxed and that this would tend to close off the channel of exit. However, whereas these doctors at first were puzzled and had some difficulty in tracing the bullet hole as it went through, and might have said out loud at first, gee, I wonder

where this bullet went, whereupon Seabert and O'Neil remember this. They then proceeded to find several clues within the President's body of a path, and I can read you from the autopsy, a bruise to the top of the lung, a pattern of contusion which was 5 centimeters in width, this is right in the autopsy report, and after conferring with the doctors on Saturday, in Dallas, concluded on the basis of all of the evidence, and out of earshot and interview shot of the FBI concluded that this bullet had exited from the throat. All I'm saying is...I don't want to shock you now, the FBI made a whopper of a mistake when it thus summarized that autopsy finding.

WEISBERG: You don't shock us.

BISHOP: I don't think they were qualified to _____ an autopsy report anyway.

(overtalk)

WEISBERG: Let me address myself briefly. Before I get to the question of the qualified people, I'd like to address myself to a few specific words. The bruises. The doctors testified that these bruises could have been caused by the tracheotomy. The doctor who did this chart was an expert in forensic medicine. He was not Jerry, Historian, he was not Harold the writer, he was an expert in forensic medicine. If he could have made a mistake in placing the dot, could he not equally have made a mistake in putting down the number? But let's get to the question.

COHEN: No, wait a minute. What is your answer to that?

WEISBERG: I'm not going to even try that. You built the whole thing about maybe he made a mistake. Let me now get to

the qualified people.

COHEN: Well either way he made a mistake.

WEISBERG: I didn't interrupt you, remember.

COHEN: That's fair. That's very fair, go ahead.

WEISBERG: We have two kinds of qualified people. We have medical experts, and we have trained observers. The Secret Service had a number of people there. The man in charge was a very dedicated man, a really dedicated man, Roy H. Kellerman. He located the bullet wound, not in the neck, in the shoulder.

COHEN: Wait a minute.

WEISBERG: I won't wait a minute.

COHEN; Go ahead.

WEISBERG: He called in Clint Hill to be the official observer for the Secret Service. Clint Hill located that wound when he came in specifically for the purpose of locating it, six inches down from the shoulder. Secret Service agent, Glenn A. Bennett, the observer, was looking at the President when the bullet hit him and this the report acknowledges, and he said it hit him about 4 inches down from the right shoulder. Now Dr. Humes was given, and all three of the autopsy doctors were given, the President's garments to examine, and this is on page 2 H 365 and the reason for giving you this citation is you happen to have this book right here. Dr. Humes said that it was quote approximately six inches below the top of the collar and two inches to the right of the seam.

LANE: Mr. Weisberg, would you look at slides 3 and 4 now, if you like. #3 is the President's jacket.

WEISBERG: Now when I asked about this and asked about the wound in the President's back, the exact language of Dr. Humes who was in charge of the autopsy is, "it corresponds essentially with the point of entrance of that missile". Dr. Humes testified the other two autopsy doctors, eminently qualified men, were asked about Humes' testimony and they specifically subscribed to this. This is not conjecture. This is not FBI agents. These are the men in charge of the autopsy. They said that the wound in the President's back coincided with the hole in his clothes. We saw here only the coat, and may I suggest..

LANE: We saw the shirt also while....

WEISBERG: I'm sorry I wasn't looking at that.

LANE: Can we see that again now. #4 please, the next slide. Slide 4 please.

WEISBERG: The President wore tailored clothing and even an untailored shirt won't wrinkle that much when it's buttoned at the collar. I think this is enough because these are the most qualified people.

LANE: I think we can resolve the whole thing. A series of photographs of the President's body were taken, a series of X-rays of the President's body were taken. Let's look at them. Mr. Cohen, did the Commission ever see the photographs or the X-rays?

BISHOP: No, now wait a minute. Please, for goodness sake, don't be clever. You know, as well as Mr. Cohen, as well as I do, that these photographs were never released. The X-rays were never released. And then you say may we please look at them. And you know better. Are you going to blame Mr. Cohen for this?

LANE:

No, I'm not going to blame Mr. Cohen. I'm going to say that anyone who wants to defend the Commission on the question of the autopsy has to say that the X-rays and the photographs, if they were consistent with the Commission's final version of what took place would have been released or they would have at least been seen by the members of the Commission.

BISHOP:

Don't you think that perhaps that Mrs. Kennedy had something to say about that?

LANE:

Well, photographs of the President should not be published and should not be seen by everybody in this country, there's no question in my mind about that. The fact is this, I think it's a point of everyone who is interested in the facts in this case. And the facts are that the photographs should not have been published widely, that's true, but they should have been seen by the members of the Commission, certainly Dr. Humes, on whose behalf the photographs were taken should have been able to glimpse at them at least, but he never did. As far as the X-rays are concerned, there's nothing gory about an X-ray. Most of us who are lay people can't even read the X-rays and see what they show. The fact that the Government of the United States has suppressed the X-rays and has suppressed the photographs which would resolve this classic question, perhaps of the direction of the bullets as they coursed through the President's body, can not be interpreted in any way other than this, and that is that the X-rays and the photographs offer evidence which rebuts the Commission's crucial and simple conclusions.

111.

BISHOP: I don't think anything of the kind.

LANE: Well why are the X-rays not seen, Mr. Bishop.

BISHOP: Because I think that Mrs. Kennedy doesn't want them seen.

LANE: Who said that?

WEISBERG: Why shouldn't the doctor see them?

BISHOP: I think that, I think.....

LANE: Commander Humes had the X-rays. Why didn't he show them to the Commission?

BISHOP: But if you remember, and we just had the page, he tells that he gave them to his Commanding Officer who says he gave them to the Secret Service or the FBI.

LANE: And where did they go from there?

BISHOP: And nobody has them now.

LANE: Nobody knows, but you conclude that Mrs. Kennedy has them. On what basis?

BISHOP: Well, on the basis that I think that it was her husband, and that therefore they are her property.

COHEN: Well, they are her property legally, you know that.

LANE: We don't know where any of this evidence is and you're making.....

(overtalk)

LANE: Does that jacket belong to Mrs. Kennedy? (overtalk)

Excuse me, the jacket that we just saw a picture of.

BISHOP: Maybe she has no desire to suppress the picture of the jacket, but she might not like any gory pictures of her husband being published.

LANE: On the contrary, Mr. Bishop. When Jacqueline Kennedy testified before the Commission she gave a full and detailed description of the wounds voluntarily, and the

Commission deleted that from her testimony, not Mrs. Kennedy, the Commission itself. If there's any squeamishness there, its been betrayed by the Commission and not by the Kennedy family.

COHNE: Mark, may I comment on this please.

LANE: Yes, I'd like to hear an answer to that.

COHEN: I must say that I, and it seems to me that any defender of the Commission must be embarrassed by the fact that these documents are not present.

WEISBERG: I'd like to get back to the record and get out of the field of conjection.

LANE: Well, we agree that those documents, all of us can agree, that these documents, I think even Jim can agree that these documents ought to be made available.

BISHOP: Absolutely.

BISHOP: There has been some discussion about the false Oswald. I'd like to ask Mr. Sauvage about that.

SAUVAGE: The case of the False Oswald is part of the general attitude of the Warren Commission which consisted in systematically ignoring any lead which would lead away from Oswald. There are, maybe half a dozen at least, examples of leads leading somewhere else which the Commission and which the interrogators of the Commission did not follow up.

BISHOP: Can you name some?

SAUVAGE: Yes, I will start for instance, because I brought up in March '64 the question of the Irving gunsmith. There was a case where a gunsmith in Irving, a suburb where

the Oswald family was with the Payne family, who had found on his workbench a repair ticket with the name of Oswald on it. Now this was a very strange case because the repair ticket indicated that someone giving the name Oswald had come in to have a telescopic sight fixed attached to his rifle. The Commission has considered that example and came up with a beautiful quotation from Mr. Liebeler who did the interrogation, who said he can imagine only three possibilities. Either this repair ticket was brought in by Oswald himself, who had another rifle, or it was brought in by someone....I have the example here, exactly if I can read it. 1. In view of the fact that Mr. _____ was clear in his own mind that he never bought an Italian rifle similar to the one that was found in the Texas School Book Depository, we can conclude either that the Oswald on the tag was Lee Oswald and he brought a different rifle in here, or that it was a different Oswald who brought another rifle in here, or that the tag is not a genuine tag and that there never was a man who came in here with any gun at all. Now, the obvious question is, there is a fourth possibility, quite obviously, which is that someone who was neither Lee Harvey Oswald, nor any other real Oswald, came in, had a telescopic sight attached on a rifle and gave the name of Oswald because he didn't know how easy it would be to trace the rifle to Oswald through the Hidell papers and that he wanted to when the rifle would be found with telescopic sight that the discovery

of that repair tag in the name of Oswald at the Irving Gunshop, would lead to Oswald. Now, I didn't build up a theory of a false Oswald. I only noticed that this possibility has not only not been explored by the Commission, it has been obviously ignored. I'm sure that Mr. Liebeler is a very intelligent man that he could not ignore that thing. Besides, I have indicated in writing in March '64. So his duty was to go into the question. He refused. He systematically refused.

BISHOP: But it was not the same type of rifle was it?

SAUVAGE: Nobody knows what type of rifle it was. The fact is a repair tag with the name of Oswald. That is a fact.

BISHOP: But isn't it also a fact that the gunsmith testified that he had not repaired this type of rifle?

SAUVAGE: The gunsmith didn't remember anything about anybody coming in, he had.....

BISHOP: No, no, the rifle, the type of rifle.

LANE: Actually what he said he didn't.....

SAUVAGE: The type of rifle doesn't matter the number of....

BISHOP: Yes it does.

(overtalk)

SAUVAGE: If we want to talk about the false Oswald, the question is, there was a possibility, I don't know it, I don't say it, that someone who was not Oswald had come in in order to leave suspicions towards Oswald.

BISHOP: But this is a surmise on your part.

SAUVAGE: It is a surmise, it is a possibility which any serious investigation had to go into it.

115.

LANE:

And may I suggest, Mr. Sauvage, it was supplemented I think even further by the fact that at 3:00 or 3:30 on November 24th, an hour and a half or two hours after Oswald was shot, someone called a television station announcer in Dallas and said if you go to _____ gunshop, you'll find a tag where with Oswald's name

SAUVAGE:

The coincidence is, goes much farther, because besides the Oswald repair tag, we have the so-called automobile demonstration where it is absolutely established with corroborated evidence that a man who gave the name of Oswald, Lee Oswald, went to an automobile dealer in Dallas and said that in a few weeks he would have money enough to buy a car, did a trial test with the car and gave the name of Lee Oswald. Besides the man even looked like Oswald. There was one of the salesmen who said almost, but the hair line was slightly different and so on.

COHEN:

And two other salesmen corroborated on it.

SAUVAGE:

And two other salesmen corroborated including that the name of Lee Oswald was on a piece of paper next to that automobile.....

BISHOP:

The wife of one?

SAUVAGE:

The man and his wife. It's completely corroborated. It's completely ignored by the Commission. Then we have the man who went to the Grand Prairie rifle range, who made himself very obnoxious by shooting at the targets of other people, in order to be well noticed, and he looked so much like Oswald that I saw a television projection much later of the people of the rifle range who had told about

the story and they were still saying years afterwards that it was Oswald, so much he looked like him.

BISHOP:

How do we know it wasn't?

LANE:

Well the Commission said it wasn't.

SAUVAGE:

The Commission said it wasn't...this is the interesting point. In all those cases, and there are more of them... a Cuban lady who got a visa and soon I have no time to go into it, but in all those cases, the Commission does one thing. The Commission says it could not be Oswald, and they prove it, only because he was someone else and etc. Once they have said it was not Oswald, they closed the door and it was finished for them. For me, then it starts. When they finish, it should start, and this investigation has not been done at all.

BISHOP:

Don't you think this opens a rich field for you?

SAUVAGE:

It opens a rich field for the Warren Commission or for any.....

COHEN:

There is no Warren Commission is any longer.

SAUVAGE:

....or for any investigating body.

LANE:

Because the question remains if it was not Oswald who was leaving this obvious trail behind, who was it who sometimes looked like Oswald, who other times gave him name as Oswald, and sometimes looked like Oswald and gave his name?

WEISBERG:

May I give the Commission's words on this?

SAUVAGE:

May I finish my point? Did someone who looked like Oswald and someone who gave the name of Oswald has played a part in the preparation of the assassination? Has

appeared in many places where the real Oswald couldn't have been. Now the Commission has refused, and I repeat refused, to look into the question. And there is a strong possibility that someone was there to prepare a lead going to Oswald, making Oswald the patsy or scapegoat.

BISHOP: Well, I understand your feeling.

SAUVAGE: Well, this point has not been solved yet.

BISHOP: This is your, your belief.

JONES: Unfortunately, there's something more sinister I think than this, that somebody needs to investigate and there's nobody left, now to investigate it, and that's the fact that there are at least 14 people now dead, who had some type of extra knowledge, or had the opportunity to talk to Oswald or Ruby alone after he committed, after they committed their acts in history.

BISHOP: Could you recite each one of them, Mr. Jones?

JONES: Well, yes. #1. is Betty McDonald. There was a fellow named Warren Reynolds who saw Lee Oswald leaving after the shooting of Tippit, and Reynolds was shot through the head a couple of days after the assassination of the President. And McDonald was the alibi for a fellow named Garner who was arrested for shooting Reynolds. So they turned Garner loose. About a week later, the police arrested Betty McDonald and her roommate for fighting. They acted as Judge because they only threw McDonald in jail. An hour after she was placed in the jail she was found hanged in her cell. That's just #1.

118.

LANE: And of course, she was a stripper at Jack Ruby's club at one time.

JONES: Now the second death, I think is a....

BISHOP: Well, please proceed through the deaths one after the other, Mr. Jones.

JONES: Alright, Hank Killom was a friend and we have a slide on Hank Killom too, if you want to look at it.

LANE: 53. That's 53.

JONES: # 53. Hank Killom was married to Wanda Joyce Killom who was a table waiter in Ruby's Carousel Club, and he also was an associate of John Carter's. Now Wanda Joyce told me that a few days after the assassination, Hank Killom was hounded by Federal authorities, ran from...he was a house painter, and he had to move from one job to another, one city to another, and he finally wound up in Pensacola, Florida. And from Florida, he called his wife and said come on they're leaving me along, and we can start over over here. Shortly after that he was in bed one night about 11 o'clock and was called from the bed and the next morning he was found lying on the streets of Pensacola with his throat cut. Now the newspaper said that he had either jumped or fell through a plate glass window. I think if they want to be completely fair they might have also said that he might have been pushed. He had nothing in his pockets except a loose driver's license, not even a billfold, just enough to identify him. # 3 was Bill Hunter, a Dallas boy who was in Dallas at the time of the assassination, visiting his parents, was

working for the Long Beach Newspaper - the Telegram Herald or Hunter covered the assassination for his newspaper. He and Jim Cody, along with a lawyer visited in Ruby and Senator's apartment on the Sunday night after Ruby killed Oswald. They were among most...there's a couple of people I don't want to name because they're still alive but among those present was George Senator, Ruby's roommate, Tom Howard, Ruby's lawyer, Jim Cody and Bill Hunter.

BISHOP:

And what happened to these three men?

JONES:

Bill Hunter was shot through the heart in the Police Station in Long Beach, California by a policeman, who had to change his story a couple of times before he could get off with just a three year suspension. He had first said that he had dropped his gun and it went off as he picked it up. They happened to ask him, now why was a bullet going down through his heart if the gun went off. Well that's a good point, he said that's really not what happened, he said actually we were playing quick draw with my buddy, there were two policemen in the room, and fast draw, and I just accidentally killed my friend. The other fellow, the other policeman said naw, we didn't.....says, I didn't even see it, I was hanging up my jacket, I don't know how it happened. Jim Cody two weeks later was killed by a karate chop to the throat in Dallas, Texas.

BISHOP:

Would anyone know by whom?

JONES:

Yes, but his accuser was not indicted. He was a few weeks later turned out of the jail and committed another crime

and he has been given a life sentence for that, but was not indicted for the death of Cody although he was selling Cody's effects the next day, but they saw fit not to indict him. And by the way, Jim Cody was working with a team of three men to do a book on the assassination. And Cody's assignment was to do an in-depth study on the Dallas leaders. The other two men on that team were Thayer Waldo, whose testimony is in the Commission, and we know how he got trapped and kinda helped him to leave the country. He's now working in Mexico for the University of the Americas, and the third man was Ed Johnson who was with the Ft. Worth Star-Telegram at that time. He's now with the Carpenter News Agency in Washington.

BISHOP:

Who's the next one?

JONES:

That's three of them, Ed Johnson, Thayer Waldo and Jim Cody. The fifth death was Tom Howard who was the first man to talk to Ruby after he killed Oswald.

BISHOP:

In the elevator?

JONES:

No, he was an attorney who...he was Ruby's attorney.

BISHOP:

Well, he wasn't the first man to talk to him. You mean, the first attorney?

JONES:

The first attorney to talk to him. Not, the first man, but the first attorney. He died of a heart attack a few months after the assassination, of an apparent heart attack. There was no autopsy. He was taken to the hospital by a "friend", and they haven't been able to find out who that friend was, but I have a newsman in

Dallas who is a friend of mine who saw Howard three days before he died and he told me then that Tom Howard was frightened to death now. I don't know how a heart attack started three days ahead of time, but maybe it was a prolonged heart attack. The sixth one would be William Whaley, who was the cab driver that took Oswald from...

BISHOP:

From the Greyhound bus terminal.....

JONES:

From the Greyhound station out past his rooming house and waited for....

BISHOP:

He was a very stout man weighing around 300 lbs.

JONES:

Whaley...that didn't have anything to do with his death. He was killed on the Trinity River bridge one night, in a head-on collision. The first taxi driver to be killed since about 1937 in Dallas up till that time. Although the details are very sketchy on how that accident took place. The 7th death is Earlene Roberts who was the housekeeper at the rooming house....

BISHOP:

Yes, how did she die?

JONES:

Well, she died too, of an apparent heart attack, although I know of no newsman in the world who talked to Earlene Roberts after she gave her amazing testimony. She was in complete hiding. It looks like the police hung a DWI charge on her, or they actually convicted her of it, and that helped them to.....

BISHOP:

DWI mean drink while intoxicated?

JONES:

Driving while intoxicated, although she was suffering from diabetes and I doubt very much if she drank. I

searched for two months trying to find this lady, cause I had a feeling she was gonna die, but I never was able to get in touch with her, and I know of no one else who was able to talk to her after she told about the Dallas police car stopping in front of that rooming house, while Oswald was.....

BISHOP:

The one with Alexander?

JONES:

While Oswald was in it, and they honked the horn a couple of times while Oswald was in it.

BISHOP:

Who's the next one?

JONES:

The eighth death would be Dorothy Kilgallen, who while she was in Dallas covering the Ruby trial, is the only news person who had an exclusive interview with Jack Ruby. She spent an hour and a half or close to that time in the chambers of Judge Brown, and then Judge Brown came out of his chambers and sent Jack Ruby in, for thirty minutes, and even the guards, who were so surrounding Ruby all the time, stayed outside the room.

BISHOP:

And you think her death was mysterious too?

JONES:

Yes, I do.....I do. The ninth death would be Capt. Frank Martin of the Dallas police force who died six months ago. He got sick on the job down at the police station, went to the hospital and died 3 days later of apparent cancer, you know, kind of galloping cancer. The tenth man that I will list is Lee Bowers who we've been talking about tonight - the man in the railroad tower who saw the suspicious character....

BISHOP:

Smoke coming from behind.....

123.

JONES:

Well, he also saw the man behind the fence. He saw two men behind the fence and he never did tell the Commission. They didn't let him tell them.

BISHOP:

So far as we know though, he saw one puff of smoke of one flash.

JONES:

Bowers was 41 years old and he was driving down the highway about 50 miles an hour about two miles west of my home town, when his car simply drifted into a bridge abutment and he was badly broken up, although it certainly wasn't a heart attack because his heart beat for 4 more hours before the man died. One doctor told me that it looked like he was in some kind of strange sort of shock. That's all we know about his death there. There are four others that died, but I haven't told the widows yet that their husbands might have been involved, and I don't want to name them. That's some of the investigation that somebody needs to be helping with.

BISHOP:

Now, was there a conspiracy to kill the President?

LANE:

Well, a conspiracy is defined in law by two or more persons acting in concert. We know, I believe, that the evidence shows clearly that shots were fired from at least two different vantage points. Unless the two persons who were involved in firing at the President were the quite coincidentally one to the other, then we can presume they were acting in concert, and if they were acting in concert, there was a conspiracy to kill the President.

JONES:

I believe there was, too.

BISHOP:

You believe there was a conspiracy. How about you, Mr. Sauvage?

SAUVAGE:

I have restricted myself in analyzing the report of the Warren Commission the facts as given by them. I came to the conclusion that they have no case against Oswald. Now, if they have no case against Oswald, then if Oswald had been impersonated, or if Oswald had been taken as patsy for someone else, then it implies obviously a conspiracy.

WEISBERG:

Earlier I referred to this one magical bullet that had to inflict all seven wounds. If it didn't do it, there had to be another bullet. That meant at least one assassin more. The doctors had this question posed to them: "Could this bullet have done it?" The doctors said that it could not have. The words they used, and I'm talking about the autopsy doctors, too, I can't conceive.....

BISHOP:

Now, wait a mintue. The doctors did not say that this one bullet could not have gone through the strap muscles of the neck.....

WEISBERG:

And remained unmutilated, undeformed, and virtually intact. And this bullet had to be. And the doctors said that this bullet that came from the hospital.....

BISHOP:

The bullet was virtually intact.

WEISBERG:

It was missing 2.4 grains. Three points were lost in the wrist. It was undeformed. The Commission ignored the "undeformed" and the Commission itself says it was unmutilated and if you want to see how an unmutilated...

BISHOP:

I believe your point. What I'm trying to do is just to find out if you believe there was a conspiracy.

COHEN:

No, I don't believe there was a conspiracy. In order to believe that there was a conspiracy, I would have to believe that on the very day of the assassination, doctors in Bethesda misrepresented their observations, FBI men in Dallas planted rifles, Dallas policemen and FBI men planted bullets and pistols, and that the Warren Commission which -- as I've studied this particular question very closely -- that the Warren Commission came to know this at least within two months of its formation and that the seven members of that Commission, and that the fourteen members of the Staff, then proceeded to produce a report consciously saying there was one assassin, when they knew with perfect clarity that there was two.

BISHOP:

All right, now we have all of the opinions. Now, one more question, and then we will end this evening. Was the Commission sloppy, or sinister, or complete and accurate? Let's start with Mr. Jones. Now, please bear in mind, you've got four options there. Sloppy -- which means that you could be inaccurate consciously trying to be inaccurate. Sinister -- which implies that they plotted the report to come out the way it did. Or complete and accurate.

JONES:

I think that the Commission members themselves did not attend enough of the hearings to get a train of what was going on. I think they relied on the staff....

BISHOP:

How about Jenner and the others who conducted the interrogation? Do you think they were sloppy?

JONES:

Certainly I think they were sloppy.

BISHOP:

Sloppy rather than sinister?

JONES:

I don't know. I can't go into their minds that way, but there are too many obvious questions that lawyers know that should have been asked next, and they were not asked.

BISHOP:

As you said before, the next most important question. .
Mr. Sauvage.

SAUVAGE:

I wouldn't like to go into adjectives. I don't know if the word which applies is sloppy or any other word, but I would say this: The Commission did not take the necessary precautions to come to the truth, to get to the truth. And I would like to have any defender of the Commission explain to me what valid -- I would say even what honest -- reason there may be to refuse cross-examination. I am not specially sympathetic to Mark Lane, but I believe since he was designated by Mrs. Marguerite Oswald, the mother of Lee Harvey Oswald to present the interests of her son, his place was at the Commission.

BISHOP:

In spite of the fact that under the power granted to it by President Johnson that this was a fact-finding Commission....

SAUVAGE:

Fact-finding Commission doesn't exclude cross-examination. As a matter of fact, quite a number of jurists all over the free world agree that there is no "facts" if there is no contradictory examination. There is no such thing as a fact without a proof.

WEISBERG:

The one word I cannot agree with is the word "sloppy." We are dealing here with men of great competence; their positions in life today establish it, their positions before they went with the Commission established it. It cannot be considered sloppy that they listened to men

who were liars, and said they were credible witnesses. That evidence was destroyed, that evidence was manipulated, that evidence was ignored by men who were even including law school professors, that they accused one of the major witnesses of perjury, according to the record, yet credited this witness who was a major witness in the Ruby trial. That they misrepresented their time reconstructions on the timing of Oswald getting down to the second floor, and on Oswald getting to the killing of Tippit. This is not sloppiness; this is gross misrepresentation of simple fact. The one thing I will not say is that they were sloppy.

BISHOP:

Mr. Lane.

LANE:

The Commission approached its task with a preconception. And I think this is evident from a number of statements that the Commission Counsel made. For example, Congressman Ford, one of the distinguished members of the Commission, wrote a book in which he explained how the Commission approached its task. Among other things, he said "one of the deepest mysteries at the outset of the hearings was why would Lee Oswald want to kill the President." At the outset, not who killed the President, why would Oswald want to do it. And in January of '64, before the Commission took any testimony, the Commission's General Counsel Mr. Rankin outlined the six subdivisions to which the Commission would function. They would be based upon these areas of investigation: (1) Oswald's activities on November 22nd, (2) Oswald's background, (3) Oswald's career in the Marine Corps and his stay in the Soviet

Union, (4) Oswald's murder in the Dallas police station, (5) Ruby's background, (6) the procedures employed to protect President Kennedy. I suggest that a seventh panel should have been set up as well: to determine who killed President Kennedy on November 22nd. The Commission approached its task with the judgment that Oswald did it, and did it alone. And it then conducted its investigation relying almost exclusively upon the Dallas police, the Federal Bureau of Investigation, and other local and federal agencies. But those very agencies, the Dallas police, the FBI had reached their conclusions before there was a Warren Commission. And their conclusions were that Oswald did it and did it alone. So the Commission relied upon agencies which had reached a conclusion which it itself had reached before it took any testimony. And I think this is almost natural to expect. We had suffered a severe shock, a traumatic experience with the death of the President, and then with the murder of the alleged assassin two days later. And it was indeed reassuring, pacifying, and tranquilizing to discover that our government had said that one man had killed the President and he was dead and the case was closed. And I think that indeed was the Commission's great contribution to national tranquility. But, in its wake, it left no contribution to historical truth.

BISHOP:

Mr. Cohen.

COHEN:

Well, I think we should remember that there is no longer a Warren Commission. We may wish that things had been different, that they had allowed for cross-examination,

and I myself wish that certain parts of the report had been written differently, and I see a certain degree of sloppiness. But there is no longer a Warren Commission, gentlemen. And the important question before us is: Is there anything sinister to be believed of the Commission? And I don't think there is. I want to just say one further thing. In April of 1964, Mark Lane came to Brandeis University where I was teaching. This was four months after the assassination. And he gave a really marvelous presentation, and he convinced every student that there was something awful afoot. And Mark Lane said in April of 1964: why hasn't the Warren Commission published its results? And I tried to answer Mark Lane at that time, and pressured by his question, I said, "Well, wait, Let's wait until June." And that was the kind of context in which the Warren Commission operated. Now Mark Lane has written a book called "Rush to Judgment". One wonders who it was that rushed to judgment. And I wish the Commission had sat longer, and I wish that certain questions had been pursued, but I do not believe that the integrity of that Commission and the integrity of that staff, and I might say, the integrity of our institutions, has been challenged by these gentlemen. I think, perhaps, I will be given an opportunity to respond to the personal comment that was made to me. In April of '64 I said that which I say today, because that was clear then as well. #1. The Commission decided that it would deny the right to the mother of the accused to have counsel represent his interests, a right which

LANE:

is respected in Commissions, royal Commissions in England and France, other Commissions in France and elsewhere. I said that then and I say it today. And I think if we had had cross-examination at that time, and the evidence had been subjected to the crucible of cross-examination, we would have closer to a factual record today, whether I was counsel, or someone else. Secondly, I said that I did not like the idea of seeing the Commission place all of the testimony as it came in secrecy, and mark every bit of testimony "top secret" and then to hear the members of the Commission including the Chief Justice come out of the hearings sporadically and present that portion of the evidence to the public -- to the media -- that it felt was convenient to its case. I said then that I thought it was a poor procedure, and one which was not guaranteed to give us truthful results. I still say that.

BISHOP:

Ladies and gentlemen, we draw to the close of what I hope was an exciting evening for you, as it was for me. I find myself in disagreement, as you know, with these gentlemen; but, I appreciate their presence, and I respect their views. I feel, having read the same material as they read, that quarrels can be found, and threads can be ripped, from the great suit brought about by the Warren Commission. But, I do not believe that tearing bits from the fabric is going to destroy the body of evidence. And when I find time to write my book which may be two years from now, I expect that unless evidence to the contrary presents itself between then and now, I will support the Warren Commission Report. And I believe that Lee Harvey Oswald

did it, and did it alone. Ladies and gentlemen, good night.

- END -

SCHOENBRUN:

You have just seen six men ask some very basic questions about the Warren Commission Report and its findings. In a subsequent program we will present the opinions of those who support the Presidential Commission.

I'm David Schoenbrun. Good night.